	<p style="text-align: center;"><b>Planning Commission Meeting</b>  <b>June 8, 2021 - 7:00 PM</b></p> <p style="text-align: center;"><b>AGENDA</b></p>
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## **I. Virtual Participation**

### **A. Virtual Participation Info**

The Auburn City Planning Commission Meeting scheduled for June 8, 2021, at 7:00p.m. will be held virtually and telephonically. To attend the meeting virtually please click the below link, enter the meeting ID into the Zoom app, or call into the meeting at the phone number listed below.

Per Governor Inslee's Emergency Proclamation 20-05 and 20-28 et. seq. and Stay Safe-Stay Healthy, the City of Auburn is holding public meetings virtually at this time.

City of Auburn Resolution No. 5581, designates City of Auburn meeting locations for all Regular, Special and Study Session Meetings of the City Council and of the Committees, Boards and Commissions of the City as Virtual Locations.

Join Zoom Meeting  
<https://zoom.us/j/2829476321>  
Meeting ID: 282 947 6321  
One tap mobile  
(253) 215-8782

## **II. CALL TO ORDER**

### **B. ROLL CALL/ESTABLISHMENT OF QUORUM**

### **C. PLEDGE OF ALLEGIANCE**

## **III. APPROVAL OF MINUTES**

### **A. May 18, 2021 Draft Minutes from the Regular Planning Commission Meeting**

## **IV. PUBLIC HEARINGS**

## **V. OTHER BUSINESS**

### **A. Portable Sign Code Text Amendment**

Amend Title 18 (Zoning Code) and Downtown Urban Center Design (DUC) Standards related to portable signs (City File No.: ZOA20-0003).

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

Bring back for the Commission's consideration and action, the changes discussed at the February and May meetings.

## **VI. COMMUNITY DEVELOPMENT REPORT**

Update on Community Development Services activities.

## **VII. ADJOURNMENT**

*The City of Auburn Planning Commission is a seven 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.*



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Virtual Participation Info

**Date:**

May 25, 2021

**Department:**

Community Development

**Attachments:**

**No Attachments Available**

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

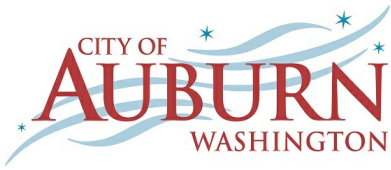
**Administrative Recommendation:****Background for Motion:****Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

dixon

**Meeting Date:** June 8, 2021

Item Number:

ES.A



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

May 18, 2021 Draft Minutes from the Regular Planning  
Commission Meeting

**Date:**

May 25, 2021

**Department:**

Community Development

**Attachments:**

[May 18, 2021 Regular Planning Commission  
Meeting Minutes](#)

**Budget Impact:**

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

**Administrative Recommendation:****Background for Motion:****Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Dixon

**Meeting Date:** June 8, 2021

Item Number:



**I. CALL TO ORDER**

Chair Judi Roland called the meeting to order at 7:00 p.m. via Zoom due to Governor Inslee's Healthy Washington – Roadmap to Recovery initiative and the Governor's Emergency Proclamation 20-28 due to the Covid-19 Pandemic which establishes the official meeting place, as virtual.

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

Commissioners present: Chair Roland, Vice-Chair Lee, Commissioner Stephens, Commissioner Moutzouris, Commissioner Khanal, and Commissioner Mason

Staff present: Planning Services Manager Jeff Dixon; Doug Ruth, Assistant City Attorney; and Administrative Assistant Jennifer Oliver.

Members of the public present: Tyler Bump, EcoNorthwest; Andres Arjona, EcoNorthwest.

**b.) PLEDGE OF ALLEGIANCE**

**II. APPROVAL OF MINUTES**

**A. February 2, 2021 – Regular Meeting Minutes**

Commissioner Khanal moved, and Commissioner Moutzouris seconded to approve the minutes from the February 2, 2021 meeting as written.

MOTION CARRIED UNANIMOUSLY. 5-0

Commissioner Mason did not vote as she was excused from the February 2, 2021 Meeting.

**III. PUBLIC HEARING**

There was no public hearing scheduled for this meeting.

#### IV. OTHER BUSINESS

##### **A. Presentation by City Consultant EcoNorthwest on proposed development of an Auburn Housing Action Plan (HAP) and recommendations and strategies contained in the public draft.**

Tyler Bump from EcoNorthwest gave the Planning Commission a PowerPoint presentation on the updates to the Auburn Housing Action Plan. Mr. Bump briefed the Commission on what he covered at the last meeting. He described the project overview and steps within the project. There are four major components for the Housing Action Plan (HAP): Public Engagement; which consists of Community Vision, solicit ideas from the community and assess changes; Existing Conditions; which include data analysis, employment trends, population growth, and policy evaluation; Recommended Actions are Public Input, Staff input, development analysis and prioritization. The adoption process for the HAP would be passed onto City Council in the coming months.

Mr. Bump mentioned again to the Commission that EcoNorthwest is building off the South King County Subregional Housing Action Plan Framework document which consists of: Public Engagement; Assess housing needs in 2040; Evaluate demographic & employment trends; Develop new strategies; Preserve existing housing, increase housing production; increase housing choice; Evaluate neighborhood context for housing type allowances; Create the Housing Action Plan (HAP).

EcoNorthwest discussed the Existing Conditions and Housing Needs Assessment, South King County Subregional Income Distribution, Housing Affordability Cost Burdening, Displacement Vulnerability in Auburn, and Auburn's Housing Production Trends.

Mr. Bump referring to a figure in the Powerpoint went over the 2040 Housing Need that touched on the future housing needs through 2040 and Auburn's Future Housing Needs by Income Level.

EcoNorthwest described the recent public engagement activities that have been conducted and the key results. The engagement methods included commenting via the City's Website, 13 interviews with individuals, 2 focus/small groups, 2 community forums, and targeted stakeholder presentations; one being completed recently to the Master Builders Association of King and Snohomish Counties.

Mr. Bump went over four key categories of recommendations. He explained that integrated into these recommendations are 3 core inputs: 1) Public engagement, 2) findings from data analysis and existing conditions, and 3) feasibility/sensitivity testing--meaning that inputs are varied to evaluate the resultant financial feasibility based on the input.

- Encourage Market Rate Development Downtown.
  - Reduce parking requirements to 0.8 spaces per dwelling unit.

- Offer a density bonus to support density and mixed income (3.5 to 4.3:1 Floor Area Ratio (FAR))
- Promote lot aggregation.
  - Support shared and pooled parking between developments and uses and expand city code ACC I8.52.050(A) (2) and provisions in Table ACC I8.52.030
- Explore fee waivers for targeted development types.
  - Evaluate partial fee waivers, up to 80%, that does not require local funding to backfill the exempted portion of the fee consistent with recently adopted RCW 82.020.060(3)
- Encourage Affordable Housing Downtown
  - Create Policies to Lower the Cost of Affordable Housing Development
    - Consider expedited permitting for affordable housing and mixed in-come housing.
    - Consider reduced permitting costs specific to non-profit affordable housing developers.
    - Continue to support South King County Housing and Homeless Partnership's (SKHHP's) housing capital fund through SHB1406 funds.
  - Consider a Voluntary Inclusionary Housing Program Paired with a Development Bonus or Financial Incentive (Multifamily Tax Exemption program) MFTE))
    - Evaluate a 20% set-aside at 80% Median Family Income (MFI) for a 12-year duration with a 12-year MFTE program.
    - Inclusionary requirements without financial incentives are not feasible.
  - Reduce Parking Requirements for Micro Housing Units
    - Micro units can be affordable to single person households at 60% MFI and below with no public subsidy.
    - Auburn could reduce parking requirements in exchange for affordability requirements.
    - Might need to monitor and regulate parking impacts.
- Encourage Middle Housing Options in the R-5 and R-7 Zones
  - Allow duplexes and triplexes in these zones.
  - Increase density and reduce minimum lot size per unit (18 dwelling units per acre).
  - Revise rear yard setbacks to provide greater flexibility in siting triplexes (reduce to 10 feet).
  - Reduce parking requirements.
  - Consider minimum site size requirements relative to homeownership goals (2,500 sf per lot).
- Development Feasibility of Middle Housing
 

Mr. Bump shared an example chart of development feasibility analysis of duplexes and triplexes. Mr. Bump explained that what they found is that it would be difficult for a builder to come in and redevelop an existing single-family developed site for a duplex or a triplex. But if the City did allow it on vacant sites, it is likely that you would see the new and different housing

types being built. It is much more likely to occur on vacant sites and less likely to occur on existing developed sites with existing units.

The last category presented was Anti-Displacement and Affordable Housing Preservation. Most of these recommendations are targeted towards coordination and collaboration with regional agencies such as SKHHP.

- Monitor and track unregulated affordable housing.
  - Coordinate with SKHHP on regional efforts.
  - Potential to build off existing rental licensing program.
- Preserve “naturally occurring” affordable housing.
  - Coordinate with SKHHP and other regional agencies
  - Continue to build relationships with multifamily property owners and building managers.
- Monitor and track regulated affordable housing.
  - Coordinate with SKHHP and other regional agencies
- Identify opportunities to increase homeownership.

Mr. Bump concluded his presentation with discussion of the implementation process.

- Recommendations are of three types:
  - Zoning Code and/or comp. plan update and code amendments
  - New programs/initiatives
  - Increased partnership and collaboration
- Implementation will require further collaborations and engagement with City agencies and community stakeholders.
- City Staff will need to assess levels of effort, priority, and resources to develop a work program plan and schedule.
- EcoNorthwest indicated that they reviewed the existing City Comprehensive Plan polices and EcoNorthwest stated that the Comp. Plan supports these recommendations for the Housing Action Plan. Only minor wording refinements are suggested.

The Commission inquired what the next steps are being asked of the Planning Commission for the Housing Action Plan. They asked if staff would be taking the data and coming up with specific recommendations to bring back to the Commission for action.

Planning Services Manager, Jeff Dixon explained that the Housing Action Plan includes a number of actions that the City can choose from to increase the supply of market and affordable housing in the city. These recommendations fall into 3 basic categories as Mr. Bump has mentioned. The three types include: 1) Policy changes such as changes to the Comprehensive Plan and code changes, 2) new programs and initiatives, and 3) and additional partnerships the City can work on, such as the SKHHP participation that is underway currently. There is a lot of moving parts to the HAP and at the moment the City is collecting public comment through June 1 primarily through the city website and some of the comments received could require further refinement of the HAP. The comments will also help with establish prioritization and also considering Council input on prioritization, and then city staff will develop a work program based upon which of these goals best align with the city's objectives and the timing of implementation.



It will be a collaborative process in the future to figure out how to move forward between staff, Planning Commission, and City Council.

The Planning Commission members voiced concerns over the reduced parking recommendations. The Commission commented that the downtown area struggles now with available parking. They asked if any studies or research has been done/looked at for the people you expect that would live in these units downtown and how many vehicles they have on average. Additional cars could cause excess parking on City streets causing an even greater parking concern. The Commission continued to comment that if affordable housing is the goal and folks that move into these homes are on a fixed income, if they have another vehicle but their complex doesn't accommodate extra parking, they are forced into a situation where they may have to pay for parking, which seems to go against the idea of affordable housing. Mr. Bump stated the concerns are very valid. Mr. Bump stated it is something that does need to be talked about and addressed. How EcoNorthwest came up with the parking reduction is by looking at what is called a 5 over 2 development or a 7-story "podium type" development, which is allowed and encouraged in the downtown urban center. He explained that parking reductions affect the amount of floors that are devoted for parking and the cost of those floors, and how to essentially build only one floor of parking and make that as efficient as possible to have that parking serve a greater number of dwelling units above it. Mr. Bump continued that adding more spaces can make it a heavy cost issue. The recommendation is coming from an efficiency of development standpoint.

The Commission expressed concern over the predicted amount of building and people coming into Auburn by 2040. With the number of people leaving downtown Seattle and people moving into the south sound, will the business in Auburn get support in the long term and can Auburn handle the growth. Planning Services Manager Jeff Dixon commented that the Growth Management Act has requirements that we do regional coordination and county coordination. All of those things influence the population allocations that go on. The state and Puget Sound Regional Council (PSRC) allocate state population increase estimates on a county-wide basis. City has a population allocation that is given to us on a countywide basis and the cities work cooperatively to establish how each can grow within the allocated population. As Mr. Bump mentioned, it's not necessarily that you can pick and choose the amount of people you want. The increase is based on population increase from the existing population that is already here, and from migration from people that are moving here from other parts of the country, as well. The growth and development is a hard thing to transition away from, but what we are trying to do is concentrate that growth and development in places where there are existing services and infrastructure to support it and avoid encouraging that kind of population increase and development, in natural areas and in the rural areas that we enjoy on the weekends and places we can get away to when we want to escape the more concentrated developments that occur in City centers. Mr. Dixon went on to explain that this is a challenging time to balance all of these factors. That is why it is important to get the community input and is why the Planning Commission exists. Mr. Dixon stated that the same types of comments and concerns the Commission is expressing, are reflected in the comments coming from people on the Housing Action Plan. The City and Staff try to take into consideration the quality of development that Auburn wants to see, and with quality housing style that will last for many years. The number of projects going on downtown will increase the nearby population and this will likely encourage more business opportunities as well. With the increase in the population downtown, it's hopeful that more business will be encouraged to open up here.

Commission Khanal commented that the recommendations of duplexes and triplexes were a great idea for more affordable housing. It is likely to be desirable. The Commission inquired if the pricing used in the presentation was updated to today's market price. Mr. Bump stated that the pricing is what is achievable in the market today. It is current. The pricing comes from two things to make duplexes and triplexes less expensive: One being cost of the land is spread over more than just one unit. Two: duplexes and triplexes, while they are still family sized, they are generally smaller rooms than a detached single-family residence which in turn makes them less expensive. The Planning Commission also asked if the Housing Action Plan concept was to open/change the zoning to allow duplex and triplex homes to be built on vacant land. Mr. Bump stated that there are different ways to implement the change in zoning. You could have it be more geographically targeted through a base zone like an R-16 or more appropriately, an R- 18, for example. Or it could be more broadly allowed by changing the set of uses allowed in the R-5 and R-7 residential districts or city wide. It depends on where the community wants to see those housing types. Mr. Bump mentioned that there is a case to be made for allowing Triplex/Duplexes in places where you would also allow single family development because the same occupants/tenants in general want the same amenities as someone purchasing a single family: they want parks, neighborhood schools, and a lot of the similar attributes because Triplex and Duplex homeowners are similar to single family homeowners.

The Commissioners asked what happens now and where is the City in the process for the Housing Action Plan. Mr. Dixon explained that the City is in the Public Comment opportunity until June 1. At the conclusion of the public comment period, staff will synthesize those comments into the final document that will be presented to the City Council for adoption. Our contract does require that the City Council ratify that document. This does not mean they have to do everything that is listed in the HAP , but it does set some expectations that the City is going to do some things to promote additional housing supply. Chair Roland asked how the general public knows to go to the City website to make comments. Planning Services Manager, Jeff Dixon stated that the city has made every attempt to provide notification. The city has used social media networks to put it out on Next Door, on Facebook, on Instagram. The City has held stakeholder interviews, and other outreach methods, as well as being discussed on the city website and city forums, such as at the Homelessness Open House the Mayor held, last Thursday. City Staff has been getting the word out for a long time even before the public draft of the plan was available for the public to view.

The Commission asked if Tiny Houses would be an option. Mr. Dixon stated that while the building code allows, the zoning code is not suited for a Tiny Home Village as you may have seen in Seattle or in the City of Orting and the City of Olympia. The Mayor and Kent Hayes, City of Auburn Homeless Manager, expressed they are not in favor of tiny homes or tiny homes villages to house homeless since it is in highly visible places that separate them from the community.

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

Prior to the Commission's February 2, 2021 meeting, the Community Development (Planning Services) and Legal Dept. staff reviewed the latest adopted Rules of Procedure document and recommended a minor change. The amendment shown in strike-through (deletions), and underline (additions) was distributed in advance of the meeting.

- A. The first recommended revision which was discussed at the PC February 2, 2021 meeting, is to section XIII and permits the Commission to suspend rules of procedure. The recommendation is in response to the changes in how meetings are conducted during the pandemic and is intended to give the Commission more flexibility in its procedures. The revision allows Commissioners by a two-thirds vote to suspend a rule of procedure. This authority does not apply to rules required by statute and is also limited by Roberts Rules of Procedure. Those rules restrict the Commission from suspending the following types of rules:

“Rules which embody fundamental principles of parliamentary law or require a ballot vote and rules protecting a basic right of the individual cannot be suspended. Thus, the rules cannot be suspended to allow non-members to vote; to authorize absentee or cumulative voting; to waive the requirement of a quorum; to suspend a rule pertaining to something outside a meeting; or to take away a particular member's right to attend meetings, make motions, speak in debate, and vote.”

- B. **Second Rules of Procedure Update:** Also at the meeting, Chair Roland brought to Senior Assistant City Attorney Doug Ruth's attention that there was an inconsistency in the Rules. The inconsistency is whether the Chair's silence on a vote is recorded in the affirmative or negative. Mr. Ruth reminded the Commission that last year, the Rules were amended to make a silent vote, a negative vote for all Commissioners. This was based upon the idea if you did not hear a vote, the Commission should not be adopting or changing something in a policy or decision based on silence. The conservative approach would be to consider it a “no vote”.

The change that was made last year is shown on Page 8 of the Rules of Procedure, under Section X, “Public Hearings” and subsection 10, “Voting”, and subsection B. that states:

“B. Any member, including the Chair, not voting or not voting in an audible voice shall be recorded as voting in the negative”.

This conflicts with the pre-existing language in preceding Section IV, “Chair”, Subsection 1, which as the last sentence reads:

“Unless stated otherwise, the Chair's vote shall be considered to be affirmative for the motion.”

Staff suggests a provision in section IV.1 regarding the chair's vote be eliminated. This deletion is recommended to make section IV.1 consistent with changes in section X.10. Last year, the Commission revised section X.10 to change the presumption that a commissioner's silence during voting would be considered an affirmative vote. Section X.10 was changed to regard a commissioner's silence as a negative vote. Currently, section IV.1 reads that the Chair's vote shall be considered an affirmative vote unless stated otherwise. This is inconsistent with the prior revision.

- C. **Third Rules of Procedure Update:** Discussion of this inconsistency, raised the possibility that a commissioner may intend to give a verbal vote but due to the practice of conducting meetings virtually the commissioner's vote may not be heard. The Commission asked Senior Assistant City Attorney Ruth to update the rules to reflect the circumstances of virtual meetings and to address the possible technical difficulties such as a microphone failure. A revision to section X.10 addresses this possibility by permitting votes by electronic communication such as virtual hand raising or a chat message.

Transmitted is a version of the rules with the changes described above. If the Planning Commission has additional changes, these can be discussed, captured by staff, and then these changes can be presented in writing and provided at the next regular meeting. The amendments must be provided at a meeting prior to action (voting) as provided in Section XIII, "Amendment", which says:

"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."

The Rules of Procedure document distributed with the Commission's packet did not have the redlines or strike throughs for the Planning Commission to view. Administrative Assistant Jennifer Oliver emailed the revised copy with the redlines and strike throughs to the Commission during the meeting.

The Commission had no comments on the changes. It is anticipated the Commission will review the changes and vote on the 3 changes at the next Planning Commission Meeting on June 8, 2021.

## V. **COMMUNITY DEVELOPMENT REPORT**

Planning Services Manager, Jeff Dixon updated the Commission on The Auburn Apartments which is now called The Verge. It is located two blocks south of City Hall and has occupants moving in now.

The Legacy Plaza development (senior housing) which is located just south of City Hall is coming along nicely. The first two floors of concrete are installed.

The Commission asked if there were any businesses that were showing interest in moving in. Mr. Dixon stated that those two buildings will each have commercial space on the ground floor. It is premature to know of any tenants. However, one of the advantages of the two new buildings is they will have been built with heating and ventilation systems that could support restaurants tenants on the ground floor. By comparison, the Trek Building does not have the hood and ventilation system to support a restaurant tenant.

In response to advancement in stages of the pandemic, City staff is on track to return to the office July 6, 2021. Any updates on that will be shared to the Commission at the next meeting.

Doug Lein from Economic Development has retired. The Economic Development Department will now be part of Community Development Department and over seen by Community Development Director, Jeff Tate.

The Planning Services Department is also in the process of hiring a new Long Range Senior Planner.

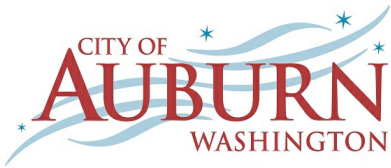
The Planning Commission asked what was happening on Main Street where the former Heritage Building once was. Mr. Dixon said the last news he heard was the property owner was conducting value engineering to help lower the costs of construction. But Mr. Dixon verified that the owner is still planning on building at that location.

The Commission asked why the MultiCare Urgent Care closed that was on Cross Street. At this time, City staff was unsure as to why it closed and has not seen any permits come through for a revised location.

The Planning Commission inquired about the funding that was provided by the last government stimulant package to the City of Auburn and how was that money being used. Planning Services Manager, Jeff Dixon stated that he had discussed with Director of Community Development Jeff Tate that possible ways were being discussed on how to spend and what programs that funds could support. Mr. Dixon was not sure on how the money will be spent but would look into and let the Commission know.

The next Planning Commission meeting will be held on June 8, 2021. Agenda topics for discussion will be the approval of Rules of Procedure updates and downtown portable sign regulations such as businesses A-Board type signs placed on sidewalks. The City want to institute a program that allow portable signs but in a more controlled manner.

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:46 p.m.



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Portable Sign Code Text Amendment

**Date:**

May 25, 2021

**Department:**

Community Development

**Attachments:**

[Planning Commission Memo - Sign Code](#)  
[Portable Sign Standards Text Amendments](#)  
[DUC Portable Sign Design Standards Text](#)  
[Amendments](#)

**Budget Impact:**

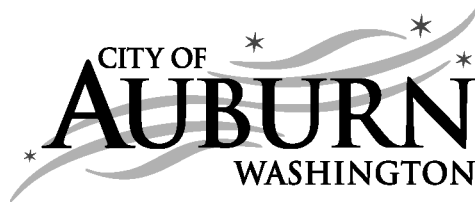
Current Budget: \$0  
Proposed Revision: \$0  
Revised Budget: \$0

**Administrative Recommendation:****Background for Motion:****Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Dixon

**Meeting Date:** June 8, 2021

**Item Number:**



## Memorandum

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

**FROM:** Alexandria D. Teague, Planner II  
Thaniel Gouk, Senior Planner  
Department of Community Development

**DATE:** May 5 2021

**RE:** Amend Title 18 (Zoning Code) and Downtown Urban Center Design (DUC) Standards related to portable signs (City File No.: ZOA20-0003)

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### **I. BACKGROUND & PURPOSE:**

Revisions are proposed for Chapters 18.29, "DUC Downtown Urban Center District" Auburn City Code (ACC) and Chapter 18.56, "Signs" ACC of Title 18 (the Zoning Code), and the "Sign Design" portion of the Downtown Urban Center Design Standards.

#### **Chapter 18.29 "DUC Downtown Urban Center" ACC**

##### **Section ACC 18.29.060(1)(4)**

Section ACC 18.29.060 contains the standards for portable signs in the DUC zoning district. The purpose of this code revision is to foster consistency in the use of portable signs in the DUC zoning district. Previously the City allowed temporary signs, including portable signs, throughout the City (not just within the DUC zoning district). The temporary sign provisions contained in Chapter 18.56 ACC "Signs" sunsetted in 2016. Prior to the sunsetting of the code the City had a no fee sign permit for temporary signs. The purpose of the no fee sign permit was to ensure their compliance with City code. After the temporary sign provisions of Chapter 18.56 ACC sunsetted, the no fee sign permit for temporary signs ended as well. Portable signs, however, are still allowed in the DUC zoning district because Chapter 18.29 ACC "DUC Downtown Urban Center", still contains provisions for portable signs. Since 2016 there has been a proliferation in noncompliant portable signs – noncompliant in the number, placement, and size of signs. The changes proposed in the section are intended to: 1) clarify the number of signs allowed, 2) to define where and how a sign can be placed, 3) what materials are allowed, and 4) provide the maximum size of portable signs.

**Chapter 18.56 “Signs” ACC**  
**Section ACC 18.56.030(1)(2)**

The purpose of amending Section ACC 18.56.030 is to clarify that portable signs are not prohibited in the DUC zoning district. While this is already understood in implementation of the code, it needs to be explicitly stated in code.

**DUC Design Standards**

***Sign Design***

The purpose of amending the DUC Design Standards is to create a new set of design standards related to portable signs. Notably, portable signs are the only types of signs allowed in the DUC that do not have design standards. The proposed design standards are intended ensure that portable signs are well made, durable, stylish, and contribute to the overall character of the downtown.

**II. STAFF PROPOSED UPDATES:**

The text amendment is shown by strikeout/underline and is attached to this memo as Exhibit A and B.

**III. STAFF REQUEST:**

If the Planning Commission believes that the changes are ready to proceed, Staff will move forward with noticing for and scheduling a public hearing.

**IV. EXHIBIT(S):**

- A** – Portable Sign Standards Text Amendment
- B** – DUC Portable Sign Design Standards Text Amendment



Chapter 18.29**DUC DOWNTOWN URBAN CENTER DISTRICT****18.29.060 Development standards.**

I. *Signs.* The design of all signs shall be in conformance with the design standards referenced in ACC 18.29.070. Allowable types, numbers and sizes of signs shall be as follows:

1. Freestanding: not allowed, except for monument signs as described within the “Downtown Auburn Design Standards”; no more than one per street frontage; maximum size: 64 square feet, calculated at a rate of one square foot of sign area per lineal foot of site frontage; minimum entitlement shall be 32 square feet; maximum height: five feet.

2. Wall signs: maximum area of 150 square feet per building facade, calculated at a rate of one square foot of sign area for every lineal foot of facade; minimum entitlement shall be 16 square feet.

3. Suspended signs attached under a marquee or canopy: one double-faced sign, no greater than three square feet per face allowed for each building entrance; minimum clearance above grade: eight feet.

4. Portable Signs. ~~One portable sign~~ may be allowed for each business entrance, ~~not to exceed one portable sign per building frontage business~~, subject to the following:

a. ~~Signs may be placed within the public right-of-way, within 12 feet of a business entrance,~~ subject to the guidelines provided by the director in consultation with the city engineer such that sign placement does not interfere with pedestrian or vehicular traffic, does not create a sight hazard, and conforms to the requirements of the Americans with Disabilities Act. Additional portable signage may be authorized in order to support downtown events that are permitted or sanctioned by the City.

b. The sign shall be in accordance with the provisions of ACC 18.56.030(L).

~~bc. The sign area cannot exceed 36 inches in height and 42 inches in width,~~ May not exceed 36 inches in height and 42 inches in width, and be limited to two faces.

d. Portable signs are not permitted to be affixed to City infrastructure located within the right-of-way (e.g. street lights, fire hydrants, public art). This includes a prohibition of chaining or otherwise securing portable signs to such infrastructure.

~~d. Must be constructed of either wood or another sturdy material to ensure stability in the wind.~~

~~e. May not move, spin, flash, or otherwise be animated.~~

~~ee. Signs may only be displayed during business hours and shall not be displayed when the business is closed.~~

f. No landscaping may be covered, cut, damaged, or modified to accommodate a portable sign. The City may require replacement of any damaged landscaping pursuant to Chapter 18.50 ACC.

g. All portable signs shall have the permit number affixed to the back of the sign.

## Chapter 18.56

### SIGNS

18.56.030 General provisions, all districts.

I. *Prohibited Signs*. From and after the effective date of the ordinance codified in this chapter it shall be unlawful for any person to erect or place within the city, except as otherwise authorized:

1. A swinging projecting sign;
2. Portable signs, except as permitted by ACC [18.56.025](#) (Real estate signs) ~~and~~, [18.56.040\(E\)](#) (C-2 Zoning District) , and ACC 18.29.060(I) (DUC);
3. Banners, pennants, ribbons, streamers, spinners, rotating or blinking lights, strings of lights, or similar devices, except as permitted by subsection [B](#) of this section (Temporary Signs);
4. Flashing signs, except as permitted in subsection [D](#) of this section (Sign Lighting Provisions);
5. Changing message center signs, except as allowed in the I, P-1, C-1, C-2, C-3, M-1 and M-2 zones;
6. Signs attached to, or placed on, a vehicle or trailer parked on private or public property that is not associated with the business advertised on said sign(s). This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle used in the normal course of business. This does not include automobile for sale signs or signs attached to franchised buses or taxis;
7. Private signs placed in or on a public right-of-way, except for as expressly permitted by this chapter;
8. Any sign which constitutes a traffic hazard or detriment to traffic safety by reason of its size, location, movement, coloring, or method of illumination, or by obstructing the vision of drivers, or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections, or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians by glare or method of illumination or constitutes a hazard to traffic. No sign may use words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic;

- 
9. Any sign or advertising structure or supporting structure that is torn, damaged, defaced or destroyed;
  10. Signs attached to poles installed by governmental agencies, utility poles, trees, rocks or other natural features;
  11. Signs attached to benches, garbage cans, or other street furniture located within the public right-of-way;
  12. Rotating signs;
  13. Billboards;
  14. Any sign which does not structurally or materially conform to the requirements of the city's adopted International Building Code.

# **Downtown Urban Center**

## **City of Auburn Design Standards**

ADOPTED 2/12/07;  
AMENDED 4/14/08, 06/9/08, 06/16/09, 05/24/10,  
2/21/17, 2/21/17;  
REVISION EFFECTIVE 03/01/2017

# TABLE OF CONTENTS

## I. Definitions/Architectural Terms

## II. Guidelines Applicable to **All Development**

**Site Design**      Parking Lots and Garages  
                         --Screening and Landscaping  
                         --Pedestrian Connections  
                         --Width / Spacing of Driveways  
                         Shielded Lighting  
                         Screening Service Areas  
                         Public Plazas

**Building Design**      Entrances  
                         Ground Level Details  
                         Base / Middle / Top  
                         Upper Level Setbacks  
                         Treating Blank Walls  
                         Use of Neon  
                         Parking Structures  
                         Screening Rooftop Equipment  
                         Energy Efficiency

**Sign Design**      Integration with Architecture  
                         Creativity  
                         Landmark Signs  
                         Ground Signs  
                         Portable Signs

## III. Guidelines Applicable to **Pedestrian Streets**

**Site Design**      Limitation on Driveways  
                         Location of Parking  
                         Location of Drive-Through Lanes

**Building Design**      Land Use Mix  
                         Proximity to Sidewalk  
                         Ground Level Transparency  
                         Weather Protection

**Sign Design**      Pedestrian Orientation

facilities are not damaged by other activity on the roof.

- C. The applicant shall install an outdoor speaker system and AM receiver, to receive the City's Main Street radio signal, on any new commercial structure within the Downtown Urban Center zone. The property owner and/or building owner shall be responsible for the outdoor speaker system and any repairs or maintenance.
- D. Utility equipment such as power and gas meters shall be painted to match the structure.
- E. Private utility cabinets (e.g. Comcast, PSE) shall be screened with landscaping where feasible.

#### GUIDELINES APPLICABLE TO ALL DEVELOPMENT IN DOWNTOWN

### Sign Design

## 1. LANDMARK SIGNS

***Intent: preserve the unique character of the downtown***

- A. Retain existing historic signs (as determined by the City) that feature the character of the area, wherever possible.



## 2. INTEGRATION WITH ARCHITECTURE

***Intent: ensure that signage is a part of the overall design of a project and not additive or an afterthought***

- A. The design plans for buildings and sites shall identify locations and sizes for future signs. As tenants install signs, such signs shall be in conformance with an overall sign program that allows for advertising which fits with the architectural character, proportions, and details of the development. The sign program shall indicate location, size, and general design.
- B. New signs shall not project above the roof, parapet or exterior wall unless part of an integral architectural feature. Signs mounted on a roof are not allowed.



### 3. CREATIVITY

**Intent:** encourage interesting, creative and unique approaches to the design of signage

A. Signs should be highly graphic in form, expressive and individualized. Signs should convey the product or service offered by the business in a bold, graphic form

B. If a projecting sign is designed by a graphic design professional and includes a non-verbal, three-dimensional symbol that succinctly conveys the nature of the business and constitutes a dominant proportion of the overall design, the sign may be allowed to exceed the maximum area otherwise allowed by 50%.



### 4. GROUND SIGNS

**Intent:** ensure that signs are not principally oriented to automobile traffic

A. All freestanding signs shall be ground (monument) signs no higher than five (5) feet. Pole signs are prohibited.

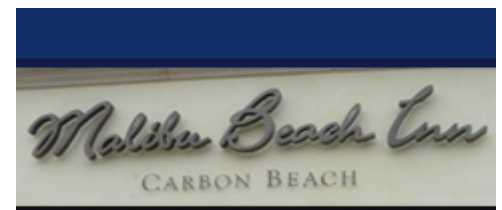
B. The area around the base of any ground sign shall be planted with shrubs and seasonal flowers.

C. Backlit signs are permitted if the sign meets all other standards for signage in this document and Chapter 18.29.

D. Internally-lit signs are permitted when located adjacent and oriented to Auburn Way North/Auburn Way South street frontages and only with electronic message center signs in accordance with Auburn City Code Chapter 18.56 Signs. If an internally lit sign is utilized, the sign shall also conform to all other applicable standards for changing message center signs as described in this same chapter.

E. Boxed cabinet signs are prohibited in the Downtown Urban Center zone.

F. Outlined cabinet signs are permitted only if the sign meets all other standards for signage in this document and Chapter 18.29.





## 5. PORTABLE SIGN DESIGN STANDARDS

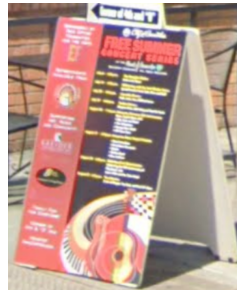
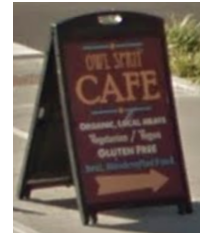
***Intent: to encourage finished appearance of portable signs***

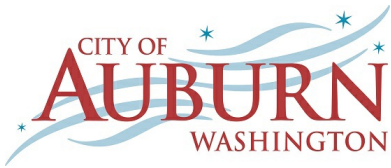
A. Portable signage in the Downtown Urban Center should contribute to the downtown's designation as a vibrant and pedestrian-oriented zone in the City. Signs should be designed with the purpose of promoting nearby services and goods and street activity, and contribute to a lively street aesthetic.

B. Signs must be professionally manufactured of durable materials. Sign copy shall be framed, board-mounted, or plastic laminated for a finished appearance. Chalkboard style A-frame signs and menu boards are permitted, provided text and graphics are tasteful.

C. Signs should convey the product or service offered with a highly graphic, expressive, and individualized design.

D. Sign may not include lighting, attachment, animations or move, spin, and/or flash.





## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Continued Discussion of Planning Commission Rules of Procedure

**Date:**

May 25, 2021

**Department:**

Community Development

**Attachments:**

[PC Memo](#)

[Planning Commission Revised Docs 2021](#)

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

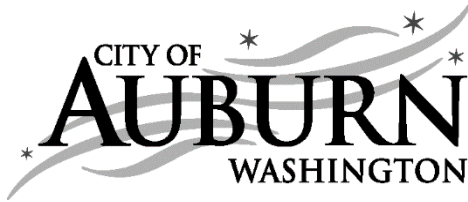
Revised Budget: \$0

**Administrative Recommendation:****Background for Motion:****Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Dixon

**Meeting Date:** June 8, 2021

Item Number:



## MEMORANDUM

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

**FROM:** Jeff Dixon, Planning Services Manager

**DATE:** May 21, 2021

**RE:** June 8, 2021 Planning Commission Agenda Item:  
**Planning Commission Rules of Procedure Review & Action**

---

### **Modifications to PC Rules of Procedures**

The Planning Commission's (PC) Rules of Procedure were last amended on March 3, 2020. Annually, the Planning Commission reviews the Planning Commission Rules of Procedure as a content reminder and to consider any modifications.

#### **Staff Recommendation:**

Prior to the Commission's February 2, 2021 meeting, the Community Development (Planning Services) and Legal Dept. staff reviewed the latest adopted Rules of Procedure document and recommended a minor change. The amendment shown in strike-through (deletions), and underline (additions) was distributed in advance of the meeting.

- A. **First suggested update:** The first recommended revision which was discussed at the PC February 2, 2021 meeting and May 18, 2021 meeting, is to Section XIII and permits the Commission to suspend rules of procedure in response to special circumstances. The recommendation is in response to the changes in how meetings are conducted during the pandemic and is intended to give the Commission more flexibility in its procedures. The revision allows Commissioners by a two-thirds vote to suspend a rule of procedure. This authority does not apply to rules required by statute and is also limited by Roberts Rules of Order.
- B. **Second suggested Update:** This was discussed at the February 2, 2021 and May 18, 2021 meeting to remedy an inconsistency in the Rules. The inconsistency is whether the Chair's silence on a vote is recorded in the affirmative or negative. Mr. Ruth reminded the Commission that last year, the Rules were amended to make a silent vote, a negative vote for all Commissioners. This was based upon the idea if you did not hear a vote, the Commission should not be adopting or changing

something in a policy or decision based on silence. The conservative approach would be to consider it a “no vote”.

Staff suggests a provision in section IV.1 regarding the chair’s vote be eliminated. This deletion is recommended to make section IV.1 consistent with changes in section X.10. Currently, section IV.1 reads that the Chair’s vote shall be considered an affirmative vote unless stated otherwise. This is inconsistent with the prior revision.

- C. **Third Suggested Update:** This was discussed at the February 2, 2021 and May 18, 2021 meeting that with conducting meetings virtually, each commissioner’s vote may not be heard. The Commission requested the rules be updated to reflect the circumstances of virtual meetings and to address the possible technical difficulties such as a microphone failure. A revision to Section X.10 addresses this possibility by permitting votes by electronic communication such as virtual hand raising (symbol) or a chat message.

## **Conclusion**

Transmitted is a version of the rules with the changes described above. If the Planning Commission is satisfied, they can vote to approve. If the Planning Commission has additional changes, these can be discussed, captured by staff, and then these changes can be presented in writing and provided at the next regular meeting. The amendments must be provided at a meeting prior to action (voting) as provided in Section XIII, “Amendment”, which says:

“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.”

**Attachment A** – Planning Commission Rules of Procedure as last amended March 3, 2020 & with staff recommended changes shown in strike-through (deletions) & underline (additions).

## 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  
REVISED March 5, 2019  
REVISED March 3, 2020  
REVISED XX, 2021

**PLANNING COMMISSION - RULES OF PROCEDURE**

**TABLE OF CONTENTS**

SECTION	SUBJECT	PAGE
I.	NAME .....	4
II.	MEETINGS.....	4-5
III.	ELECTION OF OFFICERS .....	5
IV.	CHAIR .....	5
V.	SECRETARY .....	6
VI.	QUORUM.....	6
VII.	ABSENCE OF MEMBERS .....	6
VIII.	ACTIONS DEFINED.....	7
IX.	AGENDA .....	7-8
X.	PUBLIC HEARING .....	8-10
XI.	CONDUCT .....	11
XII.	CONFLICT OF INTEREST.....	11-13
XIII.	AMENDMENT .....	13

## **CITY OF AUBURN PLANNING COMMISSION**

### **RULES OF PROCEDURE**

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*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 may be called by 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.

**Deleted:** 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 Community 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 Community 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 member's 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 Commission when warranted, at 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. The Chair shall call for a vote.
  - B. Members shall vote by voice, unless a member is unable to do so or a member requests a vote by show of hands. If unable to vote by voice, a member shall make a clear expression of the member's vote through raising a hand, sending an electronic message or electronic signal that can be seen by all other commissioners simultaneous with the vote, or other similarly clear and timely action Any member, including the Chair, not voting or submitting an unclear vote, shall be recorded as voting in the negative.
  - C. The Chair or a Commission member may request that the Secretary take a roll call vote or a vote by show of hands. Also, to ensure an accurate record of voting, the Secretary may take either on his/her own initiative.
  - D. A member may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness. If any member of the Planning Commission wishes to abstain, or has disclosed a conflict of interest and must abstain from a vote, that member shall so advise the Commission, shall remove and absent himself/herself from the deliberations, and considerations of the matter, and shall have no further participation in the matter. The member should make this determination prior to any discussion or participation on the subject matter or as soon thereafter as the member perceives a need to abstain. A member may confer with the City Attorney to determine if the member is required to abstain.

If the intended abstention can be anticipated in advance, any 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 wants to review with the City Attorney, in which case, the Chair shall call a brief recess for that purpose before proceeding further.

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- 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 of fact 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 who causes a disruption by making personal, impertinent or slanderous remarks or noises, by using speech intended to incite fear of violence, by failing to comply with the allotted time established for the individual speaker's public comment, by yelling or screaming in a manner that prevents the Commission from conducting the meeting, or by other disruptive conduct 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 that are disruptive may be subject to removal from the meeting.
4. Demonstrations, disruptive applause, other disruptive behavior, or audience interruption during 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 A through D- 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. By a two-thirds affirmative vote of the quorum present at a meeting, the Commission may suspend the rules as authorized by Robert's Rules of Order, except when such suspension would conflict with state law or city ordinance.