

**Planning Commission Meeting
February 4, 2020 - 7:00 PM**

AGENDA

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

- A. January 7, 2020 Draft minutes from the Planning Commission Regular Meeting

III. OTHER BUSINESS

- A. Open Public Meetings Act (OPMA) and Public Records Act (PRA) Training**
Periodic training on requirements of state laws.
- B. Update to Zoning Text and Map amendments**
First Discussion on Updating the Regulations for Zoning Code and Map Amendments.
- C. Review of Planning Commission Rules of Procedures**
Annually the Planning Commission reviews their Rules of Procedure and determines if any changes are warranted.

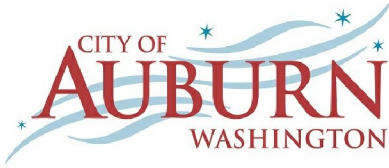
IV. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

V. ADJOURNMENT

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

Actions taken by the Planning Commission, other than approvals or amendments to the Planning Commission Rules of Procedure, are not final decisions; they are in the form of recommendations to the city council which must ultimately make the final decision.



AGENDA BILL APPROVAL FORM

Agenda Subject:

January 7, 2020 Draft minutes from the Planning Commission
Regular Meeting

Date:

January 22, 2020

Department:

Community Development

Attachments:

[January 7, 2020 Meeting Draft Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission review and approve the January 7, 2020 regular meeting minutes.

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

Dixon

Meeting Date: February 4, 2020

Item Number:



I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in Auburn City Council Chambers located at 25 West Main Street, Auburn, WA 98001.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

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

Staff present: Planning Services Manager, Jeff Dixon; Economic Development Manager, Doug Lein; Assistant City Attorney, Doug Ruth; Administrative Assistant, Jennifer Oliver.

Members of the public present: Jonathan Smith

b.) PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. November 6, 2019 – Regular Meeting Minutes

Commissioner Khanal moved and Commissioner Lee seconded to approve the minutes from the November 6, 2019 meeting as written.

MOTION CARRIED UNANIMOUSLY. 6-0

III. OTHER BUSINESS

A. Presentation by City of Auburn Economic Development Division

Economic Development Manager, Doug Lein presented to the Commission An overview of the function and organization of this City division and their various responsibilities. He referred to a PowerPoint presentation.

The Economic Development Vision for Auburn is The City that Works. A vibrant, connected, healthy community for residents to love, visitors to enjoy, and businesses to thrive. Auburn is a robust, diverse employment base that provides good economic opportunities for residents and supports high-quality city service. Additionally, it's a strong educational system that prepares residents with skills that Auburn-based employers seek. The highlights of the Ten-year Economic Development Strategic Plan consist of launching and managing a business incubator, continues organization of 3NoNetworking events, Improvements to the Business Licensing Database; capture Auburn

based employers; continue to actively seek investors and developers for downtown projects; develop marketing packages for tourism destinations; coordinate efforts among ADA, BIA, Tourism, ED Office, Chamber of Commerce; and leverage Auburn's community of business leaders to reach peers and cultivate stronger relationships.

Opportunity Areas in Auburn consists of Legacy Mixed Use 8 Story complex, City Center Mixed Use 7 story complex, NW Valley Industrial Projects, hotel development, US General Services Administration and the old Valley 6 Drive In area to be developed by Inland Construction.

The Commission inquired about the construction happening at the location of the Legacy Mixed Use complex and why the cleanup of the site. Doug provided background information on the project site and explained that old tanks were buried on the site years ago. Over time, those underground fuel tanks could potentially leak. If the fuel is exposed into the dirt, it could expand out further. The dirt and the tanks need to be excavated to remove any contaminants that may have been exposed in the ground. Once that cleanup process is completed, the building will begin.

In response to a question asked by the Commission, a short discussion followed regarding the relocation of the employees at the GSA site and if they would be relocated within the City of Auburn. Mr. Lein responded that it was a little premature to say that this time. The process was very slow and that federal budgets and appropriations played a key role for the relocation to happen. Mr. Lein commented that once the site does become available, and gets on the real estate market, the City as a whole is anxious to see what take place with the location.

Economic Development Manager Lein provided Auburn's top 10 employers that consist of Aerospace, Gaming, Retail, Education, Health Care, Distribution, Technology, and Manufacturing:

- The Boeing Company
- Muckleshoot Tribal Enterprises
- The Outlet Collection
- Auburn School District
- Multi Care Auburn
- Green River College
- Emerald Downs Racetrack
- Safeway Distribution Center
- Zones, Inc.
- Skills, Inc.

At year end of 2018, Commercial business's in Auburn were at 315; Commercial value was over \$72 million; 404 new business licenses were activated; real estate excise tax was over \$3 million and sales tax revenue was over \$18 million. Auburn was one of the fastest growing job creators in the state for 2018.

The Economic Development Division presented what marketing strategies that were in place within the City of Auburn.

- Workshops and forums such as Innovative Partnership Zone (IPZ) Business Forum Series include Career and Technical Education Forums to discuss competencies and skills in each of the programs offered in Auburn School District
- How to Grow Your Business Internationally is available for small businesses
- The Small Business Incubator offers space and access to computers and additional office supplies for small business's just getting started. Business Classes with instructors from Green River College are offered at the Incubator.
- BuylocalAuburn.com is an initiative funded by the City of Auburn to increase sales by promoting our local supply chain. It is free advertising and will make businesses easier for local residents, commercial companies and visitors to find. The city is promoting the website on multiple social media and news platforms.

The three main functions to Economic Development's Real Estate services are property management; conveyance of property or property rights, and leasing. As a municipality, the City owes it to its citizens to be good stewards of public assets. The assets/property or property rights we have as a City are: City cannot acquire property for the purpose of profit; it has to be a municipal purpose. The encumbrances that effect property are deed restrictions, first right of refusal, and easements.

A short video was presented to the Commission regarding Tourism in Auburn. He explained that there are variety video/ads for people to watch and see the different types of activities that makes Auburn attractive. The Commission inquired if there were any videos highlighting the Green River for fishing or kayaking. Doug confirmed that there was a video shot that will be produced and marketed this spring that includes local folks fishing on the Green River. The goals for Tourism is to improve and enhance visitor experience, strengthen tourism partnerships, and develop tourism assets. The benefits of tourism for the City of Auburn is that it injects dollars from outside Auburn into our local economy. It cultivates civic pride. There is a community benefit to Auburn residents and it ensures economic vitality of Auburn businesses.

Mr. Lein concluded his presentation with information on the Business Improvement Area (BIA). He explained to the Planning Commission that under Auburn City Code Section 2.98 the Business Improvement Area is a special self-taxing district consisting of roughly 239 businesses located within a specified geographic boundary. The purpose of the BIA is to aid in general economic development and neighborhood revitalization within the BIA boundary, and to facilitate the cooperation of merchants, businesses, and residential property owners for the benefit of trade, economic vitality and livability. There are several purposes the BIA funds can be used for:

- Acquisition, construction or maintenance of parking facilities
- Decoration of any place within the BIA boundary
- Sponsorship or promotion of public events
- Furnishing of music in any public place within the BIA boundary
- Professional Management, planning and promotion for the neighborhood
- Providing maintenance and security for common, public spaces
- Providing transportation services for the benefit of the neighborhood

Mr. Lein called attention to website resources that provides a hyperlink to the various documents that were described throughout the Economic Development Division's presentation.

In a response to a question from the Commission, Mr. Lein explained that the City's airport is a critical component not only to tourism but also to support of City of Auburn businesses. It is expected that the airport runway expansion project will bring in 6 new development sites as well as a 71,000-foot commercial hanger located at the southeast corner of the runway. Once the runway expansion is concluded, the runway will consist of 3,900 feet. The longer runway can accommodate bigger aircraft, fueling stations and opportunity for business owners to fly in if they own businesses locally in Auburn. The helicopter company, Classic Helicopter Corporation is doing exceptionally well. They offer flight training and school, tours over different location points in the state and charters. The Commission inquired on how the airport translates into an economic or financial advantage for Auburn and is it a job multiplier. Mr. Lein explained that although the airport is still up and coming, there is potential to see corporations establish business locations in Auburn that would benefit from having proximity to the airport. Those corporations have the potential to bring in more jobs to the city. Mr. Lein also answered questions asked by the Commission regarding marketing of the airport and if Auburn did market it like they do other businesses around the city. Mr. Lein commented that the airport is included in the Economic Development marketing. Staff attended 2 aviation trade shows to market the airport to companies that may need access to the runway. They will be attending additional aviation tradeshow in the future. Another tourist's attraction that Auburn has begun is the Auburn Adventure Film Festival that is to be held February 21-23 at the Auburn Avenue Theater. The

Commission inquired on what type of films with Mr. Lein offering that they were adventure films such as mountain climbing, bike riding and so on. Mr. Lein said the turnout was very good last year and hopes to have more attend and participate this year.

The Planning Commission asked if any of the new complexes being built in the downtown were senior housing. Planning Services Manager Jeff Dixon and Mr. Lein confirmed that one of the complexes is 55 and over with the other complex having no age limit. The Commission also inquired about the empty spaces in the downtown area and if any businesses have shown interest. Mr. Lein responded that when the economy crisis took place years ago, many companies closed up. With that being said, it takes time to recover from that. Rent prices have also gone up which makes it hard at times to fill the spaces. Auburn has a 2 ½ % vacancy factor in the industrial areas. That is good, but also bad if a corporation were to come and want to lease space and we have nothing to offer. The Economic Development Team will be attending 4 high-end leasing events this year to help promote opportunities in the downtown area for existing spaces and for the new spaces that will appear after The Legacy mixed use complex and the Town Center mixed-use complex are completed.

The Planning Commission questioned if there was a way to track the spending of Residents living in the downtown area. Are they going to local restaurants or shopping in the downtown shops? Mr. Lein commented that while there is no way to track the spending, the conversations he has had with many of the downtown business owners revealed that there is residents that live within walking distance that frequent the restaurants and shops downtown.

With no further comments or questions from the Planning Commission, Economic Development Manager, Doug Lein concluded his presentation to the Commission.

B. Review of Planning Commission Rules of Procedures

The Planning Commission's 'Rules of Procedure' were last amended on March 5, 2019. Staff, as well as, Assistant Attorney City Attorney, Doug Ruth, reviewed the latest adopted Rules of Procedure document and notes corrections/clarifications that are shown in strike-through and underline. The goal at the meeting today was to begin the review of the Rules of Procedure and to determine if the Planning Commission would also recommend any changes or additions to the documents. Mr. Dixon reviewed the minor changes that were distributed with the Commission packets. Mr. Ruth handed out to the Commission a memo with additional changes and then he described the changes. He indicated his changes were similar to those made as recent changes to the city council's rules of procedure. After discussion with staff, Mr. Ruth and the Commission, it was determined that at the next

regular meeting in February, changes will be comprehensively presented in writing for review.

The Commission voiced some concern about having disruptive people attending the meetings. Assistant City Attorney, Doug Ruth advised the Commission that disruptive behavior is cause for adjourning the meeting. There was discussion about using expletive language by persons testifying. Mr. Ruth cautioned that expletives are not always disruptive and he would collect some research on cases where there has been specific issue with the language used by citizens and how it was handled. He will report at the next scheduled Planning Commission Meeting in February.

Election of Planning Commission Officers for year 2020

Commissioner Moutzouris motioned and Commissioner Khanal seconded for Chair Roland and Vice Chair Lee continue as Chair and Vice Chair for 2020.

Motioned Passed (6-0)

IV. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon reported that at the November 6, 2019 Planning Commission Meeting the Commission raised a number of questions regarding CPA19-0002-Comprehensive Plan Amendment Public Hearing for Policy/Text Amendment #5 on the City of Auburn Capital Facilities Plan 2020-2025. The questions were in response to a presentation by Assistant Public Works Director/City Engineer on the variety of Public Works Projects that a part of the Capital Facilities Plan. A memo was distributed with the Commission's packet providing answers to those questions raised. The questions and answers are as follows:

Utilities

The Planning Commission recalled that in a past presentation by the City's Water Division, there was mention about the City utility customers having the ability to go on-line and view via a city webpage their daily water usage. Is this still planned?

"In the year 2016, the city instituted remote wireless water meter reading system, known as Automated Meter Infrastructure (AMI). Rather than a site visit by a staff to read the water meter, this system relays a signal of the water meter readings to the city utility department for billing purposes. For business customers sanitary sewer billing is also a function of the water usage. Currently utility customers can go on-line and view their bill and their monthly water usage, and compare this usage to last year's monthly usage and to pay their bill on-line. In the future, it is planned as a later phase of the City program, to provide the capabilities for City utility customers to go on-line and view via a City webpage and view their daily water usage."

“This capability is not functional yet. It was important for the City to ensure the accurate functioning of the remote wireless water meter reading system prior to building on its capabilities and providing enhanced services. This later phase of functioning is still planned, but is dependent on funding which is anticipated for the year 2021.”

Airport-related question

The Planning Commission asked about how many separate businesses operate out of the airport and how many persons are employed at the airport.

“According to the Tim Mensonides, COA Airport Manager, there are approximately 41 persons employed by businesses operating at the airport and with City staff, the number is 44. Also, he indicates that currently there are five businesses located at the airport; with the likelihood that two more businesses will be added next year in 2020.”

Vice Chair Lee stated that his questions about the airport were sufficiently addressed with the presentation by Economic Development Manager, Doug Lein.

Referring to the continued hearing on the Annual Comprehensive Plan Amendments, the Commission expressed appreciation that Staff attended the regular meeting that discussed the Capital Facilities Plan . They expressed the desire to have staff in attendance next year to discuss the Capital Facilities Plan and also request to have additional time/meetings to review the Comp Plan Binder provided.

Mr. Dixon also introduced the topic of the Legal Department and specifically, the City Clerk's office requesting to provide training on the Open Public Meetings Act and the Public Records Act to the Commission. It is a requirement by the City's insurance provider to obtain this training. Planning Services Manager Jeff Dixon requested to schedule the training with the Commission at their next regular meeting on February 4th, 2020. The Commission asked how long they should expect the training to be, with Assistant Attorney General Doug Ruth confirming that it would be about 20-30 minutes. After discussion, it was agreed that the training would take place next month.

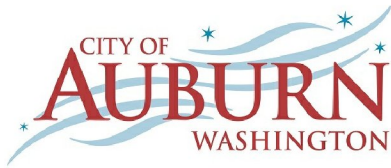
On another topic, Staff would like to coordinate another joint meeting this spring between City Council and Planning Commission. The purpose of the meeting is to have the Commissioners meet newly elected council members, to address any topics concerning the City, and to touch base on agenda items that both Planning Commission and City Council will both address. The joint meeting is proposed to be held during the Council's Study Session Meeting on either April 13, 2020 or

June 8, 2020 at 5:30 p.m. After a brief discussion on availability, it was determined that the meeting on June 8, 2020 would work the best.

Commissioner Stephens raised a question regarding the manufactured homes community that are being removed/evicted off A Street SE near the old Kool's Cafe. Although this is the City of Pacific's jurisdiction, the concern is the amount of traffic coming in and out of that site. Staff would reach out to the City of Pacific to see if any development is planned for that area.

V. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:55 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Open Public Meetings Act (OPMA) and Public Records Act (PRA) Training

Date:

January 22, 2020

Department:

Community Development

Attachments:

[OPMA and PRA Training PowerPoint](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

Periodic training on requirements of state laws.

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

Dixon

Meeting Date: February 4, 2020

Item Number:

OPEN GOVERNMENT TRAINING

Legal Department

- City Clerk's Office

AUBURN
VALUES

S E R V I C E

E N V I R O N M E N T

E C O N O M Y

C H A R A C T E R

S U S T A I N A B I L I T Y

W E L L N E S S

C E L E B R A T I O N

City Attorney Office

Kendra Comeau
City Attorney

Doug Ruth
Assistant City
Attorney

City Clerk's Office

Shawn Campbell
City Clerk. Records Manager

Teresa Mattingly
Deputy City Clerk

A U B U R N
V A L U E S

S E R V I C E
E N V I R O N M E N T
E C O N O M Y
C H A R A C T E R
S U S T A I N A B I L I T Y
W E L L N E S S
C E L E B R A T I O N

OPEN GOVERNMENT TRAININGS ACT

- **Records Retention and Destruction Requirements**
 - RCW 40.14
- **Public Records Act**
 - RCW 42.56
- **Open Public Meetings Act**
 - RCW 42.30

RECORDS RETENTION AND DESTRUCTION

- Keep all records created by you or sent to you
 - Primary Copy Only
- Forward all emails received on your personal email account
 - Send messages to your Board Liaison unless the communication is from a City staff member

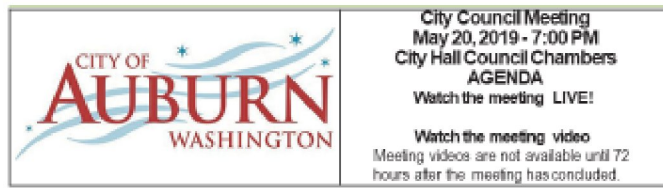
RCW 42.56.010 DEFINITIONS

"Public record" includes:

any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics

CONSEQUENCES FOR DESTROYING RECORDS TOO EARLY

- Fines assessed by the Court due to failure to produce documents needed to fulfill a public records request or as part of a lawsuit
- The possibility of interrupting efficient City operations due to loss of information
- A loss of continuity in business operations in the event of a disaster
- Loss of records of historical significance
- Intentional Destruction of Public Records is a crime

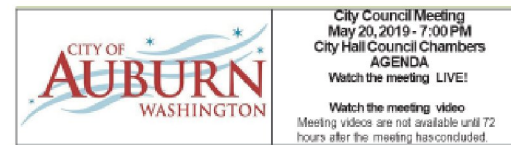


- I. CALL TO ORDER
 - A. Pledge of Allegiance
 - B. Roll Call
- II. ANNOUNCEMENT S, PROCLAMAT IONS, AND PRESENTAT IONS
- III. APPOINTMENTS
- IV. AGENDA MODIFICAT IONS
- V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE
 - A. Public Hearings
 1. Public Hearing for Right-of-Way Vacation V2-18 (Gaub)
City Council to hold a public hearing in consideration of Right-of-Way Vacation V2-18
 2. Public Hearing for Franchise Agreement No. 19-09 (Gaub)
City Council to hold a public hearing in consideration of Franchise Agreement No. 19-09 for Fatbeam, LLC
 - B. Audience Participation
This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.
 - C. Correspondence - (There is no correspondence for Council review.)
- I. COUNCIL AD HOC COMMITTEE REPORT S
Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.
- VIII. CONSENT AGENDA
All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

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Primary copy kept by City Clerk

All other copies are secondary and can be destroyed when no longer needed.

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S E R V I C E
E N V I R O N M E N T
E C O N O M Y
C H A R A C T E R
S U S T A I N A B I L I T Y
W E L L N E S S
C E L E B R A T I O N

PUBLIC RECORDS ACT RCW 42.56

Legal Department

- City Clerk's Office

“The people do not yield their sovereignty to the agencies which serve them.”

“The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know.”

“The people insist on remaining informed so they may retain control over the instruments they have created.”

~ RCW 42.56.030



IDENTIFIABLE PUBLIC RECORDS

May 24, 2020

Attn: Human Resources

I would like to know how the city handles employment discrimination claims. Please advise at your earliest convenience.

Ann Smith

To: City of Auburn

Date: June 1, 2020

I would like to receive a copy of the city's policy for handling employment discrimination claims.

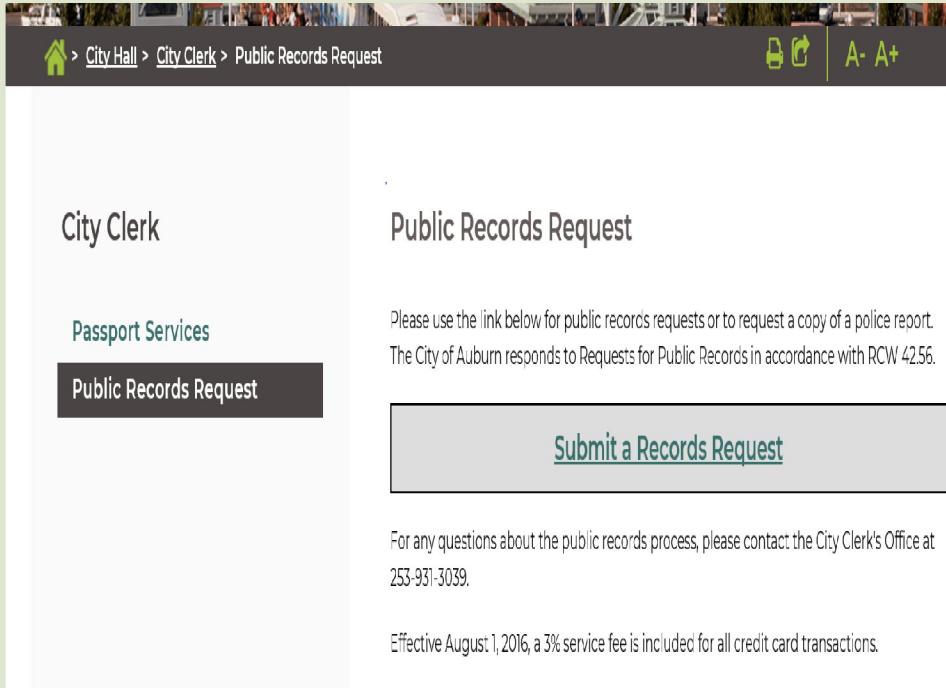
Thank you.

Paul Jones

The first request is for information.

The second request is for an “identifiable public record.”

PUBLIC RECORDS REQUESTS



The screenshot shows the City Clerk's website with a navigation bar at the top containing a home icon, links to > City Hall > City Clerk > Public Records Request, and a printer icon with a text size selector set to A- A+. On the left sidebar, there are links for City Clerk, Passport Services, and Public Records Request (highlighted in a dark box). The main content area is titled "Public Records Request" and includes a paragraph explaining the request process and a link to "Submit a Records Request". Below this, it provides contact information for the City Clerk's Office and a note about a 3% service fee for credit card transactions effective August 1, 2016.

> City Hall > City Clerk > Public Records Request

City Clerk

Passport Services

Public Records Request

Public Records Request

Please use the link below for public records requests or to request a copy of a police report. The City of Auburn responds to Requests for Public Records in accordance with RCW 42.56.

[Submit a Records Request](#)

For any questions about the public records process, please contact the City Clerk's Office at 253-931-3039.

Effective August 1, 2016, a 3% service fee is included for all credit card transactions.

Public Records Portal on City's Website



The form is titled "Request For Public Records" and features the Auburn logo. It contains several sections for user input: Name of Requestor, Mailing Address, City, State, Zip Code, Email, Phone, and Fax. There are checkboxes for the type of request: Police Report, Building Plans and Permits, Video, Photos, and Other. A large text area is provided for describing the records requested. Below this, there are checkboxes for the preferred method to receive records: Electronic via Records Center (email address required), Inspect On-site, Fax, Pick-up Copies, and Copies by Mail. A note states that not all public documents are available in electronic format. The form also includes fields for the Signature of Requestor and the Date. At the bottom, it mentions that requests can also be submitted and tracked using an online records system and provides the website URL: http://www.auburnwa.gov/services/records_request.htm.

AUBURN Request For Public Records
MORE THAN YOU IMAGINED

Name of Requestor: _____

Mailing Address: _____ City, State, Zip Code: _____

Email: _____ Phone: _____ Fax: _____

☐ Police Report ☐ Building Plans and Permits ☐ Video ☐ Photos ☐ Other _____

Please describe the records requested. Please be specific, using as many details as possible, i.e. dates, names, birthdates, addresses, etc., so the City can clearly identify which records are being requested. (If more space is needed, please attach additional pages.)

Preferred Method to Receive Records:*

☐ Electronic via Records Center (email address required)
☐ Inspect On-site
☐ Fax
☐ Pick-up Copies
☐ Copies by Mail

*Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

Signature of Requestor: _____ Dated: _____

Request for Public Records can also be submitted and tracked using our online records system. Please visit our website for additional information:
http://www.auburnwa.gov/services/records_request.htm

Come into City Hall and fill out a Records Request Form

SEARCHING FOR RECORDS

- An agency should **read the request carefully** to understand what records are requested.
 - ✓ Clarify the request if needed.
 - ✓ An agency can also ask the requestor to suggest search terms.
- An agency must conduct an **adequate search** for responsive records.
 - ✓ Consider all formats (paper, electronic, etc.)
 - ✓ Consider records of current staff/officials, and former staff/officials, if potentially responsive.
 - ✓ Consider possible locations (e.g., file cabinets, agency website, audio files, etc.)
- The search should be **reasonably calculated to uncover responsive records**.
- The search should follow **obvious leads** to possible locations where records are likely to be found.
- It is a good idea to **document** search efforts (locations, search terms used, etc.). The agency bears the **burden of proof** to show the adequacy of the search.

PRIVACY

- There is no general “privacy” exemption in the Public Records Act.
- If privacy is an express element of another exemption, **privacy is invaded only if disclosure about the person would be:**
 1. “Highly offensive to the reasonable person” and
 2. “Not of legitimate concern to the public.”

This means that if information does not satisfy both these factors, it cannot be withheld as “private” information under the applicable exemption.

~ *RCW 42.56.050*

UPDATE WITH RECENT COURT CASES

- Hoffman v. Kittitas Cnty (Sept. 26, 2019): Court fined the County \$15,498 based on a penalty of \$.50 per page/photo/video for 246 days.
- Zink v. City of Mesa (June 19, 2018): Court fined City of Meza \$200,746.47 and attorneys fees of \$25,746.47 in a case involving 172 records requests over 3 years related to the City's decision to terminate the Zinks' building permit.

AUBURN
VALUES

OPEN PUBLIC MEETINGS ACT - RCW 42.30

S E R V I C E
E N V I R O N M E N T
E C O N O M Y
C H A R A C T E R
S U S T A I N A B I L I T Y
W E L L N E S S
C E L E B R A T I O N

Legal Department

- City Clerk's Office

OPEN PUBLIC MEETINGS ACT (OPMA) APPLIES TO:

Governing bodies (“multimember boards, commissions, committees, councils, or other policy or rule-making bodies of a public agency”).

Public Agencies of Auburn:

- The City Council
- The City’s subagencies (commissions, boards, agencies, etc. that are “created by statute, ordinance, or other legislative act...”); and
- Any committee of the council or a subagency *when*:
 - the committee acts on behalf of the governing body;
 - conducts hearings, or
 - Takes testimony or public comment

– RCW 42.30.020

“The purpose of the OPMA is to allow the public to view the “decision-making process.”

~ Washington State Supreme Court



WHAT IS ACTION

“**Action**” means the transaction of the official business of the public agency and includes but is not limited to:

- Public testimony
- All deliberations
- Discussions
- Considerations
- Reviews
- Evaluations
- Final actions



The requirements of the OPMA are triggered whether or not “final” action is taken.

~ RCW 42.30.020

LinkedIn

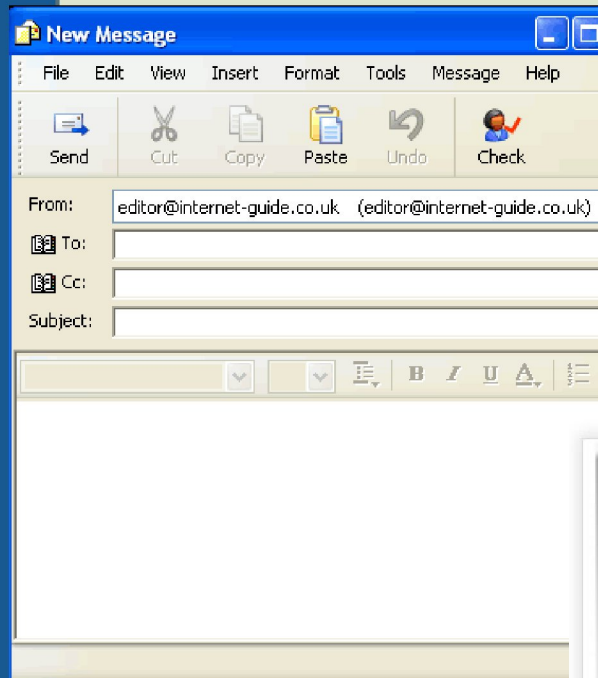


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Quorum

Action



PUBLIC MEETING NOTICE REQUIREMENTS

■ Regular Meetings

(recurring meetings held according to a schedule fixed by ordinance, resolution, bylaws or other rule)

Governing bodies are required to make the agenda of each Regular Meeting of the governing body available on-line no later than 24 hours in advance of the published start time of the meeting.

■ Special Meetings

(a meeting that is not a Regular Meeting, called by the presiding officer or majority of the members)

ALL MEETINGS MUST BE NOTICED BY THE CITY CLERK

Written notice must be given 24 hours before the Special Meeting and must specify the date, time and place of the meeting and the business to be transacted.

■ Emergency Special Meetings

Notice is not required for a Special Meeting called to deal with an emergency:

- When the emergency involves injury or damage to persons or property or the likelihood of such injury or damage
- Where time requirements of notice make notice impractical and increase the likelihood of such injury or damage

~ RCW 42.30.070, RCW 42.30.077, RCW 42.30.080

EXECUTIVE SESSIONS

For specified purposes set out in the OPMA-no final action can be taken.

Examples:

- National security
- Real estate:
 - Site selection or acquisition of real estate—
 - Lease or purchase
 - Public knowledge would likely increase price
 - Sale or lease—
 - Public knowledge would likely decrease price
 - Final action selling or leasing public property must be taken at an open meeting
- Publicly bid contracts:
 - Review negotiations on the performance of publicly bid contracts
 - Public knowledge would likely increase costs
- Evaluate qualifications of an applicant for public employment
- Meet with legal counsel regarding enforcement actions, litigation or potential litigation
- Other purposes listed in RCW 42.30.110

Penalties for Violating the Open Public Meetings Act

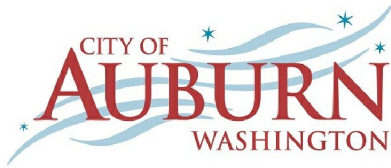
Penalties increased in 2016 by the Washington State Legislature

- A court can impose a **\$500** civil penalty against each member (personal liability) **for a first violation, and \$1,000 for each successive violation.**
- Any action taken at meetings held in violation of the OPMA are “null and void.”
- A court may order an agency to pay the costs and reasonable attorney’s fees of a person who sues the agency for a violation.
- An OPMA violation may provide a sufficient legal basis for a recall effort against a local elected official.
- But...if the court finds that the action was frivolous and advanced without reasonable cause, it may award to the agency reasonable expenses and attorney fees.

~ RCW 42.30.120; RCW 42.30.060

OPMA – WHAT DOES AUBURN DO....

- ❖ Agendas are posted on the City's website at least 24 hours in advance of meetings.
- ❖ Notices are posted as required for Special Meetings.
- ❖ Procedures have been formalized for override of the front door locks to ensure access.
- ❖ Upcoming events are monitored to determine if a Special Meeting notice is required.
- ❖ Documentation is retained relating to Executive Sessions (purpose, time, attendees).
- ❖ Training has been provided for staff who serve as liaisons to the City's Boards and Commissions.
- ❖ Audio and/or video recordings are posted to the City's website.
- ❖ Agendas and meeting minutes for the City's Boards and Commissions have been incorporated into the City's Digital Records Center (making them available on-line).



AGENDA BILL APPROVAL FORM

Agenda Subject:

Update to Zoning Text and Map amendments

Department:

Community Development

Attachments:

[Intro Memo for 18.68](#)

[Exhibit A - 18.68](#)

Date:

January 22, 2020

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

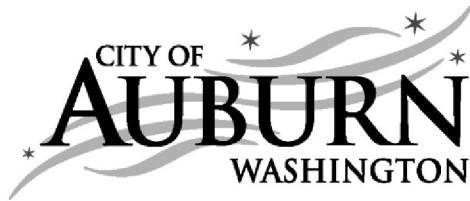
First Discussion on Updating the Regulations for Zoning Code and Map Amendments.

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

Dixon

Meeting Date: February 4, 2020

Item Number:



MEMORANDUM

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

FROM: Thaniel Gouk, Senior Planner, Department of Community Development

DATE: January 22, 2020

RE: Introductory Discussion on Proposed Code Amendments related to Zoning Code Text and Map Amendment Regulations

BACKGROUND

Chapter 18.68 of the Auburn City Code (ACC) contains the City's regulations for amending both the text of Title 18 ('Zoning') as well as amending the official Zoning Map (aka "rezones"). The last updates to this code section were some minor changes adopted in 1996.

These changes are being originated by staff to address both clarifying the procedural steps and categories of applications, as well as, the substantive issues such as the criteria for decision making. The proposed changes are shown by ~~strikeout~~/underline code attached to this memo as Exhibit A.

ZONING MAP AMENDMENTS ("REZONES")

There are three types of rezones, which are as follows:

- If the rezone request implements the Comprehensive Plan (Comp. Plan) (It is a zoning classification listed in the Comp. Plan as implementing the particular Comp. Plan Land Use Map designation (See Land Use Map)) then the request is forwarded to the Hearing Examiner for his consideration. The Hearing Examiner, after a public hearing, then makes a recommendation to the City Council, who make the final decision. Under the proposed changes this would be referred to as a "*Site-Specific Rezone, Category 1*". An example of this would be a property zoned "R-10, Residential" which has a Comp. Plan Land Use Map designation of "Light Commercial"; the owner could submit a rezone application to change the zoning of the property to "C-1, Light Commercial" as this request would be implementing the Comp. Plan.
- If the rezone request does not implement the Comp Plan (in other words if in the above described situation the Land Use Map designation was "Moderate Density Residential" instead of "Light Commercial") then the owner would also have to simultaneously apply for a Comp. Plan amendment. This is the type of request that the Planning Commission is used to considering. Instead of the Hearing Examiner making the recommendation to

the City Council, the Planning Commission does. Under the proposed changes this would be referred to as a “*Site-Specific Rezone, Category 2*”.

- The third type of rezone is referred to as an “*Area-Wide Rezone*”. These are typically utilized when there have been changes in the Comp. Plan or the Zoning Code that necessitate all properties with a particular zoning classification to be changed. These are generally City-initiated and occur over a larger geographic area rather than one or a few parcels. The most recent instance of this was removal of the “EP, Environmental Park” zone from the Comp Plan, which then resulted in an Area-Wide Rezone which the Planning Commission considered (and recommended approval of) in 2017.

Lastly, there are currently there no decision-making criteria for rezone requests in the City’s Zoning Code; however, Staff for the last several years has used three criteria that are the result of case-law. These three criteria that are based on past court decisions are proposed to be included in the changes under ACC 18.68.040, ‘Rezone Approval Criteria’.

ZONING CODE TEXT AMENDMENTS

The changes proposed for Zoning Text Amendments include clarifying why/when City-initiated amendments are proposed and clarifying that the Mayor, as the executive of the City, can direct Staff to initiate an amendment.

SUMMARY AND MOVING FORWARD

The proposed changes to Chapter 18.68 ACC will help both the public and Staff in processing and understanding zoning amendments. If the Planning Commission feels like the changes are ready to proceed, Staff will move forward with the next step in processing.

Chapter 18.68
ZONING MAP AND TEXT AMENDMENTS

Sections:

- 18.68.010 ~~Intent~~Purpose.
- 18.68.020 ~~Initiation of~~Zoning map amendments.
- 18.68.025 Zoning text amendments.
- 18.68.030 ~~Public hearing process~~Types of amendments and processing.
- 18.68.040 ~~Public hearing notice requirements~~Rezone approval criteria.
- 18.68.050 Amendments to rezone requests.
- 18.68.060 Contract rezones.

18.68.010 ~~Intent~~Purpose.

The purpose of this chapter is to ~~provide for~~establish a process to amend either the text or map of this title. An amendment of the zoning map is also referred to as a "rezone" as used elsewhere in this title.

18.68.020 ~~Initiation of~~Zoning map amendments.

~~A. Zoning Map.~~ amendments may be initiated by the City or one or more property owners. Applications from property owners must include valid authorization from all of the subject property owners involved in the application.

- ~~1. One or more property owners of the parcel may submit an application requesting a reclassification of the parcel;~~
- ~~2. The city council may request the planning commission or hearing examiner to conduct a public hearing on the reclassification of a parcel or parcels of property;~~
- ~~3. The planning commission may upon its own motion call for a public hearing on the reclassification of a parcel or parcels of property.~~

18.68.025 Zoning text amendments.

~~B. Text~~ amendments may be initiated by the City or the public.

- ~~1. The city council may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that text amendments that are purely administrative or procedural do not require a public hearing, nor do they require preliminary review or recommendations of the planning commission;~~
- ~~2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;~~
- ~~3. Any resident or property owner of the city~~

A. City-initiated text amendments.

1. The Director may ~~petition the city to request~~ initiate an amendment to the text of this title, for the following purposes:

aC-. Change the text to increase consistency with the Comprehensive Plan in compliance with ACC 14.22.050, 'Conformance and consistency'.

b. Change the text in response to changes in state and/or federal laws.

c. Change the text to correct errors, which are determined by the Director to be substantive and beyond a scrivener's error.

d. Change the text to increase internal consistency of this title (Zoning Code).

b. The Mayor may request the Director to initiate an amendment to the text of this title, or by the request of the Mayor on behalf of the City Council or the Planning Commission.

B. Public-initiated text amendments.

1. Any member of the public may submit an application requesting to amend the text of this Title using the City's established application process.

18.68.030 Types of amendments and processing.

There are three types of map amendments and two types of text amendments; the descriptions and processing procedures for these shall be as follows:

A. Map amendment types:

1. A "Site-Specific Rezone, Category 1", is an application requesting to rezone a property to a zoning district that implements the Comprehensive Plan land use map designation applied to the property. This type of rezone shall be processed as a Type IV decision, consistent with ACC 14.03.040.

2. A "Site-Specific Rezone, Category 2", is an application requesting to rezone a property to a zoning district that does not implement (i.e. is in conflict with) the existing Comprehensive Plan land use map designation applied to the property, and a concurrent Comprehensive Plan amendment application must be submitted. This type of rezone shall be processed as a legislative non-project decision, consistent with ACC 14.03.060.

3. An "Area-Wide Rezone" is a rezone initiated either by the City or by multiple property owners that applies to a significant number of properties, as determined by the Director. This type of rezone shall be processed as a legislative non-project decision, consistent with ACC 14.03.060.

B. A "Zoning Text Amendment" is an application to change the text of Title 18 ACC. This type of application or initiation shall be processed as a legislative non-project decision, consistent with ACC 14.03.060. Public notice shall be provided consistent with Title 14 ACC.

1. Substantive zoning text amendments. For the purposes of this chapter, substantive zoning text amendments shall be distinguished from procedural or administrative amendments in accordance with the following:

"Substantive" matters relate to regulations that define or limit what can

be done in terms of conduct, use or action (e.g., what land use may be made of ~~land~~ property, what requirements apply to development, and what public infrastructure may be required of certain developments), ~~and~~ . "Procedural" or "administrative" matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications ~~decisions~~ and appeals, what forms must be used, and where or how applications must be submitted. Essentially, "procedural" or "administrative" matters are the mechanical rules by which substantive issues may be pursued). Substantive text amendments shall be reviewed by the Planning Commission and the Planning Commission shall conduct a public hearing and make a recommendation before being presented to the City Council for consideration and action.

~~18.68.030 Public hearing process.~~

~~A.2. Procedural zoning text amendments. Text amendments. With the exception of that are purely administrative or procedural amendments, do not require a public hearing, nor do they require preliminary review or recommendations by the Planning Commission and can therefore be presented directly to City Council for action.~~

18.68.040 Rezone (zoning map amendment) approval criteria.

There is no presumption of validity for a rezone (zoning map amendment) and the applicant has the burden of proof in establishing compliance with all of the following criteria:

- A. The rezone implements the policies of the Comprehensive Plan; or
- B. The rezone is necessary due to a substantial change in circumstances since the original zoning; and
- C. The rezone bears a substantial relationship to the public health, safety, or welfare.

~~All amendments to this title. The planning commission shall make a recommendation to the city council, who may or may not conduct a public hearing.~~

~~B. Zoning Map Amendments.~~

~~1. Rezones Initiated by an Applicant Other Than City. All applications for a rezone shall be reviewed by the planning director prior to the scheduling of a public hearing. After review of the application, the director shall determine which of the following two processes should occur to properly hear the rezone:~~

~~a. If the rezone is consistent with the Comprehensive Plan, then the hearing examiner shall conduct a public hearing on the rezone and make a recommendation to the city council pursuant to ACC 2.46.170;~~

~~b. If the rezone is in conflict with the comprehensive plan, or there are no policies that relate to the rezone, or the policies are not complete, then a comprehensive plan map amendment shall also be~~

~~required. The planning commission shall conduct a public hearing on the comprehensive plan map amendment and the rezone concurrently and make a recommendation to the city council.~~

~~2. Areawide Zoning and Rezoning, Initiated by the City. The planning commission shall conduct a public hearing and make a recommendation to the city council. If applicable, a comprehensive plan amendment may also be processed.~~

~~C. City Council Decision. The city council may affirm, modify or disaffirm any recommendation of the planning commission or hearing examiner with regard to amendments of the text or map of this title.~~

~~18.68.040 — Public hearing notice requirements.~~

~~A. Text Amendments.~~

~~1. Planning Commission. For text amendments that require a public hearing under ACC 18.68.030(A), notice of a public hearing shall be given by publication, in a newspaper of general circulation in the area, at least 10 days prior to the public hearing and by posting the notice in three general public locations.~~

~~2. City Council. Notice of a public hearing shall be given by publication, in a newspaper of general circulation in the area, prior to the public hearing and by posting the notice in three general public locations.~~

~~B. Zoning Map Amendments.~~

~~1. Rezones Initiated by an Applicant Other Than City.~~

~~a. Hearing Examiner. Notice of a public hearing shall be given at least 10 days prior to the public hearing and in accordance with ACC 14.07.040.~~

~~b. Planning Commission. Rezones that are considered concurrent with a comprehensive plan land use map amendment shall provide, at a minimum, notice of public hearing by publication in a newspaper of general circulation at least 10 days prior to the public hearing. Additionally, notice shall be provided in accordance with ACC 14.07.040.~~

~~2. Rezones, Including Areawide Zoning, Initiated by the City.~~

~~a. Planning Commission. As a minimum, notice of public hearing shall be given by publication, in a newspaper of general circulation in the area, at least 10 days prior to the public hearing. Additional mailing or posting of notices may, at the option of the planning commission, be required.~~

~~b. City Council. As a minimum, notice of public hearing shall be given by publication, in a newspaper of general circulation in the area, prior to the public hearing. Additional mailing or posting of the notices may, at the option of the city council, be required.~~

~~18.68.050 — Amendments to rezone requests.~~

Prior to adoption of a rezone ordinance, aA requested rezone may be changed, conditioned or modified by the hearing examiner, Planning Commission, or city

council when under their appropriate jurisdiction without requiring additional hearings, ~~to those previously prescribed~~ subject to the following:

- A. The modification or change shall not result in a more intense zone than the one requested; or
- B. The area of the request shall not be enlarged, however, the area may be lessened.

18.68.060 Contract rezones.

In order to mitigate any impacts that may result from a rezone the city may enter into a contract with the property owner. The contract shall outline the conditions of approval and the obligations of the property owner. The contract shall be binding upon the owner and his heirs, assigns and successors. The contract shall run with the land, be signed by the property owner(s) and be recorded with the appropriate King County office, for properties located in King County, or recorded at the appropriate Pierce County office for properties located in Pierce County. Any amendments to the contract shall be approved by the city council. The preferred form of the contract rezone is a development agreement as authorized by RCW 36.70B.170 - .210 and WAC 365-196-845.

18.02.080 Zoning map.

A. "Zoning map," as used in this title, is that certain map, three copies of which are on file in the office of the city clerk, labeled "Comprehensive Zoning Map of the City of Auburn, Washington," dated June 1, 1987, and adopted by Ordinance No. 4230 and signed by the mayor and city clerk, along with all amendments thereto. The types of zoning map amendments are listed in ACC 18.68.030 (A) to the zoning map may occur. The map may be either amended on an areawide basis initiated by the planning commission, city council, or planning and development committee of the city council, or a specific parcel amended by the rezone process as outlined in Chapter 18.68 ACC.

B. Current copies of the zoning map are available for examination and/or purchase at the ~~planning and community~~ development department. The zoning map is adopted and made a part of the comprehensive zoning ordinance, with the most current amended copy serving as ~~being~~ the official zoning map.

18.36.020 Process.

The approval process for business parks is in two steps. The first step in the conceptual approval of the business park, by the hearing examiner and city council, this step also approves the rezone to the business park district. The second step is the approval of the site plan by the planning director.

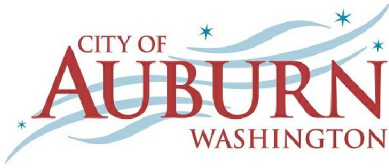
A. Conceptual Approval.

1. Conceptual approval of a business park shall be applied by the rezone process as specified in ACC 18.68.030 (~~BA~~) (1) ~~(a)~~. The rezone shall be a contract rezone and shall include an agreement that establishes the type, square footage and general location of the uses; the location and size of the park; restrictive covenants; public improvements; and the responsibilities of the owner/developer.

2. A BP district shall only be approved when the owner/developer has demonstrated that a public benefit will result and the project contains architectural, site, and landscape design standards that are significantly superior to those typically required in the other industrial and commercial zones.

3. No significant impacts on the public infrastructure shall occur that cannot be effectively mitigated by the development of the business park.

4. If the approval of the business park requires a subdivision of property, the preliminary plat may be processed concurrently.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Review of Planning Commission Rules of Procedures

Date:

January 22, 2020

Department:

Community Development

Attachments:

[PC Rules of Procedure Memo](#)

[Draft PC Rules](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

Annually the Planning Commission reviews their Rules of Procedure and determines if any changes are warranted.

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

Dixon

Meeting Date: February 4, 2020

Item Number:



MEMORANDUM

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

FROM: Jeff Dixon, Planning Services Manager

DATE: January 22, 2020

RE: February 4, 2020 Planning Commission Meeting – Continued discussion of potential revisions to the Planning Commission’s Rules of Procedure

The Planning Commission’s ‘Rules of Procedure’ were last amended on March 5, 2019. Annually, the Planning Commission reviews their Rules of Procedure (Rules) as a content reminder and also to consider any modifications of the Rules. A draft of some relatively minor, house-keeping type changes were identified by Planning Dept. Staff and distributed in advance of the Planning Commission’s January 7, 2020 meeting.

These changes included:

- Capitalization
- Correcting the Community Development Dept. name
- Correcting a reference from “Council” to “Commission” to be accurate
- Clarifying Findings of Fact
- Changing the section numbering to agree

The Planning Commission reviewed and discussed these changes at the meeting.

Additionally, at the meeting the Legal Dept. Staff distributed some further changes to the Rules based on recent changes to the City Council’s Rules of Procedure. The Legal Dept. Staff reviewed these at the meeting and offered to research the use of disruptive language and instances of how it was handled.

These changes to Section X. ‘Public Hearings’ (Pages 9-10), include changes to

- Recognize that not voting is counted as negative vote
- Clarify that the Chair, Member, or Secretary can call for a roll call or hand vote.
- Clarify procedures for abstaining from a vote due to a conflict of interest.

And changes to Section XI. ‘Conduct’ (Page 11), to:

- Further elaborate on what constitutes “disruption”

Staff Recommendation:

A draft based on input from both the Planning and Legal Depts. is provided for the Planning Commission's consideration. This latest draft shows changes in strike-through (deletions) and underline (additions). If these changes are satisfactory, the Commission can approve.

If the Planning Commission has additional changes, these can be captured by staff and then these changes can be presented in writing and provided at the next regular meeting as provided in Section XIII, 'Amendment'.

Attachment A – Planning Commission Rules of Procedure as amended March 5, 2019 & with staff recommended changes shown in strike-through & underline.

CITY OF AUBURN

PLANNING COMMISSION

RULES OF PROCEDURE

ADOPTED NOVEMBER, 1983
REVISED NOVEMBER, 1988
UPDATED APRIL, 2000
REVISED FEBRUARY, 2007
REVISED APRIL 2, 2013
REVISED MARCH 8, 2016
REVISED May 2, 2017
REVISED February 6, 2018
REVISED , 2018
REVISED June 5, 2018
REVISED March 5, 2019
REVISED XX, 2020

PLANNING COMMISSION - RULES OF PROCEDURE

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DRAFT

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 may be called by the Chair. Special meetings of the Planning Commission may also be called by any three members of the Commission. A minimum notice of 24 hours shall be provided for special meetings in accordance with State law.
5. If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be canceled at the notice of the Secretary or Chair provided at least 24 hours in advance.
6. Except as modified by these ~~R~~rules of ~~P~~procedure, Robert's Rules of Order, Newly Revised, most current version, shall govern the conduct of the meetings.

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

III. ELECTION OF OFFICERS:

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

IV. CHAIR:

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

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

V. SECRETARY:

The ~~Community 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 ~~Community Planning and~~ Development Department.

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

VI. QUORUM:

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

VII. ABSENCE OF MEMBERS:

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

members to participate to the maximum extent possible. If a member is unable to participate on a regular basis, it may be appropriate for a member to be replaced. This section of the rules is intended to provide standards that ensure that the regular absence of one member does not become disruptive to, or impede the work of, the full Commission.

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

VIII. ACTIONS DEFINED:

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

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

IX. AGENDA:

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

1. CALL TO ORDER

- a) Roll Call/Establishment of Quorum
- b) Pledge of Allegiance
2. Approval of Minutes
3. Public Hearings
4. Other Business Items as Appropriate
5. Community Development Report
6. Adjournment

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

X. PUBLIC HEARINGS:

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

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

8. A public hearing may be reopened by motion duly seconded and approved by a majority vote to accept additional testimony.
9. Deliberation.
10. Voting:

A. The Chair shall call for a vote.

B. Any member, including the Chair, not voting or not voting in an audible voice shall be recorded as voting in the negative~~favor of the motion~~.

C.B. The Chair, or a Commission member may request that the Secretary ~~Secretary, or upon request from a Commission member, may~~ will take a roll call vote or a vote by show of hands. Also, to ensure an accurate record of voting, tThe Secretary may take either on his/her own initiative.

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. A member may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness. If any member of the Planning Commission wishes to abstain, or has disclosed a conflict of interest and must abstain from a vote ~~on the motion~~, that member shall so advise the Chair~~Commission~~, and, ~~if there is no objection to the abstention~~, shall ~~physically~~ remove and absent himself/herself from the ~~meeting/hearing, all~~ deliberations, and considerations of the ~~motion~~matter, and shall have no further participation in the matter. The member should make this determination~~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. A, ~~provided that, prior to the time that a member gives advice of an intent to abstain from an issue, the member shall~~may confer with the City Attorney to determine if the member is required to abstain~~basis for the member's intended abstention conforms to the requirements hereof~~.

If the intended abstention can be anticipated in advance, ~~the~~any 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~~s to review with the City Attorney, in which case, the Chair shall call a brief recess ~~would be afforded the member~~ for that purpose before proceeding further.

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

11. Continuing an Item:

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

12. Findings of Fact:

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

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

- D. Findings and conclusions may be approved or amended at any time by the Planning Commission, but all such actions shall be based on the record of the matter at hand.

13. Order of Hearings:

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

XI. CONDUCT:

1. These rules are intended to promote an orderly system of holding public meetings and public hearings.
2. Any person who causes a disruption by making personal, impertinent or slanderous remarks or noises, by using speech intended to incite fear of violence, by failing to comply with the allotted time established for the individual speaker's public comment, by yelling or screaming in a manner that prevents the Commission from conducting the meeting, or by other disruptive conduct while addressing the Commission at a public hearing may be barred from further participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Commission.
3. No comments shall be made from any other location other than the podium, lectern or table set up for people to address the Commission at a public hearing, unless approved in advance by the Chair, and anyone making irrelevant, distracting, or offensive comments or noises that are disruptive may be subject to removal from the meeting.
4. Demonstrations, disruptive applause, other disruptive behavior, or ~~other audience participation interruption~~ during ~~or at the conclusion of~~ anyone's presentation are prohibited. It is distracting to the Commission, the audience, and persons testifying.

XII. CONFLICT OF INTEREST:

1. Any member of the Commission who in his or her opinion has an interest in any matter before the Commission that would tend to prejudice his or her actions shall publicly indicate, step down and leave

the meeting room until the matter is disposed. A member need only be excused from legislative or organizational action if the potential conflict of interest is direct and substantial.

- A. No member of the Planning Commission may use his or her position to secure special privileges or exemptions for himself, herself, or others.
- B. No member of the Planning Commission may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
- C. No member of the Planning Commission may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
- D. No member of the Planning Commission may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.
- E. No member of the Planning Commission may take any action that is prohibited by Chapter 42.23 RCW or any other statutes identifying conflicts of interest.

2. Appearance of Fairness:

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

- A. Members shall avoid communicating in respect to any proposal with any interested parties, other than staff, outside of public hearings. Written communication from an interested party to a member may be permitted provided that such communication is made part of the record.
- B. Members shall avoid drawing conclusions regarding decisions until after the public hearing is closed.

- C. Members shall avoid participating in decisions which affect their or any family member's property, personal or business interest, or organization.
- D. Members shall avoid participating in decisions in which a preconceived bias or conclusion has been formed in the mind of the member prior to the hearing.
- E. If any concern relating to Items A1 through D4 should arise, the affected member shall declare at the start of the public hearing on the matter, the extent of such concern and whether the member's decision has been influenced. If the member has been influenced, or if the extent of the concern is significant, the member shall be excused by the Chair from the meeting room and his vote recorded as an abstention.

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

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

XIII. AMENDMENT:

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