



PLANNING COMMISSION

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.