



PLANNING COMMISSION MEETING

February 2, 2016
AGENDA

I. CALL TO ORDER – 7:00 p.m., Council Chambers

II. ROLL CALL/ESTABLISHMENT OF QUORUM (Pledge of Allegiance)

III. APPROVAL OF MINUTES

A. December 8, 2015

IV. PUBLIC COMMENT

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

V. PLANNING DEPARTMENT REPORT

Update on Planning and Development Department activities.

VI. PUBLIC HEARING

No items were brought forward for public hearing.

VII. OTHER BUSINESS

A. Keeping of Domestic Fowl* (Gouk)

Summary: Staff to discuss the appropriateness of revising the regulations that allow citizens to have domestic fowl.

B. Residential Heating, Ventilation and Air Conditioning (HVAC) Equipment* (Tate)

Summary: Discuss the appropriateness of establishing regulations that govern air conditioners and heat pumps, and the potential noise impacts they may have in residential settings.

C. Election of Officers for 2016* (Tate)

D. Modification to Rules and Procedures* (Tate)

VIII. ADJOURNMENT

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PLANNING COMMISSION MEETING

December 8, 2015
SPECIAL WORK SESSION AND
REGULAR MEETING MINUTES

SPECIAL WORK SESSION – 5:00 - 7:00 p.m., Council Chambers

I. CALL TO ORDER

Chair Judi Roland called the special work session to order at 5:00 p.m. at Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, Washington.

II. ROLL CALL/ESTABLISHMENT OF QUORUM

Roll call was not taken as this was a special work session and not necessary.

Planning Commission Members present were: Chair Judi Roland, Vice-Chair Copple, Commissioner Mason, Commissioner Lee, Commissioner Baggett, and Commissioner Smith.

Staff present included: City Attorney Dan Heid; Assistant Director of Public Works/City Engineer Ingrid Gaub; Assistant Director of Community Development Jeff Tate; Financial Analyst Consuelo Rogel; Parks Planning and Development Manager Jamie Kelly; Transportation Manager Pablo Para; Traffic Engineer James Webb; Planning Services Manager Jeff Dixon, Urban Design Planner Lauren Flemister; Planner II Gary Yao; Planner Alex Teague; Office Assistant Jennifer Oliver; and Community Development Secretary Tina Kriss.

III. 2015 Annual Comprehensive Plan Amendments, CPA15-0001

Planning Services Manager Jeff Dixon provided an overview of the 2015 Comprehensive Plan Amendment, CPA15-0001.

- P/T #1 – Auburn School District 2015-2021 Capital Facilities Plan
- P/T #2 – Dieringer School District Capital Facilities Plan 2016-2021
- P/T #3 – Federal Way School District 2016 Capital Facilities Plan
- P/T #4 – Kent School District 2015/2016 – 2020/2021 Capital Facilities Plan
- P/T #5 – City of Auburn 2016-2021 Capital Facilities Plan

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Planning Services Manager Dixon provided background information on the relationship of the City's Comprehensive Plan to the individual capital facilities plans of the school districts and the city and how these provide authority for impact fees and how Auburn City Code collects parks, fire, and school impact fees. Staff provided a comment letter from the Federal Way School District supporting the 2016 Federal Way School District Capital Facilities Plan. Staff also provided a memorandum outlining and explaining additional revisions of City of Auburn Capital Facilities Plan.

The Commission and staff discussed how each school district determines their impact fee calculations based on the formula in the city's code and how future projects impact the anticipated predictions of student populations and needs.

In discussing the city's Capital Facilities Plan (CFP), the Commission and staff discussed the potential timelines of various capital facility projects and projects that have been added, removed or revised from the previously approved Capital Facilities Plan (CFP).

The Commission asked if staff could provide detailed a list showing which projects were removed from last year's Capital Facilities Plan and information on the status of those projects. Assistant Director Gaub reported that approximately 90% of projects have been completed and therefore removed; projects have been added to the CFP in response to revised priorities and in response to the creation of new projects or changes in projects. Staff also pointed out that status updates on the project are provided regularly on the city's website and also through routine reporting to the City Council.

The Commission and staff discussed the Les Gove Campus Master Plan and staff explained that this item was deleted as it will be completed prior to the plan's approval for 2016.

IV. 2015 Comprehensive Plan Elements, CPA15-0003

Assistant Director Tate explained that the Washington's State Growth Management Act (GMP) requires cities and counties to periodically review and update their Comprehensive Plan every seven years. Staff reviewed the Core Elements of the Plan noted below. The Commission asked staff to provide a definition of "Transitional Housing" and discussed differences between transitional and housing that involve caregiving or temporary housing.

In asking for Planning Commission recommendation on the Comprehensive Plan, Staff reported that the follow-on detailed development regulations will be coming before the Planning Commission in 2016 for consideration. Staff also explained that it is an interactive process and these policies can be reviewed and refined in the future should there be any further adjustments the Commission feels is needed after having provided their recommendations and the City Council's review and approval.

The Commission and staff discussed, in more detail, specific zoning designations and the conforming and non-conforming uses.

Traffic Engineer James Webb explained that staff has provided a memorandum summarizing the updates from the Commission's last briefing of the draft Comprehensive Transportation Plan. The Commission had no questions on the Comprehensive Transportation Plan updates.

Staff reported that the City is currently developing a stand alone strategic economic development plan at this time. In the meantime, staff has worked on the Economic Development Element or chapter but expects by the end of 2016 a significant product, that

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assists the City and guides them in their economic development effort, will be completed. After the economic development strategic plan has been completed staff will revise the Economic Development Element as needed. The draft Economic Development Element or chapter was updated and cleaned up with the removal of outdated policies and updated numbers.

Parks Planning and Development Manager Jamie Kelly reviewed the updates to the Parks, Recreation Plan, and Open Space Plan and discussed the relevant level of service standards and the need for neighborhood parks vs. larger parks. He explained how Home Owner Associations play a role in fulfilling the need for small-scale neighborhood-serving parks in addition to the other categories of parks by the City.

The Commission had no further questions.

- Core Element (released 10/13/15)
- Land Use Element (released 10/13/15)
- Housing Element (released 10/13/15)
- Transportation Element (released 10/13/15)
- Parks & Recreation Element (released 11/10/15)
- Capital Facilities Element (released 11/10/15)
- Private Utilities Element (released 11/10/15)
- Economic Development Element (released 11/10/15)
- Staff's recommended Modifications based on public feedback

V. ADJOURNMENT

With no further questions from the Commission the special work session ended at 6:42 p.m.

REGULAR MEETING – 7:00 p.m., Council Chambers

I. CALL TO ORDER

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

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II. ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Vice-Chair Copple, Commissioner Mason, Commissioner Lee, Commissioner Baggett, and Commissioner Smith.

Staff present included: City Attorney Dan Heid; Assistant Director of Public Works/City Engineer Ingrid Gaub; Assistant Director of Community Development Jeff Tate; Financial Analyst Consuelo Rogel; Parks Planning and Development Manager Jamie Kelly; Transportation Manager Pablo Para; Traffic Engineer James Webb; Planning Services Manager Jeff Dixon, Urban Design Planner Lauren Flemister; Planner II Gary Yao; Planner Alex Teague; Office Assistant Jennifer Oliver; and Community Development Secretary Tina Kriss.

Members of the Public Present: Bob Kenworthy of the Auburn School District; Julie Pederson; Auburn School District Assistant Superintendent Cindi Blansfield; Jeff Small; Matt Small; Aaron Small; Steve Small; Virginia Haugen; Representing Futurewise, Jeanette Ordonez; Doug Small; and Ralph Fortunato, CSBC, Director of Fiscal Services the Kent School District.

III. APPROVAL OF MINUTES**A. November 4, 2015**

Vice-Chair Copple moved and Commissioner Smith seconded to approve the minutes from the November 4, 2015 meeting as written.

MOTION CARRIED UNANIMOUSLY. 6-0

IV. PUBLIC COMMENT

Virginia Haugen, 2503 R Street SE, Auburn

Ms. Haugen commented on the City's parks Plan and expressed it is important to continue having pocket parks in the City of Auburn and understands they are difficult and expensive these are for the City to maintain. She is hopeful the Commission was mindful of the remarks made by Parks Planning and Development Manager Jamie Kelly.

V. PLANNING DEPARTMENT REPORT

Assistant Director Tate reported that City Council, on December 7, 2015, enacted Resolution No. 5187, putting into effect a moratorium for one year on the acceptance or processing of applications or other licenses, permits and approvals for residential uses in the property within the C-1, Light Commercial Zoning districts. Staff will be bringing forward further suggested code amendment proposals regarding these issues. A public hearing is set for January 19, 2016.

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VI. PUBLIC HEARINGS**A. 2015 Annual Comprehensive Plan Amendments, CPA15-0001**

Planning Services Manager Jeff Dixon provided a background information on the city's Comprehensive Plan. He also provided an overview of CPA15-0001, the 2015 Comprehensive Plan amendments listed below:

- P/T #1 – Auburn School District 2015-2021 Capital Facilities Plan
- P/T #2 – Dieringer School District Capital Facilities Plan 2016-2021
- P/T #3 – Federal Way School District 2016 Capital Facilities Plan
- P/T #4 – Kent School District 2015/2016 – 2020/2021 Capital Facilities Plan
- P/T #5 – City of Auburn 2016-2021 Capital Facilities Plan

Staff provided a comment letter from the Federal Way School District regarding the 2016 Federal Way School District Capital Facilities Plan. Planning Services Manager Dixon pointed out that there are changes to the City's 2016-2021 Capital Facilities Plan which consists of four revised pages and one new page, specifically Pages 2, 3, 195, 197, and 202. In the Commission's deliberation Mr. Dixon respectfully asked that the Planning Commission take this into account those four (4) revised and one (1) new page, for their recommendation.

Mr. Dixon stated staff respectfully recommends approval of Policy/Text amendments P/T #1 thru P/T #5, with inclusion into the City's Comprehensive Plan Amendments.

CPA15-0001 – P/T #1, Auburn School District 2015-2021 Capital Facilities Plan

Chair Roland opened the public hearing on CPA15-0001, P/T #1 – Auburn School District 2015-2021 Capital Facilities Plan at 7:16 p.m. and invited the public to step forward for comment on CPA15-0001, P/T #1 – Auburn School District 2015-2021 Capital Facilities Plan.

Bob Kenworthy, Assistant Director of Capital Projects for the Auburn School District, 915 Fourth Street, Auburn.

Mr. Kenworthy stated that the long-time Auburn School District's Superintendent Mike Newman has retired and has been replaced by Cindy Blansfield, Auburn School District Assistant Superintendent. He introduced Ms. Blansfield. Mr. Kenworthy reported that the Auburn School District has provided the City with its annually updated Capital Facilities Plan (CFP) covering years 2015-2021. The CFP was adopted by the Auburn School District Board of Directors on June 8, 2015. Mr. Kenworthy reviewed current projects in construction as well as the enrollment projections and future needs for the next six years. The updated plan indicates that the Auburn School District is requesting a change in the school impact fees for 2016. The calculated fee for single-family is \$5,330.88, a decrease of \$1,193.67; and the calculated fee for multi-family is \$2,625.01, a decrease of \$893.16.

Mr. Kenworthy stated that the Auburn School District Board of Directors is requesting the plan be adopted by reference as part of the capital facilities element of the City of

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Auburn's Comprehensive Plan and that the school impact fees be set in accordance with the plan for the 2016 fiscal year.

Virginia Haugen, 2503 R Street SE, Auburn

Ms. Haugen expressed her appreciation for the Auburn school district and stated her children and grandchildren attended the schools in Auburn. Ms. Haugen expressed her concern over the over development and over building which has at times overwhelmed the school district. Traffic is a concern in keeping our children safe she commented. She believes the money spent by the school district for services and the continuation of building and development that takes place will still not provide adequate room to house Auburn students. She feels more emphasis should be placed on meeting the needs of our students over development in Auburn.

Chair Roland closed the public hearing on CPA15-0001, P/T #1 – Auburn School District 2015-2021 Capital Facilities Plan at 7:21 p.m.

Vice-Chair Copple moved and Commissioner Lee seconded to recommend inclusion of CPA15-0001, P/T #1 – Auburn School District 2015-2021 Capital Facilities Plan, into the city's Comprehensive Plan.

MOTION APPROVED UNANIMOUSLY. 6-0

CPA15-0001 – P/T #4 Kent School District 2015/2016 – 2020/2021 Capital Facilities Plan

Chair Roland opened the public hearing for CPA15-0001 P/T #4 – Kent School District 2015/2016 Capital Facilities Plan at 7:24 p.m.

Ralph Fortunato, CSBC, Director of Fiscal Services for the Kent School District, 12033 SE 256th Street, Kent

Mr. Fortunato reported that the Kent School District Capital Facilities Plan is requesting a decrease its school impact fees; he explained the reason as the multi-family housing stock is older and the new numbers are providing less students. The calculated fee for single-family is \$4,990.00, a decrease of \$496.00; and the calculated fee for multi-family is \$2,163.00, a decrease of \$1,215.00.

Virginia Haugen, 2503 R Street SE, Auburn

Ms. Haugen commented that she is able to explain why the City of Auburn pays Kent School District impact fees but it can be very confusing to most people, also it appears they have been decreased yet there continues to be multi-family and single family building going on in Auburn.

Chair Roland closed the public hearing for P/T #4 – Kent School District 2015/2016 – 2020/2021 Capital Facilities Plan at 7:30 p.m.

Vice-Chair Copple moved and Commissioner Lee seconded to recommend inclusion of CPA15-0001, P/T #4 – Kent School District 2015/2016 – 2020/2021 Capital Facilities Plan into the City's Comprehensive Plan.

MOTION APPROVED UNANIMOUSLY. 6-0

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CPA15-0001 – P/T #2, Dieringer School District Capital Facilities Plan 2016-2021

Chair Roland opened the public hearing on CPA15-0001, P/T #2 - Dieringer School District Capital Facilities Plan 2016-2021 at 7:31 p.m.

The Dieringer School District is requesting an increase by \$1,402.00 their single-family dwelling fee for 2016 to \$4,672.00 and their multi-family dwelling fee for 2016 will be decreased \$207.00 to \$1,518.00.

With no comment from the public, Chair Roland closed the public hearing on CPA15-0001, P/T #2 P/T Dieringer School District Capital Facilities Plan 2016-2021 at 7:31 p.m.

Vice-Chair Copple moved and Commissioner Baggett seconded to recommend inclusion of CPA15-0001, P/T #2, Dieringer School District 2016-2021 Capital Facilities Plan into the city's Comprehensive Plan.

Commissioner Smith pointed out that the Dieringer School District, in their 2016-2021 Capital Facilities Plan, is requesting a 42% increase of their multi-family school impact fee proposal and a decrease of 12% of their multi-family school impact fee proposal.

Commissioner Smith expressed that it would have been beneficial to have a representative from the Dieringer School District available to discuss the difference in fees proposed for this period.

MOTION APPROVED. 5-1

CPA15-0001 – P/T #3, Federal Way School District 2016 Capital Facilities Plan

Chair Roland opened the public hearing on CPA15-0001, P/T #3 - Federal Way School District 2016 Capital Facilities Plan at 7:32 p.m.

With no comment from the public, Chair Roland closed the public hearing on CPA15-0001, P/T #3 Federal Way School District 2016 Capital Facilities Plan at 7:33 p.m.

Vice-Chair Copple moved and Commissioner Smith seconded to recommend inclusion of P/T #3, CPA15-0001, Federal Way School District 2016 Capital Facilities Plan into the city's Comprehensive Plan.

MOTION APPROVED. 6-0

CPA15-0001 – P/T #5, City of Auburn 2016-2021 Capital Facilities Plan

Chair Roland opened the public hearing on CPA15-0001, P/T #5, City of Auburn 2016-2021 Capital Facilities Plan at 7:33 p.m.

Staff member Dixon pointed out that that the Commission has been provided the revisions in their packet to the city's 2016-2021 Capital Facilities Plan and Mr. Dixon respectfully asked that the Planning Commission take this into account those 5 pages that have been revised or added as part of their deliberations.

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Virginia Haugen, 2503 R Street SE, Auburn

Ms. Haugen commented that as the City grows and continues to allow more single-family and multi-family development the question must be considered how services will be provided to the increase number of folks without overwhelming our city and the infrastructure provided to the public.

With no other comments from the public, Chair Roland closed the public at 7:37 p.m. and the Commission deliberated.

The Commission requested that staff provide clarification as to which deleted projects of the Capital Facilities Plan have been completed or those that have been removed.

Vice-Chair Copple moved and Commissioner Lee seconded to recommend inclusion of CPA15-0001 – P/T #5, City of Auburn 2016-2021 Capital Facilities Plan, including the four (4) revised pages and one (1) new page into the city's Comprehensive Plan.

MOTION APPROVED. 6-0

2015 Comprehensive Plan Elements, CPA15-0003

Chair Roland reopened the public hearing that was continued from the December 8, 2015 public hearing on items V.B.1 thru 8 on the 2015 Comprehensive Plan Elements.

Jeff Tate, Assistant Director of Community Development Services presented a PowerPoint to assist the Commission in the order of the elements will be presented during the public hearing and provided an overview of the materials to be presented for the public hearing and their suggested modifications. Assistant Director Tate reviewed the City's process in bring forward the City of Auburn Comprehensive Plan comprised of a Core Comprehensive Plan and seven (7) elements and the background outreach efforts.

Chair Roland invited members of the public to step forward to for public comment on any of the eight (8) elements being brought forward for consideration as part of the 2015 Comprehensive Plan listed on the agenda. He explained that there will be a three (3) minute time limit for each commenter.

Jeanette Ordonex, Community Outreach & Education Coordinator of Futurewise, 14016 100th Place, Seattle

Ms. Ordonex explained that Futurewise is a state-wide non-profit working on creating livable communities and protecting farmland, waterways, and forests to protect a better quality of life for present and future generations. Ms. Ordonex provided a letter to the Commission that was distributed for their review. Ms. Ordonex expressed that Futurewise appreciates the work that has done by staff for the draft Comprehensive Plan to make it easier for folks to read through and understand. Futurewise has provided comments to the city with reference to the plan regarding the Core Plan Community Vision and Value section; the Land Use, Housing, Core, Capital Facilities, Transportation Policy, Economic Development, and Parks and Open Space Elements of the Comprehensive Plan.

Steve Small, President of Don Small and Sons Oil and Distributing, 112 3rd St. NE, Auburn

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Mr. Small explained that several members of his family are in attendance this evening and on behalf of the family he wanted to comment his concerns regarding the zoning and land use for six (6) properties he owns. He stated that several businesses could be impacted by changes to the land use map in regards to the M-1 district and if changed become non-conforming. Mr. Small asked the Commission to consider his letter that was submitted to the city, marked Public Comment #7.

Chair Roland explained to Mr. Small that the current Public Hearing is on the city's vision moving within the Comprehensive Plan, there will be discussions in the future regarding the Land Use Map proposed amendments.

Virginia Haugen, 2503 R Street SE, Auburn

Ms. Haugen commented on the state Growth Management Plan and the city's Comprehensive Plan and stated that the infrastructure and school district has been overwhelmed. The residents in her local community have been fighting to stop multiple developments in her neighborhood but recently a multiple-story senior housing project as approved. After attending two meetings on the development she feels they are in a no-win situation. She would like the Commission to consider making a recommendation to City Council to repeal any C-1 land use development that would allow a four (4) story buildings be constructed near a single family neighborhood.

With no further comment from the public, Chair Roland closed the public hearing on the 2015 Comprehensive Plan Elements, CPA15-0003, at 8:02 p.m.

1. Core Element and staff suggested modifications

Assistant Director Tate provided a brief review of the suggested modifications to the Core Element and suggested the Commission take a moment to review the letter submitted by Futurewise.

Chair Roland recessed the meeting at 8:06 p.m. for the Commissioners to review the letter by Futurewise. At 8:13 p.m. Chair Roland reconvened the meeting.

Assistant Director Tate explained that the recommended changes from Futurewise are integrated within the Core Plan but may be in locations different from the layout proposed by Futurewise.

Vice-Chair Copple moved and Commissioner Smith seconded to recommend approval and inclusion of the Core Element, Map, and suggested staff modifications, including the Futurewise recommendations, to the city's Comprehensive Plan. Vice-Chair Copple asked that the motion be modified to remove the suggested recommendations by Futurewise, Commissioner Smith and Vice-Chair Copple accepted the modification, the motion is to recommend approval and inclusion of the Core Element, Map, and suggested staff modifications to the Comprehensive Plan. The Commission voted.

MOTION APPROVED. 6-0

Staff asked the Commission if they had any policy modification suggestions for the wording of the Futurewise changes. The Commission stated that most of the changes have been made by staff but if there are any additions the Commission is comfortable with staff incorporating these changes, as appropriate and necessary. Staff explained

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that most of the recommendations enhance the messages, concepts, and values articulated in the plan but staff would like to modify a couple of recommendations from what is noted in their letter:

- Service, page 2, first bullet: Add or modify the sentence to include “within the resources of the city”.
- Celebration, page 2, second bullet: Staff believes the intended addition, captured in red text, should be restructured as a complete sentence and leave out the reference to “elected officials” (since the city is not responsible to procure elected officials). The Commission recommended staff implement the change within the plan where they see it appropriate.

Commissioner Mason moved and Commissioner Copple seconded to recommend approval and inclusion of the staff drafted language incorporating the Futurewise recommendations (letter dated December 8, 2015), in the proper location within the Core Element for the approval and inclusion to the city’s Comprehensive Plan.

Commissioner Smith stated he is uncomfortable with passing on the recommendations for these updates without a review. The Commission voted.

MOTION APPROVED. 4-2

2. Land Use Element and suggested staff modifications

The Commission and staff discussed conforming and non-conforming uses, and how the uses could be legally existing uses based on the definition.

Vice-Chair Copple moved and Commissioner Lee seconded to recommend approval and inclusion of the Land Use Element and suggested staff modifications to the city’s Comprehensive Plan. The Commission voted.

MOTION APPROVED. 6-0

3. Housing Element

Assistant Director Tate stated the suggested modifications are located on pages 20 and 21, staff would request that a motion and discussions would include those suggested modifications.

Vice-Chair Copple moved and Commissioner Smith seconded to recommend approval and inclusion of the Housing Element and suggested modifications to the city’s Comprehensive Plan.

MOTION APPROVED. 6-0

4. Transportation Element

Assistant Director Tate provided a brief overview of the Transportation Element and explained that the memorandum in the packet outlines the changes to the Comprehensive Transportation Plan.

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Vice-Chair Copple moved and Commissioner Lee seconded to recommend inclusion of the updated Transportation Element (Comprehensive Transportation Plan).

MOTION APPROVED. 6-0

5. Parks & Recreation Element

Assistant Director Tate stated that the Commission is considering the Parks Element, Parks and Recreation Plan, and staff's suggested modifications.

The Commission and staff discussed the addition of Senator Frank J. Warnke, instrumental in the formation of Game Farm Park, to historical information regarding Game Farm Park as described in the Parks, Arts, and Recreation Open Space Plan. Commissioner Mason asked if her grandfather, Joe Beierlein, who was a Washington State Representative for the 30 and 31st District for 24 years, be added to the historical information on Game Farm Park as he was also instrumental in the formation of the park; the Commission concurred with the suggestion.

Vice-Chair Copple moved and Commissioner Mason seconded to recommend approval and inclusion of the Parks Element; Parks, Arts, and Recreation Open Space Plan and include historical information on Washington State Representative Joe Beierlein as a key figure instrumental in the formation of Game Farm Park; and staff suggested modification to the city's Comprehensive Plan.

MOTION APPROVED. 6-0

6. Capital Facilities Element

Assistant Director Tate briefed the Commission on the Capital Facilities Element, including the staff suggested modifications. He pointed out the Capital Facilities Element references other documents that have been reviewed by the Commission and acted on.

Vice-Chair Copple moved and Commissioner Smith seconded to recommend the approval and inclusion of the Capital Facilities Element and suggested staff modifications into the City's Comprehensive Plan.

The Commission voted.

MOTION APPROVED. 6-0

7. Private Utilities Element

Assistant Director Tate reviewed the location of the Private Utilities Element with the Commission and stated there are no staff suggested modification.

Vice-Chair Copple moved and Commissioner Baggett seconded to recommend approval and inclusion of the Private Utility Element to the Comprehensive Plan. The Commission voted.

MOTION APPROVED. 6-0

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8. Economic Development Element

Assistant Direct Tate noted that there are no suggested modifications for the Economic Development Element. The Commission had no questions.

Vice-Chair Copple moved and Commissioner Lee seconded to recommend approval inclusion of the Economic Development Element to the city's Comprehensive Plan.

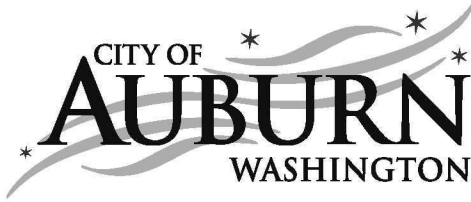
MOTION APPROVED. 6-0

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 9:05 p.m.

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Memorandum

To: Planning Commission Members

From: Thaniel Gouk, Senior Planner

Date: January 25, 2016

Re: Discussion of Existing Regulations for the Keeping of Domestic Fowl

The City's Planning Services is requesting that Planning Commission discuss the appropriateness of revising the regulations that allow residents to have domestic fowl (chickens, geese, etc., see definition in the text below) in residential zoning districts. This memo provides (1) background information about domestic fowl regulations of the City, (2) examples of other local jurisdiction's regulations (3) some points discussion for the Planning Commission to address.

Background

Purpose

In August 2011 the City Council adopted an Ordinance No. 6369 allowing the keeping of chickens within the City limits (prior to this, only the Lea Hill and West Hill annexation areas (due to the overlay zones) and the Residential Conservancy (RC) and R-1 Residential zones allowed them). This Code change also included allowing other animals such as potbelly pigs, miniature goats, horses and cows and clarified how many and what types of animals are allowed based on zoning district and lot size. The City enacted the regulations in 2011 response to increasing social trend and desire for keeping of urban domestic fowl.

Staff is proposing to only review the Code regulations pertaining to domestic fowl along with modifying the general layout of the animal Code sections. The City is not proposing to review regulations for keeping of other types of animals. The review is proposed for the following reasons:

- Revise the Code section for ease of use and understandability by potential users such as residents and City Staff.
- Combine regulations into a single section; rather than two separate Code sections as exist now (ACC 18.31.220 and .230).
- Clear up inconsistencies in existing code construction, such as terminology, and to ensure regulations address all types of domestic fowl.
- To review the standards for the number of domestic fowl allowed
- Consider implementation of more specific, substantive regulations about fencing, structures for keeping domestic fowl (such as coops), and sanitation that are not currently part of the regulations based on the experience of code enforcement officers.

Code Enforcement History:

Because the Planning Commission generally asks Staff to describe our history of enforcement cases or complaints received related to the subject, the following information is provided. The number of code violation complaints was based on searching the City's database of electronic records using various terms for domestic fowl. Between 1992 and July 2011 (19 years) and prior to the City's initial adoption of regulations, the City received 119 Code violation complaints related to domestic fowl. Since August 2011, (4 years) when the original domestic fowl regulations were adopted, there have been 33 complaints; of these 33 complaints 22 have been for having roosters, which are not, and have never been, allowed. Only 11 of the complaints since adoption of the regulations have been related to regulate domestic fowl. The number of code complaints refers to the number to cases open and investigated and not whether there was a verified violation. Since the adoption of the City's regulations, the number of code complaints requests have substantially dropped off (less than 3 complaints per year).

The history of code violation complaints can be summarized as follows:

		Prior to adoption of regulations	After adoption of regulations
Words Queried	Total Complaints Received (on any subject since 1992)	Total Complaints Received on queried words (between <u>1992</u> and <u>July 2011</u>).	Total Complaints Received on queried words (since <u>August 2011</u>).
"chicken" "chickens" "fowl" "turkey" "turkeys" "goose" "geese" "poultry" "peacock" "peafowl"	16,367	88	11
"rooster" "roosters"		31	22
		119 total	33 total

Other Jurisdictions

For comparison, Staff has researched several other nearby local jurisdictions to see what their current regulations are when it comes to allowing domestic fowl, and these are summarized as follows:

Jurisdiction	Allows Fowl?	How Many? (Based on Lot Area)	Coop or Run Required?	Coop / Run Setbacks?	Feed / Feeding or Cleaning / Maintenance Requirements?
Auburn	Yes	4/6,000 SF Allowed +1/ per Additional 2,000 SF of Lot Area	No	(Not applicable)	(Not applicable)
Kent	Yes	3/5,000 SF +1/1,000 SF	No	10 ft.	No
Federal Way	Yes	4 on lots less than 35k SF	Yes, both.	10 ft. Not allowed in front setback	No for feed. Cleaning is required.
Covington	Yes	5 on lots less than 16,000 SF +1/1,000 SF	Yes, coop.	10-ft. setback 20 ft. from any adjacent residence	No for feed. Cleaning / maintenance is required.
Renton	Yes	3/4,500 SF +1/1,000 SF	No, but animals must be kept onsite	10 ft. from any property line, must be in rear	Feed must not attract vermin. Cleaning is required.
Puyallup	Yes	No limit	No	25 ft. or 50 ft. (unclear)	No
Tacoma	Yes	6 adult poultry and 6 adult pigeons +1/5,000 SF over 10,000 SF	No	12 ft. from any adjacent residence. Must be in rear yard.	No
Bonney Lake	Yes	3/43,560 SF 12 max	No	45 ft.	No
Maple Valley	Yes	5	No	10 ft.	No

**The code provisions from these jurisdictions in this table are only from the individual "Zoning" codes and do not include requirements that may be in place in other sections of code e.g. "public nuisances".*

In general, most other local jurisdictions allow for domestic fowl on a residentially zoned lot. The number of domestic fowl in most jurisdictions is a function of the available lot size, however, the standards vary. A few of the jurisdictions also have standards for the structures for keeping domestic fowl and the distance or setback to property lines. A few jurisdictions also have regulations regarding sanitation, such as feeding and cleaning or maintenance requirements.

The City's of Portland, OR (Multnomah County) and Redmond, WA have also put together helpful handouts for people interested in having chickens. These handouts are attached.

Points of Discussion

After researching these other jurisdictions, and doing general internet searches for housing domestic fowl (mainly, and specifically, chickens), Staff has identified several items for discussion:

1. Should chicken coops be required? Chicken coops provide protection from both predators and the elements, help to ensure the animals are kept on the owner's property and are a generally accepted necessity for keeping urban chickens. If coops are required for keeping of chickens, proper requirements should be included to ensure the location of the structures do not adversely impact neighboring property and that proper maintenance is performed. If coops are required, how long should an owner have to come into compliance? Along these lines, Staff proposes the following:

Create a new definition for a "chicken coop" that reads:

"Chicken coop" means a farm building for housing domestic fowl.

A "run" is typically associated with and attached to the coop for urban chickens. Staff proposes the following definition:

"Chicken run" or chicken pen means an area enclosed by fencing or netting connected to a coop within which domestic fowl can move about freely within a limited portion of the yard.

Proposed chicken coop and run location and construction requirements:

Building or coops housing domestic fowl are required and shall comply with the following standards:

- *Shall be located between the rear lot line and the extension of the front façade of the main building; provided also, that for corner lots not building or coop is allowed between the main building and a side street lot line. For through lots, the location for a building or coop shall be determined by the Planning Director.*
- *Shall be located a minimum 10 feet from all property lines.*
- *A minimum of 2 square feet of chicken coop and 10 square feet of chicken run per animal.*
- *Coops and other similar housing shall not be greater than 8 feet in height. The height shall be as determined as provided in ACC 18.04.200, 'Building height'.*
- *Structures greater than 200 square feet require a building permit.*
- *The chicken coop(s) shall be fully enclosed and constructed of durable waterproof materials, such as wood or plywood, and sturdy animal fencing or netting, such as galvanized hardware cloth or poultry netting, capable of confining the animal(s). Fully enclosed shall mean to include walls, roof, floor, and securable door(s). The coop shall provide for weather protection and allow for ventilation and air circulation.*
- *Runs shall be fully contained and be connected with the coop and provide a covered area for protection from the weather. Animal netting should be used on the floor or continued and buried to 12 inches below ground.*
- *Non-sturdy materials, such as tarps and canvas shall not be used for chicken coops or chicken runs.*
- *All uncontrolled openings within chicken coops or chicken runs shall be no larger than ½ inch to protect the animals from predators and to prevent rodents from entering the structure(s).*
- *Existing chicken coops or chicken runs not meeting these standards shall be made fully compliant within (30 days of passage? 6 months? date certain??).*

To help ensure the animals are properly cared for and adjacent properties are not adversely impacted, Staff recommends the following requirements for cleaning, maintaining, and feeding:

- *The chicken coop(s) and chicken run(s) shall be kept clean and equipped with adequate ventilation.*
- *Provisions shall be made for the removal of animal waste (excrement) and food waste so that the property is kept free from infestation of insects, rodents, or disease, as well as to prevent obnoxious or foul odors.*
- *Animal waste and food waste shall be properly managed and disposed of. Any accumulated animal waste shall be stored in the same area as allowed for the chicken coop above, and shall not be stored within 15 feet of a property line. Any storage of animal waste must not constitute a nuisance as defined in ACC 8.12.020.*
- *Clean water shall be available to the animals at all times.*
- *No open (unlimited) feeding is allowed. Feeding must be restricted in amount to what can be eaten within a 15- to 20-minute period. Open feeding can attract rats and other vermin. Any food that is present after feeding shall be removed and properly disposed of.*
- *These cleaning and maintenance requirements shall be implemented immediately upon passage of this ordinance.*
- *All chicken coops, chicken runs, and other similar buildings housing domestic fowl shall be open at all times for inspection by the Planning Director or designee. If an inspection reveals that any provision in this Section is violated, the Planning Director or designee shall give written notice to the responsible person, specifying the violation and requiring that the violation be corrected within 48 hours. If the violation is not corrected within the period specified, the Planning Director or designee may revoke the rights for keeping the animals.*

2. Number of domestic fowl allowed. The current Code provisions allow four domestic fowl on lots that are at least 6,000 square feet and one additional animal per each additional 2,000 square feet of lot area (e.g. a 10,000 square-foot lot could have 6 chickens). This 6,000 square-foot requirement restricts many of the older residential properties on the Valley floor from having domestic fowl, even though they could easily meet the proposed location requirements for chicken coops. Staff is proposing to reduce the minimum lot size to 4,000 square feet and reduce the number of domestic fowl to 3, also keeping the allowance for an additional animal for each additional 2,000 square feet of lot area. Staff proposes the following change to ACC 18.31.220(A)(3) (~~strikeout~~ indicates text to be removed, underline indicates new text): applicable in the zoning district where the shelter is to be located.

Up to ~~four~~ three domestic fowl can be kept on lots that are at least ~~6,000~~ 4,000 gross square feet in size. On lots that are larger than ~~6,000~~ 4,000 gross square feet, one additional ~~small lot domestic animal~~ domestic fowl may be kept per additional 2,000 gross square feet ~~as shown in ACC 18.31.230~~.

3. Update the definition for domestic fowl to read (~~strikeout~~ indicates text to be removed, underline indicates new text):

"Domestic fowl" includes all species of chickens, turkeys, geese, ~~and~~ ducks, or other fowl of similar size and character. Roosters and peafowl are not permitted.

4. Should a “registration” or other form of application be required? A no-cost registration could be required for the keeping of domestic fowl. This could help ensure those looking to keep chickens or other domestic fowl are aware of the rules and also helps the Code Enforcement Officers both enforce the rules and educate people.

Direction

Staff would like the Planning Commission’s direction on how to proceed, either (1) keep things the way they are, current Code requirements adequately address the keeping of “domestic fowl”, or (2) proceed with providing the Planning Commission a draft of proposed regulations, as discussed at this meeting.

Additional Resources

Redmond Municipal Code,

7.04 Animal Control - for the City's code and requirements regarding chicken husbandry

<http://www.codepublishing.com/WA/Redmond/Municode/Redmond07/Redmond07.html>

Chickens In Redmond - for conversations and opportunities regarding chickens

<http://www.facebook.com/pages/Chickens-In-Redmond/127563013971852>

Seattle Tilth - for Seattle-based educational resources <http://seattletilth.org/>

King County Extension - for scientific and farm-based expertise and programs

<http://county.wsu.edu/king>

WSDA/USDA - for detailed and regulatory information such as immunizations and Avian Flu

<http://agr.wa.gov/>

Impact Redmond - for additional local, online conversations, programs, and opportunities

<http://www.impactredmond.com>



Planning and
Community Development

15670 NE 85th Street
Redmond, WA 98073-9710

Phone: 425-556-2494

Fax: 425-556-2400

Web: www.redmond.gov/residents/chickenhusbandry

Animal Husbandry



Chickens



Ordinance 2640, Effective 12/17/2011
[www.redmond.gov/
residents/chickenhusbandry](http://www.redmond.gov/residents/chickenhusbandry)

Telephone: 425-556-2494

Registration

The City of Redmond allows the keeping of chickens (female chickens, pullets, or hens) in single-family residential zones, the urban recreation zone, and public parks. The maximum number of chickens allowed coincides with the underlying zone in which a property is located:

Zone	Maximum Chickens Allowed
RA-5	10
R-1, R-2	10
R-3	8
R-4	7
R-5	6
R-6	4
R-8	0
RIN	Please contact staff

A chicken husbandry registration is required in advance of housing chickens. The registration confirms that the property owner(s) understands and will maintain said property in accordance with the Redmond Municipal Code, including Chapter 7.04 Animal Control.

STRUCTURE

The chicken coop, run, and other chicken husbandry structures shall ensure the welfare and safety of resident chickens. These structures shall be designed and maintained to prevent access by rodents and predators and to avoid attracting rodents and predators.

The coop and the run shall not be larger than 200 square feet in gross floor area. The coop shall be no higher than 8 feet and the run no higher than 6 feet. Both shall ensure that resident chickens do not stray and that rodents and predators do not gain access.

SITE

Chicken coops, runs, and accessory structures shall not be located in the front yard and shall be screened from adjoining streets and access corridors. Screening (*Type II, refer to the Redmond Zoning Code, Chapter 21.32 Landscaping*) shall be used to avoid visibility from these public vantage points. The coop and run shall be setback at least 15 feet from all property lines unless the adjoining property is non-residential. In this case, the setback may be reduced to 5 feet along the respective property line.

ADDITIONAL REQUIREMENTS

In addition to confirming that Home Owners Covenants support the keeping of domestic animals including chickens, residents must ensure that these requirements are met:

- Chickens shall be sheltered in a clean structure. The shelter shall provide protection from the following:
 - Weather by providing a fully enclosed structure including walls, roof, floor, and securable door.
 - Predators by being made of sturdy material such as plywood.
 - Rodents by limiting small points of uncontrolled access, no larger than ½ inch.

The run shall provide protection from the following:

- Weather by providing a covered portion of run space that allows chickens to escape rain and snow.
- Predators by being made of sturdy, small gauge animal fencing such as chicken wire along the entire perimeter of the run. Floor fencing should also be installed. The top of the run shall be covered with additional similar fencing or netting in a manner that helps prevent chickens from straying.



REGISTRATION REQUIREMENTS

Complete a registration form and sign to indicate that you have read, understand, and will maintain your property in a manner consistent with the Redmond Municipal Code.

Submit your registration to Redmond's Development Services:

By mail or in person to City of Redmond, 15670 NE 85th Street MS-2SPL, Redmond, WA 98073-9710

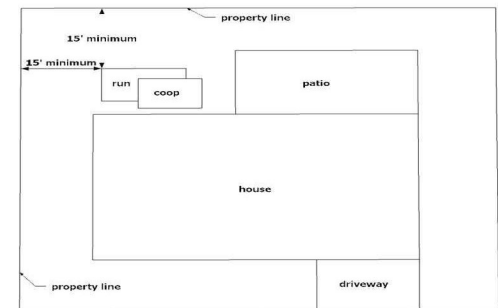
By fax to 425-556-2400

By e-mail to planneroncall@redmond.gov

ONLINE REGISTRATION

For your convenience, an online registration is available at www.redmond.gov/residents/chickenhusbandry

For assistance with completing the chicken husbandry registration, please contact the Planning Department at 425-556-2494.



Planning and Community Development

15670 NE 85th Street
Redmond, WA 98073-9710

Phone: 425-556-2494

Fax: 425-556-2400

Web: www.redmond.gov/residents/chickenhusbandry



GENERAL INFORMATION

Urban chicken keeping is becoming a popular addition to backyards and properties in the City of Portland.

If you live within city limits, Multnomah County Code Enforcement is the agency responsible for ensuring neighborhood livability as it relates to chicken keeping.

Three hens or less (per address) are typically allowed without a permit. Four or more hens require a specified animal permit from Multnomah County Code Enforcement.

Regardless of whether your facility is permitted, you must follow the standards outlined in this brochure. All specified animal facilities are subject to enforcement activities if:

- There is excessive odor
- Evidence of rodent activity is present
- Unsanitary conditions are present

ROOSTERS ARE NOT ALLOWED WITHIN CITY LIMITS

Permits are not transferrable

Note: If you receive a permit for chickens or other specified animals, you are granting Multnomah County Health Department permission to enter and inspect your animal facility at any reasonable time that is agreeable to both the county and the property owner.

The permit process is simple
Just follow the steps in this brochure!

APPLICATION PROCESS FOR A PERMIT

1. Notify all neighbors within 150 feet of your property line about your intent to keep chickens on your property. You do not need their permission, just notify them verbally or in writing.
2. Provide a safe enclosure that meets all local requirements. Note that any structure exceeding 200 square feet in area or exceeding 10 feet of average roof height may require a building permit from the City of Portland. In general, an enclosure should:
 - Be built in a safe, sturdy manner
 - Be generally rodent-proof (contact us for guidelines on how to achieve this)
 - Be kept clean
 - Equipped with adequate ventilation and lighting
 - Meet the recommended size requirements for the number of chickens you wish to keep (2 square feet per chicken in the coop and 10 square feet per chicken in the run)
3. Fill out the chicken keeping application form (only required if you wish to keep more than 3 chickens)
4. Mail **completed application and \$31 fee** (check or money order only) to Multnomah County Code Enforcement.
5. Call to schedule a pre-inspection of your animal facility

Questions? Please call us at (503) 988-3464

FREQUENTLY ASKED QUESTIONS

Why do I need a permit?

Having a permit allows the county to effectively regulate specified animals and ensure the health and safety of our communities.

If I have 2 chickens and 1 horse, do I need a permit?

Yes. Some types of specified animals require a permit, even if you have only one. Go to web.multco.us/health/animal-codes for more information.

If I have a rooster what can I do with it?

Contact your local farm store to explore options. Have a plan in case one of your chicks turns out to be a rooster. Call MCHD Code Enforcement at 503-988-3464 or email vector.nuisance@multco.us if you have a complaint about a rooster in your neighborhood.

What do I do with a hen once it stops laying eggs?

Check with your local farm store to see if they know a place they can retire. Chickens typically lay eggs for a period of approximately two years, so plan accordingly.

I want to put my chicken coop on my property line but it would be less than 15 feet away from my neighbors house. Can I do that?

No. If your chicken coop is on your property line it must still be at least 15 feet from any neighbors home.

Are chickens allowed to roam the neighborhood?

No. They must stay in their coop and are only allowed to roam under direct supervision in your fenced yard.

FACILITY CHECKLIST

- ✓ Secure enclosure for your chicken(s)
- ✓ Groundcovering inside enclosure (sawdust, woodchips, straw or other suitable material)
- ✓ Distance from nearest neighbors home a **minimum** of 15 feet away, preferably more
- ✓ Clean water available at all times.
Adequate lighting and ventilation
- ✓ No open feeding- put out only enough food for the chickens to eat in a 15-20 minute period. Excess can attract rats or other predators
- ✓ Pay \$31 processing fee
- ✓ Sufficient liability insurance to address potential damage from your chickens (this is not required, but is recommended)
- ✓ **If you are a renter:** You must get written and signed permission from landlord, property manager, or owner indicating they are aware of your intent to keep chickens on the property

CONTACT INFORMATION

If you live outside of Portland, local rules and regulations concerning chickens may apply. Contact information for local municipalities is listed below for your convenience.

City of Fairview

Main Office
(503) 665-7929

City of Gresham

Code Compliance Office
(503) 618-2463

City of Wood Village

City Hall
(503) 667-6211

City of Troutdale

Code Compliance Office
(503) 491-4009

City of Maywood Park

Multnomah County Code Enforcement
(Call this number for specified animal questions within unincorporated Multnomah County)
(503) 988-3464

Multnomah County Health Department

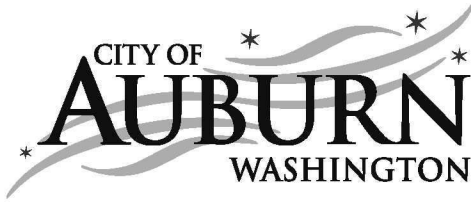
Code Enforcement
5235 N. Columbia Blvd.
Portland, OR 97203
Phone: (503) 988-3464

WEB.MULTCO.US/HEALTH/ANIMAL-CODES



URBAN CHICKENS IN THE CITY OF PORTLAND





Memorandum

To: Planning Commission Members

From: Jeff Tate, Assistant Director of Community Development Services

Date: January 22, 2016

Re: Residential Heating, Ventilation and Air Conditioning (HVAC) Equipment

The City's Community Development Services is requesting that Planning Commission discuss the appropriateness of establishing regulations that govern air conditioners and heat pumps, and the potential noise impacts they may have in residential settings. This memo provides (1) background information about noise complaints and permits issued for residential air conditioners and heat pumps, (2) a discussion of various issues that should be considered in the discussion (3) some regulatory options intended to help the Planning Commission initiate discussion, (4) some questions to consider for moving forward, and (5) a few examples of how other jurisdictions manage this matter.

Background

A mechanical permit is required for the Installation and/or replacement of a residential air conditioner or heat pump and is subject to the requirements of the International Residential Code (IRC). This type of residential mechanical permit is issued "over the counter" or online using the City's web-based permit system. This means that this type of permit is currently issued without any City review. The cost of this type of permit is \$38. The current approach is set up to make this type of permit inexpensive and easy to obtain which helps increase compliance rates. The purpose of the permit is to initiate a building inspection to ensure that the unit is properly connected and that it has an appropriate base upon which it sits. Currently, there are no siting requirements that dictate where a unit can be placed on a property; nor are there requirements that govern noise levels that emanate from the unit.

In 2013 the City received its first recorded complaint regarding noise from a residential air conditioner or heat pump. Because the Planning Commission generally asks staff to describe our history of enforcement cases or complaints received, staff queried the permit database which yielded the following facts:

Words Queried	Total Complaints Received (on any subject)	Total Complaints Received on queried words (since 1991)	Residential Mechanical Permits Issued (since 1998)	Number of Residential Parcels
"heat pump" "air conditioner" "a/c" "ac" "noise" "loud"	16,367	2	1,015	16,029

The City responded to the 2013 complaint and found that there were no malfunctions or anomalies associated with the noise emanating from the unit. At that time we were able to determine that the unit was not making any unusual sounds such as screeching, squeaking, banging, etc. It is worth noting that the City's health and safety laws of Chapter 8.28 already consider noise a public nuisance when it is the result of faulty mechanical equipment. In other words, the City already has the authority to demand correction of noises that are resulting from faulty equipment that is screeching, squeaking, banging, etc. During our visits, the unit was operating in a "normal" manner. However, even though it was operating within a normal level, we found that the normal noise level for this unit is approximately 67 dBA. The Washington Administrative Code (WAC) Chapter 173-60 provides suggested decibel level limits within different land use settings. While the City has not adopted these standards for residential zones, they do provide a standard by which to evaluate noise levels. WAC 173-60-040 states that 45 dBA is the appropriate noise level between 10 pm and 7 am. When the City responded to the complaint we were able to determine that the unit was operating at a level of about 67 dBA at approximately 6:45 am. Our unscientific measurement was taken by use of an application downloaded onto a smart phone. The smart phone was then placed on top of the shared side yard fence which was approximately 5 feet from the unit. For additional perspective, it should also be noted that when a car drove by the home during the reading there was a 10 dBA increase in the measurement reading. The lane of travel for the car passing the home was about 40 feet from the location of the smart phone.

Staff conducted some general internet research and spoke with representatives from a local heating and air conditioning company in an attempt to gather information about normal operating levels for residential air conditioners and heat pumps and to determine what options exist for mitigating their noise levels. Residential air conditioners and heat pumps generally operate at between 68 and 75 dBA with newer quieter options entering the marketplace that reduce those levels to about 55 dBA. For perspective, a running stream or falling rain is approximately 50 dBA and normal conversation is about 65 dBA. Additionally, dBA typically drops by 6 dBA every time the distance is doubled. This means that you can assume that a 67 dBA reading at the fence, which is 5 feet from the unit, will drop to 61 dBA if measured from 10 feet and to 55 dBA at 20 feet.

Discussion

If the City considers the adoption of regulations that govern noise emanating from residential mechanical equipment, there will be a number of factors to consider in the approach that is taken:

1. There are at least 1,000 residential air conditioners and/or heat pumps located within the City. The rules will need to address whether any code modifications should apply retroactively to all existing units, upon replacement of existing units, and/or only to the installation of future units.
2. Generally speaking, there are two types of approaches to regulating mechanical equipment. First, through siting requirements. Siting requirements would restrict the location of these units by establishing setbacks or limitations on where they can be placed on a parcel. The second method of regulation is through the use of noise standards. This type of approach would establish maximum dBA noise limits which would lead to the need for a property owner to acquire a quieter unit and/or install noise mitigation techniques such as noise walls, quieter fan blades, muffling devices, etc.
3. If siting criteria are established, the City will have to address the operational question of whether we maintain an over-the-counter and/or web based permit system, if a site plan must be submitted for review prior to permit issuance, and/or if there is a variance process to account for unusual situations.
4. If noise criteria are established, the City will have to address the same operational question of whether we maintain an over-the-counter and/or web based permit system as well as a code

enforcement dilemma. Full permit review may be required in order to evaluate the details of the mechanical unit (e.g. dBA levels) as well as any buffering techniques such as building sound walls. The code enforcement questions will pertain to how staff will measure dBA levels between night time/morning hours when staff isn't "on the clock", the type of equipment we need to purchase in order to accurately measure noise, and the calibration protocols to maintain the equipment and obtain readings that can be substantiated if a case is litigated.

Regulatory Options (the below options can be considered independent of each other or in combination with each other)

- Modify ACC 18.31.180 as follows:
B. The noise emanating from the premises of residential, commercial or industrial activities shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness, and shall not exceed those standards as determined by Chapter 173-60 WAC, as amended.

This modification to Title 18 (the Zoning Code) would make the standards established in WAC 173-60 enforceable in a residential setting and would set a limit of 45 dBA between 10 pm and 7 am. It would also mean that most residential air conditioners and heat pumps would not comply with the noise standard. This option would result in all noises originating from a residential property being subject to the noise limitations of WAC 173-60. This approach could apply to both existing and future units; however, on its own it is a reactive approach that is enforced after a unit is already installed.

- Modify ACC 18.31.070 as follows:
D. Residential air conditioners and heat pumps are not permitted within side yard setbacks.

This modification would preclude the siting of residential mechanical equipment in side yards. When units are located within side yards they are generally in between houses that are relatively close to each other. Sounds generated from mechanical units that are located in between houses can have an echo or amplification effect as the noise bounces back and forth between the adjacent structures. Additionally, bedroom windows are often located on the side of a home which is where people are sleeping. This approach would likely provide the greatest results for mitigating the impact of future units and be the easiest to implement, however, it will not provide a practical solution for existing units.

- Modify ACC 8.28.020.B as follows:
11. Sounds originating from residential air conditioners or heat pumps that exceed 45 dBA between the hours of 10 pm and 7 am.

This modification to Title 8 (the Health and Safety Code) would designate air conditioners and heat pumps as a public nuisance if they exceed 45 dBA at night. This is different than bullet point 1 because under this approach it limits the noise standard to the mechanical equipment only while bullet point 1 applies to any noise that is generated from a residential property. Additionally, violations of Title 8 are administered slightly different than violations of Title 18. Title 8 violations are subject to a \$250 fine, a \$500 fine if a second occurrence of the violation occurs within a two year period, and a criminal misdemeanor if it occurs a third time. This approach would apply retroactively to all existing units and, like bullet point 1, is a reactive approach that would generally be enforced after units are installed.

Questions

1. Should the City enact rules that regulate the noise levels of residential air conditioners and heat pumps?
2. Is it appropriate to require that air conditioners and heat pumps be located in front or rear yards only in order to reduce the echo effect when they are located in side yards between houses? Under this approach, it is possible to simply impose a condition on the permit that indicates where a unit is prohibited in order to maintain the “over-the-counter” permit status.
3. Is it appropriate to require that noise mitigation measures be established that limit the dBA level of the unit and/or that utilize sound walls, muffling devices, etc.? If yes, is it acceptable to shift from an immediate “over-the-counter” permit to a “fast track” permit which takes up to 72 hours to issue?
4. Should the rules apply retroactively, when units are replaced, or for new units only? Since there are very few units that operate at less than 45 dBA, if rules are enacted that follow the state noise standards it is likely that the vast majority of existing units do not comply.

Sample Ordinances and Guidance Materials from Other Jurisdictions

Jurisdiction	Summary	Citation(s)
Seattle	City code adopts the State WAC noise standards along with their own specific modifications. Residential mechanical units are subject to the noise standards and they are not allowed within setbacks (although they are allowed within side yards if they can meet the setback). Seattle has developed a handout that provides siting suggestions.	25.08 contains the noise standards; supplemental handout intended to provide assistance in locating units.
Federal Way	City code does not specifically address, however, their policy is to not allow mechanical equipment within any setback. Units are allowed within side yards if they meet the 5 foot setback.	N/A
Kent	Residential mechanical units are allowed within side yards and setbacks. City code does incorporate the noise standards of the State WAC but they have yet to apply it to a residential mechanical unit because they don't have proper equipment or staff to test during off hours. They consider the matter a civil issue between neighbors.	N/A
Bonney Lake	City code does not specifically address, however, their policy is to not allow mechanical equipment within any setback. Units are allowed within side yards if they can meet the setback. City code does incorporate the noise standards of the State WAC but they have yet to apply it to a residential	N/A

	mechanical unit because they don't have proper equipment or staff to test during off hours. They consider the matter a civil issue between neighbors.	
Covington	City code does not specifically address, however, their policy is to not allow mechanical equipment within any setback. Units are allowed within side yards if they can meet the setback. The City has not adopted noise standards. They consider the matter a civil issue between neighbors.	N/A

SEATTLE MUNICIPAL CODE

Subchapter III - Environmental Sound Levels

25.08.400 - Unlawful sounds

It is unlawful for any person to cause sound, or for any person in possession of property to permit sound originating from such property, to intrude into the real property of another person whenever such sound exceeds the exterior sound level limits established by this subchapter.

25.08.410 - Exterior sound level limits.

- A. The exterior sound level limits are based on the Leq during the measurement interval, using a minimum measurement interval of 1 minute for a constant sound source, or a one-hour measurement for a non-continuous sound source. For sound sources located within the City, the exterior sound level limits are as follows:

Exterior sound level limits

District of Sound Source	District of Receiving Property		
	Residential (dB(A)) (Leq)	Commercial (dB(A)) (Leq)	Industrial (dB(A)) (Leq)
Residential	55	57	60
Commercial	57	60	65
Industrial	60	65	70

- B. During a measurement interval, Lmax may exceed the exterior sound level limits shown in subsection 25.08.410.A by no more than 15 dB(A).

25.08.420 - Modifications to exterior sound level limits

- A. Between the hours of 10 p.m. and 7 a.m. during weekdays, and between the hours of 10 p.m. and 9 a.m. on weekends and legal holidays, the exterior sound level limits established by Section 25.08.410 are reduced by 10 dB(A) where the receiving property lies within a residential district of the City.
- B. For any source of sound that has a pure tone component, the exterior sound level limits established by this subchapter are reduced by 5 dB(A); provided, however, this 5 dB(A) reduction shall not be imposed on any electrical substation.
- C. For any source of sound that is impulsive and not measured with an impulse sound level meter, the exterior sound level limits established by this subchapter are reduced by 5 dB(A).

25.08.425 - Sounds created by construction and maintenance equipment

- A. The exterior sound level limits established by Sections 25.08.410 and 25.08.420, as measured from the property line of the real property of another person or at a distance of 50 feet from the construction or maintenance equipment making the sound, whichever is greater, may be exceeded during the following times by the sound levels specified in subsection 25.08.425.B for the types of equipment listed in that subsection 25.08.425.B.
1. Within Lowrise, Midrise, Highrise, Residential-Commercial, and Neighborhood Commercial zones, between 7 a.m. and 7 p.m. on weekdays and between 9 a.m. and 7 p.m. on weekends

and legal holidays, except that for parking lot maintenance or if the equipment is being used for a public project, then between 7 a.m. and 10 p.m. on weekdays and between the hours of 9 a.m. and 10 p.m. on weekends and legal holidays.

2. Within all other zones, between 7 a.m. and 10 p.m. on weekdays and between 9 a.m. and 10 p.m. on weekends and legal holidays.
- B. During the time periods specified in subsection 25.08.425.A, the exterior sound level limits, as measured from the property line of the real property of another person or at a distance of 50 feet from the construction or maintenance equipment making the sound, whichever is greater, may be exceeded by no more than the following dB(A)'s for the following types of equipment:
1. Twenty-five dB(A) for equipment on construction sites, including but not limited to crawlers, tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, graders, off-highway trucks, ditchers, trenchers, compactors, compressors, and pneumatic-powered equipment;
 2. Twenty dB(A) for portable powered equipment used in temporary locations in support of construction activities in any zone, maintenance activities on commercial property, or used in maintenance of public facilities, including but not limited to chainsaws, log chippers, lawn and garden maintenance equipment, and powered hand tools; or
 3. Fifteen dB(A) for powered equipment used in temporary or periodic maintenance or repair of the grounds and appurtenances of residential property, including but not limited to lawnmowers, powered hand tools, snow-removal equipment, and composters.
- C. Sounds created by impact types of equipment, including but not limited to pavement breakers, piledrivers, jackhammers, sandblasting tools, or by other types of equipment that create impulse sound or impact sound or are used as impact equipment, as measured at the property line or 50 feet from the equipment, whichever is greater, may exceed the exterior sound level limits established in subsection 25.08.425.B in any one hour period between the hours of 8 a.m. and 5 p.m. on weekdays and 9 a.m. and 5 p.m. on weekends and legal holidays, but in no event may the sound level exceed the following:
1. Leq 90 dB(A) continuously;
 2. Leq 93 dB(A) for 30 minutes;
 3. Leq 96 dB(A) for 15 minutes; or
 4. Leq 99 dB(A) for 7½ minutes;
- provided that sound levels in excess of Leq 99 dB(A) are prohibited unless authorized by variance obtained from the Administrator; and provided further that sources producing sound levels less than 90 dB(A) shall comply with subsection 25.08.425.A and B of this section during those hours not covered by this subsection 25.08.425.C.
- D. The standard of measurement shall be a one hour Leq. Leq may be measured for times not less than one minute to project an hourly Leq. Reference to one hour is for measurement purposes only and shall not be construed as limiting construction or maintenance to a one hour period.
- E. The exterior sound level limits established in this section shall be reviewed periodically by the City to assure that the exterior sound level limits are technically feasible.
- F. Construction or maintenance equipment that exceeds the exterior sound level limits established by Section 25.08.410, when measured from the interior of buildings within a commercial district, is prohibited between the hours of 8 a.m. and 5 p.m. For purposes of this subsection, interior sound levels shall be measured only after every reasonable effort, including but not limited to closing windows and doors, is taken to reduce the impact of the exterior construction noise.

25.08.426 - Plan review fee.

Whenever any project or proposal is submitted to the Administrator for review and/or commenting relating to any special noise studies and mitigation measures proposed as part of a mitigated DNS or EIS under any of the following:

1. Chapter 43.21C of the Revised Code of Washington, the State Environmental Policy Act ("SEPA");
2. Chapter 197-11 of the Washington Administrative Code, the State SEPA Rules; or
3. Chapter 25.05 of the Seattle Municipal Code, the City's SEPA rules; the request for review shall be accompanied by a plan review fee of Fifty Dollars (\$50); provided, that such fee shall not be required for any such review and/or commenting wherein the Administrator determines that the reasonable amount of time necessary to accomplish the same is less than one (1) hour. This fee shall be nonrefundable, and shall accompany each such request for comment by the Administrator.

Noise Tips for Siting Equipment

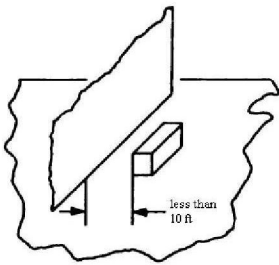
Evaluating and mitigating potential noise impacts in the design stage can save significant time and money. If the installation fails the noise review during final inspection the contractor is responsible to bring the equipment into compliance with the Seattle Noise Code.

This document is designed to help the installer evaluate the potential noise effects of their installation.

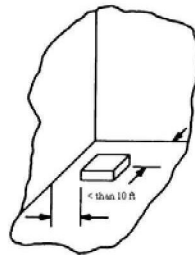
The majority of noise problems resulting from currently installed residential air conditioners or heat pumps would not exist if the installer or home owner had analyzed the property to determine the location which produced the least noise impact at adjacent properties. The following outlines some simple "do's" and "don'ts" when it comes to installing air conditioners or heat pumps.

As the condenser units produce a continuous, steady sound while operating, the owner will most likely locate the unit as far as possible from his or her bedroom or outdoor living area. This often means that the unit is placed near the adjacent residential property which may result in noise complaints or noise citations.

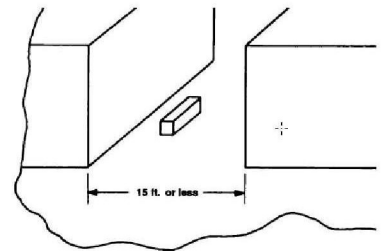
Before permanently installing the unit, a location should be selected that will minimize the noise impact at nearby property lines. There are several installation locations that should be avoided due to their ability to actually increase the noise level. Described briefly, they are



1. in the side yard or within 10 feet of a wall



2. within 10 feet of two adjacent walls (such as a corner)



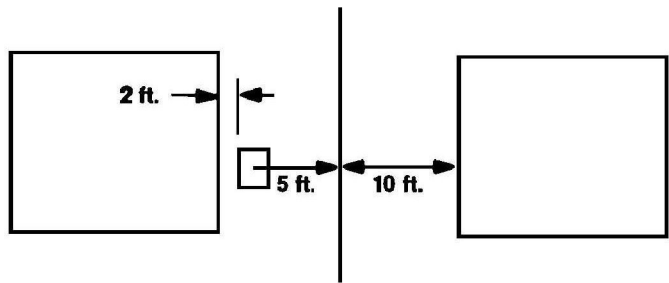
3. Between two houses or within 15 feet of two opposite walls

No mechanical equipment is allowed within 3' of any lot line SMC 23.44.014.12	a)	b)	c)
	Equipment on ground, roof or deck with no reflective surfaces within 10'	Same as a) but with a single reflective surface within 10' (located on side of house.)	Same as a) but with two walls forming an inside corner, or between two houses less than 15' part
Distance from the unit to the property line (ft)	Sound Rating required to ensure Leq = 45 dBA Limit (Heat Pumps)		
3	59	56	53
6	61	58	55
10	64	61	58
20	69	66	63
Distance from the unit to the property line (ft)	Sound Rating required to ensure Leq = 55 dBA Limit (Air Conditioners)		
3	69	66	63
6	71	68	65
10	74	71	68
20	79	76	73

To assist in determining the potential noise levels at nearby property lines, the installer is referred to AHRI standard 275, "Application of Sound Rating Levels of Outdoor Unitary Equipment)" developed by the Air-Conditioning Heating and Refrigeration Institute (AHRI). If the results of the calculation (following their procedure below) indicate that operation of the unit is in violation of Seattle Noise Code, the owner will need to provide noise abatement measures to reduce sound levels and ensure compliance with Noise Code, or install a quieter unit.

Here is an example of a simple noise review using the AHRI standard 275

Simple Site plan

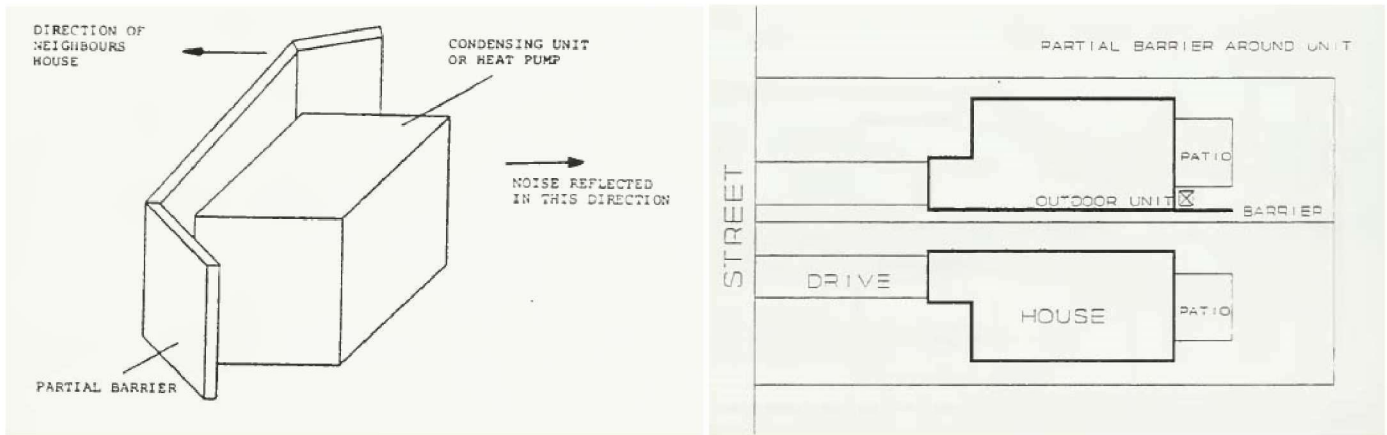


Procedure for estimating sound pressure levels at the property line

Line	Distance from equipment to evaluation point on property line = 5'	A/C	HP
1	Unit Sound Rating (per AHRI Standard 270 from equipment manufacturer)	63	53
2	Equipment Location Factor	3	3
3	Add Lines 1 and 2	66	66
4	Barrier Shielding Factor	0	0
5	Sound Path Factor (is not used for property line evaluations)	0	0
6	Distance Factor	11.5	11.5
7	Add Lines 4, 5 and 6	11.5	11.5
8	Estimated A-Weighted Sound Pressure Level predicted at the property line. (Subtract Line 7 from line 3)	54.5	44.5

If the results of the calculation indicate the installation is in compliance you can provide a copy of this calculation, the simple site plan and refrigeration permit number to noise@seattle.gov to be reviewed and approved. If a mechanical inspection is called in for an installation the noise review will be started then.

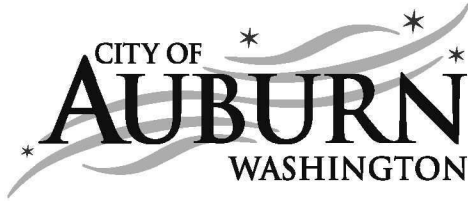
Use of Barriers



Barriers, if properly installed, can be the most cost-effective means of noise reduction. Common barrier materials include earth, steel, plywood and concrete. General guidelines for barrier walls include the following:

- Place barriers as close to the source as possible without restricting airflow to/from the unit. This will ensure the deflection of most of the sound away from the evaluation point. Care must be taken not to restrict the airflow of the unit as this would lead to a decrease in unit efficiency. Consult the manufacturer for minimum distance requirements.
- Barriers must be solid (like $\frac{3}{4}$ " plywood or greater) extend all the way to the ground or deck and be free of holes, gaps, cracks, etc. Noise will be transmitted through the wall if this condition is not met.
- Weatherproof absorptive treatment can be provided with the barrier to reduce the noise reflected from the house wall.
- A partial barrier can be provided for the unit in order to reduce the noise that would otherwise be radiated towards the neighbor's house. The sketch above shows the use of the barrier.
- Simple noise barriers generally do not require sound absorbing surfaces. Absorptive treatment on the source side of the barrier makes only a minor improvement in reducing noise and is generally not cost-effective.
- In situations where house walls will reflect sound back at the barrier, the effectiveness of the barrier shielding will be significantly reduced. To remedy this, wall surfaces facing the unit could be covered with sound absorbing material.

For more information regarding noise review or mitigation measures please contact a noise abatement staff.



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Jeff Tate, Assistant Director of Community Development

DATE: January 22, 2016

RE: February 2, 2016 Planning Commission Agenda

Distribution of Rules and Procedures

The Planning Commission's Rules of Procedures were last amended on April 2, 2013. Review existing procedures. Periodically, the Planning Commission revisits the Rules and Procedures as a content reminder and also to consider any modifications.

Election of Officers for 2016 – Section III

Pursuant to the Planning Commission's adopted Rules of Procedures (provided as Attachment A), subsection III.2 states that the Planning Commission shall elect officers at the first regular meeting of each calendar year. Before the close of the February 2nd meeting, officers must be elected for 2016. The results of the election will take effect at the following meeting so that new appointments are prepared to serve in their new capacity.

Modifications to Rules and Procedures

Staff Recommendation:

Section IX:

Add New Item 7 – Community Development Report
Existing Item 7 becomes Item 8

2016 Education Topics

Commission member input

CITY OF AUBURN

PLANNING COMMISSION

RULES OF PROCEDURE

ADOPTED NOVEMBER, 1983
REVISED NOVEMBER, 1988
UPDATED APRIL, 2000
REVISED FEBRUARY, 2007
REVISED APRIL 2, 2013

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 Council. 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. The term of office of each officer shall run until the subsequent election.
3. The vacancy of the Chair or Vice-Chair during his or her term of office shall be filled for the remaining term of office by the Mayor and confirmed by the City Council. The Chair would be replaced by the Vice-Chair or the Vice-Chair would be elected by the vote of the Planning Commission.

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 once a meeting of the Planning Commission has commenced with a quorum, the meeting may continue even if the members in attendance fall below that required for a quorum, and a vote on a majority of those in attendance shall be sufficient to take action.

VII. ABSENCE OF MEMBERS:

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. Roll Call/Establishment of Quorum.
2. Approval of Minutes.
3. Public Comment
4. Staff Comments and Reports
5. Public Hearings.
6. Other Business Items as Appropriate.
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.
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.
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, from a vote on the motion, that member shall so advise the Chair and, if there is no objection to the abstention, shall remove and absent himself/herself from the 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.

8. 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.

9. 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.

10. 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. CONFLICT OF INTEREST:

- A. 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.
 - (1) No member of the Planning Commission may use his or her position to secure special privileges or exemptions for himself, herself, or others.
 - (2) 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.
 - (3) 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.
 - (4) 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.

- (5) 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.

B. 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:

1. 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.
2. Members shall avoid drawing conclusions regarding decisions until after the public hearing is closed.
3. Members shall avoid participating in decisions which affect their or any family member's property, personal or business interest, or organization.
4. 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.
5. 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 heard the 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.

XII. 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.