

**Planning Commission Meeting  
June 5, 2018 - 7:00 PM  
City Hall Council Chambers  
AGENDA**

**I. CALL TO ORDER**

- A. ROLL CALL/ESTABLISHMENT OF QUORUM**
- B. PLEDGE OF ALLEGIANCE**

**II. APPROVAL OF MINUTES**

- A. April 3, 2018 Minutes from the Planning Commission Regular Meeting

**III. PUBLIC COMMENT**

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

**IV. OTHER BUSINESS**

- A. Initial Discussion of New Definition for Nexus Youth & Families**

Staff to propose a new definition meeting the needs of the current and future development of the Nexus campus near Les Gove.

- B. Planning Commission Rules of Procedure**

The Planning Commission will continue to review and discuss the Planning Commission Rules of Procedure.

**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.



**April 3, 2018**  
**MINUTES**

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**I. CALL TO ORDER**

Chair Judi Roland 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, WA.

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

Planning Commission Members present were: Chair Judi Roland, Commissioner Mason, Vice-Chair Lee, Commissioner Stephens, Commissioner Shin, and Commissioner Moutzouris. Commissioner Shin was excused. Chair Roland announced that Commissioner Smith has resigned from the Planning Commission. Chair Roland expressed her appreciation for the years of service former Commissioner Smith provided the Planning Commission and the citizens of Auburn.

Staff present included: City Attorney Dan Heid, Interim Community Development Director Jeff Tate, Planning Services Manager Jeff Dixon, Development Services Manager Jason Krum and Planning Administrative Assistant Tina Kriss.

Members of the public present: Eleven students from the Auburn Riverside High School Civics Class.

**b.) PLEDGE OF ALLEGEANCE**

**II. APPROVAL OF MINUTES**

**A. February 6, 2018**

Commissioner Lee moved and Commissioner Mason seconded to approve the minutes from the February 6, 2018 meeting as written.

MOTION CARRIED UNANIMOUSLY. 5-0

**III. PUBLIC COMMENT**

There was no public present for comments.

**IV. PUBLIC HEARING**

No items were brought forward for public hearing.

**V. OTHER BUSINESS**

**A. Community Development Division presentation from City's Civics Academy**

Interim Director Tate explained that in 2016 the City of Auburn started the Civics Academy to provide interested community members a class on civic engagement to learn how Auburn city government runs. As part of the class, staff from various city departments take turns providing a presentation and answering questions from participants who apply for the class which is held at City Hall.

Interim Director Tate, Planning Services Manager Dixon, and Development Services Manager Krum provided an abbreviated presentation that is provided to the academy participants to provide information specifically on the subject of the Community Development Department.

## **B. Planning Commission Rules of Procedure**

Interim Director Tate explained that at the last regular Planning Commission meeting of February 6<sup>th</sup>, the Commission took action on an amendment to the Commission's 'Rules of Procedure', adding text to Section VII. ABSENCE OF MEMBERS, Paragraph 1, Pages 5 and 6. Also considered was a second action to not accept another paragraph that was an addition recommended by staff. The 'Rules of Procedure' distributed in tonight's packet reflects the added text under Section VII. ABSENCE OF MEMBERS as acted upon that meeting (dated February 6, 2018).

Interim Director Tate explained that in addition to the February 6<sup>th</sup> revisions, the Commission asked City Attorney Heid to return to discuss audience participation within the 'Rules of Procedure', this discussion may result in further revisions to the document.

City Attorney Heid distributed case law information to the Planning Commission along with a newly drafted 'Rules of Procedure' document containing staff proposed draft language as an option to consider to address sections discussed at the last meeting. The new draft was dated May 8, 2018.

One topic the Commission had expressed concerns about was addressing audience disruptions in the meeting, City Attorney Heid explained his concern that in order to address the disruption of a meeting it would be beneficial to compare this to how the court decisions look at rights under the First Amendment regarding public meetings. In the case law information provided to the Commission, *Norse v. City of Santa Cruz*, (US District Court (9<sup>th</sup> Cir.) Court of Appeals) the Court determined that by allowing a public comment opportunity the body is not able to limit the period for public forums unless the subject is legislative in nature. City Attorney Heid explained that there is no legal requirement that the Planning Commission provide an opportunity for public comment for subjects that are not on the agenda for public hearing. In essence, the board cannot invite wide-ranging comments at one point during the meeting and seek to limit comment at another.

Attorney Heid indicated the Ninth Circuit Court of Appeals ruled in favor of a plaintiff allowing the lawsuit because City Council violated his rights to express his free speech, it later ruled that because public comment was allowed, his rights were violated because his public comment was not legislative in nature. By opening the door for wide-ranging public comment, the board recognizes the limitations of control and the United States 9<sup>th</sup> Circuit Court of Appeals clarified within the decision that in order for someone to be disturbing the meeting, it must be something that disrupts the meeting business, not a secondary or momentary noise, something that prevents the body from moving forward in a reasonable fashion. A momentary or secondary distraction, or disruption under the United States 9<sup>th</sup> Circuit Court would not constitute disruption to the business of the meeting.

As an option, City Attorney Heid stated, there is no legal requirement that the Planning Commission provide a public comment period as a listed item on the

agenda. Options to obtain public comment would be to hold a workshop on the item and allow a public comment period. Under this scenario, the setting can be more relaxed and not as formal as a public hearing.

The Current Norse vs. Santa Cruz decision is the current law providing insight into what the courts have ruled. Chair Roland stated that there have been a very limited number of public comments at the Planning Commission meetings on items not listed on the agenda. If the public comment agenda listing was removed from the agenda (for those items not listed for public hearing), the public would not be able to make comments, be offensive, disruptive or problematic. They would not have an opportunity to talk unless it is in connection with the public hearing and the Chair would determine what comments are relevant with respect to the item before the public hearing.

Eliminating the public comment agenda listing provides the control of decorum the Planning Commission would like for the meeting. City Attorney Heid explained that the additional draft Planning Commission 'Rules of Procedure', distributed tonight, contains amendments; most were minor in nature but the substantive changes are summarized below:

- "Public Comment" was removed from IX. AGENDA
- The following new draft language was added to X. PUBLIC HEARINGS, 5.
  - "All testimony and comments by persons addressing the Commission shall be relevant and pertinent to issues before the Commission's public hearing. The Chair shall have the discretion to rule on the relevance of individual public testimony."
- The language "duly seconded and approved by a majority vote" was added to X. PUBLIC HEARINGS, 8.
- The following language was moved from XII. CONFLICTS OF INTEREST, Subsection 2.E. Appearance of Fairness; to X. PUBLIC HEARINGS, Subsection 10. Voting, F.
  - "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."
- The word shall was replaced by "may" under XI. CONDUCT, 3.
- The following underlined draft language was added to XI. CONDUCT, 3.
  - No comments shall be made from any other location "other than the podium, lectern or table set up for people to address the Commission at a public hearing, unless approved in advance by the Chair" and anyone making out of order "irrelevant, distracting or offensive" comments may be subject to removal from the meeting.

The Commission and staff discussed the risk of keeping the public comment agenda listing and using time limits. City Attorney Heid explained that though a time limit is set allowing public comment, the Commission must be assured they are not abridging the First Amendment right of free speech.

City Attorney Heid encouraged the Commission to review the handouts regarding the case law and pointed out that the McQuillin Municipal Law Report discusses the issues that are involved in the other cases.

Staff pointed out and reminded the commission that one other discussion held by the Planning Commission, at the previous meeting, was to relocate the existing provision about a Planning Commissioner listening to the recording to participate in subsequent decision making. Based on that discussion, Subsection 2.E. Appearance of Fairness was moved to X. PUBLIC HEARINGS, Subsection 10. Voting, F.

- “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.”

After discussing the options presented by City Attorney Heid and considering staff's recommendations for the 'Rules of Procedure', the Commission asked staff to further refine the proposed amendments and bring them back to the Commission for review and possible action at the next meeting.

## **VI. COMMUNITY DEVELOPMENT REPORT**

Interim Director Tate reported that two Design Review Applications have been submitted to the City for projects on the two downtown blocks located across the street and south of City Hall. One consists of a 7-story mixed-used building with 161 Senior Housing dwelling units on upper floors and ground floor commercial space facing both West Main Street and the City's Plaza Park. Parking is proposed partially on the ground level and on a level below grade. No building permit applications have been submitted as they are in the Design Review phase.

The other Design Review application is for the block south of The Sunbreak Café. The property includes the entire block under one ownership, the little red house located on the property has been acquired and will be removed for the development. The development will include a 7-story building with 240 dwelling units. The mixed use design will have 1<sup>st</sup> and 2<sup>nd</sup> floor parking. The commercial space will be oriented towards Division Street with two live-work units on the southeast corner.

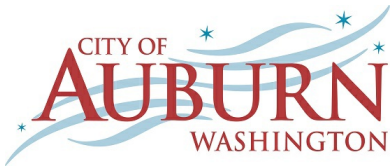
Staff also reported that the Auburn School District is working toward a multi-year plan to redevelop several Auburn schools; two new schools will be built.

FEMA (Federal Emergency Management Agency) is in the process of updating floodplain maps. The Current maps in effect date from 1995 and by early 2019 the city will have new updated maps provided by FEMA.

The next Planning Commission meeting is scheduled for May 8, 2018.

## **VII. ADJOURNMENT**

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:53 p.m.



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Initial Discussion of New Definition for Nexus Youth & Families

**Date:**

May 29, 2018

**Department:**

Community Development &  
Public Works

**Attachments:**

[Memorandum](#)

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:****Background Summary:**

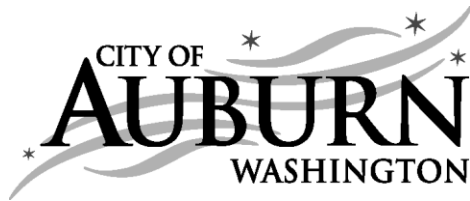
Please see the attached Memorandum.

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

Gouk

**Meeting Date:** June 5, 2018

Item Number:



## MEMORANDUM

**TO:** Judi Roland, Chair, Planning Commission  
Roger Lee, Vice-Chair, Planning Commission  
Planning Commission Members

**FROM:** Thaniel Gouk, Senior Planner, Comm. Development & Public Works Dept.

**DATE:** May 17, 2018

**RE:** Initial Discussion of New Zoning Code Definition for Nexus Youth & Families  
City File No. REZ17-0006

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### ISSUE IDENTIFICATION

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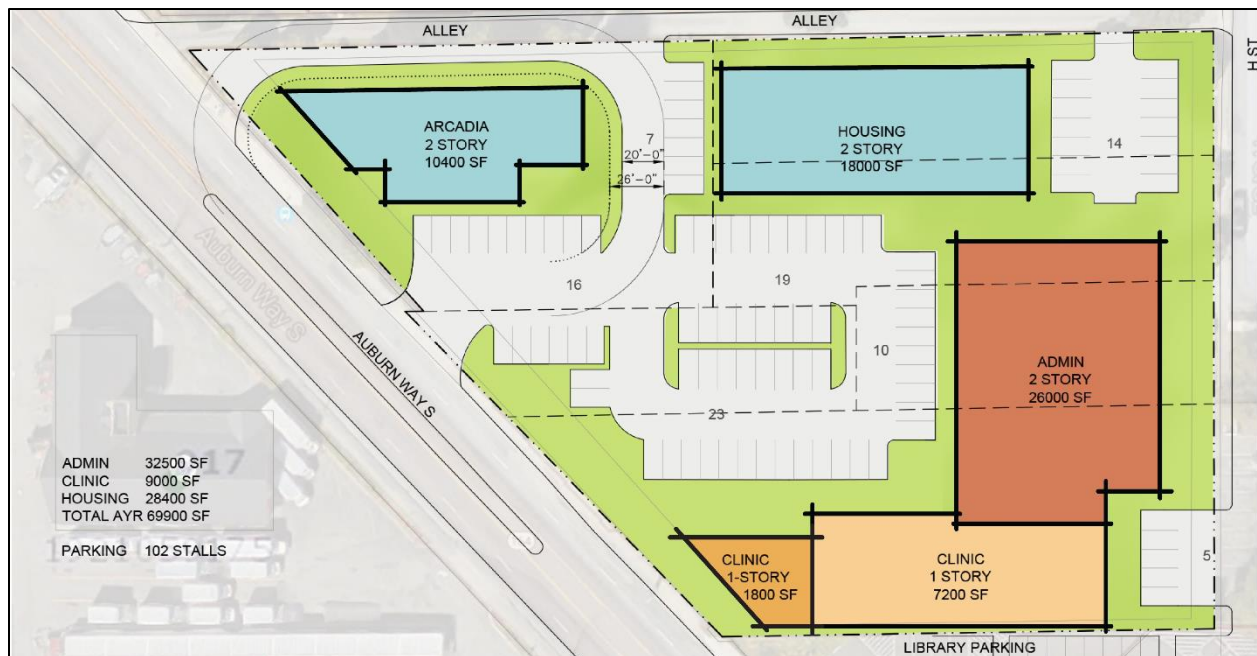
Nexus Youth & Families ("Nexus"), formerly known as Auburn Youth Resources ("AYR"), has applied for a zoning code text amendment to add a definition that would fully encompass their current and future plans for their campus near Les Gove Community Center. Nexus currently is in the process of obtaining permits to rebuild an existing supportive house (called "Arcadia"). Nexus has made the request for a new definition to fully encompass their current and future uses for their campus.

### BACKGROUND / HISTORY

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As the Planning Commission may recall, Nexus applied for and was approved for, an amendment to the Comprehensive Plan Land Use Map Designation (from 'Single Family Residential' to 'Light Commercial') and an associated change in the Zoning Classification (from 'R-7, Residential' to 'C-1, Light Commercial') last year for 3 properties. The Planning Commission held a public hearing on the map change requests on November 1, 2017 and unanimously recommended approval of the requests to the City Council. City Council then approved the requests on December 18, 2017. The entirety of the Nexus campus is now zoned C-1, Light Commercial.

As briefly mentioned in the presentation by Staff at the public hearing, a future zoning code text amendment would be brought forth to the Planning Commission for a new definition that would include all of the services and uses that Nexus will be offering as their campus expands. A conceptual campus plan provided by Nexus with their application is as follows:



## PROPOSED SET OF USES

The specific uses that were provided by Nexus are as follows:

**“Street Outreach.** Street Outreach consists of a 2-person mobile team that covers all cities in South King County (Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Renton, SeaTac, Tukwila) looking for youth and young adults (YYA) ages 12-24 who may benefit from our services. They travel to areas YYA congregate, spread information about available resources, and connect interested individuals to services immediately if possible/requested. They work closely with South King County cities for information sharing and assistance as necessary.”

**“Drop-in.** Drop-in is open to anyone ages 12-24, even if they do not identify as homeless. Services are program-based. Currently, the drop-in center is open 8:00am-10:00am and 7:00pm-9:00pm Monday-Friday. This includes meals, showers, computer use, TV access, games, books, and a safe space to spend time. \* No weekend drop-in\*”

**“Shelter.** Young adults ages 18-24 can access shelter 7 nights/week. Doors open at 10:00pm, and guests have an opportunity to eat, shower, and relax before bedtime. Everyone is woken up at 7:00am and out the door by 7:45am with a light snack. Reserved beds are available for first-timers, or those working with case managers in some cases.”

**“Teen Feed.** Teen Feed is a volunteer-based meal program we host weekly at the Arcadia drop-in center. On Wednesday nights, youth can come to our drop-in center from 6:30pm-8:00pm for a warm meal.”

**“Legal Counsel for Youth & Children.** Hours: 6:00p-8:30p (Every 3<sup>rd</sup> Wednesday of the month) Free legal assistance for youth age 12-24yo.”

**“Bridge Collaborative Community Advocate.** The Bridge Collaborative Community Advocate provides case management for commercially sexually exploited youth or those at risk, ages

12-24. A hotline is staffed 24/7 for referrals, questions, or to assist in determining whether or not a young person you're working with may be at risk for or currently being exploited. This advocate can work in tandem with other programs and case managers. The Bridge Collaborative is comprised of YouthCare, Friends of Youth, NEXUS, and the Organization for Prostitution Survivors (OPS)."

**"Youth and Family Connection Network.** Case management for youth and young adults ages 12-25 (26<sup>th</sup> birthday = cutoff) and their families, with a goal to divert individuals from the homeless system to reunify with a safe support system. Referrals can come from anywhere, and support is provided for the entire family. This case manager can work in tandem with other programs and case managers. The program is run in collaboration with YouthCare and Friends of Youth."

**"Housing Navigation Program.** Staff will provide scheduled and walk-in CEA housing assessments for homeless young adults and ensure they are aware of emergency shelter options. As part of the initial meeting, staff will review information on eligibility for CEA and review what housing resources the young adult may be referred to based on their vulnerability score. To help facilitate walk-in availability, agencies will determine a schedule that will allow participants to receive housing assessments in a timely manner."

**"Best Starts for Kids Homelessness Prevention Program.** Best Starts for Kids (BSK) is an initiative to improve the health and well-being of King County by investing in prevention and early intervention for children, youth, families, and communities. BSK is intended to prevent and divert children and youth and their families from becoming first time homeless. Case Manager will provide the support needed to ensure that unaccompanied youth / young adults (ages 12-24) and families (with a youth birth- 24yo) at imminent risk of homelessness have access to the resources needed to avoid entering the homeless system; and, to remain stably housed over time."

**"Diversion.** Diversion is a flexible fund source to help young adults 18-24yo who are un-housed or unstably housed. Diversion is a tool that quickly addresses a young person's housing crisis by providing short-term, flexible financial assistance to create a long-term solution (stability for 3months). The term "diversion" refers to diverting a youth from entering, or providing immediate exit from, the homeless housing system (e.g. placement in shelter or Coordinated Entry for All placements for transitional living programs, permanent supportive housing, etc.)."

**"Arcadia Transitional Living Program.** 5-three bedroom unit transitional housing program for 18-24 year olds. The program would be supported by a case manager and is intended for clients with fewer barriers to self-sufficiency. Housing units are accessed through CEA. The case manager establishes clear boundaries and positive rapport with formerly homeless youth/young adults enrolled in the program, and assists in setting up case-specific goal plans. Appropriate referrals would be made to assist clients in meeting their goals, which may include travel to the individual units, and transporting clients to services or appointments as needed. This focus on setting and attaining goals will couple with mentorship and modeling appropriate life skills to prepare clients to successfully transition from the program to sustainable housing self-sufficiency."

## EXAMPLES OF OTHER JURISDICTIONS AND PROCESSES

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Nexus also runs similar facilities in other jurisdictions, such as Kirkland, which required a Conditional Use Permit for approval; Kirkland defined the facility as follows:

*“Community Facility. A use which serves the public and is generally of a public service, noncommercial nature, such as food banks, clothing banks, and other nonprofit social service organizations.”*

The City of Bellevue has also been exploring uses to serve at-risk populations, however, at this point their work is still under development.

Staff looked into utilizing a definition similar to the Kirkland option, however, believe it was too broad and left too much open for interpretation. Staff instead focused on the specific uses that Nexus provided, and developed a definition based off of those details. Once the definition was drafted, Staff requested feedback from Nexus, and the definition below was agreed upon. Developing new land use regulations, or a new land use definition in this case, can usually benefit from looking at what other jurisdictions have created (i.e. not recreating the wheel), however in this case, since Nexus offers such an array of specific services, Staff sought to develop the definition from scratch.

## PROPOSAL

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Based on this information and taking into consideration existing City Code definitions, Staff proposes the following definition to address the Nexus request:

*“Community Support Facility” means a building, or a group of buildings within a campus setting, owned and operated by a nonprofit corporation or government entity that provides supportive services to children and young adults (under the age of 26) and families (with a child or young adult under the age of 26), who are homeless, at risk of homelessness, at risk of exploitation, experiencing a disability that presents barriers to employment and housing stability; or generally require structured supportive services to be successful living in the community; by providing counseling and case management, transitional housing (housing for no more than two years), temporary housing (i.e. limited to overnight stay), and daytime drop-in services (e.g. meals, showers, counseling, etc.). Community Support Facilities shall be located within 500 feet of a transit stop; and connected via sidewalks or an approved pedestrian facility. Community Support Facilities are not supportive housing or communal residences.”*

The existing zoning code definitions of “Supportive housing” and “Communal housing” are specifically called-out as not being included in the proposed definition to avoid overlap. There are existing definitions for these uses in the Code, and by using this language in the new definition, they would not be allowed outright, only as part of a “community support facility”. The current definitions for these housing types are:

*“ACC 18.04.891. “Supportive housing” means a multiple-family dwelling owned or sponsored by a nonprofit corporation or government entity, designed for occupancy by individual adults that are either (A) homeless or at risk of homelessness; (B) are experiencing a disability that presents barriers to employment and housing stability; or (C) generally require structured supportive services to be successful living in the community; is permitted at a greater unit*

*density than otherwise allowed within a particular zone; and is intended to provide long-term, rather than transitional, housing. Long-term housing is approximately longer than two years, whereas transitional housing is no more than two years. Supportive housing is not a communal residence.”*

*“ACC 18.04.249. “Communal residence” is a business operated out of a single residential home without an owner occupant residing therein, where the residential home, or portions thereof, is/are rented to more than one individual through separate, unrelated lease or rental agreements. The fact that the individuals rent the residence or a portion thereof through separate, unrelated lease or rental agreements shall be prima facie evidence that the individuals are unrelated and do not meet the definition of “family” per ACC 18.04.360. Adult family homes, foster care homes, group residence facilities, special needs housing, and supportive housing are not communal residences.”*

To implement, the proposed new use/definition would be added to the definitions section and added as a new line in the use table and identified as an outright Permitted Use in the C-1 zone under the “Services” category (**highlighted** line):

**Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone**

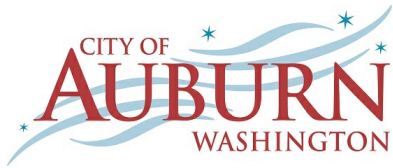
PERMITTED, ADMINISTRATIVE, CONDITIONAL AND <u>PROHIBITED USES</u> BY <u>ZONE</u>									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND <u>USE</u>	Zoning Designation								Standards for Specific Land <u>Uses</u>
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING									
SERVICES									
Animal daycare (excluding kennels and animal boarding)	A	A	A	P	A	P	X	P	ACC 18.57.040(A)
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	P	X	P	ACC 18.57.040(B)
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	P	P	P	
Catering service	P	P	P	P	A	P	A	P	
<u>Community Support Facility</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	P	P	P	P	P	X	
Dry cleaning and laundry service (personal)	P	P	P	P	P	P	P	P	
Equipment rental and leasing	X	X	X	P	X	P	X	P	
Kennel, animal boarding	X	X	X	A	X	A	X	A	ACC 18.57.040(C)
Government facilities; this excludes offices and related uses that are permitted outright	A	A	A	A	A	A	A	A	
Hospital	X	P	P	P	X	P	X	P	
Lodging – Hotel or motel	X	P	P	P	P	A	P	A	
Medical – Dental clinic	P	P	P	P	P	P	X	X	

**Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone**

<b>PERMITTED, ADMINISTRATIVE, CONDITIONAL AND <u>PROHIBITED USES</u> BY <u>ZONE</u></b>									P – Permitted C – Conditional A – Administrative X – Prohibited
<b>LAND <u>USE</u></b>	<b>Zoning Designation</b>								<b>Standards for Specific Land <u>Uses</u></b>
	<b>C-N</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>M-1</b>	<b>EP</b>	<b>M-2</b>	
Mortuary, funeral home, crematorium	A	P	X	P	X	P	X	X	
Personal service shops	P	P	P	P	P	P	X	X	
Pharmacies	P	P	P	P	P	X	X	X	
Print and copy shop	P	P	P	P	P	P	X	X	
Printing and publishing (of books, newspaper and other printed matter)	X	A	P	P	P	P	P	P	
Professional offices	P	P	P	P	P	P	P	P	
Repair service – Equipment, appliances	X	A	P	P	P	P	X	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	

**NEXT STEPS** \_\_\_\_\_

At the June 5<sup>th</sup> regular meeting, Staff would like to discuss the contents of this memo with the Planning Commission. Based on the discussion, Staff would seek input on whether the definition could be held at a future hearing to be conducted by the Planning Commission.



## AGENDA BILL APPROVAL FORM

Agenda Subject:  
Planning Commission Rules of Procedure

Date:  
May 29, 2018

Department:  
Community Development &  
Public Works

**Attachments:**  
[Draft Planning Commission Rules of Procedures](#)

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

Administrative Recommendation:

Background Summary:

Reviewed by Council Committees:

Councilmember:  
Meeting Date: June 5, 2018

Staff: Tate  
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  
REVISED February 6, 2018  
**REVISED May 8, 2018**

## 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.

#### **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. All testimony and comments by persons addressing the Commission shall be relevant and pertinent to issues before the Commission's public hearing. The Chair shall have the discretion to rule on the relevance of individual public testimony.
56. 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.
67. Chair closes public hearing.
78. A public hearing may be reopened by motion duly seconded and approved by a majority vote to accept additional testimony.

89. Deliberation.

910. 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.

F. 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.

**1011.** 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.

**1112.** 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.

**1213.** 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 meetings and public hearings, 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 at a public hearing shall may 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 other than the podium, lectern or table set up for people to address the Commission at a public hearing, unless approved in advance by the Chair, and anyone making "out of order" irrelevant, distracting or offensive comments shall may 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.