

**Planning Commission Meeting
March 5, 2019 - 7:00 PM
City Hall
AGENDA**

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

III. APPROVAL OF MINUTES

- A. Regular Meeting Minutes - January 23, 2019**

IV. OTHER BUSINESS

- A. PSERN - Emergency Wireless Communication Facility (ZOA18-0001)**
Amend the City's Zoning Code – Title 18 to allow the use and siting of emergency community WCFs within the I, Institutional zoning district of the Auburn City Code (ACC)
- B. Modification of Rules of Procedure**

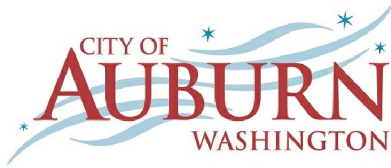
V. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

VI. 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

Agenda Subject:

Regular Meeting Minutes - January 23, 2019

Date:

February 25, 2019

Department:

Community Development

Attachments:

[Draft minutes - January 23, 2019](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission to review and approve the January 23, 2019 regular meeting minutes.

Background Summary:

See the attached draft minutes.

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

Dixon

Meeting Date: March 5, 2019

Item Number:



January 23, 2019

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 Roland, Vice-Chair Lee, Commissioner Mason, Commissioner Stephens, Commissioner Moutzouris, and Commissioner Khanal.

Staff present included: Assistant City Attorney Doug Ruth, Planning Services Manager Jeff Dixon, Planner II Alex Teague, and Administrative Assistant Tina Kriss.

Members of the public present: Jeff Watson and Rick Cardoza.

II. APPROVAL OF MINUTES

A. Regular Meeting Minutes – November 7, 2018

Commissioner Khanal moved and Commissioner Mason seconded to approve the Minutes from the November 7, 2018 regular meeting as amended.

MOTION CARRIED UNANIMOUSLY. 6-0

III. PUBLIC HEARING

No items were on the agenda for Public Hearing.

IV. OTHER BUSINESS

A. Election of Officers

Chair Roland called for nominations for the Election of Chairperson for the City of Auburn 2019 Planning Commission. Member Mason nominated Commissioner Roland; no other Commissioners were nominated.

A vote was taken. By majority vote of Commissioners, 5-0, Commissioner Roland was elected as the Planning Commission Chairperson for 2019.

Chair Roland called for nominations for the Election of Vice-Chairperson for the City of Auburn 2019 Planning Commission. Member Mason nominated Commissioner Lee as Vice-Chair; no other Commissioners were nominated.

A vote was taken, by majority vote of Commissioners, 5-0, Commissioner Lee was elected as the Planning Commission Vice-Chairperson for 2019.

B. PSERN - Zoning Code Amendment

Planner II Teague presented the staff report on PSERN, Emergency Wireless Communication Facility (ZOA18-0001).

Commissioner Khanal stated due to his work with Verizon Wireless he is recusing himself.

Planner Teague explained that PSERN stands for Public Safety Emergency Radio Network and is an association of public agencies seeking to establish a wireless communications network intended to replace the current King County (KC) E-911 Emergency Radio Communications System, which is 20 years old and is limited in coverage. PSERN, much like the KC Emergency Radio Communications System, will be used by first responders to communicate during emergency incidents, and will be used by all jurisdictions in King County.

Staff provided an overview of the proposed construction of the tower and facility, the location, and the requested code amendment. Staff clarified that the construction would not be allowed under current regulations and therefore code changes are requested in order to allow. The construction authorization is not the purview of the Planning Commission but the code changes are. As a basis for discussion, staff introduced the current City regulations applicable to private wireless communication facilities (WCF) and contrasted this with the proposed code amendment. To start, staff reviewed what a wireless communication facility is as defined by Auburn City Code (ACC 18.04.912.) and the current supplemental siting standards applicable to WCF.

Staff reviewed the proposed zoning code amendment requested by PSERN:

Item 1. Add Emergency WCFs to List of Established Zones

The purpose of Item 1 is to establish a new definition as a special category of “emergency WCF” in the City’s Zoning Code (Title 18). Therefore, a new definition for emergency WCFs is proposed to be added within Chapter 18.04 “Definitions” ACC is presented below.

18.04.912 Wireless communications.

“Wireless communications” means the provision of any personal wireless service, as defined in the Telecommunications Act of 1996, and for the purposes of this title includes the following terms:

K. “Emergency WCF” means an emergency communication facility system operated by a local public agency responsible for providing emergency communication services.

Item 2. Exempt Emergency WCF Height and Setback Siting Standards

Item 2 describes the proposed height and setback exemptions for emergency WCFs from the siting standards contained in Chapter 18.31 “Supplemental Development Standards”.

Item 3. Add Emergency WCFs as an Allowed Use in the I, Institutional Zone

Item 3 depicts emergency WCFs as new use allowed within the I, Institutional Zone within the existing Chapter 18.35 "Special Purpose Zones".

To orient the Planning Commission, Planner Teague discussed the regulatory approach of several other nearby jurisdictions. She discussed other jurisdictions that were contacted for information and showed on the screen a chart of those other jurisdictions with emergency WCF siting standards.

Staff reviewed the allowed and prohibited uses within the institutional zone and . stated that staff believes is most appropriate to be allowed outright in the I, Institutional zones since the proposed supplemental siting standards (provided in Exhibit 1) give a sufficient degree of control to ensure that the proposed use is compatible with the intent of the Institutional zone and the other existing and permitting uses within the zone. Planner Teague explained that staff considered various approaches for permitting an emergency wireless communication facility.

She explained the possible range of land use permitting available, from being permitted outright as a permitted use, or administrative use requiring an administrative decision by the Department Director in order to allow, or a conditional use requiring a public hearing or considered a prohibited use as they are not allowed in that zone (shown in Exhibit 1).

Staff stated it is staff's recommendation that emergency wireless communication facilities should be permitted outright in the I, Institutional zone. Staff explained the purpose of an administrative use permit and conditional use permit (shown in Exhibit 2).

Staff explained that current Auburn City Code (ACC) provides regulations applicable to private wireless communication carriers. The proposal before you tonight provides an approach to establish a unique subcategory that is for the emergency wireless communications by a public agency. As part of the approach, a fairly narrow definition of what type of facilities that consists of and make certain regulations that are only applicable to that subcategory of those emergency wireless communication facilities.

Staff explained that at the next meeting staff would like to hold a discussion on collocation, commercial and non-commercial collocation on this tower. Tonight's discussion only addresses the PSERN Emergency Wireless Communication facility.

Staff asked the Commission the following questions.

1. Are the proposed supplemental development standards reasonable and appropriate in light of the request?
2. Is the Institutional zoning district the most appropriate zoning district for such as facility?

3. Should emergency WCFs be permitted outright in the Institutional zoning district or subject to an Administrative Use Permit or Conditional Use Permit?

The Commission provided the following feedback:

The Commission asked if there could be a height restriction in the institutional zoning designation applicable to emergency WCF. Staff explained that one has not yet been discussed, a height limitation could be proposed within the I, Institutional zone.

The Commission asked staff if this was the first E-911 wireless communication tower proposed in Auburn and could it be relocated. Staff responded, this is the first facility of its kind in Auburn and staff does not believe this specific facility would be relocated in the future. Staff explained PSERN has completed an extensive site selection process and upon selecting this site has spent considerable resources for soil borings to confirm the height and foundation load, road grades, and other improvements in anticipation to use this specific site.

Staff explained that one of the factors, as part of an extensive site selection was elevation of the site and the lack of presence of surrounding obstacles. Emergency wireless communications siting is predicated upon radio frequency engineering, and requires an unobstructed line of site between receivers and transmitters. To achieve adequate communication signal coverage, the tower antennas must be mounted at a height taller than surrounding obstructions and this location is proposed on a hill.

If the 180-foot tower were allowed on this site, the Commission asked if another tower could be put on other institutional zoned sites within the City. Staff stated that under the concept being discussed, if another property was zoned institutional, it also could be developed with a similar facility but that there are limited areas zoned I, Institutional at higher elevations within the city. Some specific examples were discussed.

Commissioner Stevens asked if we know how long the lease term is; staff responded that they do not have the specific answer to PSERN's intended lease period but would bring back that information at the next meeting. Commissioner Stevens stated if they lose their lease in ten years, would that mean they could relocate to another property.

A discussion was held as to the appropriate zoning of this type of use and staff reported that city staff felt the I, Institutional zone is the best fit for this use.

Commissioner Mason asked there would be traffic impacts from the facility. Staff explained that this is an unmanned facility and there would only be employees visiting once or twice monthly for maintenance and not generating a lot of traffic.

Commissioner Stephens asked if there are instances where the city requires different degrees of land use approval process based on the intensity of land use action. He suggested a model of requiring an administration use permit for a

certain height and when the height limitation is exceeded requiring a conditional use permit. Staff explained that this regulatory approach is currently applicable to the private wireless communication facilities based on the category, height and zoning district. Planner Teague pointed out that the table shows the different requirements based on zone and height.

Staff questioned if the Commission's concern is due to locating another tower within Auburn and the unlimited height. The Commission concurred.

Commissioner Stephens asked staff to provide visuals of what a high-density collocation emergency wireless communication tower looks like. Staff confirmed they would bring these recommended items back to the next meeting.

Commissioner Lee asked, if the purpose of a E-911 wireless communication facility is to enhance or enable emergency 911 communication, is there any negative impact for Auburn and our residents if this tower is not built in Auburn? Staff stated they would find out how vital this project would be to any E-911 communications in Auburn.

The Commission suggested that the facility must not interfere with airport operations and there must not be Federal Aviation Administration (FAA) Concerns; staff confirmed that the FAA has already issued a determination of "no hazard to aviation:".

The Commission asked how big the base of the tower and equipment yard would be, staff indicated the appropriate fenced area dimensions and would bring back information on those details at the next meeting.

Staff confirmed that at the next meeting they will respond to the request made by the Commission to provide visuals on co-location and proposed language to address height and co-location.

C. Rules of Procedures

Planning Services Manager Dixon indicated that the Commission has as a matter of practice has reviewed their Rules of Procedure annually to ensure they remain appropriate and that there are not new issues to be addressed by changes. He explained that the Commission made several changes last year and the Rules of Procedures of the Planning Commission; were last revised June 5, 2018.

After reviewing the Rules of Procedure, the Commission recommended that changes be made to the wording of Section II. Meetings, 4. Special Meetings. The Commission suggested the first sentence be changed from "shall" to "may" and to read follows:

"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."

Staff stated that if there were no other changes, staff would update the document with strikethrough and underline revisions and provide the Commission with an update to vote on at their next meeting in accordance with the procedure in Section XIII. Amendment. There were no further changes offered.

V. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager Dixon explained that the WA State Dept of Commerce would be holding an upcoming Short Course on Local Planning on April 10 from 6:15 to 9:15 pm in the nearby City of Normandy Park. The Washington State Department of Commerce organizes these voluntary trainings. Copies of the training announcement were provided to the Commissioners. Please feel free to contact the planning staff or follow the link to sign up. If that location does not work for you, a few options for different dates and location are noted on the link provided by the Department of Commerce.

This is an optional training opportunity, which is offered periodically. This training while covering some of the same topics is different from the required Open Public Meetings Act and Open Public Records Act offered by the City's Legal Dept. on a reoccurring basis.

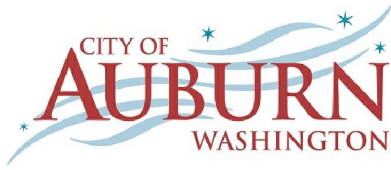
Staff reported that the former Heritage building off Main Street has been partially removed after experiencing the fire damage. The owner has had to secure services of a new contractor and will soon be removing the remaining debris and cleaning up the site and installing more permanent fencing. Staff continues to discuss plans for redevelopment of the property with the property owner's architectural team and are expecting an application for the required Downtown Design Review for a redevelopment proposal before the end of the month.

Staff provided an update on the previously discussed Auburn Apartments. The Auburn Apartments, that is located two blocks south of city hall, and consists of ground floor commercial and upper story residential has recently had their civil plans approved to address the utility extensions and street frontage improvements necessary to serve that project. The building permit is also expected to be issued very soon.. They are looking to mobilize for ground breaking in February.

The next regular Planning Commission meeting will be held February 5, 2019.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:17 pm.



AGENDA BILL APPROVAL FORM

Agenda Subject:

PSERN - Emergency Wireless Communication Facility
(ZOA18-0001)

Date:

February 25, 2019

Department:

Community Development

Attachments:

[Memorandum](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background Summary:

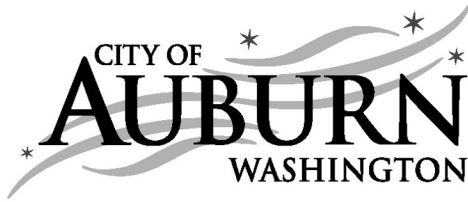
Please see the attached memorandum.

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

Teague

Meeting Date: March 5, 2019

Item Number:



MEMORANDUM

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

FROM: Alexandria Teague, Planner II, Comm. Development Dept.
Jeff Dixon, Planning Services Manager, Comm. Development Dept.

DATE: January 29, 2019

RE: **Discussion Topic:** Continued Discussion of PSERN Code Amendment in follow up to January 23rd, 2019 Regular Meeting

BACKGROUND:

At the Planning Commission's re-scheduled regular meeting on January 23, 2019, staff introduced and discussed the application that was submitted by PSERN for a zoning code amendment.

Planner Teague explained that PSERN stands for Public Safety Emergency Radio Network and that it is an association of public agencies seeking to establish a wireless communications network intended to replace the current King County (KC) E-911 Emergency Radio Communications System. PSERN, much like the KC Emergency Radio Communications System, will be used by first responders to communicate during emergency incidents and will be used by all jurisdictions in King County.

At this meeting, staff provided an overview of the proposed construction of the tower, facility, the location, and the requested code amendments. Staff clarified that the project cannot be allowed under current regulations and therefore code changes are requested in order to accommodate. As a basis for discussion, staff reviewed the current City regulations applicable to private wireless communication facilities (WCF) and contrasted this with the proposed code amendment.

PROPOSAL:

Several sections of the zoning code are proposed to be amended. In summary, these include the following actions:

1. Establish a new definition as a special category of "emergency WCF" in the City's Zoning Code (Title 18).
2. Exempt Emergency WCF from height and setback siting standards contained in Chapter 18.31 "Supplemental Development Standards".

3. Add Emergency WCFs as an Allowed Use in the I, Institutional Zone. Depict emergency WCFs as new use allowed within the I, Institutional Zone within the existing Chapter 18.35 "Special Purpose Zones".

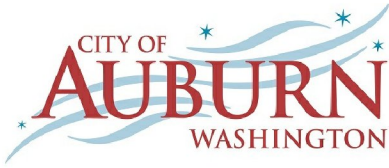
During the discussion, there were several questions raised by the planning Commission as follows:

1. Is the proposed emergency WCF needed for adequate coverage of the PSERN network?
2. What is the lease term for use of the subject property?
3. Does PSERN allow collocation of commercial carriers on its towers?

ACTION:

At the regular meeting on March 5, 2019, staff will continue discussion of this requested code change and staff will:

1. Provide answers to the questions raised by the Planning Commission
2. Provide options for collocation requirements.
3. Provide options of maximum height or land use approval process based on height.
4. Explore if a public hearing can be scheduled for April 2, 2019.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Modification of Rules of Procedure

Date:

February 25, 2019

Department:

Community Development

Attachments:

[June 5, 2018 revised Rules of Procedure](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Commission to review the revised Rules of Procedures.

Background Summary:

At the Commission's January 23, 2019 meeting the Commission recommended changes to the June 5, 2018 revised Rules of Procedures. Staff has provided strikethrough and underline changes for the Commission to review.

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

Dixon

Meeting Date: March 5, 2019

Item Number:

CITY OF AUBURN

PLANNING COMMISSION

RULES OF PROCEDURE

ADOPTED NOVEMBER, 1983
REVISED NOVEMBER, 1988
UPDATED APRIL, 2000
REVISED FEBRUARY, 2007
REVISED APRIL 2, 2013
REVISED MARCH 8, 2016
REVISED May 2, 2017
REVISED February 6, 2018
REVISED , 2018
REVISED June 5, 2018

PLANNING COMMISSION - RULES OF PROCEDURE

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

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

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

V. SECRETARY:

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

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

VI. QUORUM:

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

VII. ABSENCE OF MEMBERS:

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

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

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

VIII. ACTIONS DEFINED:

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

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

IX. AGENDA:

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

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

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

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

X. PUBLIC HEARINGS:

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

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

10. Voting:

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

If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the Planning Commission. If that cannot be done, the member should advise the Chair that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the member for that purpose before proceeding further.

- E. If a tie vote exists, after recording the Chair's vote, the motion fails. However, a motion for denial that fails on a tie vote shall not be considered an approval.
- F. No member may participate in any decision if the member had not reviewed the staff reports and testimony presented at the hearing on the matter. Such member may, however, listen to the recording of the hearing in order to satisfy this requirement.

11. Continuing an Item:

If the Commission wishes to continue a public hearing item, the Chair should open the public hearing, solicit testimony, and request a motion from the Commission to continue the public hearing item to a time, place, and date certain. If any matter is tabled or postponed without establishing a date, time, and place certain, the matter shall be scheduled for a hearing pursuant to Auburn City Code (ACC) Section 18.68.040 before the matter may be considered again.

12. Findings of Fact:

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

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

13. Order of Hearings:

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

XI. CONDUCT:

1. These rules are intended to promote an orderly system of holding public meetings and public hearings.
2. Any person making personal, impertinent or slanderous remarks or noises while addressing the Commission at a public hearing may be barred from further participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Commission.
3. No comments shall be made from any other location other than the podium, lectern or table set up for people to address the Commission at a public hearing, unless approved in advance by the Chair, and anyone making irrelevant, distracting, or offensive comments or noises may be subject to removal from the meeting.
4. Demonstrations, applause, other disruptive behavior, or other audience participation during or at the conclusion of anyone's presentation are prohibited. It is distracting to the Commission, the audience, and persons testifying.

XII. CONFLICT OF INTEREST:

1. Any member of the Commission who in his or her opinion has an interest in any matter before the Commission that would tend to prejudice his or her actions shall publicly indicate, step down and leave the meeting room until the matter is disposed. A member need only be excused from legislative or organizational action if the potential conflict of interest is direct and substantial.
 - A. No member of the Planning Commission may use his or her position to secure special privileges or exemptions for himself, herself, or others.
 - B. No member of the Planning Commission may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
 - C. No member of the Planning Commission may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.

- D. No member of the Planning Commission may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.
- E. No member of the Planning Commission may take any action that is prohibited by Chapter 42.23 RCW or any other statutes identifying conflicts of interest.

2. Appearance of Fairness:

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

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

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

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

XIII. AMENDMENT:

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