

**Planning Commission Meeting
April 3, 2018 - 7:00 PM
City Hall Council Chambers
AGENDA**

I. CALL TO ORDER

A. ROLL CALL/ESTABLISHMENT OF QUORUM

B. PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. Minutes of the February 6, 2018 Regular Planning Commission Meeting

III. PUBLIC COMMENT

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

IV. OTHER BUSINESS

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

B. Planning Commission Rules of Procedure

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

V. COMMUNITY DEVELOPMENT REPORT

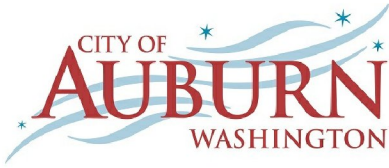
Update on Community Development Services activities.

VI. ADJOURNMENT

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

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

*Denotes attachments included in the agenda packet.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the February 6, 2018 Regular Planning Commission Meeting

Date:

March 22, 2018

Department:

Community Development and Public Works

Attachments:

[Draft Minutes - February 6, 2018](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission to approve the February 6, 2018 minutes.

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

Tate

Meeting Date: April 3, 2018

Item Number:



February 6, 2018

MINUTES

I. CALL TO ORDER

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

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

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

Staff present included: City Attorney Dan Heid, Planning Services Manager Jeff Dixon, and Administrative Assistant Tina Kriss.

Members of the public present: Barry Wressell

II. APPROVAL OF MINUTES

A. Special Work Session Minutes – November 1, 2018

Commissioner Moutzouris moved and Commissioner Lee seconded to approve the minutes from the November 1, 2018 Special Work Session minutes.

In response to a question, City Attorney Heid clarified that Commissioners that were not in attendance may vote on the minutes if they have reviewed the minutes under Roberts Rule of Order.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Regular Meeting Minutes – November 1, 2018

Commissioner Mason pointed out that the minutes do not reflect her arrival after the approval of minutes. Staff will include text indicating Commissioner Mason's arrival after the approval of minutes, under II. B. APPROVAL OF MINUTES.

Commissioner Lee moved and Commissioner Smith seconded to approve the Minutes from the November 1, 2018 Regular meeting as amended.

MOTION CARRIED UNANIMOUSLY. 7-0

III. PUBLIC COMMENT

There was no public present for comments.

IV. PUBLIC HEARING**A. REZ18-0001**

Chair Roland opened the public hearing on REZ18-0001, City-initiated Zoning Map Amendments at 7:06 PM.

Planning Manager Jeff Dixon provided an overview of REZ18-0001 the City-initiated Zoning Map Amendments.

Five parcels in two locations are part of the City-initiated rezone to implement recent Comprehensive Plan map amendments. The first group is 4 privately-owned, previously developed parcels changing from “DUC” Downtown Urban Center” to “M1, Light Industrial” to recognize and be more compatible with developed status of the properties.

The other location is a 0.98-acre city-owned park parcel located on Lea Hills and that is proposed to change from “R-20, Residential Zone 20 units to the acre to “I, Institutional” in response to recent City ownership as a developed park.

Staff reviewed maps depicting the location of the properties, zoning classification and existing land use. Staff reported that both properties were rezoned as part of the City’s Annual Comprehensive Plan amendments adopted by Ordinance No. 6667 on December 18, 2017.

In response to a question by the Commission, the Commission and staff discussed the advantages of changing the 0.98-acre city-owned park parcel from “R-20, Residential Zone 20 units to the acre to “I, Institutional”. Staff explained that the change would make it consistent with the zoning designations that applies to other parks, having its own set of land uses and zoning development standards that will be more compatible with park purposes. The “I” Institution zoning district applies regulations that are more appropriate for a property that is developed as a park than properties that are developed as multi-family residential, the current designation.

The Commission asked staff the difference between parks that are designated as “I” Institutional and those zoned: “OS, Open Space”. Staff explained, that consistent with the Commission’s discussions for the Public Hearing in October on the “Open Space” Comprehensive Plan designation the Commission determined that parks with active recreation and developed facilities would be designated as “I” Institutional compared to parks properties that are undeveloped, or only very passive recreational facilities, which would be designated at “Open Space.”

In answer to Commission Lee’s question if there had been contact with the public regarding the rezone, staff reported most of the inquires in response to

the public notice were by phone and seeking to understand what the rezone was for and if it impacted their properties. The owner of two northern properties has been supportive of this change and believes it would assist her in attracting tenants for the building.

Planning Manager Dixon stated staff is recommending approval of the zoning map amendments (rezones) under REZ18-0001 to the five parcels.

Chair Roland invited the public forward for testimony on REZ18-0001. With no public present for testimony, Chair Roland closed the public hearing at 7:28 p.m.

The Commission deliberated.

The Commission and staff discussed the "M-1, Light Industrial" and "DUC, Downtown Urban Center" zoning designations.

Commissioner Stephens moved and Commissioner Lee seconded to recommend moving REZ18-0001 to City Council for approval.

Motion approved. 7-0

V. OTHER BUSINESS

A. Election of Officers

Chair Roland called for nominations for the Election of Chairperson for the City of Auburn 2018 Planning Commission.

Member Mason moved and Commissioner Stephens seconded a nomination for Commissioner Roland as Chairperson; no other Commissioners were nominated.

A vote was taken, by majority vote of Commissioners, 7-0; Commissioner Roland was elected as the Planning Commissioner Chairperson for 2018.

Chair Roland called for nominations for the Election of Vice-Chairperson for the City of Auburn 2018 Planning Commission. Chair Roland thanked the Commission for the Commission.

Member Mason moved and Commissioner Shin seconded a nomination for Commissioner Lee as Vice-Chairperson; no other Commissioners were nominated.

A vote was taken, by majority vote of Commissioners, 7-0; Commissioner Lee was elected as the Planning Commissioner Vice-Chairperson for 2018. Vice-Chairperson Lee thanked the Commission.

B. Rules and Procedures

Planning Services Manager Dixon provided an introduction of the Rules and Procedures of the Planning Commission; last revised May 2, 2017. Staff explained that for tonight, staff-proposed language was added to Section VII., ABSENCE OF MEMBERS on Pages 5 and 6 of the Rules and Procedures as indicated by the underlined text. The added two paragraphs provide language addressing the importance of regular attendance by Commission members and a provision for a requesting and approval of a leave of absence.

The Commission reviewed the proposed language and discussed the impact of a member taking a leave of absence. The Commission members mostly concurred that a leave of absence may compromise the ability to vote on matters before the Commission due to a lack of a quorum. City Attorney Heid explained that in order to conduct business and vote on matters before the Commission, a Commissioner Pro Tem could be appointed to establish a quorum. After discussing options, the Planning Commission recommended the following:

- Include the proposed language provided by staff under Section VII. ABSENCE OF MEMBERS, paragraph one, Pages five and six regarding the essential participation of the 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.”

- Remove the proposed language provided by staff under section VII. ABSENCE OF MEMBERS, Paragraph 3, Page 6 regarding a leave of absence:

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

Commissioner Mason expressed her concern that the language under Section XI. CONDUCT, Paragraphs 3 and 4 does not clearly address the enforcement of the rules relating to order and decorum by members of the public in attendance and the removal of disruptive individuals or parties.

The Commission discussed switching the order of Paragraphs 3 and 4 so that it the steps would be clearer. The Commission also suggested adding language to

provide the Chair the discretion of removing a disruptive audience member or members, and that the request would be through the Chair.

City Attorney Heid cautioned that there have been recent court rulings that seek to balance free speech and disruptive behavior by attendees at open public meetings. He offered to research and provide court case information that addresses conduct, which would assist the Commission as they review and consider revising the language. He recommended that the issue would be most appropriately addressed in the City Code Section 2.45, PLANNING COMMISSION. The Commission asked City Attorney Heid to provide that information for a future discussion on this section. The Commission and staff continued to discuss options for conduct by attendees.

A Commissioner remarked he thought there was a provision about reviewing the proceedings for previous meetings that members were not able to attend. The Commission reviewed the language under Section XII. CONFLICT OF INTEREST, Subsection 2. Appearance of Fairness, the second to the last paragraph on Pages 11 and 12, "No member may participate in any decision of the member had not reviewed the staff reports and testimony presented at the hearing on the matter. Such member may, however, listen to the recording of the hearing in order to satisfy this requirement". The Commission thought this section was not a good fit for this Section of the document and asked staff to bring back ideas where the language could be moved in the Rules and Procedures for more clarity.

Commissioner Mason moved and Commissioner Lee seconded to adopt the Planning Commission Rules and Procedures previously adopted May 2, 2017 with the following staff proposed additions:

- Section VII. ABSENCE OF MEMBERS, Paragraph 1, Pages 5 and 6:

"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."
- Remove the proposed language provided by staff under Section VII. ABSENCE OF MEMBERS, Paragraph 3, Page 6:

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

Motion approved 6-1. Commissioner Smith voted no.

Staff will bring back the Rules and Procedures for additional discussion at a future meeting.

VI. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager Dixon distributed a handout, which is a summary of the required periodic update of the Shoreline Management Program. He explained that the State of Washington Department of Ecology is requiring a review and, if appropriate, an update of the city's Shoreline Master Program. The evaluation of the Shoreline program is to make sure it is consistent to any changes that have been made under state law. The review and any proposed updates need to be completed by mid, 2019. The city and the State of Washington Department of Ecology share responsibility for the Shoreline program and the local program must be approved by the state. Along with the Shoreline Master Program, the City Floodplain Regulations would be reviewed for updates since the regulations are interrelated and apply in many of the same locations and thus require coordination.

Since both of the updates are development regulations, staff will be bringing them before the Planning Commission for review and public hearing. Staff expects to share with the Commission in the future a work program and schedule.

Planning Services Manager Dixon explained that the Director of Community Development and Public Works, Kevin Snyder, submitted his resignation. Kevin will be joining the City of Fairfield, California as the Director of Community Development.

Staff discussed the Promenade Apartments in the Lea Hill area. Staff reported they have received their first Certificate of Occupancy for this Mixed Use project. Residents will be moving in to the apartment buildings. The commercial component of the project is proposed to be occupied by a YMCA daycare.

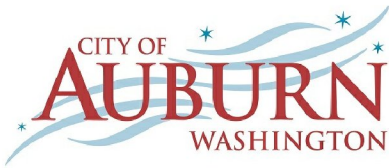
The Commission asked about the status of the fire damaged Heritage Building located in downtown. Staff reported the insurance investigation is ongoing.

The Commission asked whether there was a new tenant for the former Sam's Club space at the Outlet Collection mall. Staff reported that none is known.

The next meeting will be held March 6, 2018.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:22 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Planning Commission Rules of Procedure

Date:

March 22, 2018

Department:

Community Development and
Public Works

Attachments:

[Planning Commission Rules of Procedure
adopted February 6, 2018](#)

Budget Impact:

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

Administrative Recommendation:**Background Summary:**

At their February 6, 2018 regular meeting, the Planning Commission reviewed and discussed some staff-proposed modifications to the 'Planning Commission Rules of Procedure' document. The Rules of Procedure are typically reviewed each year at the time of election of officers, but Section XIII., 'Amendment' provides that they may be amended at any regular meeting.

Staff had recommended the Planning Commission consider adding language to Section VII, 'Absence of Members', that further defines the importance of regular attendance and that creates an allowance of a member to request a leave of absence. Staff had proposed a new paragraph at the beginning of this section on the importance of participation and a new paragraph at the end of this section providing for a leave of absence. The Planning Commission decided to reject the paragraph about the leave of absence and retain the paragraph on the importance of regular attendance.

As identified in the minutes of the February 6, 2018 meeting, there was discussion about Section XI, 'Conduct', and whether existing provisions were strong enough regarding disruptive behavior by audience members. Specifically, there was discussion about Subsections 3 and 4 of this section. The City Attorney acknowledged that he understood the concern, but cautioned that there have been some recent court decisions that address a balance between free speech and disruptive behavior by attendees at open public meetings. The City Attorney offered to research and provide information that addresses attendee conduct that would assist the Commission as they review and consider further revising the language.

In addition, the Commission discussed the provision under Section XII., "Conflict of Interest", and Subsection 2. 'Appearance of Fairness' and whether the provision here for a Commissioner to listen to the recording of the hearing in order to participate in decision making, should be moved to a different section of the document. The Commission asked for ideas where the language could be moved for better clarity.

Recognizing that they could subsequently amend the document, the Commission decided to

only vote on changes to Section VII, 'Absence of Members'.

Reviewed by Council Committees:

Councilmember:

Staff:

Tate

Meeting Date: April 3, 2018

Item Number:

CITY OF AUBURN

PLANNING COMMISSION

RULES OF PROCEDURE

ADOPTED NOVEMBER, 1983
REVISED NOVEMBER, 1988
UPDATED APRIL, 2000
REVISED FEBRUARY, 2007
REVISED APRIL 2, 2013
REVISED MARCH 8, 2016
REVISED May 2, 2017
REVISED February 6, 2018

PLANNING COMMISSION - RULES OF PROCEDURE

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CITY OF AUBURN PLANNING COMMISSION

RULES OF PROCEDURE

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

I. NAME:

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

II. MEETINGS:

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

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

III. ELECTION OF OFFICERS:

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

IV. CHAIR:

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

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

V. SECRETARY:

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

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

VI. QUORUM:

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

VII. ABSENCE OF MEMBERS:

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

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

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

VIII. ACTIONS DEFINED:

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

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

IX. AGENDA:

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

1. CALL TO ORDER
 - a) Roll Call/Establishment of Quorum
 - b) Pledge of Allegiance
2. Approval of Minutes

3. Public Comment
4. Public Hearings
5. Other Business Items as Appropriate
6. Community Development Report
7. Adjournment

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

X. PUBLIC HEARINGS:

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

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

- A. Any member, including the Chair, not voting or not voting in an audible voice shall be recorded as voting in favor of the motion.
- B. The Chair, Secretary, or upon request from a Commission member, may take a roll call vote.
- C. It is the responsibility of each member of the Planning Commission to vote when requested on a matter before the full Commission. However, a member may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.
- D. If any member of the Planning Commission wishes to abstain, or has disclosed a conflict of interest and must abstain from a vote on the motion, that member shall so advise the Chair and, if there is no objection to the abstention, shall physically remove and absent himself/herself from the meeting/hearing, all deliberations, and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the member perceives a need to abstain, provided that, prior to the time that a member gives advice of an intent to abstain from an issue, the member shall confer with the City Attorney to determine if the basis for the member's intended abstention conforms to the requirements hereof.

If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the Planning Commission. If that cannot be done, the member should advise the Chair that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the member for that purpose before proceeding further.
- E. If a tie vote exists, after recording the Chair's vote, the motion fails. However, a motion for denial that fails on a tie vote shall not be considered an approval.

10. 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.

11. Findings of Fact:

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

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

12. Order of Hearings:

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

XI. CONDUCT:

- 1. These rules are intended to promote an orderly system of holding a public meeting and hearing, to give persons an opportunity to be heard and to ensure that individuals are not embarrassed by exercising their right of free speech.
- 2. Any person making personal, impertinent or slanderous remarks while addressing the Commission shall be barred from further audience

- participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Commission.
3. No comments shall be made from any other location, and anyone making “out of order” comments shall be subject to removal from the meeting.
 4. Demonstrations, applause, other disruptive behavior, or other audience participation during or at the conclusion of anyone’s presentation are prohibited. It is distracting to the Commission, the audience, and persons testifying.

XII. CONFLICT OF INTEREST:

1. Any member of the Commission who in his or her opinion has an interest in any matter before the Commission that would tend to prejudice his or her actions shall publicly indicate, step down and leave the meeting room until the matter is disposed. A member need only be excused from legislative or organizational action if the potential conflict of interest is direct and substantial.
 - A. No member of the Planning Commission may use his or her position to secure special privileges or exemptions for himself, herself, or others.
 - B. No member of the Planning Commission may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
 - C. No member of the Planning Commission may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
 - D. No member of the Planning Commission may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.
 - E. No member of the Planning Commission may take any action that is prohibited by Chapter 42.23 RCW or any other statutes identifying conflicts of interest.

2. Appearance of Fairness:

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

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

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

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

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

XIII. AMENDMENT:

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