



PLANNING COMMISSION

October 5, 2021

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. via Virtual Zoom Meeting. Per Governor Inslee's Emergency Proclamation 20-05 and 20-28 et. seq. and City of Auburn Resolution No. 5581, City of Auburn has designated meeting locations as "virtual" for all Regular, Special and Study Session Meetings of the City Council and for the Committees, Boards and Commissions of the City.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

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

Staff present: Planning Services Manager Jeff Dixon; Assistant City Attorney, Doug Ruth; Senior Planner, Josh Steiner; Planner II, Alexandria Teague; Administrative Assistant Jennifer Oliver.

Members of the public present: James Mays; Sandra Fuller; Nolan Zaroff

b.) PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. September 8, 2021 – Regular Meeting Minutes

Vice Chair Lee moved, and Commissioner Stephens seconded to approve the minutes from the September 8, 2021, meeting as written.

MOTION CARRIED UNANIMOUSLY. 5-0

III. PUBLIC HEARING

A. Airport Code Update

City File No. ZOA20-0002: Public Hearing for Airport Zoning Code Update (amend Chpt 18.38 + Chpt 18.04 ACC + zoning map).

Chair Roland opened the public hearing on October 5, 2021, at 7:02 p.m. and invited Staff to come forward to provide the staff report.

Senior Planner, Alexandria Teague provided a Staff report and PowerPoint presentation to the Planning Commission to discuss a text amendment to the airport related zoning regulations and map amendment to the City's Comprehensive Zoning Map.

Planner Teague reminded the Commission that the proposed zoning code amendment has been discussed with the Planning Commission previously at two regular meetings on August 3rd and September 8th.

The City also completed formal consultation via a public meeting with the aviation community and WSDOT Aviation Division on August 23, 2021. A SEPA Determination of Non-Significance (DNS), City File No. SEP21-0019, was issued on September 1, 2021, and the City observed a fourteen-day public comment period, which expired on September 15, 2021. No comments were received. A Notice of Public Hearing (NOH) was issued on September 23, 2021. In addition to the notice methods required per Chapter 18.68 ACC, the NOH was also mailed to property owners within Compatibility Zones 1 – 5, and property owners within Compatibility Zone 6 whose property is 1,000 feet of the LF Airport Landing Field District zone. Per Chapter 18.68 the following methods of noticing for the Planning Commission public hearing are required for an area-wide text and map amendment: The NOH was published in the Seattle Times on September 23, 2021. The NOH was posted in three public locations (City Hall, City Annex, the Airport Office, and the City's Public Land Use Notice webpage).

Ms. Teague recounted some of the airport history and background as follows:

- The Auburn Municipal Airport (also known as Dick Scobee Field) was built in 1969.
- The airport runway has been extended over the years to increase operational safety.
- It is classified as a Public-Use, General Aviation Regional-Reliever Airport within the National Plan of Integrated Airport Systems (NPIAS).
- The airport is a base for 330 aircraft, and averages approx. 450 flights a day.
- Auburn's airport is self-funded and no local tax monies are used at the airport.

Ms. Teague continued that according to a 2019 Washington State Department of Transportation (WSDOT) Aviation Economic Impact Study, the economic impact of the Auburn Municipal Airport creates the following:

- 232 jobs (direct jobs, construction, General Aviation visitors)
- \$14.2 million labor income
- \$24 million value added
- \$43.1 million business revenues (also known as total economic impact).

The airport receives FAA and WSDOT Aviation Division grants and is contractually bound to "grant assurances".

The Airport Master Plan (AMP) is a comprehensive document that guides development on an airport and the Airport Layout Plan (ALP) is a map and depicts current and proposed airport features and infrastructure.

To maintain eligibility for FAA funding, airports are required to periodically update their master plan and in order to be listed in the NPIAS and to be eligible for FAA funding an airport must have a current ALP approved by the FAA.

Staff explained the FAA's role. The FAA does not have the authority to regulate off airport land use. Land use regulation is the responsibility of the local jurisdiction. The FAA does, however, have a role in regulating on-airport land use through approval of the ALP and through the grant assurances. Under the Federal Air Regulation (FAR) Part 77, the FAA has the authority to review proposed construction on and off the

airport for “hazards to air navigation” associated with obstructions and penetration to the airspace.

Chapter 18.38 ACC contains sections of code related to the (FAR) Part 77 Surfaces – sections that define these surfaces and their respective height limitations. Ms. Teague mentioned, staff is proposing new code section related to the FAR Part 77 Surfaces related to compliance and mitigation.

Planner Teague gave a description of the WSDOT’s role. Similar to the FAA, the WSDOT Aviation Division does not have regulatory authority over local land use decisions. WSDOT does, however, have a role in promoting land use compatibility of off airport land uses and activities. WSDOT promotes land use compatibility through grants and the review of local Comprehensive Plans and regulations. Under the PLANNING ENABLING ACT RCW cities, town, and counties where a general aviation airport is located and operated for the benefit of the general public, are required to discourage the siting of incompatible uses adjacent to such general aviation airport through the Comprehensive Plan and regulations. The WSDOT’s “Airports and Compatible Land Use Guidebook” shown on the slide presentation, contains guidance to help local jurisdictions create airport overlays. Airport Overlays that are intended to help airports and communities proactively prevent incompatible development (land use) around airports. This guidebook provides best practices and steps to create regulations designed to prevent and deter incompatible uses. This is the document that staff used as guidance to create Auburn’s proposed Airport Overlay.

Staff continued the presentation, indicating that the City of Auburn has regulatory authority over how development occurs within the community (and around the airport). The City’s regulatory authority is implemented through the City’ Municipal Code. The majority of the airport-related zoning code regulations are contained in Chapter 18.38, the “**LF Airport Landing Field District**” of the Auburn City Code (ACC). Staff commented that the initial regulations for the LF Airport Landing Field District Chapter date back to 1964, five years prior to the construction of the Auburn Municipal Airport. The most recent updates to the LF District regulations occurred in 1997.

Staff displayed a map that depicts the airport influence area. Per WSDOT, the airport influence area is the area that has a direct effect on the airport and that the airport affects. The Airport Influence Area for Auburn Municipal Airport was defined through the evaluation of several key factors:

- Airport Traffic Pattern;
- Airport Noise Contours;
- FAR Part 77 Surfaces; and
- Generic Accident Distribution Data (WSDOT Guidebook Appendix E)

Staff displayed slides showing a 1990 Google Earth image around the airport, as well as one from 2002 and another from 2018 to show changes in the amount of development around the airport. In relation to these historical images, Planner Teague commented that it is important to remember that the initial regulations for the LF Airport Landing Field District Chapter date back to 1964 (under Chapter 18.40 ACC, Ordinance No. 1702) five years prior to the construction of the Auburn Municipal Airport. The more recent updates to the LF District code section occurred in 1997 (under Ordinance No. 5026). Also, staff strengthened the protection of the airport and its operations in changes to the policy statements of

Comprehensive Plan during the 2020 annual amendment cycle, So staff is now implementing this guidance through changes in the zoning regulations. Staff walked through some of the proposed key changes to the airport related zoning regulations.

- A new airport overlay mapped designation.
 - The airport overlay will be the mechanism in which regulations, designed to prevent and deter incompatible uses around the airport – without changing the underlying land use designation and zoning district.
 - The document titled “Airport Overlay Map Amendment” from the public land use notice webpage depicts the proposed airport overlay as a map. The airport overlay will be added to the City’s Comprehensive Zoning Map as a zoning overlay.
 - The original shape and extent of the six-compatibility zones were created using the nationwide database of general aviation aircraft accidents and adjusted to be specific circumstances for the Auburn Airport.
- The NEW Airport overlay restrictions and standards.
 - Staff explained that this section does two things: prohibits certain uses in Compatibility Zones 1, 2 and 3 and provides specific standards, designed to mitigate potential adverse impacts when siting land uses in proximity to the airport.

Planner Teague pointed out on the map being displayed where Compatibility zones 1, 2, and 3 are. Zone 1 is the runway overlay zone and is purple. Zone 2 is the inner safety zone and is green. And Zone 3 is the inner turning zone and is the pie-shaped blue. Zones 1 and 2 of the airport overlay represent the areas where the risk of aircraft accidents is the greatest. Zone 3 represents the area in which departing aircraft may begin turning over this area to fly toward their destination or to remain in the traffic pattern.

When assessing whether a land use is compatible around the airport, the WSDOT Guidebook provides four basic compatibility criteria, including: noise, effects within the airport influence area, airspace protection, and safety. These four criteria represent the most common effects that an airport can have on the surrounding area, and the effects that the surrounding area can have on an airport. Staff has taken this information from the airport influence area map and applied it to the overlay. The criteria are included in the memo glossary under “Basic Compatibility Criteria.”

Also, Staff inventoried uses that currently exist within the compatibility zones to evaluate potential effects, particularly, in zones 1-5. The criteria were used to assess whether these uses are compatible with the airport and airport operations and whether these uses could occur in the future based on the zoning districts that are contained within each Compatibility Zone.

To that end, staff is *proposing to prohibit new single-family residences*, high density residential development (apartments and mixed-use land uses), daycare centers, and special function uses such as hospitals, nursing homes, K-12 schools, and senior housing *within* Compatibility Zones 1, 2, and 3 only based on safety and

noise. Most of the uses that are proposed to be prohibited do not currently exist within Zones 1, 2, or 3. One mixed use project exists (The Villas) lies within southwestern Compatibility Zone 3. One daycare center was identified within the southern Compatibility Zone 2 at this time. These uses will be grandfathered to the current code. We are specifically designing the regulations to not make these two uses or any other existing use “nonconforming” to current regulations. The proposed prohibition would only apply to new uses after the effective date in which council adopts the code.

The Planning Commission asked in the past about accident data. Staff doesn’t have specific accident data for Auburn Airport, but it is acceptable to use comparable national standards accident distribution data. WSDOT Guidance (Appendix E) has two figures that depict the concentrations and distribution of accidents upon arrival and departure.. The concentration is at the ends of the runway. This information coincides with Zones 1 and 2 having the greatest risk of safety.

Planner Teague highlighted another particular standard. Specifically, future stormwater facilities within Compatibility Zones 1, 2, and 5 will be required to meet or exceed recommendations in City’s Surface Water Management Manual (or SWMM). The City Utilities Division will add a standard to the City’s Surface Water Manual (or SWMM) requiring the use of underground vaults, underground detention/infiltration facilities, or low impact development facilities that drain completely within 48 hours. This will apply to new and redeveloped parcels. This standard is intended deter the attraction and congregation of wildlife in to surface storm ponds and help address the incidence of wildlife strikes.

Staff is proposing a new maintenance and mitigation standards for development around the airport. The purpose of this section is two-fold: when the height of any new structure or tree, exceeds the FAR Part 77 surfaces and penetrates the airspace, an applicant:

- May be required to install and maintain markers and lights.
- Must maintain their trees such that they do not grow to penetrate the airspace.
- Applicants (not the city) will be required to install and maintain new markers and lights as part of their development proposal.

It is a cost burden to the city to pay for installation of markers and lights, on an object associated with an applicant’s proposal, as part of their private development. Beyond this initial installation, the city will, however, require a public maintenance easement to allow City access to inspect and maintain the markers and lights as needed. This is similar to other easements granted to the city, such as over private tracts within subdivision for the city to access and maintain a storm pond or other utilities.

The Planning Commission at the last meeting asked about the nature of the maintenance easement. Staff stated the easement typically allows access over existing paved surfaces (or access to a building if it’s on the roof) to get to the location of the marker light so there is not typically a width or specific path. A property owner could request that the easement be more specific, but staff would start with a general statement allowing access onto the property to access the marker light.

Planner Teague described the revised height compliance section. The purpose of this section is that, where an object might have a height greater than an established surface, applicants must demonstrate compliance with the height limitations. The revision to this section lists the acceptable demonstration methods. Current code states, "Each application for a permit shall indicate the purpose for which the permit is desired, **with sufficient information to permit it to be determined** whether the resulting use, structure or tree would conform to the regulations therein prescribed." It doesn't specify how, so staff is trying to make it more clear how an applicant demonstrates compliance. The methods, shown on the slide to the Commission, are already required now, so in effect the methods are being codified. Staff concluded this will help catch potential future obstructions during the development review process - such as when HVAC units are placed on top of buildings or during the review of landscape plans. It will also provide predictability and consistency for property owners and developers.

Staff discussed the revision on the nonconforming section. Staff kept the provision that structures and trees that existed prior to March 22, 1969, are not "nonconforming". Senior Planner Teague has stated earlier that the airport was constructed in 1969. After this date, structures and trees had to comply with the city standards – including the FAR Part 77 Surfaces. Trees in particular, create a unique challenge to airports, as they generally do not start off as something that affects airport operations or penetrating the airspace but do so over time. Nonconforming trees are those that have existed prior to the 1969 date. Staff presented an aerial photo of what was existing around the airport when it first opened. Most trees around the airport are nonconforming. Most were planted after the existing airport regulations came into effect and are still required to be maintained so that they don't penetrate the airspace.

Staff reiterated that uses included in the overlay, that existed prior to the future adoption of this code are not considered "nonconforming". This is by design – the intent is to not make any pre-existing use nonconforming. So, they will remain vested as an outright permitted use in their respective zoning districts. Lastly, Staff emphasized that tying the nonconforming sections within Chapter 18.38 ACC (the airport code) back to the Chapter 18.54 ACC, the "Nonconforming Structures, Land and Uses" chapter of the Zoning Code, will help create consistency / predictability of application of nonconforming standards. The goal is consistency and predictability for staff and for property owners and developers.

Planner Teague presented the revised variance section. The most significant change proposed to the variance section of Chapter 18.38 ACC involves tying it to the City's existing chapter related to variances (Chapter 18.70 ACC). A variance is the mechanism in which relief from zoning development standards in the City Code is granted. Chapter 18.70 ACC contains the criteria in which a variance must be evaluated, processed, and decided by the Hearing Examiner. Staff commented that while there have been very few variances requested for the airport regulations (i.e., the development standards), The airport-related Chapter 18.38 ACC does not provide the aforementioned level of specificity. Therefore, staff is using this opportunity to improve upon the variance sections of Chapter 18.38 ACC.

Concluding the presentation, staff provided a slide of the code update schedule. If Planning Commission forwards a recommendation to City Council at tonight's

meeting, staff will take the proposed text and map amendment to Study Session on November 8th and then onto the City Council Meeting for action on November 15th.

The floor was opened up for questions or comments from the Planning Commission and Public.

Commissioner Mason inquired if there was any public input that has come into the Planning Department regarding the code changes. Staff respond that there were no formal comments. There have been a few emails requesting additional information along with a couple of phone calls asking for clarification on any effects on businesses. One was from a business located Northwest of the airport. Ms. Teague stated she clarified to the local business that there would be no affect to them with the code changes from what they currently have.

Chair Roland asked if the last time this code was updated was in 1997, and staff confirmed this was correct. Chair Roland inquired if structures were built after that time were they considered under the plans that were in effect. She stated there subsequently has been a lot of building. Staff confirmed that even since 1997, development around the airport has been subject to the FAR part 77 surfaces in place since the airport started in 1969. These were part of the existing airport regulations. However, the airport overlay didn't exist, and we also didn't have those type of land use controls back then.

The Commission mentioned that on one of the slides it showed the hospital on the edge of the redline on the map. The Commission inquired if it was non-conforming or if it is located just outside. Staff commented that the Hospital is not located in Compatibility Zones 1, 2 or 3. The hospital is specifically noted on the map because the airport traffic pattern does go close to the hospital, but it is requested that airplanes do not fly over the hospital. That is part of the airport traffic pattern. Staff pulled up the slide to show the air traffic pattern.

Auburn resident, James Mays asked if the code changes for the airport impacted the King County's proposed use of the Clarion Hotel that is being converted into housing to help the homeless population. Staff responded that it does not. The Clarion hotel is outside of Compatibility Zones 1, 2 and 3. The slide was brought up by staff to show the zoning map where the hotel is located.

There was a gentleman that participated in the Public Hearing and asked questions. As the conversation and questions continued, the questions asked, and comments made became inappropriate and off topic. A Commissioner stated that the individual appeared to be participating for the wrong reasons and not representing valid hearing testimony. It was suggested that the Commission move on to the next person that may have questions or comments for the public hearing.

Auburn resident Sandra Fuller stated that in the presentation, the lines of the flight paths were shown to the west of the airport coming in. She continued that there are several planes that come in daily over Fred Meyers store and a the warehouse located to the south. She asked if the flight paths that were shown are just a suggested flight path or are pilots restricted to the flight path to the west of the runway. There are two landing approaches one to the North and one to the south.

Staff commented that the flight turning pattern is supposed to be the left side of the runway. The green lines on the slide provide an approximate location of this maneuvering. The pilots use visual landmarks to assist with the approach into the airport. The final approach is in Compatibility Zones 4, 2, and then 5. It is a published traffic pattern for pilots to use. The green lines on the slide, show what is to be avoided such as Emerald Downs Thoroughbred horse racetrack and the hospital. Staff brought up the zoning map where Compatibility Zone 2 is located so Ms. Fuller could see closer where the flight pattern is. She wanted to focus on proximity of the flight pattern as it is very low near her home and place of business and is cause for concern. Staff encouraged Ms. Fuller to reach out the City of Auburn Airport Manager as he can show in greater detail the airport flight path and could address her concerns directly. Ms. Fuller asked if Auburn airport would be putting in an air traffic control tower in the future. Staff responded that most likely not, as the airport is small and cannot accommodate larger aircraft.

Chair Roland asked three times for the public to come forth with any further questions.

With no other public testimony, Chair Roland closed the public hearing at 7:54 p.m.

With no other questions from the Commission, the Commission deliberated.

Vice Chair Lee moved, and Commissioner Stephens seconded to recommend the Airport Zoning Code Update be moved forward to City Council for approval.

Motion Passed (5-0)

B. OTHER BUSINESS

Annual Comprehensive Plan Amendments

Review of proposed changes to the Comprehensive Plan as part of the 2021 Annual Update process.

As part of the 2021 Comprehensive Plan Amendment process, staff prepared a working binder that was distributed in advance for use by the Planning Commissioners during their consideration of the proposed annual comprehensive plan amendments.

Josh Steiner, Senior Planner, prepared the 2021 Comprehensive Plan Amendment Working Binder with the following information. He started the staff presentation by briefly reviewing the binder contents:

- Introductory/Front Section:
 - Index to binder contents,
 - Proposed Updated Schedule, &
 - Comprehensive Plan Amendment Docket

- Tab 1: Staff Reports and presentations– the staff report that is provided will be used for the upcoming public hearing. Presentation materials for the September 8th, 2021, Planning Commission meeting are also provided.
- Tab 2: Environmental Review – the environmental checklists and SEPA determinations for the proposed amendments.
- Tab 3: General Info. and Correspondence – correspondence related to the amendment process and public notices.
- Tab 4: Comprehensive Plan Policy/Text Amendments – includes the 4 school district Capital Facilities Plans, the City’s Capital Facilities Plan, and policy/text amendments to individual comprehensive plan elements
- Tab 5: Comprehensive Plan Map Amendments – includes city-initiated map amendments.

Mr. Steiner proceeded to review the subjects for the annual comprehensive plan amendments. He described each item. Group #1 - City Initiated Comprehensive Plan Text Amendments (CPA21-0001) (each capital facilities plan is to be adopted and incorporated by reference)

- 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 – Volume 3, Capital Facilities Element. Water is in the process of applying for an extension of their Comprehensive Water Plan (separate document incorporated by reference) effective to 2026 through the Washington State Department of Health, at which time a full update will be completed. Water believes this request is valid because the capital projects, water demands, and population growth projections presented in the current Water System Plan are still accurate projections of the City’s current planning efforts.
 - No text changes to the Capital Facilities Element are needed, although the referenced Comprehensive Water Plan in Policy CF-13 is expected to be updated by 2024 with current data as part of the Periodic Update.
- P/T #7 –Volume 5, Transportation Element (Separate document incorporated by reference). Changes in the Transportation Element consist of the following:

- Update Transportation Improvement Program (TIP) information/project list.
 - Re-designate one project from Comprehensive Plan list to the (TIP) list to maintain continuity in the future transportation network conditions.
 - Update maps as needed to reflect current data and conditions (addressed by CMP #1, below).
 - Additional minor changes will relate to grammar, punctuation, choice of words, references, etc.
- P/T #8 – Volume 2, Housing Element. The city adopted a Housing Action Plan (HAP) in July 2021, which was also presented to the Planning Commission in February and June 2021 by City staff. The HAP provides recommendations on policies and code changes to implement HAP strategies. The proposed policy revision allows for better alignment with PSRC *Vision 2050* policy MPP-H-11 which addresses supporting identification of potential physical, economic, and cultural displacement, and mitigating to the extent feasible.
 - Include reference and brief description of Housing Action Plan in Conditions and Trends section beginning on page H-1 of the Housing Element.
 - Revise Policy H-24(f) to include text regarding minimizing displacement impacts. The revision of this policy will better align with PSRC *Vision 2050*'s recognition of displacement risk. Revising this policy allows for alignment with PSRC requirements in advance of the 2024 Periodic Update.
 - Address text formatting for Policy H-24 sub-policies
- P/T #9 – Volume 1, Land Use Element and Volume 5. The city adopted a Housing Action Plan (HAP) in July 2021, which was also presented to the Planning Commission in February and June 2021 by City staff. The HAP provides recommendations on policies and code changes to implement HAP strategies. One such policy is located in the Land Use Element (additional detail below).
 - Revise Policy LU-39 to include affordable housing and mixed-income development. In addition to allowing additional height or density in exchange for supplemental amenities identified in this policy, this revision would include affordable housing development as eligible uses for deviations in height, density, or intensity.

City-Initiated Map Amendments (CPA21-0002):

- CPM #1 – Volume 5: Transportation Element (Separate document incorporated by reference): Several maps found throughout Volume 5

have been updated to reflect current conditions and to address formatting.

Staff concluded the staff report and invited questions and comments from the Planning Commission.

Chair Roland asked if the Transportation Element Map Amendments were just updates or new maps for the future. Senior Planner Steiner responded the changes are those maps in the binder that show the edits that will be made and the as-revised maps, and this is what the Commission would be approving. Staff mentioned the maps are found at the end in Part B in the binder for reference.

Staff mentioned the Public Hearing during the Planning Commission meeting will be October 19th, 2021, for the Comprehensive Plan Amendments. Staff and representatives from the School District have been invited to attend for any questions that arise.

The Commission wanted to clarify that the school impact fees are listed in the Comprehensive Plan Binder. Staff confirmed that the Staff report in the front of the binder steps through the changes and details to the School Districts fees. The Commission asked if the School Districts will be attending the Public Hearing on October 19, 2021. Senior Planner Steiner said that Auburn has confirmed they would be in attendance. Kent Schools has a prior engagement but will try and phone in and he had not heard back yet from Federal Way or Dieringer school districts yet.

Chair Roland asked if the Commission has additional questions, can they ask questions to staff or the school representatives at the time of the Public Hearing on October 19, 2021. Staff confirmed that if there were any questions from the Commission there will be opportunities for the Commission to ask those questions at the hearing. If the Commission has questions that they can think of ahead of the meeting, it is encouraged to send an email to staff prior to the Public Hearing and that will help staff to be prepared for the meeting and able to bring an answer. This will also help with the timeline of acting upon each subject of the Comprehensive Plan.

C. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon reported that the building that was subject to a recent fire on Main Street known as The Max House is being demolished on November 17. The owner intends to sell the property when the demolition is complete. Staging for that demolition process is under discussion now.

The old Nelson Jewelry clock has been removed and is being held in storage at the City of Auburn M&O facility.

Also, Business License renewals notices will be going out to businesses starting October 18. The BIA (Business Improvement Area) Fee is no longer a fee that

will be imposed to downtown businesses. Although the BIA still exists, the source of funding for the BIA area (that improves areas of downtown and helps fund activities) will now stem from the B&O tax (business and occupation tax).

Starting on October 25, King County Public Health is requiring restaurants and bar owners to ask customers for proof of vaccination while dining or drinking in an establishment. This is not enforced by the city. As a King County requirement, it will only apply in King County and King County Public Health will monitor and enforce.

The Commission asked once again about the status of the Heritage Building redevelopment and the vacant spot and what the update is. At the time, there is no update from Staff.

The Commission asked if the Athens Pizza building that caught fire was close to being finished and back open for business. Staff replied that he did not know the answer at this time .

The Commission and Staff briefly went over the next Planning Commission Meeting proposed for October 19, 2021, that will consist of the Public Hearing for the 2021 Annual Comprehensive Plan Amendments as well as a presentation by James Webb from the Transportation Department. There was some concern from the Commission on whether the school districts representatives will be present. Planning Services Manager, Jeff Dixon stated that City Staff reaches out with plenty of advance notice regarding the meetings and encourages representatives to attend. All of the schools submit written materials requested, and that presence shouldn't be a factor in the recommendation to move the text amendment item to Council.

There was concern over whether or not Vice Chair Lee had to recuse himself on future consideration of school district capital facility plans due to being an Auburn School District teacher and if that would negatively affect the Commission quorum at the meeting. After Vice Chair Lee described the circumstances, Assistant Attorney Doug Ruth confirmed that he would be appropriate to participate and vote.

D. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:42 p.m.