

**Planning Commission Meeting
July 17, 2018 - 7:00 PM
City Hall
AGENDA**

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

- A. June 5, 2018 Minutes from the Planning Commission Regular Meeting**

III. OTHER BUSINESS

- A. Proposed Zoning Code Text Amendment to Add New Land Use Definition**
Continued discussion of a new proposed definition meeting the needs of the current and future development of the Nexus Campus near Les Gove Park.
- B. Introductory Discussion of Items Docketed for Consideration as Comprehensive Plan 2018 Annual Amendments**
Review list of 2018 annual Comprehensive Plan text and map amendments.
- C. Introductory Discussion of Process for Amendment of City's 2009 Shoreline Master Program**
Discussion of schedule for periodic update of Shoreline Management Program.
- D. Planning Commission Rules of Procedure**
Presentation of amended Rules of Procedure adopted June 5, 2018

IV. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

V. 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, other than approvals or amendments to the Planning Commission Rules of Procedure, are not final decisions; they are in the form of recommendations to the city council which must ultimately make the final decision.



June 5, 2018
MINUTES

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.

Staff present included: City Attorney Dan Heid, Planning Services Manager Jeff Dixon, Senior Planner Thaniel Gouk, and Community Development Administrative Assistant Tina Kriss.

Members of the public present: No audience members were present.

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. April 3, 2018

Chair Roland asked the Commission if after reviewing the minutes they had any corrections or additions. The Commission asked that the minutes be corrected to note Commissioner Shin's absence. Staff confirmed that the minutes would be corrected.

Chair Roland asked for a vote to approve the amended minutes. The Commission voted to approve the amended minutes.

MOTION CARRIED UNANIMOUSLY. 6-0

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. Initial Discussion of New Definition for Nexus Youth & Families

In recounting the history, Senior Planner Gouk noted that 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 these 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 to encompass all of the services and uses that Nexus will be offering as their campus expands, staff reported Nexus provided a conceptual campus master plan included in the packet.

Staff explained creating the new definition was the second step in the process after the rezone. Nexus representatives and city staff worked together to develop a new definition that was agreeable to the city staff and Nexus. Staff reviewed the proposed use/definition that would be added to the definition's section of the zoning code and reported that a new line would also be added in the use table to identify this new use as an outright Permitted Use in the C-1 zone under the "Services" category. The new definition also references other land use definitions that are already in the zoning code for coordination. Staff stated that the proposed definition is agreeable and amenable to both the city and Nexus.

The Commission asked what other similar human service type businesses exist in town and if the definition restricts these other businesses within the city. Staff explained that the definition would provide other organizations the equal ability to provide the same or similar services in the C-1 zone based on the proposed definition guidelines and regulations.

Staff explained that the definition was crafted more for Nexus' services, which are oriented to provision of services for youth as the clientele but also not having unintended consequence of opening the door too widely in terms of allowing other types of non-profit or service organizations. These other service organizations due to traffic generation or populations being attracted may not be compatible with a light intensity commercial area, and thus may warrant a more in-depth review through an administrative or conditional use permit to control impacts.

Chair Roland referenced the conceptual campus master plan provided by Nexus and asked if the Arcadia building would no longer be in the same location. Staff explained Arcadia is proposed to be supportive housing to replace the supportive housing that is currently located in the same location. Permits have been submitted to demo the existing building and replace it; city staff are currently reviewing the permit applications.

The Commission noting that the clientele is mainly youth, expressed a concern that proper security be provided by Nexus for the campus. Staff reported that an on-site manager is proposed to be on campus.

The Commission noted that a few years ago the state had proposed a residential use for released prisoners and there was a great deal of community concern and expressed a concern that the definition may open the door to these halfway house uses within the C-1 under the definition. After discussing options, City Attorney Heid provided language that could be added to the definition to avoid this concern as follows:

- This definition does not include facilities providing housing for criminal justice, parole, or probation programs.

The Commission and staff discussed requiring a conditional use permit prior to allowing the use within the C-1 zone. City Attorney Heid expressed his concern in requiring a conditional use permit due to the court case *City of Edmonds, WA v. Oxford House, Inc.* In this instance, the Supreme Court ruled that not allowing the use would violate the Federal Fair Housing Act, as it would be excluding the use where other residential facilities are allowed to occur.

He added, the city is not only dealing with the State Fair Housing Act but also the Federal Fair Housing Act and considering the *City of Edmonds, WA v. Oxford House, Inc.* ruling, the city should be cautious of requiring a conditional use permit. City Attorney Heid stated if the city is interested in considering a conditional use permit they should review the Federal and State Fair Housing Act and the *City of Edmonds, WA v. Oxford House, Inc.* case.

Commissioner Shin stated it looks like the City of Kirkland requires a Conditional Use permit and feels the extra layer of decision-making would be helpful if done lawfully. Chair Roland stated it would be helpful to know how many facilities they are currently operating and how many are planned for the future and in what communities.

The Commission asked staff to provide the following addition information for Planning Commission consideration:

- The City of Edmonds, WA v. Oxford House, Inc. case and ruling
- Proposed security for the Nexus campus
- Statistics on youth homelessness, drug addiction, and mental health issues within the age demographic Nexus would serve
- The number of facilities Nexus operates and planned future facilities

The Commission asked staff to return with more information requested by the Commission.

B. Planning Commission Rules of Procedure

City Attorney Heid explained that the Commission was previously provided a copy of the proposed Rules of Procedure as reviewed by the Commission at their April 3, 2018 meeting. It was distributed at this prior meeting, but not acted upon. He reviewed a few additional corrections that were not captured within the version that was distributed with the packets to the Commission, noted below:

- Page 20 of 25, under AGENDA, 3. "Public Comment" should be stricken.

- The numbering with the removal of “Public Comment” would be reformatted with “Public Hearings” as number 3 and renumbering the remainder of the section.
- Page 21 of 25, 10. Voting, under F. This was moved from Page 25 under “Appearance of Fairness”.

City Attorney Heid pointed out that highlighted text within the version reviewed this evening was to be stricken.

The Commission asked staff to make the following changes:

- Change the wording of number 1. Under XI. CONDUCT to read:
 - These rules are intended to promote an orderly system of holding public meetings and public hearings.
- Change the wording of number 2. Under XI. CONDUCT to read:
 - Any person making personal, impertinent or slanderous remarks or noises while addressing the Commission at the public hearing may be barred from further participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Commission.
- Change the wording of number 3. Under XI. CONDUCT to read:
 - 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 irrelevant, distracting or offensive comments or noises may be subject to removal from the meeting.

After discussion and review the Commission took action on the proposed Rules of Procedure.

Vice Chair Lee moved and Commissioner Stevens seconded the adoption of the proposed Rules of Procedures as edited and proposed.

MOTION APPROVED. 6-0.

VI. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager Dixon reported the Promenade mixed use project has received occupancy for all of the residential buildings except for one building as they finish landscaping and other site features. The commercial building on the SW corner of this site is proposed to be occupied by the YMCA as a day care facility and it is not yet complete as they are finishing up improvements on the inside of the building with completion anticipated for August.

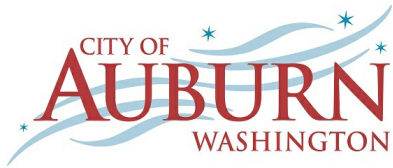
'The Reserve', senior and multi-family housing project, is still in the construction phase and the city is unaware of the targeted completion date of the project.

The Planning Commission asked about the status of the Heritage Building in downtown. Staff reported they were completing some asbestos studies prior to demolition.

After discussing the Planning Commission meeting schedule, the Commission would like to meet July 17, 2017.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:13 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Proposed Zoning Code Text Amendment to Add New Land Use Definition

Date:

July 10, 2018

Department:

Community Development and 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:

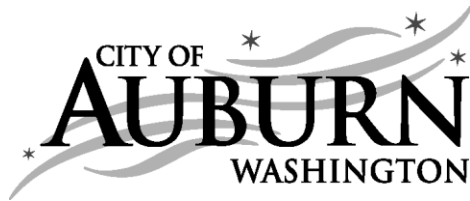
Other: Planning

Councilmember:**Staff:**

Gouk

Meeting Date: July 17, 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: June 25, 2018

RE: Follow-up Discussion of New Zoning Code Definition for requested for Nexus Youth & Families – City File No. REZ17-0006

At the June 5, 2018 Planning Commission meeting the Commission discussed a proposed new definition for “community support facilities”. This new definition was requested by Nexus Youth & Families (“Nexus”), formerly known as Auburn Youth Resources (“AYR”). Nexus requested the change to ensure that their current and planned future land uses are clearly provided for in the C-1, Light Commercial zoning district. The Commission discussed the many elements of the new definition and requested more information from Staff.

The information requested included:

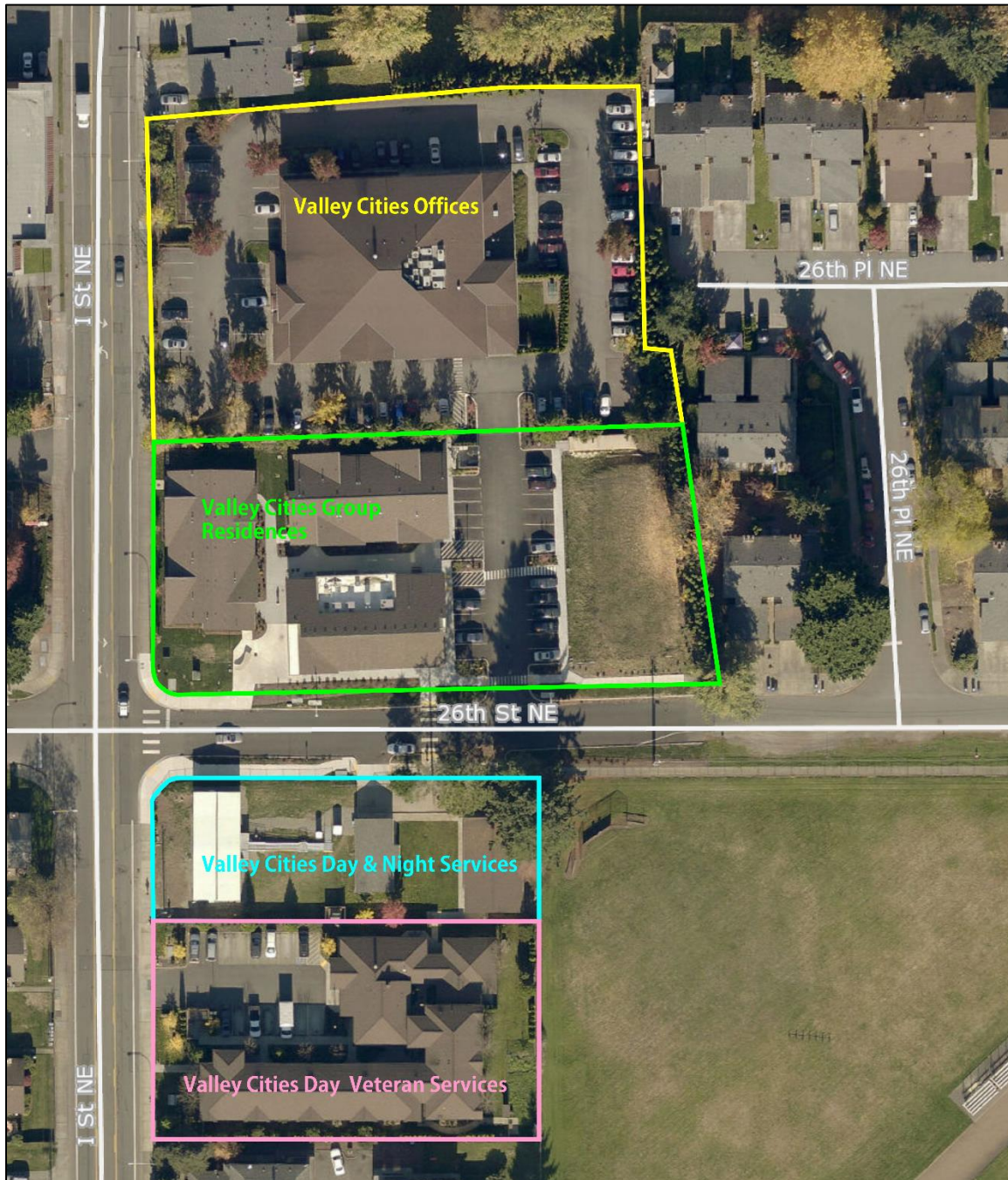
1. Information on provision of security at Nexus Campus
2. Zoning information for Valley Cities Counseling
3. Zoning information for Lakeside-Milam Recovery Center
4. Location of Nexus facilities and future expansions
5. Addition of language to the proposed definition to prohibit parole/probation programs
6. City of Edmonds, WA v. Oxford House case law information – included at the end of this memo
7. Homelessness Statistics – included at the end of this memo

1. Security at Nexus

According to Shelly Pricco, Executive Director with Nexus, there will be a supervisor on-site 24/7 and security cameras and an alarm system will be provided and monitored by Guardian Security.

2. Valley Cities

The Valley Cities operated sites are zoned R-20 (multi-family residential) and were approved with Conditional Use Permits for group residency, professional office and “Supportive housing” under prior version of the zoning code. A Temporary Use Permit has also been issued for Valley Cities day and night services (nighttime shelter, social services, and human services). The City business license records indicate the operations here are classified as professional offices, a physician’s office (HealthPoint) a pharmacy (only for Valley Cities patients), and supportive housing.



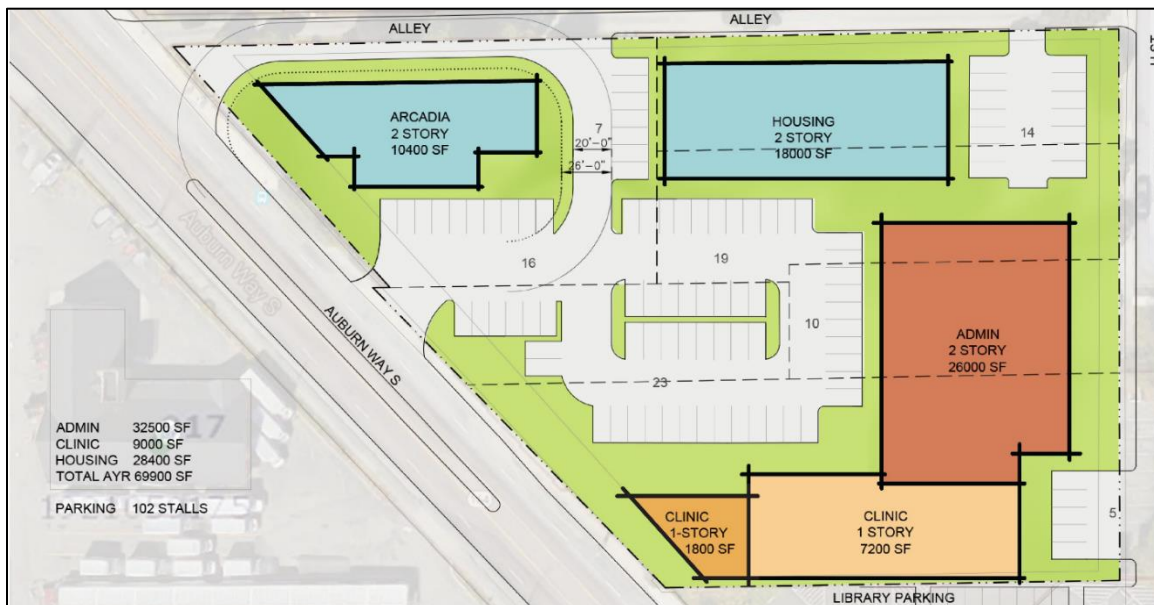
3. Lakeside-Milam

Site is zoned C-3, Heavy Commercial and the use is approved as a professional office.



4. Nexus Facilities

Nexus currently operates the campus in Auburn as well as one in Enumclaw and Maple Valley. According to Shelly Pricco, there are no plans for expansion in Auburn outside of the proposed conceptual campus plan (see image below). The existing uses on the campus include professional offices, community housing services, a temporary shelter, and child/youth services.



5. NEW DEFINITION LANGUAGE MODIFICATION

The Planning Commission discussed and asked for additional language to be added to the proposed definition to prohibit facilities that provide housing for criminal justice, parole, or probation programs. The complete definition along with the **added language** is as follows:

*“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. **This definition does not include facilities providing housing for criminal justice, parole, or probation programs.** Community Support Facilities are not stand-alone “supportive housing” or “communal residences”.*”

The Commission also discussed removing the last sentence “Community Support Facilities are not supportive housing or communal residences” and include in the use matrix. It is Staff’s preference that this sentence be kept as it is consistent with language in other zoning definitions. As these 2 definitions are already listed in the Residential zone use matrix, they should not be included in the Commercial zone use matrix. The word “stand-alone” was added to this sentence to make this more clear.

Two other Zoning Code sections may also be useful to the Commission to clarify this remark.

A use listed in one matrix (e.g. Residential) but not in another (e.g. Commercial) means it would not be allowed in the Commercial zone:

ACC 18.02.120(C)(5)

*Prohibited Uses. If an “X” appears in the box at the intersection of the column and the row, the use is prohibited in that zone. **Similarly, if a use is listed in one zone use table but not another zone use table, it shall be considered prohibited in the zone use table in which it is not listed.** For example, a use listed in the industrial zone use table of Chapter 18.16 ACC, but not listed in the residential zone use table of Chapter 18.07 ACC, shall be considered prohibited in the residential zones listed in Chapter 18.07 ACC even though the land use does not appear with an “X” in the use table.*

If a use is not listed in any of the matrixes, someone can request an interpretation from the Director:

*Unclassified Uses. Upon inquiry by an applicant, **an administrative interpretation shall be made by the planning director or designee to determine if a proposed use not specifically listed in any zone use table is allowed within a specific zone utilizing the criteria in this subsection.** Should an interpretation be made that a proposed, unlisted use not be allowed in a specific zone, the planning director or designee shall indicate which zones, if any, do permit the use.*

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 PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	

INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING (list not included – not applicable to this agenda item)

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES (list not included – not applicable to this agenda item)

RESIDENTIAL

<u>Caretaker apartment</u>	X	P	P	P	X	P	P	P	
Live/work unit	X	X	P	P	P	P	P	X	
Work/live unit	X	P	P	P	P	P	P	X	
<u>Marijuana</u> cooperative	X	X	X	X	X	X	X	X	
<u>Multiple-family dwellings</u> as part of a mixed-use development ²	X	X	P	P	P	P	P	X	ACC <u>18.57.030</u>
<u>Multiple-family dwellings</u> , stand-alone	X	X	X	X	X	X	X	X	
Nursing home, assisted living facility	X	P	P	P	C	X	X	X	
Senior housing ²	X	X	A	A	X	X	X	X	

RETAIL (list not included – not applicable to this agenda item)

SERVICES

Animal daycare (excluding <u>kennels</u> and animal boarding)	A	A	A	P	A	P	X	P	ACC <u>18.57.040(A)</u>
Animal sales and services (excluding <u>kennels</u> and veterinary clinics)	P	P	P	P	P	P	X	P	ACC <u>18.57.040(B)</u>
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, <u>daycare center</u> , <u>preschools</u> or <u>nursery schools</u>	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	

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

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
<u>Kennel</u> , animal boarding	X	X	X	A	X	A	X	A	ACC <u>18.57.040(C)</u>
Government facilities; this excludes offices and related <u>uses</u> that are permitted outright	A	A	A	A	A	A	A	A	
<u>Hospital</u>	X	P	P	P	X	P	X	P	
Lodging – <u>Hotel</u> or motel	X	P	P	P	P	A	P	A	
Medical – Dental clinic	P	P	P	P	P	P	X	X	
Mortuary, funeral home, <u>crematorium</u>	A	P	X	P	X	P	X	X	
<u>Personal service shops</u>	P	P	P	P	P	P	X	X	
Pharmacies	P	P	P	P	P	X	X	X	
<u>Print and copy shop</u>	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	
<u>Professional offices</u>	P	P	P	P	P	P	P	P	
Repair service – Equipment, appliances	X	A	P	P	P	P	X	P	ACC <u>18.57.040(D)</u>
Veterinary clinic, animal <u>hospital</u>	A	P	P	P	P	P	X	X	

TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE (*list not included – not applicable to this agenda item*)

VEHICLE SALES AND SERVICES (*list not included – not applicable to this agenda item*)

OTHER

Any <u>commercial use</u> abutting a residential <u>zone</u> which has hours of operation outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or Monday – Saturday: 7:00 a.m. to 10:00 p.m.	A	A	A	A	A	A	A	A	
Other <u>uses</u> may be permitted by the <u>planning director</u> or designee if the <u>use</u> is determined to be consistent with the intent of the <u>zone</u> and is of the same general character of the <u>uses</u> permitted. See ACC <u>18.02.120(C)(6)</u> , <u>Unclassified Uses</u> .	P	P	P	P	P	P	P	P	

6. **City of Edmonds, WA v. Oxford House case law information** – at the last meeting, the City attorney cautioned about being contrary to Fair Housing requirements and referenced this case. A 2003 memo from (now) former City Attorney Dan Heid is attached.
7. **Homelessness Statistics** – Nexus provided 2017 and 2018 YTD statistics on homelessness. The documents are 45 pages long each, however, it appears that pages 1-4 provide a summary of the data that the Commission is looking for. These sheets are included after the Item No. 6 information.

NEXT STEPS

Based on the discussion, Staff seeks Planning Commission input on whether the definition could be scheduled for a future hearing to be conducted by the Planning Commission.

MEMORANDUM

TO: PETER B. LEWIS, MAYOR
PAUL KRAUSS, PLANNING DIRECTOR
DAVID OSAKI, COMMUNITY DEVELOPMENT ADMINISTRATOR

FROM: DANIEL B. HEID, CITY ATTORNEY

DATE: JULY 28, 2003

SUBJECT: UNITED STATES SUPREME COURT CASE,
EDMONDS V. OXFORD HOUSE, INC.

In connection with the recent interest in an Oxford House establishment within the City of Auburn, wherein, as I understand it, the facility would be an alcohol treatment - residential facility, I submit the following:

Not too long ago the U.S. Supreme Court handed down a decision impacting City of Edmonds, Washington, zoning regulations.¹ A copy of that decision is attached hereto. That case is of interest to cities across the state and across this country. Specifically, that case involved questions regarding zoning provisions as they apply to a group home for adults recovering from alcoholism and drug addiction. The case surfaced because the City of Edmonds Zoning Code provided a limitation on the number of non-related persons who may reside in the single-family zoning district in which the drug and alcohol recovery facility (Oxford House, Inc.) was located.

RECOVERING ALCOHOLICS, DRUG USERS CONSIDERED HANDICAPPED

In this decision, the U.S. Supreme Court reiterated the position of the Ninth Circuit Court of Appeals, holding that the necessity to accommodate handicapped persons applied to people recovering from alcoholism and drug addition. This is significant in that the Fair Housing Act prohibits discrimination in housing against handicapped persons.

QUESTION OF MAXIMUM OCCUPANCY REQUIREMENTS

Along with the determination that drug addicts and alcoholics are handicapped, the court focused its scrutiny on those City of Edmonds code provisions that identified the limitation on the number of non-related individuals who could reside in a dwelling in the particular zoning district. (The Edmonds City Code limited non-related persons to 5 or fewer.) At the same time, the Edmonds City Code provided no limitation on the number of related persons who could reside in a dwelling in that same district.

CONSIDERATION OF FAIR HOUSING ACT EXEMPTION

The Fair Housing Act provides in part that "any local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling" are entirely exempt from the provisions of the Fair Housing Act. The question before the court, then, was whether the exemption provisions of the Fair Housing Act applied to the Edmonds City Code provisions. The court also mentioned recognition of the fact that Washington State recently adopted a state statute which provided that "no city may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure

¹ *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 115 S.Ct. 1776, 131 L.Ed.2d 801 (1995)

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PAUL KRAUSS, PLANNING DIRECTOR
DAVID OSAKI, COMMUNITY DEVELOPMENT ADMINISTRATOR
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DATE: JULY 28, 2003
SUBJECT: UNITED STATES SUPREME COURT CASE, *EDMONDS V. OXFORD HOUSE, INC.*
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occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals.” See RCW 35.63.220 and 35A.63.240, copies of which are attached hereto. (It should also be noted that the state statutes refer to the definition of handicap as per the federal Fair Housing Act. Again, the court, has previously held, and, essentially, did so again in this case, that the term “handicap” applies to individuals who are recovering from alcohol and drug addiction. See also 42 U.S.C. § 3602, a copy of which is also attached hereto.)

FAIR HOUSING ACT EXEMPTION DEEMED NOT APPLICABLE

The Supreme Court decision focused on the fact that the number of occupants permitted to occupy a dwelling was inconsistent under the Edmonds City Ordinance, depending upon whether the persons were related or not. Accordingly, the court held that the Edmonds City Ordinance did not meet the requirements of a regulation to restrict the maximum occupancy of a dwelling within the meaning of the Fair Housing Act’s exemption. Accordingly, the Supreme Court left as the only issue to be resolved the question of whether the Edmonds Zoning Code provision violated the Fair Housing Act’s prohibition against discrimination, and in that regard, the court upheld the court decision from the Ninth Circuit Court of Appeals.

As this was a decision of the United States Supreme Court where the majority opinion was supported by 6 of the 9 Justices, there was no appeal or additional judicial relief available for this decision.

SUPREME COURT MINORITY OPINION

It should be noted that there was a dissent to the majority’s decision, supported by 3 Justices on the Supreme Court. The minority decision focused on the specific language of the Fair Housing Act which provided the exemption, and concluded that the Edmonds municipal code language should have been held to meet the requirements for that exemption. Specifically, Section 3607(b)(1) of the Fair Housing Act provides a complete exemption from the Fair Housing Act language for “any reasonable local, state, or federal regulations regarding the maximum number of occupants permitted to occupy a dwelling.” The minority position was that the Edmonds municipal code did provide such a maximum in the “5 or less” unrelated persons provision. The minority decision focused on the language that the Fair Housing Act used in that it said “any regulation”. Since the Edmonds City Code did indicate a regulation of the number of persons permitted to occupy a dwelling, even though not absolute, and not applicable in all instances, the minority position was that the Edmonds City Code should have been afforded the exemption.

REASONABLENESS NOT CONSIDERED

It should be noted that the court did not really address the question of whether the Edmonds City Code provisions provided a “reasonable” restriction on the number of people permitted to occupy a dwelling, and had that been considered by the court, it is not clear how that would have been

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addressed in the court's decision. It may be that the court could have found that there are justifications for a more restrictive occupancy level for non-related people than for related people. For instance, small children in a typical family may not be as concerned with the per capita area and floor-space requirements/needs that might be involved for non-related people. Additionally, sharing of bathrooms and other facilities may be much more easily accommodated by related people. Furthermore, the residential use of property made by related people may involve fewer traffic impacts on adjacent streets than would be the case for non-related people. More unrelated residents may mean more vehicles per residence, and may mean more visitors driving to and from the residence. However, again, the court decision did not address reasonableness.

OTHER REGULATIONS NOT PREEMPTED

The Supreme Court's decision also did not preempt or usurp the authority for other residential zoning codes or occupancy regulations. For instance, if a structure is not habitable or is limited in its occupancy, this case did not mandate that it could nevertheless be used for a residential treatment facility, or for occupancy greater than that which would be allowed under the applicable occupancy regulations. Likewise, if a zoning district is not able to be used for residential uses, such as is often the case for industrial zones and for some commercial zones, this case does not now allow a residential use in that zone just because the residential use is to be for a residential treatment facility.

Again, the Supreme Court's decision really only held that the zoning limitations of "single family" residential use cannot be used to prevent residential treatment facilities in which non-related people (or more than a certain number of non-related people) reside.

MORE RECENT WASHINGTON CASE

Our own courts have contended with recent challenges similar to those in *Oxford House* by holding in line with the U.S. Supreme Court Decision. For instance, in *Sunderland Family Treatment Services v. City of Pasco*, 107 Wn. App. 109, 26 P.3d 955, 21 NDLR P 125 (2001), the court said: "[a]pplying the reasoning of *Edmonds v. Oxford House*, and *Children's Alliance v. City of Bellevue*, 950 F.Supp. 1491, 20 A.D.D. 103 (1997), in the context of the Washington Housing Policy Act (WHPA), the court concluded that Pasco violated the WHPA by defining "family" in such a way as to impose additional burdens on residential care facilities for the handicapped. The City violated the WHPA by adopting a regulatory scheme that permitted a "family" to obtain immediate occupancy of a residential structure but required "group care facilities" to obtain a Special Use Permit (SUP) before occupying a similar residential structure. But for the City's definition of family, the residents of the proposed facility would have been entitled to immediate occupancy of the home. Instead, the residents of the proposed facility were denied access based on their handicap and familial status. With that, the court reversed Pasco's land use decision.

If you have any questions of me in these regards, please don't hesitate to let me know.

HUD Annual Performance Report (2017)

Seattle/King County CoC: Nexus Youth and Families (Auburn Youth Resources)

Report period 01/01/2017 - 12/31/2017

CoC category filter: Agency CoC

Client Location filter: No

As of 10/1/2017, HUD CoC grantees are now required to submit APR through the Sage HMIS Reporting Repository. You can find instructions for generating the report and submitting to Sage at the Clarity Help Center.

Q4a. Project Identifiers in HMIS

Organization Name	Nexus Youth and Families (Auburn Youth Resources)
Organization ID	272
Project Name	ACE Project
Project ID	3022
HMIS Project Type	2
Method for Tracking ES	
Is the Services Only (HMIS Project Type 6) affiliated with a residential project?	
Identify the Project IDs of the housing projects this project is affiliated with	

Q5a. Report Validations Table

Program Applicability: All Projects

Total number of persons served	288
Number of adults (age 18 or over)	266
Number of children (under age 18)	20
Number of persons with unknown age	2
Number of leavers	153
Number of adult leavers	149
Number of adult and head of household leavers	152
Number of stayers	135
Number of adult stayers	117
Number of veterans	1
Number of chronically homeless persons	30
Number of youth under age 25	282
Number of parenting youth under age 25 with children	0
Number of adult heads of household	265
Number of child and unknown-age heads of household	21
Heads of households and adult stayers in the project 365 days or more	7

HUD Annual Performance Report (2017)

Seattle/King County CoC: Nexus Youth and Families (Auburn Youth Resources)

Report period 01/01/2017 - 12/31/2017

CoC category filter: Agency CoC

Client Location filter: No

Q6a. Data Quality: Personally Identifiable Information

Program Applicability: All Projects

Data Element	Client Doesn't Know/Refused	Information Missing	Data Issues	% of Error Rate
Name (3.1)	53	7	1	21.18%
Social Security Number (3.2)	75	12	25	38.89%
Date of Birth (3.3)	26	2	21	17.01%
Race (3.4)	10	16		9.03%
Ethnicity (3.5)	8	34		14.58%
Gender (3.6)	0	1		0.35%
Overall Score				46.18%

Q6b. Data Quality: Universal Data Elements

Program Applicability: All Projects

Data Element	Error Count	% of Error Rate
Veteran Status (3.7)	22	8.27%
Project Start Date (3.10)	4	1.39%
Relationship to Head of Household (3.15)	1	0.35%
Client Location (3.16)	0	0.00%
Disabling Condition (3.8)	103	35.76%

Q6c. Data Quality: Income and Housing Data Quality

Program Applicability: All Projects

Data Element	Error Count	% of Error Rate
Destination (3.12)	21	13.73%
Income and Sources (4.2) at Start	67	23.34%
Income and Sources (4.2) at Annual Assessment	7	100.00%
Income and Sources (4.2) at Exit	35	23.03%

HUD Annual Performance Report (2017)

Seattle/King County CoC: Nexus Youth and Families (Auburn Youth Resources)

Report period 01/01/2017 - 12/31/2017

CoC category filter: Agency CoC

Client Location filter: No

Q6d. Data Quality: Chronic Homelessness

Program Applicability: ES, SH, Street Outreach, TH & PH(All)

Starting into project type	Count of total records	Missing time in institution (3.917.2)	Missing time in housing (3.917.2)	Approximate Date started (3.9.17.3) DK/R/missing	Number of times (3.9.17.4) DK/R/missing	Number of months (3.9.17.5) DK/R/missing	% of records unable to calculate
ES, SH, Street Outreach	110			1	46	43	48.18%
TH	28	0	0	0	0	1	3.57%
PH (all)	0	0	0	0	0	0	0.00%
Total	138						39.13%

Q6e. Data Quality: Timeliness

Program Applicability: All Projects

Time for Record Entry	Number of Project Start Records	Number of Project Exit Records
0 days	80	54
1-3 days	60	23
4-6 days	16	11
7-10 days	13	5
11+ days	98	60

Q6f. Data Quality: Inactive Records: Street Outreach and Emergency Shelter

Program Applicability: Street Outreach & ES-Night By Night

Data Element	# of Records	# of Inactive Records	% of Inactive Records
Contact (Adults and Heads of Household in Street Outreach or ES - NBN)	60	43	71.67%
Bed Night (All clients in ES - NBN)	17	0	0.00%

HUD Annual Performance Report (2017)

CoC category filter: Agency CoC

Client Location filter: No

Q7a. Number of Persons Served

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Adults	266	266	0		0
Children	20		1	19	0
Client Doesn't Know/ Client Refused	0	0	0	0	0
Data Not Collected	2	0	0	0	2
Total	288	266	1	19	2

Q7b. Point-in-Time Count of Persons on the Last Wednesday

Program Applicability: TH - PSH - Street Outreach - Services Only - SH - PH - RRH - CA

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	32	23	1	8	0
April	82	69	1	12	0
July	122	106	1	14	1
October	113	97	1	13	2

Q8a. Households Served

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Total Households	286	265	0	19	2

Q8b. Point-in-Time Count of Households on the Last Wednesday

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	36	27	1	8	0
April	81	68	1	12	0
July	119	103	1	14	1
October	114	98	1	13	2

HUD Annual Performance Report (2017)

Seattle/King County CoC: Nexus Youth and Families (Auburn Youth Resources)

Report period 01/01/2018 - 06/28/2018

CoC category filter: Agency CoC

Client Location filter: No

As of 10/1/2017, HUD CoC grantees are now required to submit APR through the Sage HMIS Reporting Repository. You can find instructions for generating the report and submitting to Sage at the Clarity Help Center.

Q4a. Project Identifiers in HMIS

Organization Name	Nexus Youth and Families (Auburn Youth Resources)
Organization ID	272
Project Name	ACE Project
Project ID	3022
HMIS Project Type	2
Method for Tracking ES	
Is the Services Only (HMIS Project Type 6) affiliated with a residential project?	
Identify the Project IDs of the housing projects this project is affiliated with	

Q5a. Report Validations Table

Program Applicability: All Projects

Total number of persons served	305
Number of adults (age 18 or over)	184
Number of children (under age 18)	119
Number of persons with unknown age	2
Number of leavers	105
Number of adult leavers	92
Number of adult and head of household leavers	105
Number of stayers	200
Number of adult stayers	92
Number of veterans	3
Number of chronically homeless persons	25
Number of youth under age 25	293
Number of parenting youth under age 25 with children	1
Number of adult heads of household	184
Number of child and unknown-age heads of household	120
Heads of households and adult stayers in the project 365 days or more	11

HUD Annual Performance Report (2017)

Seattle/King County CoC: Nexus Youth and Families (Auburn Youth Resources)

Report period 01/01/2018 - 06/28/2018

CoC category filter: Agency CoC

Client Location filter: No

Q6a. Data Quality: Personally Identifiable Information

Program Applicability: All Projects

Data Element	Client Doesn't Know/Refused	Information Missing	Data Issues	% of Error Rate
Name (3.1)	53	6	3	20.33%
Social Security Number (3.2)	161	15	17	63.28%
Date of Birth (3.3)	46	2	22	22.95%
Race (3.4)	27	26		17.38%
Ethnicity (3.5)	25	33		19.02%
Gender (3.6)	0	1		0.33%
Overall Score				65.25%

Q6b. Data Quality: Universal Data Elements

Program Applicability: All Projects

Data Element	Error Count	% of Error Rate
Veteran Status (3.7)	18	9.78%
Project Start Date (3.10)	0	0.00%
Relationship to Head of Household (3.15)	0	0.00%
Client Location (3.16)	0	0.00%
Disabling Condition (3.8)	179	58.69%

Q6c. Data Quality: Income and Housing Data Quality

Program Applicability: All Projects

Data Element	Error Count	% of Error Rate
Destination (3.12)	41	39.05%
Income and Sources (4.2) at Start	142	46.71%
Income and Sources (4.2) at Annual Assessment	9	81.82%
Income and Sources (4.2) at Exit	17	16.19%

HUD Annual Performance Report (2017)

CoC category filter: Agency CoC

Client Location filter: No

Q6d. Data Quality: Chronic Homelessness

Program Applicability: ES, SH, Street Outreach, TH & PH(All)

Starting into project type	Count of total records	Missing time in institution (3.917.2)	Missing time in housing (3.917.2)	Approximate Date started (3.9.17.3) DK/R/missing	Number of times (3.9.17.4) DK/R/missing	Number of months (3.9.17.5) DK/R/missing	% of records unable to calculate
ES, SH, Street Outreach	190			1	131	129	71.58%
TH	20	0	1	0	2	2	20.00%
PH (all)	0	0	0	0	0	0	0.00%
Total	210						66.67%

Q6e. Data Quality: Timeliness

Program Applicability: All Projects

Time for Record Entry	Number of Project Start Records	Number of Project Exit Records
0 days	45	60
1-3 days	64	6
4-6 days	39	0
7-10 days	7	7
11+ days	44	32

Q6f. Data Quality: Inactive Records: Street Outreach and Emergency Shelter

Program Applicability: Street Outreach & ES-Night By Night

Data Element	# of Records	# of Inactive Records	% of Inactive Records
Contact (Adults and Heads of Household in Street Outreach or ES - NBN)	63	63	100.00%
Bed Night (All clients in ES - NBN)	0	0	0.00%

HUD Annual Performance Report (2017)

CoC category filter: Agency CoC

Client Location filter: No

Q7a. Number of Persons Served

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Adults	184	183	1		0
Children	119		1	118	0
Client Doesn't Know/ Client Refused	0	0	0	0	0
Data Not Collected	2	0	0	0	2
Total	305	183	2	118	2

Q7b. Point-in-Time Count of Persons on the Last Wednesday

Program Applicability: TH - PSH - Street Outreach - Services Only - SH - PH - RRH - CA

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	115	100	0	13	2
April	190	110	2	76	2
July	0	0	0	0	0
October	0	0	0	0	0

Q8a. Households Served

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Total Households	304	183	1	118	2

Q8b. Point-in-Time Count of Households on the Last Wednesday

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
January	114	98	1	13	2
April	185	106	1	76	2
July	0	0	0	0	0
October	0	0	0	0	0



AGENDA BILL APPROVAL FORM

Agenda Subject:

Introductory Discussion of Items Docketed for Consideration
as Comprehensive Plan 2018 Annual Amendments

Date:

July 10, 2018

Department:

Community Development &
Public Works

Attachments:

[Memorandum](#)

[2018 Comprehensive Plan Text Amendment](#)

[Docket](#)

[2018 Comprehensive Plan Map Amendment](#)

[Docket](#)

[2018 Comprehensive Plan Amendment Proposed](#)

[Schedule](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

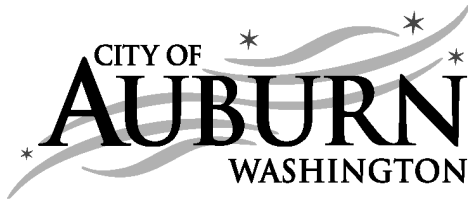
Please see the attached 2018 Comprehensive Plan Amendment docket and schedule.

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

Dixon

Meeting Date: July 17, 2018

Item Number:



MEMORANDUM

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

FROM: Jeff Dixon, Planning Services Manager, Comm. Development & Public Works Dept.
Thaniel Gouk, Senior Planner, Comm. Development & Public Works Dept.
Alexandria Teague, Planner II, Comm. Development & Public Works Dept.

DATE: July 11, 2018

RE: **Discussion Topic:** Introductory discussion of Docket of 2018 Annual Comprehensive Plan Amendments

BACKGROUND:

Annually the City amends its Comprehensive Plan ("Comp. Plan"). These are the "annual amendments" that the City considers routinely each year as distinguished from the "major update" of the Comp Plan that was adopted at the end of year 2015. There are two types of amendments:

- A. Map; and
- B. Text.

In addition, there are two sources for these annual amendments:

1. City-initiated amendments which are typically items that Staff, Planning Commission, or the City Council have identified as items or issues that should be addressed in the next Comp Plan Amendment cycle; and,
2. Private-initiated amendments, which are in response to applications that are submitted. For the 2018 Comp Plan Amendment cycle, three private map amendment applications were submitted.

DISCUSSION

At the July 17, 2018 Planning Commission meeting, staff would like to introduce and discuss:

1. The docket (attached) will consist of the following:

Comprehensive Plan Text Amendments

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

- P/T #2 – Dieringer School District Capital Facilities Plan
- P/T #3 – Federal Way School District Capital Facilities Plan
- P/T #4 – Kent School District Capital Facilities Plan
- P/T #5 – City of Auburn (COA) Capital Facilities Plan
- P/T #6 – Change Volume 1, Land Use, to clarify and distinguish the discussion of the various subcategories of "Special Plan Areas".
- P/T #7 – Change Volume 6, Economic Development, to reflect preparation of the COA Ten-Year Economic Development Strategic Plan.
- P/T #8 – Change Volume 1, Land Use, to re-incorporate Historic/Cultural Resource policies.
- P/T #9 – Change Volume 1, Land Use, to revise approach to the 2015 map designation of "Residential Transition Overlay".

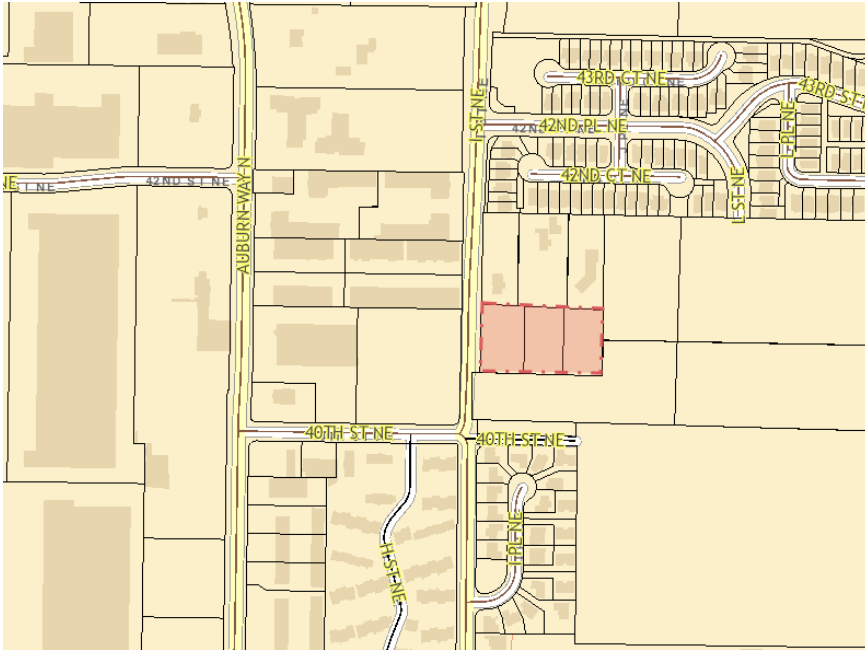
Comprehensive Plan Map Amendments

City-Initiated Amendment:

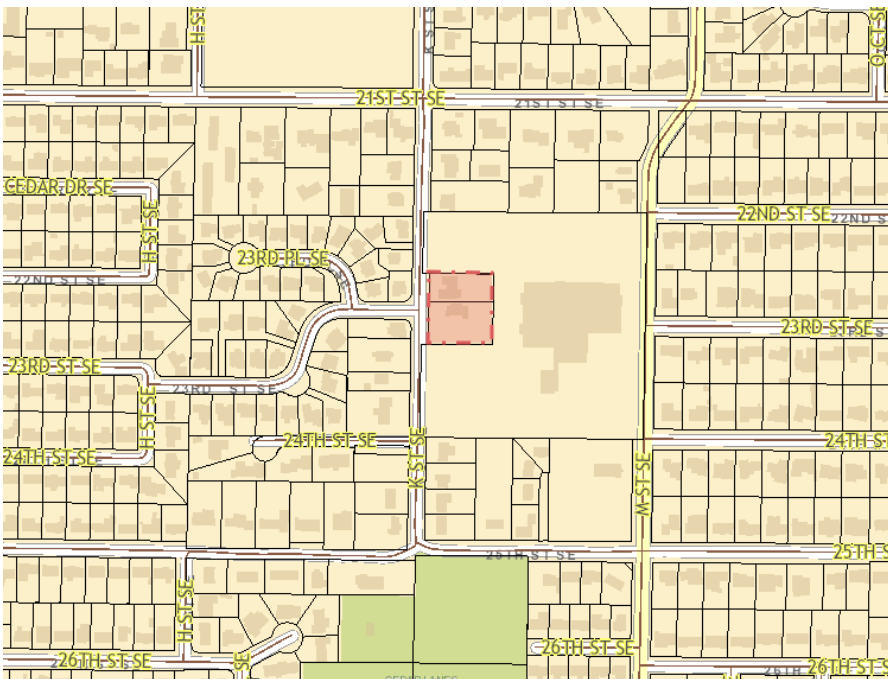
- CPM #1 - City-initiated request Comprehensive Plan Land Use Map No. 1.1 in Vol. 1, Land Use Element to remove the mapped designation of "Residential Transition Overlay".

Privately-Initiated Amendments:

- CPM #2 - Request by Labrador Ventures LLC to change the designation of three undeveloped parcels totaling 1.89 acres NE of 40th and I ST NE from the "Residential Transition Overlay" to "Multiple Family Residential" and associated rezone from "R-7, Residential 7 dwelling units per acre" to "R-20, 20 Dwelling Units Per Acre".



- CPM #3 - Request by Auburn School District to change the designation of two developed parcels located west of Pioneer Elementary from "Single Family Residential" to "Institutional" and associated rezone from "R-7, 7 dwelling units per acre" to "I, Institutional" or "P-1, Public Use".



- CPM#4 - Request by Auburn School District to change the designation of four parcels (3 developed) located west of Kersey WY SE from "Residential Conservancy" to "Institutional" and the associated rezone from "RC, Residential Conservancy" to "I, Institutional" or "P-1, Public Use".



Again, this discussion topic is to provide an introductory overview of the items under consideration for amendments this year, including the private applications received and that will be part of the “docket” of annual Comp Plan amendments. Additional information and analysis will be presented to the Planning Commission at future meetings.

Change in Procedure – Ordinance No. 6655:

Current city code requires all Comprehensive Plan map changes to be considered by the Planning Commission; as a recommendation, and by the City Council; as a final action (ACC 14.22). On June 19, 2017 the City Council adopted Ordinance No. 6655 changing the city code and eliminating the need for the Hearing Examiner to consider a zoning map amendment when it is a companion action to a Comprehensive Plan map amendment. This Ordinance No. 6655 allows the Planning Commission and the City Council to consider both map changes (Comp Plan and Zoning), concurrently. The Ordinance was effective June 27, 2017. Last year was the first time the change in comprehensive plan designation and zoning were considered simultaneously. The change allows for greater efficiency through reduced processing timeframe.

2018 COMPREHENSIVE PLAN AMENDMENT DOCKET

CITY-INITIATED **TEXT** AMENDMENTS (File No. CPA18-0002)

Item	Page(s)	Area to be changed	Change	Reason	Pros	Cons	Comments
P/T # 1	Auburn School District Capital Facilities Plan	Vol. 3, Capital Facilities Element (<i>Incorporated by reference</i>)	N/A	Incorporate updated information	Reflect new projects and remove projects that have been completed as well as add updated information related to development activity and projection of student levels.	None	
P/T # 2	Dieringer School District Capital Facilities Plan	Vol. 3, Capital Facilities Element (<i>Incorporated by reference</i>)	N/A	Incorporate updated information	Reflect new projects and remove projects that have been completed as well as add updated information related to development activity and projection of student levels.	None	
P/T # 3	Federal Way School District Capital Facilities Plan	Vol. 3, Capital Facilities Element (<i>Incorporated by reference</i>)	N/A	Incorporate updated information	Reflect new projects and remove projects that have been completed as well as add updated information related to development and projection of student levels.	None	
P/T # 4	Kent School District Capital Facilities Plan	Vol. 3, Capital Facilities Element (<i>Incorporated by reference</i>)	N/A	Incorporate updated information	Reflect new projects and remove projects that have been completed as well as add updated information related to development activity and projection of student levels.	None	

P/T # 5	COA Capital Facilities Plan	Vol. 3, Capital Facilities Element (Incorporated by reference)	Miscellaneous amendments	Incorporate updated information	Add new projects to the CFP and remove projects that have been completed. Add & Revise information to remain current.	None	Finance Dept originates with assistance for all other city Depts.
P/T # 6	Various pages of two chapters of Comp Plan	Vol. 1, Land Use Element starting at Page LU-18 and possibly the Core Plan.	Change Volume 1 to clarify and distinguish the discussion of the various subcategories of "Special Plan Areas".	For the various subcategories of "Special Area Plans" clarify and distinguish the purpose of each for ease of understanding and use.	Ease of understanding and implementation	None	
P/T #7	Various pages of two chapters of Comp Plan	Vol. 6, Economic Development Element and possibly the Core Plan	Change Volume 6 to reflect preparation of the COA Ten-Year Economic Development Strategic Plan	Update Volume to reflect new information.	Reflect latest information	None	
P/T #8	Various pages of two chapters of Comp Plan	Vol. 1, Land Use Element and possibly the Core Plan.	Change Volume 1 to re-incorporate Historic/Cultural Resource policies	Update to re-incorporate policies from the pre-2015 Comprehensive Plan	Re-incorporate policies	None	
P/T #9	Various pages of two chapters of Comp Plan	Vol. 1, Land Use Element starting at Page LU-17 and possibly the Core Plan.	Change Volume 1 to revise approach to the 2015 map designation of "Residenital Transition Overlay"	Revise approach to the 2015 new map designation of "Residenital Transition Overlay". Also, see related map changes	Practical difficulty in implementation	To be determined	

PRIVATELY-INITIATED TEXT AMENDMENTS

Item	Potential change	Area to be changed	Change	Reason	Pros	Cons	Comments
(None)							

2018 COMPREHENSIVE PLAN AMENDMENT DOCKET

CITY-INITIATED MAP AMENDMENTS (File No. CPA18-0002)

Item	Potential change	Area to be changed	Change	Reason	Pros	Cons	Comments
CPM #1	Map Section	Comprehensive Plan Land Use Map No. 1.1 in Vol. 1, Land Use Element	Remove "Residential Transition Overlay"	Revise approach to the 2015 new map designation of "Residential Transition Overlay". Also, see related text changes	Practical difficulty in implementation	To be determined	

PRIVATELY-INITIATED MAP AMENDMENTS (See specific item for File No.)

Item	Potential change	Area to be changed	Change	Reason	Pros	Cons	Comments
CPM # 2 CPA18-0001	Map Section	Comprehensive Plan Land Use Map No. 1.1 in Vol. 1, Land Use Element	Request by Labrador Ventures LLC to change the designation of three undeveloped parcels totaling 1.89 acres NE of 40th and I ST NE from the "Residential Transition Overlay" to "Multiple Family Residential".	Applicant is requesting the map amendment to be consistent with adjacent properties and facilitate future development.	To be determined	To be determined	See associated Rezone file REZ18-0002 from R-7 to R-20.

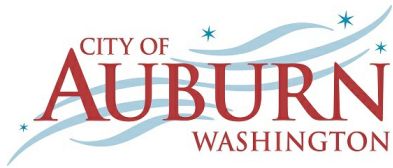
PRIVATELY-INITIATED MAP AMENDMENTS (See specific item for File No.)							
Item	Potential change	Area to be changed	Change	Reason	Pros	Cons	Comments
CPM #3 CPA18-0003	Map Section	Comprehensive Plan Map No. 1.1 in Vol. 1, Land Use Element	Request by Auburn School District to change the designation of two developed parcels located west of Pioneer Elementary from "Single Family Residential" to "Institutional".	Applicant is requesting the map amendment to be consistent with adjacent properties and for future redevelopment.	To be determined	To be determined	See associated Rezone file REZ18-0003 from R-7 to I, Institutional or P-1, Public Use.
CPM #4 CPA18-0004	Map Section	Comprehensive Plan Map No. 1.1 in Vol. 1, Land Use Element	Request by Auburn School District to change the designation of four parcels (3 developed) located west of Kersey WY SE from "Residential Conservancy" to "Institutional".	Applicant is requesting the map amendment for future development of new elementary school.	To be determined	To be determined	See associated Rezone file REZ18-0004 from RC to I, Institutional or P-1, Public Use.

City of Auburn
2018 Comprehensive Plan Amendment Proposed Schedule

	6-8-18	7-17-18	9-5-18 *	9-18-18	10-2-18	10-16-18	11-7-18 *	11-13-18	11-26-18	12-3-18	12-17-18
		Planning Commission Extra Meeting	Planning Commission Regular Meeting	Planning Commission Extra Meeting	Planning Commission Regular Meeting	Planning Commission Extra Meeting	Planning Commission Regular Meeting	City Council Study Session	City Council Study Session	City Council Regular Meeting	City Council Regular Meeting
GROUP #1											
City-initiated Text Amendments CPA18-0002 <ul style="list-style-type: none"> School district CFP's P/T #1-4 City Capital Facilities Plan P/T #5 City text amendments P/T #6-9 City initiated Map Amendments <ul style="list-style-type: none"> CPA18-0002, CPM#1 		Intro. on Comp Plan amendment docket	Intro. on Comp Plan amendment docket	Briefing on Group #1	Continue Briefing, if needed	Conduct Public Hearing	Continue Public Hearing, if needed.	Discuss PC recommendation, if available	Continue discussion of PC recommendation, if needed	Council Action	Continue Council Action, if needed

City of Auburn
2018 Comprehensive Plan Amendment Proposed Schedule

GROUP #2											
Privately-Initiated Map Amendments <ul style="list-style-type: none"> • CPA18-0001, CPM #2 Labrador Ventures LLC • CPA18-0003, ASD Pioneer Elem. Site • CPA18-0004 ASD Kersey WY SE Site 	Private amendment applications due for 2018	Intro. on Comp Plan amendment docket	Intro. on Comp Plan amendment docket	Briefing on Group #2	Continue Briefing, if needed	Conduct Public Hearing	Continue Public Hearing, if needed.	Discuss PC recommendation, if available	Continue discussion of PC recommendation, if needed	Council Action	Continue Council Action, if needed



AGENDA BILL APPROVAL FORM

Agenda Subject:
Planning Commission Rules of Procedure

Date:
July 10, 2018

Department:
Community Development and
Public Works

Attachments:
[Planning Commission Rules of Procedures](#)
[Revised and Adopted June 5, 2018](#)

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

Administrative Recommendation:

Background Summary:

Please see the attached Rules of Procedures adopted June 5, 2018.

Reviewed by Council Committees:

Councilmember:

Staff:

Dixon

Meeting Date: July 17, 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
REVISED February 6, 2018
REVISED , 2018
REVISED June 5, 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 Hearings
4. Other Business Items as Appropriate
5. Community Development Report
6. 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.
6. 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.
7. Chair closes public hearing.
8. A public hearing may be reopened by motion duly seconded and approved by a majority vote to accept additional testimony.
9. Deliberation.

10. 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.

11. 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.

12. 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.

13. 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 public meetings and public hearings.
2. Any person making personal, impertinent or slanderous remarks or noises while addressing the Commission at a public hearing may be barred from further 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 irrelevant, distracting, or offensive comments or noises 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.

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.