

**Planning Commission Meeting  
February 6, 2018 - 7:00 PM  
City Hall Council Chambers  
AGENDA**

**I. CALL TO ORDER**

**A. ROLL CALL/ESTABLISHMENT OF QUORUM**

**II. APPROVAL OF MINUTES**

A. Special Work Session Minutes - November 1, 2017

B. Regular Meeting Minutes - November 1, 2017

**III. PUBLIC HEARINGS**

Comment from the audience on any item not listed on the agenda for discussion or public hearing.

A. REZ18-0001, City-initiated Zoning Map Amendments (Rezones)

**IV. OTHER BUSINESS**

A. Election of Officers

B. Modification of Rules and Procedures

**V. COMMUNITY DEVELOPMENT REPORT**

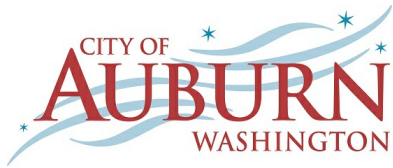
Update on Community Development Services activities.

**VI. ADJOURNMENT**

*The City of Auburn Planning Commission is an eight member advisory body that provides recommendations to the Auburn City Council on the preparation of and amendments to land use plans and related codes such as zoning. Planning Commissioners are appointed by the Mayor and confirmed by the City Council.*

*Actions taken by the Planning Commission are not final decisions; they are in the form of recommendations to the city council who must ultimately make the final decision.*

\*Denotes attachments included in the agenda packet.



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Special Work Session Minutes - November 1, 2017

**Date:**

January 25, 2018

**Department:**

Community Development &  
Public Works

**Attachments:**

[A. Special Work Session Minutes - November 1,  
2017](#)

**Budget Impact:**

Current Budget: \$0  
Proposed Revision: \$0  
Revised Budget: \$0

**Administrative Recommendation:**

Planning Commission to review and approve the Special Work Session minutes of November 1, 2017.

**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Tate

**Meeting Date:** February 6, 2018

Item Number:



## PLANNING COMMISSION

November 1, 2017  
SPECIAL WORK SESSION MINUTES

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### I. CALL TO ORDER

Vice-Chair Copple called the special work session to order at 6:30 p.m., City of Auburn, Council Chambers, 25 West Main Street, Auburn, Washington.

#### a.) ROLL CALL

Planning Commission Members present: Vice-Chair Copple, Commissioner Stephens, Commissioner Shin, Commissioner Moutzouris, and Commissioner Lee. Chair Roland, Commissioner Mason, and Commissioner Smith were excused.

Staff present included: Assistant City Attorney Doug Ruth, Planning Services Manager Jeff Dixon, Senior Planner Thaniel Gouk, and Administrative Assistant Tina Kriss.

Members of the public present: Bob Kenworthy, Asst. Director of Capital Projects at Auburn School District, Alan and Kathleen Clayton, Douglas Happe, Richard and Barbara Nault, Sylvia Fuerstenberg, Greg Dobbs, Francisco M., Elijah Steward, Michelle Harkinson, and Michael Jackson.

### II. 2017 Annual Comprehensive Plan Amendments

#### A. Annual Comprehensive Plan Map Amendments (CPA17-0002 – Privately Initiated)

Application by Nexus Youth & Families to change the mapped land use designation of 3 parcels from "Single Family" with a "Residential Transition Overlay" to "Light Commercial" and change the zoning designation from "R-7, Residential" to "C-1, Light Commercial". Parcel Nos. 1921059142, 192105-9145, & 192105-9077 totaling 0.72 acres are owned or proposed for purchase by Nexus Youth & Families and located between Auburn Way S. and 'H' St. SE, approximately 120 ft. south of 9th St. SE. The addresses are 911 'H' St. SE, 915 'H' St. SE, and 921 'H' St. SE. (Jay & Daniel Bartholomew).

#### B. Annual Comprehensive Plan Text Amendments (Case No. CPA17-0001)

##### 1. P/T #1 – Auburn School District 2017-2023 Capital Facilities Plan

A Public Hearing was held on policy/text amendment (P/T) #1, Auburn School District 2017-2023 Capital Facilities Plan. The hearing was continued to November 1, 2017 due to lack of a quorum after a Commissioner requested to be recused as his employer represents the applicant, Auburn School District. Planning Services Manager Dixon provided a brief overview of the Auburn School District 2017-2023 Capital Facilities Plan.

#### C. Annual Comprehensive Plan Map Amendments (CPA17-0001 – City-Initiated)

Vice-Chair Copple invited staff to provide information on the Annual Comprehensive Plan Map (CPM) Amendments proposed by the City and noted below:

1. CPM #4 - Change the mapped land use designation of south part of 2.15-acre, privately-owned developed parcel from "Residential Transition" to "Heavy Commercial".

2. **CPM #5 - Change the mapped land use designation of 3 parcels (2 privately owned and 1 city-owned) from the "Open Space" to "Downtown Urban Center" land use designation.**
3. **CPM #6 - Change the mapped land use designation (and zoning district) of the 46 city-owned, parks properties from "Open Space" to "Institutional" land use designation.**
4. **CPM #7 - Change the mapped land use designation of 3 Tribal jurisdiction parcels from the "Open Space" to the "Institutional" Land Use designation.**
5. **CPM #8 - Change the mapped land use designation of 2 parcels from "Single Family Residential" to "Light Commercial".**
6. **CPM #9 - Change the mapped land use designation of 2 privately owned vacant parcels from "Multiple Family Residential to "Light Commercial".**
7. **CPM #10 - Change the mapped land use designation of a privately owned 0.91-acre parcel containing a single family house from "Multiple Family Residential" to "Single Family Residential".**
8. **CPM #11 - Change the mapped land use designation of a privately-owned, 13.84 -acre parcel developed with a warehouse from "Heavy Industrial" to "Light Industrial".**
9. **CPM #12 - Change the mapped land use designation of 7.2-acre private developed parcel from "Single Family Residential" to "Multiple Family Residential".**
10. **CPM #13 - Change the mapped land use designation of a group of 10 parcels from "Single Family Residential" to "Multiple Family Residential". CPM #14 - Change the mapped land use designation of 23 parcels from "Institutional" to "Downtown Urban Center".**
11. **CPM #15 - Change the mapped land use designation of numerous parcels within the Lakeland Hills South PUD from "Residential Transition" to "Moderate Density Residential" and "Multiple family Residential".**
12. **CPM #16 - Change the mapped land use designation of 0.21-acre city-owned stormwater facility serving a plat from "Institutional" to "Multiple Family Residential" to agree with rest of the plat.**
13. **CPM #17 - Change the mapped land use designation of a 0.71- acre privately-owned and developed parcel from "Residential Transition" to "Multiple Family".**

Planning Services Manager Jeff Dixon reminded the Commission that an overview of Group 2 of the Annual Comprehensive Plan Amendments CMP #4 through CPM #17 has been provided at previous meetings. Staff offered to describe some of the more complex map changes and discussed CPM #6 stating that the 46 properties that are city-owned park properties are proposed to be changed from "OS, Open Space" to "I, Institutional" and for the majority of the properties to change the zoning map classification

from “OS, Open Space” to “I, Institutional”. Three of the parcels, Nos. 1821059327, 1821059117, & 8581400530 are already zoned: “I, Institutional”.

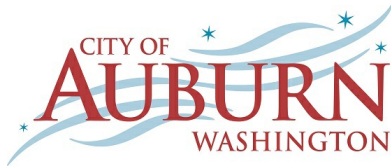
Staff discussed CPM #7, a city-initiated change the mapped land use designation of 3 Muckleshoot Tribal properties from “OS, Open Space” to “I, Institutional” along with a change in the zoning designation to correspond to the “I, Institutional”.

Staff provided an update to Pages 29 and 30 of the staff report related to CPM #15. The change is to the mapped land use designation of numerous parcels within the Lakeland Hills South PUD from “Residential Transition” to “Moderate Density residential” and to “Multiple Family Residential”. The Staff report in the packet did not include the “Multiple Family Residential” that an area also needs to revert back to. The designation was omitted and the revised Pages 29 and 30 correct this omission.

A brief overview was provided for the remaining Comprehensive Map Amendments. Staff pointed out those that include an associated rezone. The Commission and staff discussed the difference between the “Multi-family Residential” and the “Moderate Density Residential” designations. There were no other questions by the Commission.

#### **I. ADJOURNMENT**

There being no further business to come before the Planning Commission for the Special Work Session, Vice-Chair Copple adjourned the special work session at 6:47 p.m.



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Regular Meeting Minutes - November 1, 2017

**Date:**

January 29, 2018

**Department:**

Community Development &  
Public Works

**Attachments:**

[Regular Meeting Minutes - November 1, 2017](#)

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:**

Planning Commission to review and approve the Regular Meeting minutes dated November 1, 2017.

**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Tate

**Meeting Date:** February 6, 2018

Item Number:



**REGULAR MEETING**

**I. CALL TO ORDER**

Vice-Chair Copple called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn.

Staff reported that there is an agenda modification that removes from Item IV.B. 15 and 16, Nexus Youth & Families Comprehensive Plan Map Amendment CPA17-0002. This item was duplicated and already listed as Item IV.A.1.

An agenda modification replaces Pages 29 and 30 of the Agenda Bill Staff Report for CPA17-0001 dated October 19, 2017 related to Comprehensive Plan Map amendment (CPM) #15 (Pages 28 and 31 are also included to keep the double-sided pages in sequence).

**a.) ROLL CALL/ESTABLISHMENT OF QUORUM**

Planning Commission Members present: Vice-Chair Copple, Commissioner Lee, Commissioner Stephens, Commissioner Shin, Commissioner Moutzouris and Commissioner Mason. Chair Roland, and Commissioner Smith were excused.

After the vote on Policy/Text Amendment (P/T) #1, Auburn School District Capital Facilities Plan, Commissioner Mason was excused from the meeting; a quorum of five was still present.

Staff present: Assistant City Attorney Doug Ruth, Planning Services Manager Jeff Dixon, Senior Planner Thaniel Gouk, and Administrative Assistant Tina Kriss.

Members of the public present: Bob Kenworthy, Asst. Director of Capital Projects at Auburn School District, Alan and Kathleen Clayton, Douglas Happe, Richard and Barbara Nault, Sylvia Fuerstenberg, Greg Dobbs, Francisco Martinez, Elijah Steward, Michelle Harkinson, and Michael Jackson.

**b.) PLEDGE OF ALLEGEANCE**

**II. APPROVAL OF MINUTES**

**A. October 18, 2017 Special Work Session Minutes**

Commissioner Shin moved and Commissioner Moutzouris seconded to approve the October 18, 2017 Special Work Session minutes as written.

MOTION CARRIED UNANIMOUSLY. 6-0

**B. October 18, 2017 Regular Meeting Minutes**

Commissioner Shin moved and Commissioner Moutzouris seconded to approve the October 18, 2017 Regular Meeting minutes as written.

MOTION CARRIED UNANIMOUSLY. 6-0

**III. PUBLIC COMMENT**

There were no comments from the public.

**IV. PUBLIC HEARING****2017 Comprehensive Plan Amendments**

**Item IV.B.1. will go before item IV.A. and items IV.B. 2 through 15 will follow IV.A.**

Planning Services Manager Jeff Dixon briefed the Commission on the authority of the Comprehensive Plan of the City of Auburn. The City of Auburn adopted amendments to its Comprehensive Plan in 1995 in response to the Washington State Growth Management Act (GMA) requirements, as amended. Since then the Auburn Comprehensive Plan has been amended annually and in 2015 the City of Auburn adopted a substantially revised Comprehensive Plan (including map amendments) in response to periodic updates required by the GMA.

**A. Annual Comprehensive Plan Map Amendments (CPA17-0002 – Privately Initiated)**

Vice-Chair Copple opened the public hearing on CPA17-0002, Nexus Youth & Families at 7:09 p.m.

Senior Planner Thaniel Gouk explained that an application by Nexus Youth & Families to change the mapped land use designation of 3 parcels from “Single Family” with a “Residential Transition Overlay” to “Light Commercial” and change the zoning designation from “R-7, Residential” to “C-1, Light Commercial” was received by the City of Auburn.

The property, totaling 0.72 acres are owned or proposed for purchase by Nexus Youth & Families (NY&F) and located between Auburn Way S. and ‘H’ St. SE, approximately 120 ft. south of 9th St. SE. The addresses are 911 ‘H’ St. SE, 915 ‘H’ St. SE, and 921 ‘H’ St. SE. Staff explained NY&F provides services and counseling for homeless youth and families and the community as a whole. Staff reviewed the map depicting the location of the properties.

The Commission and staff discussed current services provided and the plan to expand facilities and services in the future upon an approval of the proposed amendments. Staff explained the city is currently working with the applicant on permitting replacement of an existing building elsewhere on their campus and that a conceptual design or master plan for these properties continues to be under development.

Vice-Chair Copple invited the public forward for testimony.

Sylvia Fuerstenberg, Executive Director of Nexus Youth & Families, Auburn Ms. Fuerstenberg, on behalf of Nexus Youth & Families, thanked the Commission for considering their amendment. She reported NY&F staff is in support of the amendment and hopes the amendment is approved so aging buildings can be replaced and they can move forward with plans to expand. With approval of the proposed amendments the non-profit organization is planning upgrades for a more modern, possible multi-story facility that will provide more comprehensive services to include shelter, housing, and counseling combined. The Arcadia house will provide similar services.

Ms. Fuerstenberg stated NY&F surrounds people with services that include mental health and chemical dependency counseling. Outreach and housing services, food, and shelter are provided to young person or families in need of support. Multiple buildings on campus provide these services. The amendment would allow Nexus Youth & Families to tie in more closely to the Auburn community and allow expansion of facilities and services more comprehensively.



Elijah J. Stewart, Arcadia Supportive Housing resident of Auburn  
Elijah Stewart explained that prior to going to Arcadia he was living on the streets. At 20 years old, while trying to make it on his own, he was homeless and needed assistance. He stated, after riding the bus to keep warm for a month, Catholic Community Services referred him to Nexus Youth & Families/Arcadia. He expressed his gratitude for the services at NY&F and stated without the assistance he believe he would be sleeping in the cold dealing with the harsh realities of the homeless. He emphasized the services of NY&F are preparing him to be part of the working class society in the future. The support has provided him with a spirit of hope and change for the future.

Doug Happy, Nexus Youth & Families Board Member

Mr. Happy clarified the expansion plans and building improvements discussed in testimony by Executive Director Fuestenberg are fully funded and designed (Arcadia House). Future operating costs to sustain and retain services are in place with grants and budgets. The last step to move forward is the approval of the amendment. Mr. Happy explained the approval of the amendment for Nexus Youth & Families will allow them to move forward with their expansion plans.

Greg Dobbs, President of the Board of Nexus Youth & Families

Mr. Dobbs thanked the Commission for their consideration of the amendment. Nexus Youth & Families is hopeful the amendment will be approved and allow them to operate at their current location and expand services to continuing to focus on the solution to a problem of homelessness in Auburn. NY&F is working as hard as they can, focusing on individuals at the youth level but also providing services at the adult level to influence the challenges of homelessness.

Francisco Martinez, Arcadia Nexus Youth & Families resident

Mr. Martinez stated that he was homeless for almost 2 years. He lost his father when he was 15 years old and without a good role model had no one to motivate or assist him with making good decisions. Arcadia has provided him with the opportunity to go to school, keep him off the streets, and away from the "wrong" activities. His hope of getting a job and possibly joining the military is due to the support and encouragement of NY&F. He expressed his hope that the amendment will move forward which will ultimately provide more services and volunteers for those in need.

The Commission asked what the current and future capacity projects are for Nexus Youth & Families.

Michelle Harkinson, Director of Homeless Services at Nexus Youth & Families

Ms. Harkinson stated NY&F is currently at 130% capacity, normally at 12 youth but currently servicing 17 youth a night for the last 2 months. The built in capacity projections would be for residential services for 15 youth with a capacity of 20 within the shelter.

With no other testimony, Vice-Chair closed the public hearing on CPA17-0002, Nexus Youth and Families privately initiated map amendment at 7:27 p.m. and the Commission deliberated.

Commissioner Stephens moved and Commissioner Lee seconded to recommend inclusion of CPA17-0002 and REZ17-0001, Nexus Youth & Families Comprehensive Plan Land Use Map amendment for three parcels from "Single Family Residential" with a "Residential Transition Overlay" to "Light Commercial"; and a rezone from "R-7, Residential" to "C-1, Light Commercial" into the City's Comprehensive Plan.

MOTION APPROVED UNANIMOUSLY. 5-0

**B. Annual Comprehensive Plan Text Amendments (Case No. CPA17-0001, unless indicated)****1. P/T #1 – Auburn School District 2017-2023 Capital Facilities Plan**

Vice-Chair Copple stated that at the October 18, 2017 Planning Commission meeting a Public Hearing was opened on P/T #1, Auburn School District 2017-2023 Capital Facilities Plan. The hearing was continued to November 1, 2017, as the Commission did not have a quorum present due to one Commissioner requesting to be recused as his employer represents the applicant.

Vice-Chair Copple re-opened the continued hearing at 7:07 p.m. Planning Services Manager Dixon provided a brief overview of the Auburn School District 2017-2023 Capital Facilities Plan. Staff reminded the Commission that Bob Kenworthy, Asst. Director of Capital Projects at Auburn School District testified for the record at the October 18<sup>th</sup>, 2017 public hearing, supporting an affirmative recommendation by the Planning Commission.

Vice-Chair Copple invited the public forward for testimony. With no public present for testimony, Vice-Chair Copple closed the public hearing on CPA17-0001, P/T #1, Auburn School District 2017-2023 Capital Facilities Plan at 7:07 p.m. and the Commission deliberated. Commissioner Shin recused himself from the vote.

Commissioner Moutzouris moved and Commissioner Lee seconded to recommend inclusion of P/T #1, CPA17-0001, Auburn School District Capital Facilities Plan 2017 - 2023, into the City's Comprehensive Plan.

MOTION APPROVED UNANIMOUSLY. 5-0

Commissioner Shin recused himself from the vote as his employer represents the applicant.

After the vote on P/T #1, Auburn School District Capital Facilities Plan, Commissioner Mason was excused from the meeting; a quorum of 5 Commissioners remained.

**CPA17-0001, CPM #4, through CPM #17 were brought forward for public hearing together.**

- 2. CPM #4 - Change the mapped land use designation of south part of 2.15-acre, privately-owned developed parcel from "Residential Transition" to "Heavy Commercial".**
- 3. CPM #5 - Change the mapped land use designation of 3 parcels (2 privately owned and 1 city-owned) from the "Open Space" to "Downtown Urban Center" land use designation.**
- 4. CPM #6 - Change the mapped land use designation (and zoning district) of the following 46 city-owned, parks properties from "Open Space" to "Institutional" land use designation.**
- 5. CPM #7 - Change the mapped land use designation of 3 Tribal jurisdiction parcels from the "Open Space" to the "Institutional" Land Use designation.**
- 6. CPM #8 - Change the mapped land use designation of 2 parcels from "Single Family Residential" to "Light Commercial".**
- 7. CPM #9 - Change the mapped land use designation of 2 privately owned vacant**

- parcels from "Multiple Family Residential: to "Light Commercial".
8. **CPM #10 - Change the mapped land use designation of a privately owned 0.91-acre parcel containing a single family house from "Multiple Family Residential" to "Single Family Residential".**
  9. **CPM #11 - Change the mapped land use designation of a privately-owned, 13.84-acre parcel developed with a warehouse from "Heavy Industrial" to "Light Industrial".**
  10. **CPM #12 - Change the mapped land use designation of 7.2-acre private developed parcel from "Single Family Residential" to "Multiple Family Residential".**
  11. **CPM #13 - Change the mapped land use designation of a group of 10 parcels from "Single Family Residential" to "Multiple Family Residential".**
  12. **CPM #14 - Change the mapped land use designation of 23 parcels from "Institutional" to "Downtown Urban Center". Some are City-owned; others are privately owned.**
  13. **CPM #15 - Change the mapped land use designation of numerous parcels within the Lakeland Hills South PUD from "Residential Transition" to "Moderate Density Residential" and "Multiple Family Residential".**
  14. **CPM #16 - Change the mapped land use designation of 0.21-acre city-owned stormwater facility serving a plat from "Institutional" to "Multiple Family Residential" to agree with rest of the plat.**
  15. **CPM #17 - Change the mapped land use designation of a 0.71-acre privately-owned and developed parcel from "Residential Transition" to "Multiple Family".**

Vice-Chair Copple opened the public hearing on CPA17-0001, CPM #4 Through CPM #17 at 7:28 p.m. and called for public testimony.

Planning Services Manager Dixon provided an overview of the CPM #4 through CPM #17 explained the city-initiated changes are all map amendments.

The Commission and staff discussed CPM #5, changing the mapped land use designation from "OS, Open Space" to "DUC, Downtown Urban Center" for the three parcels. Staff pointed out that with the adoption of the 2015 Comprehensive Plan update the designation of the properties changed to "OS, Open Space". This amendment will remedy the change back to the "Downtown Urban Center" land use designation. The Commission asked if the property owner was supportive of the changes and staff confirmed that the private property owner is supportive of the change in designation.

Staff pointed out that CPM #6 changes the mapped land use designation of 46 city-owned, parks properties from "Open Space" to "Institutional" land use designation. The zoning designation would also change from "OS, Open Space" to "I, institutional" to agree. Maps 6A-6G were reviewed with the Commission showing the zoning changes and locations of the properties. Staff pointed out three of the parcels are already zoned "I, Institutional" and do not need a zoning map amendment.

Staff continued to review the items CPM #7 through CPM #17. With no other testimony, Vice-Chair Copple closed the public hearing on CPA17-0001, CPM #4 through CPM #17 at 7:48 p.m. and the Commission deliberated.

Commissioner Moutzouris moved and Commissioner Lee seconded to recommend to City Council inclusion of the City-Initiated Comprehensive Plan Map Amendments CPM #4 through CPM #17 and for the related rezone (zoning map amendments) associated with CPM #6, 7, and 8 into the City's Comprehensive Plan.

MOTION APPROVED. 5-0

**V. OTHER BUSINESS**

*There was no other business.*

**VI. COMMUNITY DEVELOPMENT REPORT**

Planning Services Manager Jeff Dixon reported that a Certificate of Occupancy has been recently issued for Euro Food & Deli. The location is at the NW corner of 49<sup>th</sup> Street NW and Auburn Way North. The Commission asked about and staff discussed the timeframe for opening of the new restaurant; Dave and Busters.

Staff distributed the 2018 Planning Commission Meeting Calendar for the Commission. The next meeting will be held January 3<sup>rd</sup>, 2018.

**VII. ADJOURNMENT**

There being no further business to come before the Planning Commission, Vice-Chair Copple adjourned the meeting at 7:55 p.m.



## AGENDA BILL APPROVAL FORM

**Agenda Subject:**

REZ18-0001, City-initiated Zoning Map Amendments  
(Rezones)

**Date:**

January 25, 2018

**Department:**

Community Development &  
Public Works

**Attachments:**

[Staff Report - REZ18-0001](#)  
[2A - Vicinity Map C St. NW](#)  
[2B - Vicinity Map SE310th St.](#)  
[3A - Current & Proposed Zoning Map](#)  
[3B - Current & Proposed Zoning Map](#)  
[4A - Areal Photo C ST NW](#)  
[4B - Areal Photo SE310th St.](#)  
[5 - SEP17-0014 NOA and DNS](#)  
[6 - Excerpt of Ordinance No. 6667](#)  
[7 - Notice of Public Hearing](#)  
[8A - Affidavit of Posting](#)  
[8B - Affidavit of Mailing](#)  
[8C - Request to Publish](#)

**Budget Impact:**

Current Budget: \$0  
Proposed Revision: \$0  
Revised Budget: \$0

**Administrative Recommendation:**

Planning Commission to conduct public hearing and recommend to City Council approval of the City-initiated Zoning Map Amendments (Rezones)

**Background Summary:**

Please see the attached memorandum.

**Reviewed by Council Committees:****Councilmember:****Staff:**

Dixon

**Meeting Date:** February 6, 2018

Item Number:



## AGENDA BILL APPROVAL FORM

<b>Agenda Subject</b> REZ18-0001, City-initiated Zoning Map Amendments (Rezones)		<b>Date:</b> January 17, 2018
<b>Department:</b> Community Development and Public Works	<b>Attachments:</b> See listing at end of report	<b>Budget Impact:</b> N/A

**Administrative Recommendation:** Planning Commission to conduct public hearing and recommend to City Council approval of the City-initiated Zoning Map Amendments (Rezones)

**APPLICANT:** City of Auburn Planning Division  
 Dept. of Community Development & Public Works  
 25 West Main ST  
 Auburn, WA 98001-4998

**REQUEST:** File No. REZ18-0001  
 City-initiated rezoning of five parcels in two locations to implement recent Comprehensive Plan map amendments;  
 The first group is 4 privately-owned, previously developed parcels changing from "DUC, Downtown Urban Center" to "M1, Light Industrial" to recognize and be more compatible with developed status of the properties. The other location is a 0.98-acre city-owned park parcel from "R-20, Residential Zone 20 units to the acre to "I, Institutional" in response to recent City ownership as a developed park.

**LOCATION:** The four contiguous parcels located on the east of C ST NW between W Main ST and 3rd ST NW, with the following parcel numbers and addresses:  
 5401600175/232 C ST NW; 5401600200/(No address); 5401600235/301 2nd ST NW; 5401600260/(No address) within the NE quarter of Section 13, Township 21 North, Range 4 East, W.M.

The remaining parcel is located south of SE 310th ST, approx. 820 feet west of 124th Ave SE, with the following Parcel No. 0921059073 (no address) within the NW quarter of Section 9, Township 21 North, Range 5 East, W.M.

<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 type="checkbox"/> Planning Comm. <b>COUNCIL COMMITTEES:</b> <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Services <input type="checkbox"/> Planning & D <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____	<b>Reviewed by Departments &amp; Divisions:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Building  <input type="checkbox"/> Cemetery  <input type="checkbox"/> Finance  <input checked="" type="checkbox"/> Fire  <input type="checkbox"/> Legal  <input checked="" type="checkbox"/> Public Works         </div> <div style="width: 48%;"> <input type="checkbox"/> M&amp;O  <input type="checkbox"/> Mayor  <input type="checkbox"/> Parks  <input checked="" type="checkbox"/> Planning  <input type="checkbox"/> Police  <input type="checkbox"/> Human Resources         </div> </div>
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<b>Action:</b> Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____	
Councilmember: _____	Staff: Dixon
Meeting Date: February 6, 2018	Item Number: _____

**EXISTING ZONING:** The first group is 4 privately-owned parcels currently zoned "DUC, Downtown Urban Center".

The other location is a 0.98-acre city-owned park parcel currently zoned "R-20, Residential Zone, 20 dwelling units to the acre".

**EXISTING  
COMPREHENSIVE**

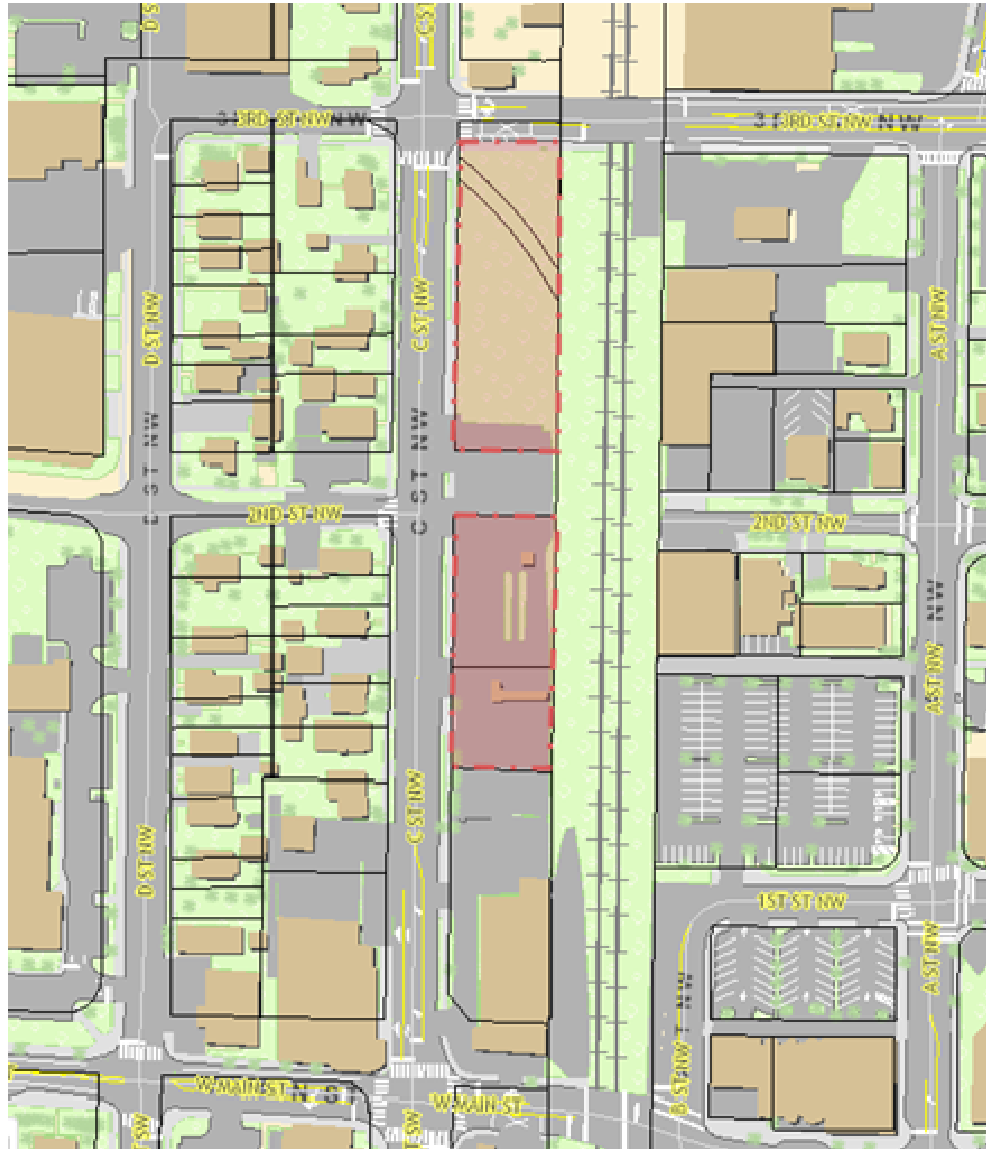
**PLAN DESIGNATION:** The first group is 4 privately-owned, previously developed parcels that have a comprehensive plan designation of "Light Industrial". The other location is a 0.98-acre city-owned park parcel that has a comprehensive plan designation of "Institutional". Both locations were recently changed as part of the City's Annual Comprehensive Plan amendments adopted by Ordinance No. 6667 on December 18, 2017.

**SEPA STATUS:** A Determination of Non-Significance (DNS) was issued under City file SEP17-0014 on September 19, 2017. The comment period ended October 3, 2017, and the appeal period ended October 17, 2017. No comments or appeals were received.

The Comprehensive Plan designation, zoning classification and land uses of the site and surrounding properties for the **first group of 4 parcels** are as follows:

	<b>Comprehensive Plan Designation</b>	<b>Zoning Classification</b>	<b>Existing Land Use</b>
<b>On-Site</b>	"Light Industrial"	DUC, Downtown Urban Center	Warehouse, bulk propane tank, storage building, parking lot.
North	"Heavy Industrial"	M1, Light Industrial,	Single-family residences & vehicle fueling station
South	"Downtown Urban Center"	DUC, Downtown Urban Center	Auto body repair shop
East	"Light Industrial"	DUC, Downtown Urban Center with M1, Light Industrial, beyond	Railroad line and vehicle fuel distribution business
West	"Downtown Urban Center"	DUC, Downtown Urban Center	single-family residences and irrigation contractor business across C ST NW

## VICINTY MAP





The Comprehensive Plan designation, zoning classification and land uses of the site and surrounding properties for the **second location is as follows:**

	<b>Comprehensive Plan Designation</b>	<b>Zoning Classification</b>	<b>Existing Land Use</b>
<b>On-Site</b>	"Institutional"	R-20, Residential (Twenty dwelling units per acre)	City-owned park
North	"Single-Family Residential"	R5, Residential (Five dwelling units per acre)	Multiple family apartments
South	"Multiple Family Residential"	R-20, Residential (Twenty dwelling units per acre)	Multiple family apartments
East	"Multiple Family Residential"	R-20, Residential (Twenty dwelling units per acre)	Multiple family apartments
West	"Single-Family Residential"	R5, Residential (Five dwelling units to the acre) <sup>b</sup>	Single-family residences



## **A. FINDINGS**

1. The City identified the Comprehensive Plan Map Amendment and associated step of rezoning these parcels as part of the actions for the annual Comprehensive Plan amendments. This City-initiated proposal consists of changing the designation of the following properties:

<b>Parcel ID Number/ address</b>	<b>Property owner</b>	<b>Parcel Size</b>	<b>Comprehensive Plan Designation</b>	<b>Existing Zoning Classification</b>	<b>Current Land Use</b>
5401600175/ 232 C ST NW	Ho & Nancy Kim	0.7 acres	Downtown Urban Center	DUC, Downtown Urban Center	Former Dels Farm Supply consisting of 5,238 sq. ft. of warehouse & 1,500 sq. ft. of attached office/store. Currently unoccupied/
5401600200/ (No address)	Ho & Nancy Kim	0.06 acres	Downtown Urban Center	DUC, Downtown Urban Center	Former railroad spur line bisecting parcel -0200 currently vacant
5401600235/ 301 2nd ST NW	CHS Inc.	0.34 acres	Downtown Urban Center	DUC, Downtown Urban Center	Cenex bulk propane storage tanks
5401600260/ (No address)	Gary & Karen Stamps	0.24 acres	Downtown Urban Center	DUC, Downtown Urban Center	Parking lot /vacant

<b>Parcel ID Number/ address</b>	<b>Property owner</b>	<b>Parcel Size</b>	<b>Comprehensive Plan Designation</b>	<b>Existing Zoning Classification</b>	<b>Current Land Use</b>
Parcel No. 0921059073 (no address)	City of Auburn	0.98 acres	Institutional	R-20, Residential (Twenty dwelling units per acre)	Developed city park

2. The first group of parcels border C ST NW which is classified by the City's Comprehensive Transportation Plan as a "Minor Arterial". The northern most parcel also borders 3rd ST NW, which is also classified as a "Minor Arterial". The second location borders SE 310th ST, which is classified as a "Local Residential" street.
3. All of the properties are developed, or if now vacant, have previously been developed. All the sites are relatively flat and do not contain environmentally critical areas.

### **History of Existing Development**

4. The first group of parcels were part of the oldest city limits originally incorporated in 1890. Ordinance No. 6121 annexed the second location to the City as part of Lea Hill annexation area effective in 2008.

5. For the **first group of parcels**, the land use designations and zoning for the subject properties have not been re-evaluated for many years and therefore have not considered the continued appropriateness of the land use designations. The boundaries of the DUC, Downtown Urban Center zoning district were originally adopted in 2007 when the city was desirous of establishing a downtown center zoning classification over a large area. While the justification for the establishment of the boundaries cannot be precisely recreated, it may have been contemplated that the properties would redevelop, but this has not happened.

The contiguous sites are located at the northern margin of the "Downtown Urban Center" Comprehensive Plan designation and bordered to the north and the east by properties with an industrial designation. The sites align in a row north to south and are bordered by public streets of C ST NW to the west; 3rd ST NW to the north and by the Burlington Northern railroad to the east. The automobile body shop of A-1 Collision borders the sites to the south.

The two largest parcels, Parcel No. 5401600175 (0.7 acres) and Parcel No. 5401600235 (0.34 acres) have been developed for more than 25 years with structures and facilities that are more appropriate characterized as "industrial uses" than suburban downtown development. The configuration and location of the properties sandwiched between transportation corridors makes them less suitable for redevelopment as downtown service or retail type uses geared to leisure shopping and that would be subject to strict architectural and site design requirements. Also, due to the number of recent zoning inquiries, the City staff has increasingly become aware of the difficulty of the property owner in finding tenants that can occupy the former farm supply building and meet the zoning use regulations of the DUC zoning district. Also, few uses are capable of using the building with few physical alterations in order to avoid triggering consistency with Downtown Design Standards and significant upgrades.

6. Related to the **second site**, in 1996 the 0.98-acre property was part of a larger 2.23-acre property ownership by Schneider Homes Inc. that was proposed for development as the 'Pasafino Apartments' while in unincorporated King County prior to annexation to the City of Auburn. In 1996 a 'Petition for Annexation Agreement and Declaration of Covenant' was executed between the City and Schneider Homes Inc. in order for the City to provide water and sewer services to the proposed apartment development located outside the city, but within the city's established utility service area. An 'Amended Petition for Annexation Agreement and Declaration of Covenant' was executed on April 21, 1997. The Agreements provided that as a condition of the City providing water and sewer utility services, Schneider Homes Inc. would develop a park, and after annexation, convey the developed park land to the City of Auburn without obligation or cost. At the time of transfer, the city parks department would assume maintenance responsibility. Ordinance No. 6121 annexed the property to the City of Auburn effective in 2008; however, the transfer of ownership of the park land did not take place for many more years since the park land was not a separate parcel that could be deeded separately to the City. Schneider Homes Inc. filed a Boundary Line Adjustment (BLA) application (File #BLA14-0005) in May of 2014 to establish the park land as a separate parcel. The processing of the BLA was delayed due to changes in property ownership interest on the part of Schneider Homes Inc. for refinancing purposes. The BLA was subsequently approved by the City and recorded on November 2, 2016 (Recording #20161102900004) and the property subsequently conveyed to the City. The park is depicted as "Village Square Park" on the city website.

It was previously appropriate to have the Comprehensive Plan land use designation of "Multiple "Family Residential" applicable to the site when it was privately owned and part of a larger parcel that is mainly developed with apartments. However, now that Parcel No. 0921059073 is a separate parcel (as a result of the boundary line adjustment), owned by the City and developed for park purposes, it is appropriate for it to have the zoning classification be "I, Institutional" to implement and correspond with the "Institutional" land use designation of the Comprehensive Plan.

### **Relationship of Comprehensive Plan Annual Amendments and the Rezone Processing**

7. At its October 18, 2017 public hearing, the Planning Commission reviewed the related Comprehensive Plan Map amendment CPM #3 (File No. CPA17-0001, City-initiated Map amendment) to change Map No. 1.1 and change the Comprehensive Plan designation of the 4 parcels from "Downtown Urban Center" to "Light Industrial" to recognize and be more compatible with developed status of the properties.

At this same public hearing, the Planning Commission reviewed the related Comprehensive Plan Map amendment CPM #2 (File No. CPA17-0001, City-initiated Map amendment) to change Map No. 1.1 and change the Comprehensive Plan designation of a 0.98-acre city-owned park parcel from "Multiple Family Residential" to "Institutional" in response to recent City ownership as a developed park.

At the conclusion of the hearing, the Planning Commission forwarded its recommendation for approval of the comprehensive plan map changes to the City Council.

8. At its November 27, 2017 Study Session, the City Council reviewed the Amendments and the draft Ordinance No. 6667. On December 18, 2017, the City Council approved Ordinance No. 6667 approving both sets of Comprehensive Plan Map amendments, among others.

These proposed rezones implement the corresponding Comprehensive Plan designations of "Light Industrial" as identified on Page LU-11; and of the "Institutional" as found on Page LU-14, of the Comprehensive Plan.

9. In June 2017 the City Council adopted Ordinance No. 6655 which allows the Planning Commission and City Council to consider associated map changes (for Comprehensive Plan and Zoning map amendments), concurrently. This eliminates the need for the rezone (zoning map amendment) to subsequently be heard and decided by the Planning Commission or Hearing Examiner through a separately scheduled hearing when it is related to a Comprehensive Plan map amendment.

While several Comprehensive Plan and Zoning map amendments were simultaneously considered at the Planning Commission at their October 18, 2017 hearing. The public noticing step was not performed for the rezoning associated with these changes and as a result, they are being considered in sequence, rather than concurrently in order to ensure that the proper procedures are followed.

10. Pursuant to ACC 18.68.030 ((Zoning Amendments) Public hearing process) provides that the city may initiate rezone actions.

11. Pursuant to ACC 18.68.030 and ACC 18.68.040, for all rezones initiated by the City, the Planning Commission shall conduct a public hearing and make a recommendation to the City Council.

**“18.68.030 Public hearing process.**

**B. Zoning Map Amendments.**

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. .

**2. Areawide Zoning and Rezoning, Initiated by the City.** *The planning commission shall conduct a public hearing and make a recommendation to the city council. If applicable, a comprehensive plan amendment may also be processed.*

**C. City Council Decision.** *The city council may affirm, modify or disaffirm any recommendation of the planning commission or hearing examiner with regard to amendments of the text or map of this title. (Ord. 6655 § 1, 2017; Ord. 6442 § 26, 2012; Ord. 6198 § 4, 2008; Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)”*

12. Pursuant to 18.68.040, ((Zoning Amendments) Public hearing notice requirements) the following public notice is required.

**B. Zoning Map Amendments.**

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. .

**2. Rezones, Including Area wide Zoning, Initiated by the City.**

**a. Planning Commission.** *As a minimum, notice of public hearing shall be given by publication, in a newspaper of general circulation in the area, at least 10 days prior to the public hearing. Additional mailing or posting of notices may, at the option of the planning commission, be required.*

**b. City Council.** *As a minimum, notice of public hearing shall be given by publication, in a newspaper of general circulation in the area, prior to the public hearing. Additional mailing or posting of the notices may, at the option of the city council, be required. (Ord. 6655 § 2, 2017; Ord. 6198 § 5, 2008; Ord. 6185 § 9, 2008; Ord. 5811 § 8, 2003; Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)*

13. A notice of public hearing was issued and published in the Seattle Times on January 23, 2018 and on the same date mailed to the property owners within 300 feet of the subject site, and posted at 3 public locations meeting the notification requirements.

14. Per ACC 18.23.020(G), the stated purpose of the “M-1, Light Industrial” zoning district is to:

*“G. M-1, Light Industrial Zone. The intent of the M-1 zone is to accommodate a variety of industrial, commercial, and limited residential uses in an industrial park environment, to preserve land primarily for light industrial and commercial uses, to implement the economic goals of the comprehensive plan and to provide a greater flexibility within the zoning regulations for those uses which are non-nuisance in terms of air and water pollution, noise, vibration, glare or odor. The light industrial/commercial character of this*

*zone is intended to address the way in which industrial and commercial uses are carried out rather than the actual types of products made.”*

*“The character of this zone will limit the type of primary activities which may be conducted outside of enclosed buildings to outdoor displays and sales. Uses which are not customarily conducted indoors or involve hazardous materials are considered heavy industrial uses under this title and are not appropriate for the M-1 zone. An essential aspect of this zone is the need to maintain a quality of development that attracts rather than discourages further investment in light industrial and commercial development. Consequently, site activities which could distract from the visual quality of development of those areas, such as outdoor storage, should be strictly regulated within this zone.”*

15. Per ACC 18.35.020(D), the stated intent of the “I, Institutional” zoning district is to:

*“D. I Institutional Zone. The I zone is intended to provide an area wherein educational, governmental, theological, recreational, cultural and other public and quasi-public uses may be allowed to develop. It is further intended these areas be significant in scope which will allow a combination of uses which may not be permitted outright within other zones. This district is not intended to include those smaller or singular public uses which are consistent with and permitted in other zones.”*

16. A Determination of Non-Significance (DNS) was issued under City file SEP17-0014 on September 19, 2017. The comment period ended October 3, 2017, and the appeal period ended October 17, 2017. No comments or appeals were received.

## **B. CONCLUSIONS:**

Chapter 18.68 ACC ((Zoning Code) Amendments) provides very limited criteria for approval of a rezoning. Following is a Staff analysis of the requested application with the criteria.

### **1. The rezoning must be consistent with the Comprehensive Plan.**

Staff analysis: The purpose of the City’s Comprehensive Plan document is to provide a policy basis for the future zoning changes to ensure that the Comprehensive Plan and Zoning Ordinance are consistent as required by the following City Code section:

#### **“ACC 14.22.050 Conformance and consistency.**

The zoning, land division and other development codes contained or referenced within the Auburn City Code shall be consistent with, and implement the intent of, the Comprehensive Plan. Capital budget decisions shall be made in conformity with the Comprehensive Plan. “

On December 18, 2017, the City Council approved Ordinance No. 6667 approving the change in Comprehensive Plan designation for both locations.

Related to this first set of property changes, the Comprehensive Plan contains policy guidance. Specifically, Volume 1, “Land Use”, starting at Page LU-11 provides the following purpose and description of the ‘Light Industrial’ Comprehensive Plan designation:

#### ***“Light Industrial Designation Description***

*This category is intended to accommodate a wide range of industrial and commercial uses. This designation is intended to provide an attractive location for manufacturing, processing and assembling land use activities that contribute to quality surroundings. A wide variety of appropriate commercial uses in this designation benefit from the location, access, physical configuration, and building types of these properties. It is distinguished from heavier industrial uses by means of performance criteria. All significant activities shall take place inside buildings, and the processing or storage of hazardous materials shall be strictly controlled and permitted only as an incidental part of another use"*

**"Designation Criteria**

1. *Previously developed light industrial areas; or*
2. *Located along high-visibility corridors;*
3. *Provides buffering for heavy industrial areas or is buffered from the single-family designation by landscaping, environmental features, or the Residential Transition designation and buffered from all other Residential designations; and*
4. *Meets the development parameters of the Light Industrial designation."*

**"Implementing Zoning Designations**

***Light Industrial"***

Consistent with policy discussion in the Comprehensive Plan, the first set of c properties proposed for rezoning are already developed with industrial uses and the sites are located along heavily traveled roadway corridors, as evidenced by their "minor arterial" classification.

Also, the Comprehensive Plan document provides various policies which address light industrial development in order to meet community goals. The following policy applicable to light industrial areas is relevant to the rezoning request.

*"LU-82 A wide range of commercial activities may be allowed to provide increased opportunities for sales tax revenue."*

Related to this second location, the Comprehensive Plan contains policy guidance. Volume 1, Land Use, starting at Page LU-14 provides the following purpose and description of the "Institutional" Comprehensive Plan designation:

***"Institutional Designation  
Description***

*This category includes those areas that are re served for public or institutional uses. These public uses include public schools and institutional uses such as large churches and schools. It is also intended to include those of a significant impact, and not those smaller public uses that are consistent with and may be included in another designation. For example, public uses of an industrial character are included in the industrial designation, and small-scale religious institution of a residential character are included in the residential designation.*

***Designation Criteria***

*Previously developed institutional uses; or  
Located along major arterial streets;*



*Properties that are buffered from the single-family designation by landscaping, environmental features, or the Residential Transition designation and buffered from all other Residential designations; and meets the development parameters of the Institutional designation. Properties identified in the Airport Master Plan as Landing Field.”*

**“Implementing Zoning Designations**

*Institutional  
Landing Field”*

Consistent with policy discussion in the Comprehensive Plan, this second location is proposed for rezoning to “I, Institutional” and is already developed as a public park. While the site borders single family uses to the west and multiple family uses to the east; the low development intensity as a public park with passive recreational uses and mature landscaping serve to make the use compatible with adjacent residential uses.

*“LU-103 This designation permits a wide array of uses that tend to be located in the midst of other dissimilar uses. For this reason, special emphasis should be directed at the following:*

- a. The appropriateness of new requests for this designation and the impacts that it may have on the surrounding community.*
- b. Site-specific conditions that should be attached to the granting of new requests for this designation that are designed to mitigate impacts on the surrounding community.*
- c. Site-specific conditions that should be attached to development proposals that are designed to mitigate impacts on the surrounding community.*

The proposed “I, Institutional” zoning is different than surrounding zoning classifications. The site borders single-family uses to the west and multiple family uses to the east and the low development intensity as a public park, along with the passive recreational uses and mature landscaping serve to make the use compatible with adjacent residential uses.

**2. The rezone must be initiated by the City in order for the Planning Commission to provide a recommendation on the request.**

Staff Analysis: The rezone application was initiated by the City. The property owners received notice of the Comprehensive Plan amendments prior to the Planning Commission hearing in October of 2017 and received notice again preceding this hearing.

**3. Any changes or modifications to a rezone request made by either the Hearing Examiner or City Council will not result in a more intense zone than the one requested.**

Staff Analysis: Further changes beyond the change in designation as proposed are not anticipated.

In addition, Washington case law has identified other criteria for rezone applications (see *Parkridge v. Seattle*, 89 Wn.2d.454; 573 P.2d 359 (1978) (conditions must have changed since the original zoning was established and the proposed rezone must bear a substantial relationship to the general welfare of the community); *Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001) (proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to

the public health, safety, morals or welfare; provided, that a showing of a change of circumstances has occurred is not required if a rezone implements the Comprehensive Plan.)

**a. Conditions in the area must have changed since the original zoning was established.**

Staff Analysis: The rezone proposal implements the Comprehensive Plan land use designation for the subject properties. As mentioned under the Findings of Fact, a Comprehensive Plan map amendment was processed at the end of 2017 and approved by the City Council Ordinance No. 6667. The proposed rezone would adjust the zoning of the property to correspond and be consistent with the Comprehensive Plan designation. Showing that a change of circumstances has occurred is not required if a rezone implements the Comprehensive Plan.

**b. The proposed rezone must bear a substantial relationship to the general welfare of the community.**

Staff Analysis: Rezoning the subject properties from "DUC, Downtown Urban Center" to "M1, Light Industrial" and from "R-20, Residential Zone 20 units to the acre" to "I, Institutional" will align the zoning district to the already changed Comprehensive Plan designation. As noted above, Volume 1, 'Land Use', provides various policies related to meeting community and growth management goals. The zoning change will assist in implementing these goals benefitting the community and general welfare.

**C. RECOMMENDATION**

Based upon the Findings of Fact, and Conclusions of the staff report, Staff recommends that the Planning Commission recommend to the City Council **approval** of the rezone without conditions.

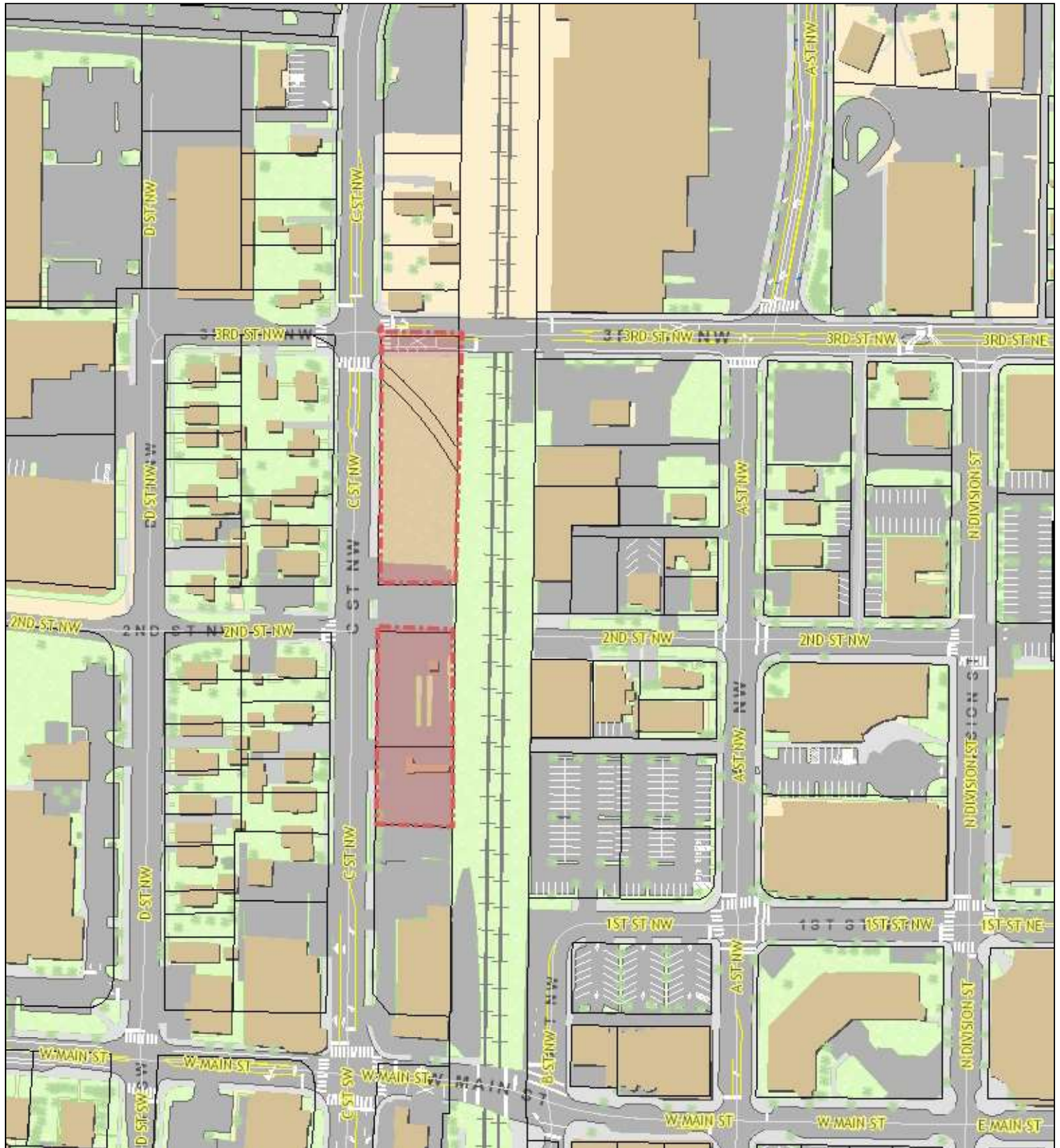
*Staff reserves the right to supplement the record of the case to respond to matters and information raised subsequent to the writing of this report*

**D. EXHIBIT LIST**

- Exhibit 1 Staff Report
- Exhibit 2 Vicinity Map for both sites
- Exhibit 3 Zoning Map showing the current and proposed zoning for both sites
- Exhibit 4 2015 Aerial Photograph for both sites
- Exhibit 5 Determination of Non-Significance (File No. SEP17-0014)
- Exhibit 6 Excerpt of Ordinance No. 6667 Approving Comprehensive Plan Annual Amendments, dated December 18, 2017
- Exhibit 7 Notice of Public Hearing document
- Exhibit 8 Affidavits of posting, mailing, and a request to publish (3 documents)

# City-Initiated Rezones REZ18-0001 - C ST NW

Printed Date: 1/23/2018  
Map Created by City of Auburn eGIS  
Imagery Date: May 2015



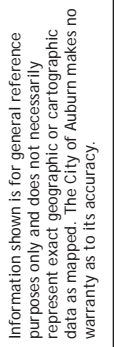
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NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet

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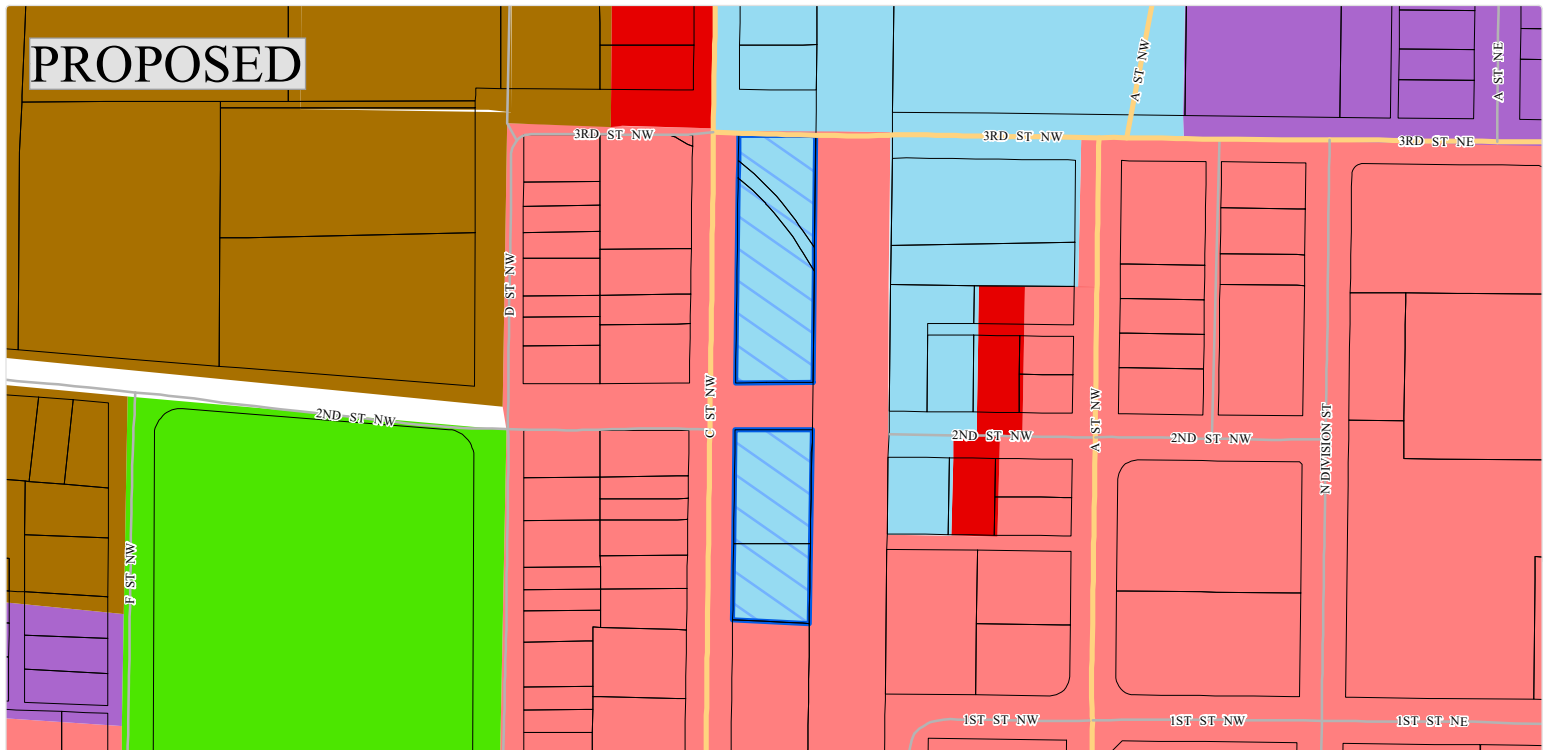
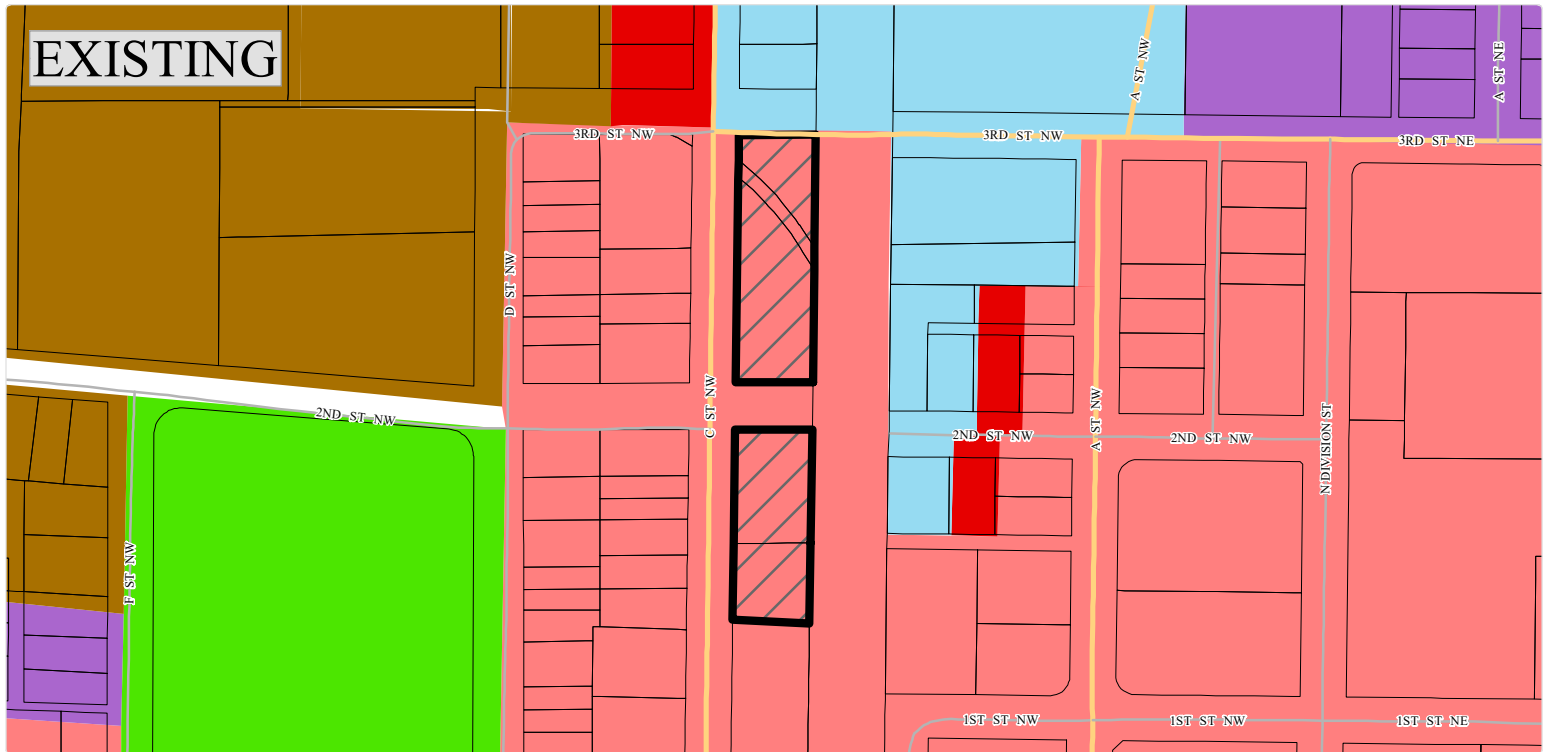
Printed Date: 1/23/2018  
Map Created by City of Auburn eGIS  
Imagery Date: May 2015












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# City –Initiated Rezone REZ18-0001 – C ST NW



## Zoning

- |                                                                                                                 |                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
|  C2 Central Business District |  M2 Heavy Industrial District                |
|  C3 Heavy Commercial District |  P1 Public Use District                      |
|  DUC Downtown Urban Center    |  R20 Residential 20 DU/Acre                  |
|  M1 Light Industrial District |  RO Residential Office District              |
|                                                                                                                 |  RO-H Residential Office District (Hospital) |



Existing Zoning



Proposed Zoning



Parcels

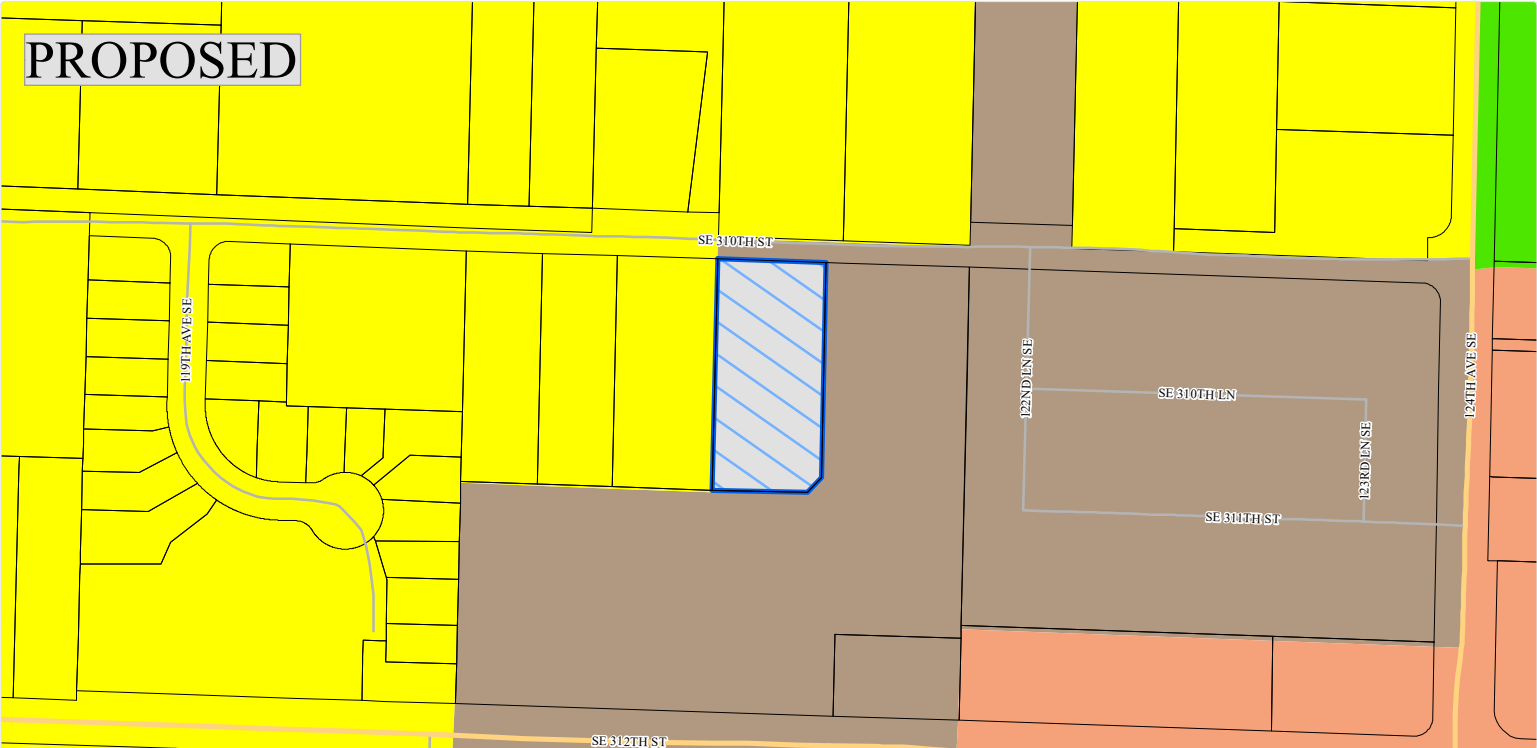
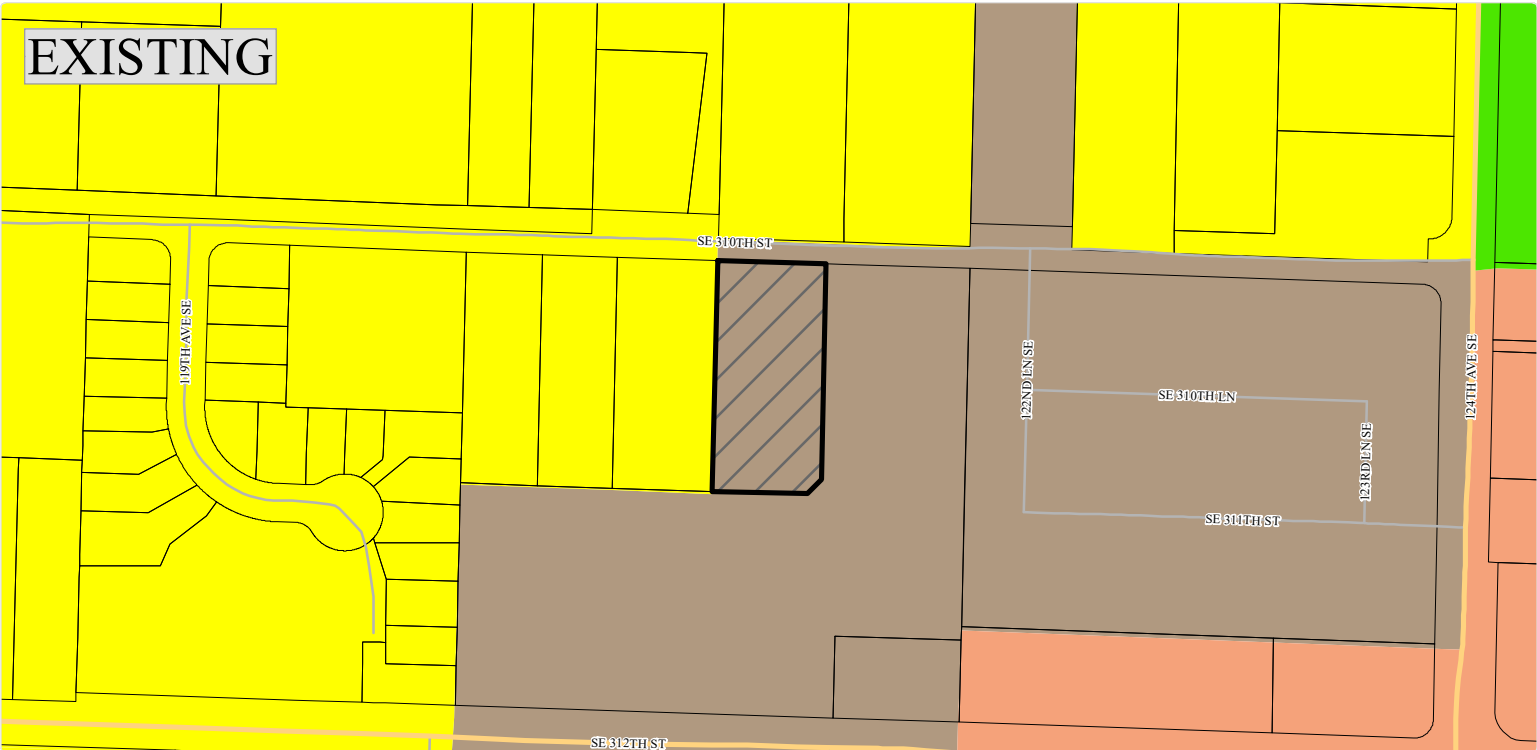


Printed On: 01/23/2018  
Map ID: 5965



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City –Initiated Rezone REZ18-0001 - SE 310th ST



Printed On: 01/23/2018  
Map ID: 5966

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# City-Initiated Rezones REZ18-0001 - C ST NW

Printed Date: 1/23/2018  
Map Created by City of Auburn eGIS  
Imagery Date: May 2015



0.1 0 0.0 0.1 Miles

NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet

1in = 0 ft

1:2,000

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## City-Initiated Rezones REZ18-0001 - SE 310th ST

Printed Date: 1/23/2018  
Map Created by City of Auburn eGIS  
Imagery Date: May 2015



0.1 0 0.0 0.1 Miles

NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet

$$1\text{ in} = 0 \text{ ft}$$

1: 2,000

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Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.



**NOTICE OF APPLICATION (NOA) and  
DETERMINATION OF NON-SIGNIFICANCE (DNS)  
Annual Comprehensive Plan Text & Map Amendments  
and related zoning map amendments**

**SEP17-0014 / CPA17-0001, REZ17-0002 (CPM#6), REZ17-0003 (CPM#7), & REZ17-0004 (CPM#8)**

The City of Auburn is issuing a Notice of Application (NOA) and Determination of Non-Significance (DNS) for the following described proposal. The applications and listed studies may be reviewed at the Community Development & Public Works Department at One E Main St., 2<sup>nd</sup> Floor, Customer Service Center, Auburn, WA 98001.

**Proposal and Location:** Adopt amendments to the City's Comprehensive Plan consisting of the following Text (P/T) and Map (CPM) Amendments and amendments to zoning map (rezone) to implement:

P/T #5 – City of Auburn 2018-2023 Capital Facilities Plan

P/T #6 - Remove the discussion of a "Mixed Use" land use designation from the text of the Plan and from the Land Use Map. The R10, R16, and R20 residential zoning districts already allow for mixed uses (comprised of residential & commercial) as permitted uses (See Table 18.07.020, Permitted Use Table ).

P/T #7 - Add text to add back the R5, Residential zoning district back in as an implementing zone for the "Single Family" Land Use Designation. A significant portion of the city is zoned R5, Residential. However, in the 2015 Comp Plan this zone was inadvertently omitted as an implementing zoning district of any Comp. Plan land use designation and must be corrected by adding it as an implementing zone of the "Single Family" Land Use Designation.

P/T #8 - Change the title of the land use designation of "Residential Transition" to "Moderate Density Residential". Requested to revert to pre-2015 title of the category. Provide more logical title for the category to address and reflect the range of residential densities.

P/T #9 - Add the "R10, Residential" and R16, Residential" zoning districts back as implementing zones for the "Residential Transition" or if recommended, to the "Moderate Density Residential" Land Use Designation. Areas of the city are zoned "R10, Residential" but no areas are currently zoned "R16, Residential". However in the 2015, Comp Plan these zoning districts were inadvertently omitted as an implementing zoning districts of any Comp. Plan land use designation.

CPM #1 - Remove the discussion of a "Mixed Use" land use designation from the text of the Plan and remove category from the Land Use Map. "The R10, R16, and R20 Residential zoning districts already allow for mixed uses residential & commercial) as permitted uses (See Table 18.07.020, Permitted Use Table ). Thus it was unnecessary to establish a unique land use designation to achieve a zoning district to allow (See also related P/T #6).

CPM #2 - Change the mapped land use designation of a 2.23-acre city-owned park parcel from "Multiple Family Residential" to "Institutional". Parcel No. 0921059073 is located south of SE 310th ST, 820 feet west of 124th Ave SE. The creation of the park was a requirement of a pre-annexation utility agreement between the city and the developer of the adjacent apartments. It is now appropriate to change the land use designation to be consistent with the purpose of the land use designation, ownership status & Parks Plan.

CPM #3 - Change the mapped land use designation of a group of 4 privately-owned, previously developed parcels from "Downtown Urban Center" to "Light Industrial". Parcel No. 5401600200, of 0.06 acres and Parcel No. 5401600175 of 0.7 acres are owned by In Ho & Nancy Kim. Parcel No. 5401600235 of 0.34 acres is owned by CHS Inc. Parcel No. 5401600260 of 0.34 acres is owned by Gary & Karen Stamps. Proposed to change the Comp. Plan land use map designation to recognize and be more compatible with developed status of the properties at the perimeter of the land use designation. The sites contain existing uses of warehouses, bulk propane tank distribution and outdoor storage.

CPM #4 - Change the mapped land use designation of south part of 2.15-acre, privately-owned developed parcel from "Residential Transition" to "Heavy Commercial". Parcel No. 8695200020 owned by Quality

Fence Co. and located on south side of 21st ST SE 390 feet east of A ST SE. Avoid split zoning where warranted by existing development pattern.

CPM #5 - Change the mapped land use designation of 3 parcels (2 privately owned and 1 city-owned) from the "Open Space" to "Downtown Urban Center" land use designation. Private parcels Nos. are 7815700095 and 7815700135 owned by Levan Auburn Development LLC and City-owned parcel No. 7815700085. Parcels are located across street, south of City Hall. "Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Downtown Urban Center". These 3 vacant parcels are currently zoned DUC, Downtown Urban Center. Note, these parcels are not currently included in the Open Space Zoning Amendment per recent Planning Commission recommendation."

\* CPM #6 - Change the mapped land use designation (and zoning district) of the following 46 city-owned, parks properties from "Open Space" to "Institutional" land use designation: Parcel Nos. 0821059017, 7345300160, 6347000055, 6347000065, 0001000081, 1313500310, 3021059044, 3021059080, 3021059089, 1421049011, 1821059117, 0520061060, 0721059038, 7749501070, 0521059010, 0521059029, 0421059062, 0421059061, 0421059060, 0421059071, 0421059004, 3845000080, 7299602140, 4137070990, 7002181950, 0520051035, 0520051006, 0921059018, 6655000105, 6655000021, 1421049067, 9262800330, 9262800341, 1421049017, 9262800285, 0721059020, 8669150810, 6655000024, 6655000030, 3021059325, 3121059017, 3021059375, 8581400530, 1821059327, 0821059017, & 0621059007. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Institutional". Several of the city-owned, developed and active parks properties were assigned the land use designation of "Open Space" by adoption of the 2015 plan land use map. Thus, the land use designation is inconsistent with the designation criteria and purpose of the "Open Space" land designation of the Comprehensive Plan (e.g. cemeteries and active parks should not be designated "Open Space"). Also, change the zoning designation from "OS, Open Space" to "I, Institutional" to agree.

\* CPM #7 - Change the mapped land use designation of 3 Tribal Jurisdiction parcels from the "Open Space" to the "Institutional" Land Use designation. Parcel No. 2021059041, 2021059047, & 2021059037 owned by US GOV in Trust status or by the Muckleshoot Indian Tribe. The 3 parcels controlled by the Muckleshoot Tribe are developed as a cemetery and thus, the land use designation is inconsistent with the designation criteria and purpose of the "Open Space" land designation of the Comprehensive Plan (e.g. cemeteries and active parks should not be designated "Open Space"). Also, change the zoning designation from "OS, Open Space" to "I, Institutional" to agree.

\* CPM #8 - Change the mapped land use designation of 2 parcels from "Single Family Residential" to "Light Commercial". Parcels Nos. are 3121059069, 1.79 acres owned by Alan Clayton and 3121059027 3.67 acres owned by John Nixon both, located on east side of A ST SE, south of Lakeland Hills WY SE. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Light Commercial". Also, change the zoning designation from "R5, Residential" to "C1, Light Commercial" to agree.

CPM #9 - Change the mapped land use designation of 2 privately owned vacant parcels from "Multiple Family Residential" to "Light Commercial". 1.75 -acre Parcel No. 0921059042 owned by Highlane Prop. LLP and 0.81-acre parcel No. 0921059113 owned by Jennifer & James Hunt both are located at SE corner of SE 312th ST & 121st PL SE. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Light Commercial".

CPM #10 - Change the mapped land use designation of a privately owned 0.91-acre parcel containing a single family house from "Multiple Family Residential" to "Single Family Residential". Parcel No. 0921059101 owned by Ram Singh Dhaliwal located 130 feet south of intersection of 124th AV SE & SE 307th PL. (30811 124TH AVE SE). Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Single Family Residential".

CPM #11 - Change the mapped land use designation of a privately-owned, 13.84 -acre parcel developed with a warehouse from "Heavy Industrial" to "Light Industrial". Parcel No. 1321049019 owned by Western B NW WA LLC located south of SR 18 at west end of 8th ST SW. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Light Industrial".

CPM #12 - Change the mapped land use designation of 7.2-acre private developed parcel from "Single Family Residential" to "Multiple Family Residential". Parcel No. 5530200000 owned by Lois Maathuis located NW of intersection of Mill Pond DR SE and Kennedy AV SE. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Multiple Family Residential".

CPM #13 - Change the mapped land use designation of a group of 10 parcels from "Single Family Residential" to "Multiple Family Residential". Parcel Nos. 2721059053, 2721059063, 2721059066, 2721059126, 2721059156, 2721059157, 2721059162, 2721059168, 2721059179, & 2721059197 owned by various property owners & located on the north side of Auburn WY S, east of Academy DR SE. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Multiple Family Residential".

CPM #14 - Change the mapped land use designation of 23 parcels from "Institutional" to "Downtown Urban Center". Some are City-owned; others are privately owned. Parcel Nos. 0492000460, 0492000461, 0492000463, 7816200100, 7816200060, 0498500005, 0492500100, 0303450000, 0492500240, 0492500275, 0492500260, 0483000085, 0483000080, 0489000040, 7331400135, 0489000005, 7331400460, 7331400485, 7331400486, 7331400500, 8698100030, 8698100035, & 8698100040. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan. Requested to revert to pre-2015 designation of "Downtown Urban Center".

CPM #15 - Change the mapped land use designation of numerous parcels within the Lakeland Hills South PUD from "Residential Transition" to "Moderate Density Residential". Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan. Requested to revert to pre-2015 designation of "Moderate Density Residential".

CPM #16 - Change the mapped land use designation of 0.21-acre city-owned stormwater facility serving a plat from "Institutional" to "Multiple Family Residential" to agree with rest of the plat. Parcel No. 1877100170 is owned by the City and located on south side of 35th St SE, 290 feet west of D ST SE. "Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan. Requested to revert to pre-2015 designation of "Multiple Family Residential". The lot for the stormwater facility was created from the "D ST SE Plat" and should retain the same comprehensive plan designation as the balance of the plat.

CPM #17 - Change the mapped land use designation of a 0.71- acre privately-owned and developed parcel from "Residential Transition" to "Multiple Family". Parcel No. 1921059271 owned by Mayfield TNC LLC is located east of end of B ST SE between 15th and 16th ST SE. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan. Requested to revert to pre-2015 designation of "Multiple Family Residential". According to KC Assessor records, the property is developed with two, 2-story buildings as the "Mayfield Apartments" containing 31 dwelling units.

**Notice of Application:** September 19, 2017  
**Application Complete:** September 5, 2017  
**Permit Application:** August 31, 2017

**File Nos.** SEP17-0014  
CPA17-0001  
REZ17-0002 (CPM#6), REZ17-0003 (CPM#7), & REZ17-0004 (CPM#8)

**Applicant:** Jeff Dixon, Planning Services Manager  
Community Dev. & Public Works  
City of Auburn  
25 W Main ST  
Auburn, WA 98001

**Studies/Plans Submitted With Application:**

- None

**Other Permits, Plans, and Approvals Needed:**

- Comprehensive Plan Land Use Amendment, Rezone

**Statement of Consistency and List of Applicable Development Regulations:** This proposal is subject to and shall be consistent with the Auburn City Code, Comprehensive Plan, and Public Works Design and Construction Standards.

**Lead Agency:** City of Auburn

The lead agency for this proposal has determined that it does not have probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

**Public Comment Period:** This may be your only opportunity to comment on the environmental impact of the proposal. All persons may comment on this application. This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date issued below. Comments must be in writing and submitted by 5:00 pm on **October 3, 2017** to the mailing address of 25 W Main ST, Auburn, WA, 98001 or emailed to the contact below. Any person wishing to become a party of record, shall include in their comments that they wish to receive notice of and participate in any hearings, if relevant, and request a copy of decisions once made.

Any person aggrieved of the City's determination may file an appeal with the Auburn City Clerk at 25 West Main Street, Auburn, WA 98001- 4998 within 14 days of the close of the comment period, or by 5:00 p.m. on **October 17, 2017**.

For questions regarding this project, please contact Jeff Dixon, Planning Svcs. Manager, at [jdixon@auburnwa.gov](mailto:jdixon@auburnwa.gov) or 253-804-5033.

**Public Hearing:** A public hearing is required, however, the date has not yet been set.

RESPONSIBLE OFFICIAL:	Jeff Tate
POSITION/TITLE:	Assistant Director, Community Dev. & Public Works Dept.
ADDRESS:	25 West Main Street Auburn, Washington 98001 253-931-3090

DATE ISSUED: **September 19, 2017**

SIGNATURE: \_\_\_\_\_



Note: This determination does not constitute approval of the proposal. Approval of the proposal can only be made by the legislative or administrative body vested with that authority. The proposal is required to meet all applicable regulations.



**ORDINANCE NO. 6 6 6 7**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON ADOPTING 2017 ANNUAL COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS PURSUANT TO THE PROVISIONS OF RCW CHAPTER 36.70A AND ADOPTING CORRESPONDING REZONES RELATED TO CERTAIN OF THE MAP AMENDMENTS AND CREATING A NEW SECTION 18.01.050 TO THE CITY CODE, RELATING TO PLANNING

WHEREAS, on August 18, 1986, the City Council of the City of Auburn adopted a Comprehensive Plan by Resolution No. 1703 which includes a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City; and

WHEREAS, on April 17, 1995, the Auburn City Council adopted Comprehensive Plan Amendments by Resolution No. 2635 to comply with the Washington State Growth Management Act; and

WHEREAS, on September 5, 1995, the Auburn City Council reaffirmed that action by its adoption of Ordinance No. 4788; and

WHEREAS, on December 14, 2015, the Auburn City Council adopted an updated Comprehensive Plan which includes a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City by Ordinance No. 6584; and

WHEREAS, in April 2017 the City of Auburn published in the *Seattle Times Newspaper* an advertisement that the City was accepting comprehensive plan amendment applications and established a deadline for submittal of June 9, 2017; and

WHEREAS, the City of Auburn received one private-initiated map amendment for the year 2017 annual amendments; (Nexus Youth & Families, File No. CPA17-0002); and

WHEREAS, the City of Auburn initiated seventeen map amendments (CPA17-0001) and nine policy/text amendments (File No. CPA17-0001); and

WHEREAS, a few of the map amendments change the existing Comprehensive Plan land use map designation and zoning classification of properties which are owned by or controlled on behalf of the Muckleshoot Indian Tribe and it has been the City's consistent practice to have designations in place even if they are unused; and

WHEREAS, in June 2017 the City Council adopted Ordinance No. 6655 allowing the Planning Commission and City Council to consider zoning map changes associated with comprehensive map changes (for Comprehensive Plan and Zoning map amendments), concurrently, thereby eliminating the need for a subsequent hearing conducted by the Hearing Examiner on the rezone (zoning map amendment) as under the previous regulations; and

WHEREAS, three of the City-initiated map amendments (CPA17-0001, REZ17-0002, REZ17-0003, & REZ17-0004) and the one private initiated map amendment (CPA17-0002 & REZ17-0001) have an associated rezone (zoning map amendment) to maintain consistency with the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan text/policy amendments and map amendments were processed by the Community Development & Public Works Department as proposed Year 2017 annual amendments to the City of Auburn Comprehensive Plan; and

WHEREAS, maintaining a current Capital Facilities Plan is required of the City in order to meet regulations of the Growth Management Act under RCW 36.70A; and

WHEREAS, the environmental impacts of the proposed Year 2017 Comprehensive Plan amendments and rezones were considered in accordance with procedures of the State Environmental Policy Act (File No. SEP17-0014 (city-initiated

amendments) & SEP17-0012 (Nexus Youth & Families, private-initiated amendment)) and were determined to have no environmental significance; and

WHEREAS, the proposed amendments were transmitted to the Washington State Department of Commerce, Growth Management Services Division and other State agencies for the 60-day review period in accordance with RCW 36.70A.106; and

WHEREAS, after proper notice published in the City's official newspaper at least ten (10) days prior to the date of the hearings, the Auburn Planning Commission on October 18, 2017 and on November 1, 2017, conducted public hearings on the proposed amendments; and

WHEREAS, at the public hearings the Auburn City Planning Commission heard and considered the public testimony and the evidence and exhibits presented to it; and

WHEREAS, the Auburn City Planning Commission thereafter made recommendations to the City Council on the proposed Year 2017 annual Comprehensive Plan map and text amendments and for certain amendments, on the associated rezone; and

WHEREAS, on November 27, 2017, the Auburn City Council reviewed the Planning Commission's recommendations to the City Council; and

WHEREAS, on December 18, 2017, the Auburn City Council considered the proposed Comprehensive Plan amendments and rezones as recommended by the City of Auburn Planning Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1.** Application CPA17-0002 & REZ17-0001, Nexus Youth & Families Comprehensive Plan Map Amendment, requesting a land use designation change from "Single Family Residential" with a "Residential Transition Overlay" to "Light Commercial"; and a rezone (zoning map amendment) from "R-7, Residential" to "C-1, Light Commercial" for three parcels totaling 0.72 acres, identified by parcel numbers: 192105-9142, 192105-9145, and 192105-9077 is approved as set forth in Exhibit "A" attached hereto and incorporated herein by reference. Council adopts both the Planning Commission's November 1, 2017 recommendations, and the findings and conclusions outlined in the October 24, 2017 (private-initiated) staff report, both attached as Exhibit "B".

**Section 2.** The 2017 Comprehensive Plan city-initiated Map Amendments (CPA17-0001) and associated rezones (REZ17-0002, REZ17-0003, & REZ17-0004) are adopted and approved as set forth in Exhibit "C" as attached hereto and incorporated herein by reference. The City Clerk shall file Exhibit "C" along with this Ordinance and keep them available for public inspection.

**Section 3.** The 2017 annual Comprehensive Plan city-initiated Text Amendments (CPA17-0001), as set forth in Exhibit "D" attached hereto and incorporated herein by reference, are adopted and approved. The City Clerk shall file Exhibit "D" along with this Ordinance and keep them available for public inspection. The full text of the Capital Facilities Plan of the City and the four school district's Capital Facilities Plans are adopted with the City's Comprehensive Plan, copies of which shall be on file with the Office of the City Clerk. The City Clerk shall file them along with this Ordinance and keep them available for public inspection. Council adopts the Planning



Commission's action taken on November 1, 2017 recommending approval, and Council further adopts the Findings and Conclusions outlined in the October 3, 2017 (Group #1) and October 19, 2017 (Group #2), staff reports, attached per Exhibit "C".

**Section 4.** The 2017 Comprehensive Plan amendments modify the Comprehensive Plan adopted on August 18, 1986, by Resolution No. 1703; and adopted by Ordinance No. 4788 on September 5, 1995; and adopted December 14, 2015 by Ordinance No. 6584.

**Section 5.** The adopted Comprehensive Plan as amended is designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act by the City's responsible environmental official in accordance with RCW. 43.21C.060.

**Section 6.** New Section to City Code. That a new Section 18.01.050 of the Auburn City Code be and the same hereby is created to read as follows:

18.01.050 How do city zoning and land use regulations relate to Indian Lands?

The City of Auburn recognizes and acknowledges that the Muckleshoot Indian Tribe has jurisdiction and land use control over Indian Lands. The designation of city zoning and land use regulations that might appear to affect any Indian Lands does not, and is not intended to, usurp or exercise land use control over such lands. Any such city regulations are intended to identify what zoning or land-use provisions would apply to such lands were they not under Indian jurisdiction, or were the land to change in ownership or jurisdictional character. Until those circumstances change for such lands, the city regulations shall be for informational purposes only.

**Section 7.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation to include incorporating into one document the adopted Comprehensive Plan map and text

amendments, attached hereto as Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", and Exhibit "E" preparing and publishing the amended Comprehensive Plan.

**Section 8.** The City of Auburn recognizes and acknowledges that the Muckleshoot Indian Tribe has jurisdiction and land use control over Indian Lands. The designation of city zoning and land use regulations that might appear to affect any Indian Lands does not, and is not intended to, usurp or exercise land use control over such lands. Any such city regulations are intended to identify what zoning or land-use provisions would apply to such lands were they not under Indian jurisdiction, or were the land to change in ownership or jurisdictional character.

**Section 9.** 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.

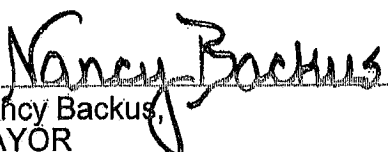
**Section 10.** This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: DEC 18 2017


PASSED: DEC 18 2017

APPROVED: DEC 18 2017

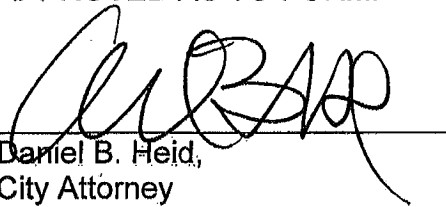
CITY OF AUBURN

  
\_\_\_\_\_  
Nancy Backus,  
MAYOR

ATTEST:

  
Danielle E. Daskam,  
City Clerk

APPROVED AS TO FORM:

  
Daniel B. Heid,  
City Attorney

Published: 12/21/2017 in the Seattle Times

## **Exhibit "A"**

Colored Map as an excerpt of the City's Comprehensive Plan Map showing a change from "Single Family Residential" with a "Residential Transition Overlay" to "Light Commercial"; for three parcels totaling 0.72 acres, identified by parcel numbers: 192105-9142, 192105-9145, and 192105-9077 for Nexus Youth & Families. (CPA17-0002)

Colored Map as an excerpt of the City's Zoning Map showing a change from "R-7, Residential" to "C-1, Light Commercial" for three parcels totaling 0.72 acres, identified by parcel numbers: 192105-9142, 192105-9145, and 192105-9077 for Nexus Youth & Families. (REZ17-0001)

(Please see "Comp. Plan Map Amendments CPA17-0002" tab - Attachment 1).

## NOTICE OF APPLICATION & HEARING

### City-Initiated Rezones in Response to Annual Comprehensive Plan Amendments

This notice is to inform you that the City of Auburn has received the following application that may be of interest to you. The application may be reviewed at the City of Auburn Department of Planning and Development, 1 East Main Street, 2<sup>nd</sup> floor, Auburn, WA, 98001.

**Nature of Project or Request:** City-initiated rezoning of five parcels in two locations to implement recent Comprehensive Plan map amendments; The first group is 4 privately-owned, previously developed parcels changing from "DUC, Downtown Urban Center" to "M1, Light Industrial" to recognize and be more compatible with developed status of the properties. The other location is a 2.23-acre city-owned park parcel changing from "R-20, Residential Zone 20 Units to the Acre" to "I, Institutional" in response to recent City ownership as a developed park.

**Location:** Five parcels in two locations consisting of: four contiguous parcels located east of C ST NW between W Main ST and 3rd ST NW, with the following addresses & parcel numbers: 5401600175/232 C ST NW; 5401600200/(No address); 5401600235/301 2nd ST NW; 5401600260/(No address) & a parcel located south of SE 310th ST, approx. 820 feet west of 124th Ave SE with the following parcel No. 0921059073 (no address).

**Application Date:** December 18, 2017

**Date of Notice of Completeness:** January 16, 2017

**Date of Notice of Application:** January 23, 2018

**File No:** REZ18-0001

**Applicant:** City of Auburn, Planning & Development Dept.  
In addition to the rezone application, on September 19, 2017 the City issued a Determination of Non-Significance (DNS) SEP17-0014.

**Other Permits/Approvals Required:** No other permits are required prior to the decision on the rezone application; however, subsequent redevelopment, if proposed will be required to obtain all necessary permits or approvals that may include lot line adjustments, grading, facility extensions and building permits.

**Additional Studies Provided with the Application:** None

**Public Comment Period:** You are invited to comment, request a copy of the decision, when available, and be made aware of any appeal rights. Comments must be received in writing by the Auburn Department of Planning and Development at the mailing address: 25 West Main, Auburn, WA 98001-4998 and located at: 1 East Main Street, Auburn WA 98001 before 5:00 p.m. on February 2, 2018 (10 days) or presented at the public hearing.



**Public Hearings:** A Planning Commission public hearing is required for the rezone application and is scheduled for 7:00 PM on February 6, 2018 in the Council Chambers at 25 West Main Street, Auburn WA 98001.

**Statement of Consistency and List of Applicable Development Regulations:** This proposal is subject to and shall be consistent with the City of Auburn Comprehensive Plan, Zoning Code, Surface and Stormwater Management Ordinance, Street & Utility Standards, International Building & Fire Codes.

If you have further comments or questions related to this application, you may contact Jeff Dixon, Principal Planner at (253) 804-5033 or [jdixon@auburnwa.gov](mailto:jdixon@auburnwa.gov) If you call or write, please reference File No. REZ18-0001.

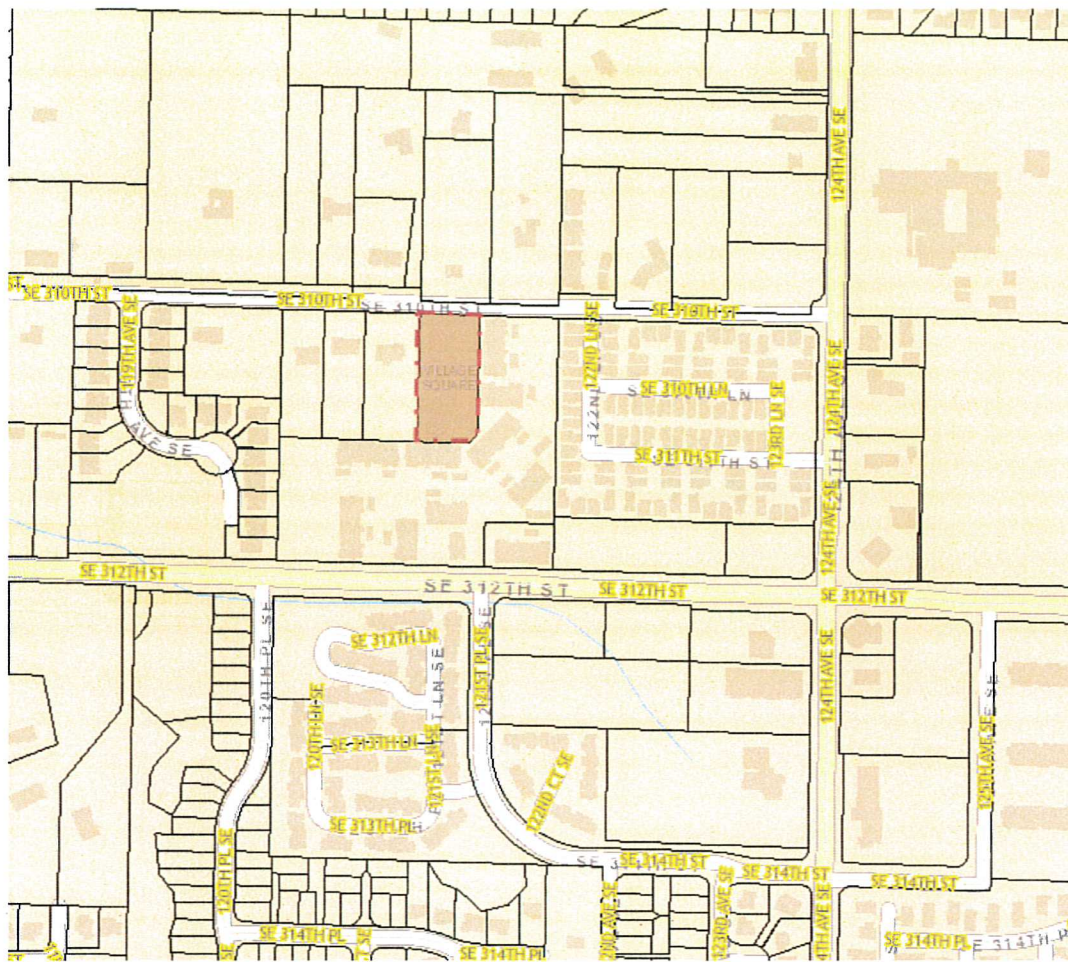
*For citizens with speech, sight or hearing disabilities wishing to review documents pertaining to this hearing, should contact the City of Auburn within 10 calendar days prior to the meeting, as to the type of service or equipment needed. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.*

### Vicinity Map



^ North

### Vicinity Map



^ North



**AFFIDAVIT OF POSTING  
OF LEGAL NOTICE  
BY STAFF**

**Application No.:** REZ18-0001

**Nature of Project or Request:** City-initiated rezoning of five parcels in two locations to implement recent Comprehensive Plan map amendments; The first group is 4 privately-owned, previously developed parcels changing from "DUC, Downtown Urban Center" to "M1, Light Industrial" to recognize and be more compatible with developed status of the properties. The other location is a 2.23-acre city-owned park parcel changing from "R-20, Residential Zone 20 Units to the Acre" to "I, Institutional" in response to recent City ownership as a developed park.

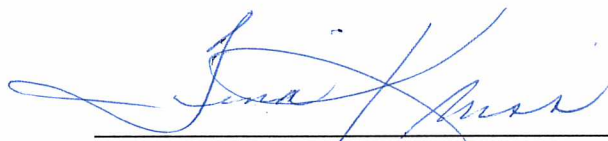
**Location:** Five parcels in two locations consisting of: four contiguous parcels located east of C ST NW between W Main ST and 3rd ST NW, with the following addresses & parcel numbers: 5401600175/232 C ST NW; 5401600200/(No address); 5401600235/301 2nd ST NW; 5401600260/(No address) & a parcel located south of SE 310th ST, approx. 820 feet west of 124th Ave SE with the following parcel No. 0921059073 (no address).

**Applicant:** City of Auburn, Planning & Development Dept.

**Date of Public Hearing:** February 6, 2018

I certify that on or before January 23, 2018 I did affix a Notice of Public Hearing for the above referenced application, as required by Auburn City Code 18.68.040, notice in three general public locations. This notice was posted at least 10 days prior to the date of public hearing noted above.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

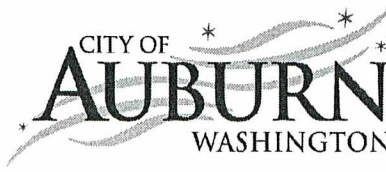


Tina Kriss – Planning Administrative Assistant

1/23/18

Date





## AFFIDAVIT OF MAILING OF LEGAL PUBLIC HEARING NOTICE

**Application No.:** REZ18-0001

**Nature of Project or Request:** City-initiated rezoning of five parcels in two locations to implement recent Comprehensive Plan map amendments; The first group is 4 privately-owned, previously developed parcels changing from "DUC, Downtown Urban Center" to "M1, Light Industrial" to recognize and be more compatible with developed status of the properties. The other location is a 2.23-acre city-owned park parcel changing from "R-20, Residential Zone 20 Units to the Acre" to "I, Institutional" in response to recent City ownership as a developed park.

**Location:** Five parcels in two locations consisting of: four contiguous parcels located east of C ST NW between W Main ST and 3rd ST NW, with the following addresses & parcel numbers: 5401600175/232 C ST NW; 5401600200/(No address); 5401600235/301 2nd ST NW; 5401600260/(No address) & a parcel located south of SE 310th ST, approx. 820 feet west of 124th Ave SE with the following parcel No. 0921059073 (no address).

**Applicant:** City of Auburn, Planning & Development Dept.

**Date of Public Hearing:** February 6, 2018

I certify that on or before January 23, 2018 I did send a Notice of Public Hearing for the above referenced application, as required by Auburn City Code 18.66.130, to all property owners located within 300 feet of the affected site. Said Notice was mailed pre-paid stamped through the United States Postal Service at least 10 days prior to the public hearing date noted above.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

A handwritten signature in blue ink, appearing to read "Tina Kriss", is written over a horizontal line.

Tina Kriss – Planning Administrative Assistant

## REQUEST TO PUBLISH

ATTN: Legal Notice Account Representative

Please publish in the Seattle Times on **Tuesday, January 23, 2018**. Send the bill for the cost of publishing and Affidavit of Publication to:

City of Auburn  
City Clerk's Dept  
25 West Main  
Auburn, WA 98001-4998

**Please publish below line only.**

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### CITY OF AUBURN NOTICE OF PLANNING COMMISSION HEARING

**PUBLIC HEARING: Planning Commission, February 6, 2018 at 7:00 pm COUNCIL CHAMBERS, CITY HALL**  
**APPLICATION NUMBER & NAME:** REZ18-0001 / City-initiated Rezones to implement recent Comprehensive Plan Amendments

**PROPONENT:** City of Auburn Comm. Development & Public Works Dept.

**PROPERTY LOCATION:** Five parcels in two locations consisting of: four contiguous parcels located east of C ST NW between W Main ST and 3rd ST NW, with the following addresses & parcel numbers: 5401600175/232 C ST NW; 5401600200/(No address); 5401600235/301 2nd ST NW; 5401600260/(No address) & a parcel located south of SE 310th ST, 820 feet west of 124th Ave SE with the following parcel No. 0921059073 (no address).

**DESCRIPTION OF PROPOSAL:** City-initiated rezoning of five parcels in two locations to implement recent Comprehensive Plan map amendments; The first group is 4 privately-owned, previously developed parcels changing from "DUC, Downtown Urban Center" to "M1, Light Industrial" to recognize and be more compatible with developed status of the properties. The other location is a 2.23-acre city-owned park parcel changing from "R-20, Residential Zone 20 Units to the Acre" to "I, Institutional" in response to recent City ownership as a developed park.

**PUBLIC COMMENT:** All persons may comment on this application either in writing to the address below by February 2, 2018, or by submitting written or oral testimony during the public hearing. Written comments may be submitted to the mailing address: 25 West Main, Auburn, WA 98001-4998 and located at: 1 East Main Street, Auburn WA 98001. Any person wishing to become a party of record shall include in their comments that they wish to receive a copy of decisions and be made aware of appeal rights.

For questions related to this application, contact Jeff Dixon, Planning Svcs Mgr. at (253) 804-5033 or [jdixon@auburnwa.gov](mailto:jdixon@auburnwa.gov) If you call or write, please reference File No. REZ18-0001.

*For citizens with speech, sight or hearing disabilities wishing to review documents pertaining to this hearing, should contact the City of Auburn within 10 calendar days prior to the meeting, as to the type of service or equipment needed. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.*



## AGENDA BILL APPROVAL FORM

---

**Agenda Subject:**

Election of Officers

**Date:**

January 29, 2018

**Department:**

Community Development &  
Public Works

**Attachments:**

[Memorandum](#)

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:**

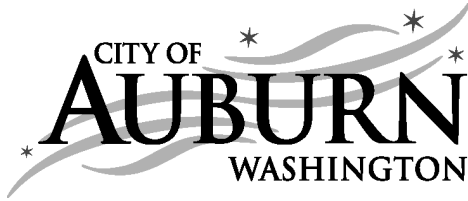
Planning Commission to elect the Chair and the Vice-Chair of the 2018 Planning Commission.

**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Tate

**Meeting Date:** February 6, 2018

Item Number:



## MEMORANDUM

**TO:** Judi Roland, Chair, Planning Commission  
Vice-Chair / Vacant  
Planning Commission Members

**FROM:** Jeff Tate, Assistant Director of Community Development

**DATE:** January 25, 2018

**RE:** February 6, 2018 Planning Commission Agenda

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### **Distribution of Rules and Procedures**

The Planning Commission's Rules of Procedures were last amended on May 2, 2017. Review existing procedures. Periodically, the Planning Commission revisits the Rules and Procedures as a content reminder and also to consider any modifications.

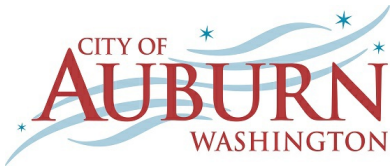
### **Election of Officers for 2018 – Section III**

Pursuant to the Planning Commission's adopted Rules of Procedures (provided as Attachment A), subsection III.2 states that the Planning Commission shall elect officers at the first regular meeting of each calendar year. Before the close of the February 6<sup>th</sup> meeting, officers must be elected for 2018. The results of the election will take effect at the following meeting so that new appointments are prepared to serve in their new capacity.

### **Modifications to Rules and Procedures**

Staff Recommendation:

Consider adding language to Section VII that further defines the importance of regular attendance and that creates an allowance of a member to request a leave of absence.



## AGENDA BILL APPROVAL FORM

---

**Agenda Subject:**

Modification of Rules and Procedures

**Date:**

January 29, 2018

**Department:**

Community Development &  
Public Works

**Attachments:**

[May 2, 2017 adopted Rules and Procedures](#)

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:**

Planning Commission review the May 2, 2017 adopted Planning Commission rules and procedures for any changes or additions.

**Background Summary:**

Please see the memorandum submitted for item.

**Reviewed by Council Committees:****Councilmember:****Staff:**

Tate

**Meeting Date:** February 6, 2018

Item Number:

# CITY OF AUBURN

## PLANNING COMMISSION

## RULES OF PROCEDURE

ADOPTED NOVEMBER, 1983  
REVISED NOVEMBER, 1988  
UPDATED APRIL, 2000  
REVISED FEBRUARY, 2007  
REVISED APRIL 2, 2013  
REVISED MARCH 8, 2016  
**REVISED May 2, 2017**

## PLANNING COMMISSION - RULES OF PROCEDURE

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## **CITY OF AUBURN PLANNING COMMISSION**

### **RULES OF PROCEDURE**

*We, the members of the Planning Commission of the City of Auburn, do hereby adopt, publish, and declare the following Rules of Procedure:*

#### **I. NAME:**

The official name of the City of Auburn advisory planning agency shall be "The City of Auburn Planning Commission." The membership and terms of office of the members of the Planning Commission shall be as provided in Chapter 2.45 of the Auburn City Code (ACC).

#### **II. MEETINGS:**

1. All meetings will be held at the Auburn City Hall, Auburn, Washington, unless otherwise directed by the Secretary or Chair of the Planning Commission.
2. Regular meetings shall be held on the Tuesday following the first Monday of each month, and shall be open to the public. The meeting shall convene at 7:00 P.M. unless otherwise directed by the Secretary or the Chair.
3. If the first Monday of the month is a legal holiday, the regular meeting shall be held on the following Wednesday. If a regular meeting day (Tuesday) falls on a legal holiday or on the November General Election, the Commission will convene on the following Wednesday.
4. Special meetings of the Planning Commission shall be at the call of the Chair. Special meetings of the Planning Commission may also be called by any three members of the Commission. A minimum notice of 24 hours shall be provided for special meetings in accordance with State law.
5. If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be canceled at the notice of the Secretary or Chair provided at least 24 hours in advance.
6. Except as modified by these rules of procedure, Robert's Rules of Order, Newly Revised, most current version, shall govern the conduct of the meetings.



7. Meetings of the Planning Commission shall be conducted in conformity with the requirements of the Washington State Open Public Meetings Act, Chapter 42.30 of the Revised Code of Washington (RCW). Executive sessions can only be held in accordance with the provisions of Section 42.30.110 RCW.
8. The Planning Commission may conduct business in closed session as allowed in conformity with Section 42.30.140 RCW.
9. An agenda shall be prepared in advance of every regular and special meeting of the Planning Commission. Meeting agendas and materials on items on an agenda for a regular meeting shall be provided to members of the Planning Commission not less than five (5) days in advance of the regular meeting. Meeting agendas and materials on items on an agenda for a special meeting shall be provided to members of the Planning Commission as promptly in advance of the meeting as can reasonably be accomplished.

### **III. ELECTION OF OFFICERS:**

1. The officers of the Commission shall consist of a Chair and Vice Chair elected from the appointed members of the Commission and such other officers as the Commission may, by the majority vote, approve and appoint.
2. The election of officers shall take place once each year at the Commission's first regular meeting of each calendar year, or as soon thereafter as possible. The term of office of each officer shall run until the subsequent election.
3. If the Chair or Vice-Chair vacates their position mid term, the Planning Commission will re-elect officers at their next scheduled meeting and as their first order of business. If it is the Chair position that has been vacated, the Vice-Chair will administer the election proceedings.

### **IV. CHAIR:**

1. The Chair shall preside over the meetings of the Commission and may exercise all the powers usually incident of the office. The Chair shall be considered as a member of the Commission and have the full right to have his/her own vote recorded in all deliberations of the Commission. Unless stated otherwise, the Chair's vote shall be considered to be affirmative for the motion.

2. The Chair shall have power to create temporary committees of one or more members. Standing committees of the Commission shall be created at the direction of the Commission and appointed by the Chair. Standing or temporary committees may be charged with such duties, examinations, investigations and inquiries relative to one or more subjects of interest to the Commission. No standing or temporary committee shall have the power to commit the Commission to the endorsement of any plan or program without the approval at the regular or special meeting of the Commission.
3. The Vice Chair shall in the absence of the Chair, perform all the duties incumbent upon the Chair.
4. In the event of the absence of the Chair and Vice Chair, the senior member of the Commission present shall act as Chair for that meeting or may delegate the responsibility to another member.

#### **V. SECRETARY:**

The Planning and Development Director ("Director"), or his/her appointee, shall act as the Secretary for the Planning Commission and shall keep a record of all meetings of the Commission and its committees. These records shall be retained at the Planning and Development Department.

All public hearings shall be electronically recorded verbatim and may be transcribed upon request of the Director, City Attorney, the majority of the Commission, or City Council. Transcriptions may be requested by other parties, in which case, the costs of transcription shall be borne by the requesting party.

#### **VI. QUORUM:**

A simple majority of the appointed members shall constitute a quorum for the transaction of business. A simple majority vote of the quorum present shall be sufficient to take action on the matters before the Commission; provided that if at any time during the meeting, a quorum is no longer present, the meeting may only continue for the time and duration necessary to fix a time for adjournment, adjourn, recess or take measures to obtain a quorum.

#### **VII. ABSENCE OF MEMBERS:**

Participation in Planning Commission responsibilities is essential; not only so that a quorum can be established, but to also ensure that discussions and decision making are as representative of the community as possible. Recurring absence also diminishes a members ability to vote on matters discussed during prior meetings. It is therefore important for all appointed members to participate to the maximum extent possible. If a member is unable to participate on a regular basis, it may be appropriate for a member to

be replaced. This section of the rules is intended to provide standards that ensure that the regular absence of one member does not become disruptive to, or impede the work of, the full Commission.

In the event of a member being absent for two (2) consecutive regular meetings, or being absent from 25% of the regular meetings during any calendar year, without being excused by the Chair, the Chair may request that the Mayor ask for his or her resignation. To be excused, members must inform the planning commission's secretary in advance if they cannot attend a scheduled meeting.

A member may request a leave of absence which must be submitted to the planning commission's secretary who will then provide it to the Chair for consideration. The Chair shall have sole discretion to approve or deny the request. A leave of absence is limited to 4 consecutive regular meetings (as described in Section II of these rules).

#### **VIII. ACTIONS DEFINED:**

The rules of the Commission impose different requirements according to the type of action before the Commission.

1. Legislative actions are those which affect broad classes of people of the whole City. These actions include adopting, amending, or revising comprehensive, community, or neighborhood plans, or other land use planning documents or the adoption of area wide zoning ordinances or the adoption of a zoning ordinance amendment that is area wide in significance.
2. Quasi-judicial actions of the Planning Commission are those actions which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions include actions that would otherwise be administrative or legislative if applied more widely or city-wide, rather than affecting one or a small number of persons or properties. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of general or area-wide significance.
3. Organizational actions are those actions related to the organization and operation of the Commission. Such actions include adoption of rules, directions to staff, approval of reports, election of officers, etc.

## **IX. AGENDA:**

An agenda shall be prepared for each meeting consisting of the following order of business:

1. CALL TO ORDER
  - a) Roll Call/Establishment of Quorum
  - b) Pledge of Allegiance
2. Approval of Minutes
3. Public Comment
4. Public Hearings
5. Other Business Items as Appropriate
6. Community Development Report
7. Adjournment

Additional items may be added to the agenda by the Planning Commission. The Chair shall have the discretion to amend the order of business.

## **X. PUBLIC HEARINGS:**

The procedure for conducting all public hearings will be as follows:

1. Chair opens the public hearing and establishes whether the proponent, if applicable, is in attendance.
2. Staff Report.
3. Testimony of Proponent, if applicable. Persons addressing the Commission, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign in sheet available at the Secretary's desk. All remarks will be addressed to the Commission as a whole. The Secretary shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions of persons addressing the Council when warranted, in the discretion of the Presiding Officer.
4. Chair calls for other testimony, either for or against. Testimony must be called for three times. The Chair shall have the discretion to set time limits on individual public testimony.
5. Questions of staff or persons presenting testimony. Questions by Planning Commissioners that are intended for persons who have provided testimony shall be directed through the Chair. Questions to persons who have provided testimony shall be relevant to the testimony that was provided.
6. Chair closes public hearing.

7. A public hearing may be reopened by motion to accept additional testimony.
8. Deliberation.
9. Voting:
  - A. Any member, including the Chair, not voting or not voting in an audible voice shall be recorded as voting in favor of the motion.
  - B. The Chair, Secretary, or upon request from a Commission member, may take a roll call vote.
  - C. It is the responsibility of each member of the Planning Commission to vote when requested on a matter before the full Commission. However, a member may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.
  - D. If any member of the Planning Commission wishes to abstain, or has disclosed a conflict of interest and must abstain from a vote on the motion, that member shall so advise the Chair and, if there is no objection to the abstention, shall physically remove and absent himself/herself from the meeting/hearing, all deliberations, and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the member perceives a need to abstain, provided that, prior to the time that a member gives advice of an intent to abstain from an issue, the member shall confer with the City Attorney to determine if the basis for the member's intended abstention conforms to the requirements hereof. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the Planning Commission. If that cannot be done, the member should advise the Chair that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the member for that purpose before proceeding further.
  - E. If a tie vote exists, after recording the Chair's vote, the motion fails. However, a motion for denial that fails on a tie vote shall not be considered an approval.

9. Continuing an Item:

If the Commission wishes to continue a public hearing item, the Chair should open the public hearing, solicit testimony, and request a motion from the Commission to continue the public hearing item to a time, place, and date certain. If any matter is tabled or postponed without establishing a date, time, and place certain, the matter shall be scheduled for a hearing pursuant to Auburn City Code (ACC) Section 18.68.040 before the matter may be considered again.

10. Findings of Fact:

The Commission should adopt findings of fact and conclusions for actions taken involving public hearing items. The findings and conclusions may be approved by any one of the following methods:

- A. The Commission may adopt in whole, in part, or with amendments, the written findings prepared by staff. Motions to approve the staff recommendations shall be deemed to incorporate such findings and conclusions unless otherwise indicated. Such findings and conclusions do not have to be read in order to be deemed a part of the record.
- B. The motion to take action may adopt oral finding statements made by Commission members or staff during the hearing or deliberation.
- C. The motion to take an action may direct that additional written findings and conclusions be developed based on the hearing and deliberation of the Commission.
- D. Findings and conclusions may be approved or amended at any time by the Planning Commission, but all such actions shall be based on the record of the matter at hand.

11. Order of Hearings:

Normally the order of hearings shall be as published in the agenda. However, the Chair in order to avoid unnecessary inconvenience to people wishing to testify, or the late arrival of a proponent, may change the order as may be necessary to facilitate the meeting. If the proponent does not appear at the public hearing, the Planning Commission may continue the public hearing until the next meeting in order to ensure adequate consideration of the proposal. However, in such case the Chair shall take whatever testimony that may be given before accepting a motion to continue pursuant to Section (8).



## **XI. CONDUCT:**

1. These rules are intended to promote an orderly system of holding a public meeting and hearing, to give persons an opportunity to be heard and to ensure that individuals are not embarrassed by exercising their right of free speech.
2. Any person making personal, impertinent or slanderous remarks while addressing the Commission shall be barred from further audience participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Commission.
3. No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting.
4. Demonstrations, applause, other disruptive behavior, or other audience participation during or at the conclusion of anyone's presentation are prohibited. It is distracting to the Commission, the audience, and persons testifying.

## **XII. CONFLICT OF INTEREST:**

1. Any member of the Commission who in his or her opinion has an interest in any matter before the Commission that would tend to prejudice his or her actions shall publicly indicate, step down and leave the meeting room until the matter is disposed. A member need only be excused from legislative or organizational action if the potential conflict of interest is direct and substantial.
  - A. No member of the Planning Commission may use his or her position to secure special privileges or exemptions for himself, herself, or others.
  - B. No member of the Planning Commission may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
  - C. No member of the Planning Commission may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.

- D. No member of the Planning Commission may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.
- E. No member of the Planning Commission may take any action that is prohibited by Chapter 42.23 RCW or any other statutes identifying conflicts of interest.

2. Appearance of Fairness:

Commission members shall strive to follow, in good faith, the Appearance of Fairness Doctrine as established under Washington State Law as it applies to quasi-judicial decisions (RCW 42.36) even for legislative actions before the Commission. The doctrine includes but is not limited to the following:

- A. Members shall avoid communicating in respect to any proposal with any interested parties, other than staff, outside of public hearings. Written communication from an interested party to a member may be permitted provided that such communication is made part of the record.
- B. Members shall avoid drawing conclusions regarding decisions until after the public hearing is closed.
- C. Members shall avoid participating in decisions which affect their or any family member's property, personal or business interest, or organization.
- D. Members shall avoid participating in decisions in which a preconceived bias or conclusion has been formed in the mind of the member prior to the hearing.
- E. If any concern relating to Items 1 through 4 should arise, the affected member shall declare at the start of the public hearing on the matter, the extent of such concern and whether the member's decision has been influenced. If the member has been influenced, or if the extent of the concern is significant, the member shall be excused by the Chair from the meeting room and his vote recorded as an abstention.

If, under these rules, a quorum would be excused from the meeting, the Chair in order to establish a quorum, shall under the rule of necessity, permit sufficient members (beginning with those who are least affected by these rules) to participate in the decision.

No member may participate in any decision if the member had not reviewed the staff reports and testimony presented at the hearing on the matter. Such member may, however, listen to the recording of the hearing in order to satisfy this requirement.

These rules are intended to be consistent with RCW 42.36. In the case of any conflict, RCW 42.36 or applicable case law shall govern.

### **XIII. AMENDMENT:**

The Rules of Procedure may be amended at any regular meeting of the Commission by a majority vote of the entire membership. The proposed amendment should be presented in writing at a preceding regular meeting.