



CHAIR APNEET SIDHU; VICE-CHAIR SHARON MAN, COMMISSIONERS LOUSIE STRANDER, DENNIS MARTINEZ, ALEXANDRIA TEAGUE, AND MARTIN PROBST

**CITY OF TUKWILA
PLANNING COMMISSION (PC)
AGENDA
FEBRUARY 23, 2023 - 6:30 PM**

To Participate in the Virtual Meeting at 6:30 pm:

By Phone: Dial [+1 253-292-9750](tel:+12532929750), Access 779 253 241#

Online: To join this meeting virtually please click on Planning Commission on the 2/23/23 calendar date on the events page located at <https://www.tukwilawa.gov/events/>

Join in-person at:

6200 Southcenter Blvd, Council Chamber, Tukwila, WA. 98188

FOR TECHNICAL SUPPORT DURING THE MEETING YOU MAY CALL 1-206-433-7155

- I. Call to Order
- II. Attendance
- III. Planning Commission Procedural Changes
- IV. Adopt 1/26/23 Minutes
- V. Public general comments – Acknowledge whether comments were received
- VI. PC Bylaws Amendment Review/Adoption
- VII. Policy and Content Amendments for Comprehensive Plan
- VIII. Review of Upcoming Work Program
- IX. Director’s Report
- X. Adjourn

Reminder: Staff is available to address Planning Commissioner questions regarding packets anytime – we encourage Commissioners to call or email staff **by noon on the Tuesday before** the Commission meeting date. Please call or email Commission Secretary Wynetta Bivens, at 206-431-3654 or Wynetta.Bivens@TukwilaWA.gov to be connected with the appropriate staff member. Thank you!



**CITY OF TUKWILA
PLANNING COMMISSION (PC)
MINUTES**

Date: January 26, 2023
Time: 6:30 PM
Location: Hybrid Meeting - virtual meeting via Microsoft Teams / public, in-person attendance, Council Chambers, 6200 Southcenter Blvd, Tukwila, WA 98188

Vice Chair Sidhu called the meeting to order.

Roll Call

Present: Chair Apneet Sidhu; Commissioners Louise Strander, Vice Chair Sharon Mann, Dennis Martinez, and Alexandria Teague

Excused
Absence: Commissioner Martin Probst (1 current vacancy)

Rotation of 2023 PC Officers

The PC Secretary used for the record the process of how the PC members rotate to chair and vice chair, Commissioner Apneet Sidhu is the 2023 Chair and Commissioner Sharon Mann is the 2023 Vice Chair and they both assumed their position immediately during the meeting.

Staff: Director Nora Gierloff, American Institute of Certified Planners (AICP), Department of Community Development (DCD); Long-Range Planning Manager Nancy Eklund, AICP, DCD; Senior Planner Neil Tabor, AICP, DCD; Assistant City Attorney Emily Romanenko, and PC Secretary Wynetta Bivens

Adopt Minutes: Commissioner Strander made a motion to adopt the December 8, 2022, minutes and Commissioner Mann seconded. Commissioner Martinez abstained; he was not in attendance. Motion passed.

General Public Comments

No submittals.

PC Protocols Refresher

Emily Romanenko, Assistant City Attorney, referenced her presentation and gave an overview on:

- Definition (OPA) Requirements.
- Open Public Meetings Act (OPMA).
- Appearance of Fairness Doctrine related to quasi-judicial hearings.
- A description of what “Official business” includes: public testimony, deliberations, discussions, considerations, reviews, and final action, types of meetings and when to notice meetings Public meetings versus public hearings.
- Changes to the OPMA since House Bill (HB) 1329 was adopted: physical meeting locations are required for the public; remote attendance of the board allowed; and that the public must be given the opportunity to comment at meeting’s where “final action” occurs.

- Public records, and what a public record is, searching for records, public records vs private records.
- Appearance of Fairness Doctrine requires that no ex parte contact is allowed relative to quasi-judicial actions.

Department of Commerce Presentation – New Requirements for Local Housing Planning

Nancy Eklund, Long-Range Planning Manager, AICP, DCD, introduced the presenter, Joe Tovar.

Joe Tovar, Consultant, American Institute of Certified Planners Fellow (FAICP), from the Department of Commerce, Middle Housing Grant section, gave an overview on the comprehensive planning process and the update. He provided background on the Department of Commerce (Commerce) and the Growth Management Act (GMA); some of the major features and the role of the State versus the County, the City, and the Regional County; new housing requirements; a recent opinion survey taken in Washington; and the Commerce assistance that can be offered.

The GMA, which was adopted in 1990, exists to address uncoordinated development and urban sprawl; to manage threats to the quality of life in Washington; and to require local planning – all guided by state law, and regionally coordinated.

Following are some explanations and/or suggestions that were provided in the GMA framework: there are 14 GMA goals that provide direction on how cities should plan and what they should prioritize. Planning involves making sure goals and policies are in step with regulations and capital projects. There are 39 counties in Washington, but they are not all required to plan under GMA in the same way. Twenty-nine counties are “planning fully” under GMA and must also develop countywide or multicounty policies that will guide how their cities develop their plans.

Within the Puget Sound area (the Puget Sound Regional Council area including King, Pierce, Kitsap, and Snohomish counties), the deadline for submitting updates to Comprehensive Plans and associated regulations is December 2024.

There is a housing crisis. There has been extensive discussion around housing in recent legislatures, and cities have had to add local policies to respond to requirements. The state fell short of meeting the housing supply needs from 2000-2015. There are disparities in housing in Washington State and rates of cost-burden are highest in communities of color (Black, Indigenous, and people of color (BIPOC)), which means they spend a greater portion of their income than they should on housing, etc. In 2021, Washington State adopted HB 1220 to direct communities to strengthen how they *plan for and accommodate* housing needs for all income bands. HB 1220 changed Revised Code of Washington (RCW) 36.70A.070 for townhomes, duplexes, and triplexes housing option: this type of housing is known as “middle housing” and is sometimes called “missing middle housing,” because not much of it has been built over the past 30+ years. With population growth anticipated, Commerce projects that there will be a housing need of more than one million homes statewide over the next 20 years. There is debate around trying to determine how states and cities can provide greater opportunities for home ownership, etc.

Mr. Tovar also provided information on the 2022 Joint Housing Opinion Survey. The results of the question, “What are the most pressing issues?” revealed that housing costs and homelessness are the top two issues throughout Washington State. Results further revealed that more housing options for seniors, teachers, firefighters, childcare workers, and health care workers are needed. He noted that 74% of respondents preferred new housing to be in walkable neighborhoods and that 64% wanted their community to offer more diverse and affordable types of housing. The survey found that people want lower rents, as the cost of buying a home is unaffordable, and more reasonably priced housing. Another survey question indicated that respondents

wanted government to do more – work together to address the need for housing and support opportunities to provide housing not currently being delivered on the market.

Mr. Tovar described some of the technical assistance the Commerce has provided to the City of Tukwila, e.g., grants to support the Housing Action Plan (HAP), the HAP Implementation, and the Middle Housing study. The City must complete the work for the Middle Housing grant by June 30, 2023 deliverables. He noted that the area communities working on middle housing grant projects meet regularly for coordination and education.

The Department of Commerce has developed the following assistance for planners and the community: a main Housing webpage; information on Growth Management; and HB 1220 guidance. Other resources include the Middle Housing Technical Team; Growth Management Periodic updates; and the Short Course on Local Planning (PC staff expressed interest in this free training).

Mr. Tovar addressed several questions from the PC. There was discussion concerning how to get more data to help make decisions. Staff shared some data with the PC and more information will be forthcoming.

Director's Report

- Nancy Eklund provided some updates. She noted that part of middle housing grant funding allows for outreach to community-based organizations to facilitate obtaining their input.
- A draft schedule was shown and discussion ensued of the 2023 PC Work Program. One of the main focuses will be on the mandatory housing element and other elements of the periodic update.
- Nancy suggested the PC could host a public meeting/open house on the Comp Plan update and issues to be considered. The PC had questions regarding the purpose and want to make sure the open house is focused and targeted to ensure they are prepared.
- The draft schedule indicated that, at this point, there may be two PC meetings in May and June in order to complete the middle housing work to be developed by the June 15th deliverable deadline.
- Staff anticipates having a full staff-recommended review draft by the beginning of 2024. The Comp Plan will be subject to an environmental review, after which it will be forwarded to City Council (CC) for their review. Ideally, the Plan will be completed by September 2024 (since 2024 is a CC budget year and that will consume the latter half of the year).
- Director Gierloff said that agenda items will take a lot to get through and each of them will only be touched once except for housing, so that's a lot to get through in a night. She said with the PC Chair's help running efficient meetings, and making sure PC have all the information they need at the meeting, they can focus on a certain item and review it in limited time. She requested that the PC reach out to staff in advance to request anything they need. Then staff can address any questions or help the PC with any clarity needed. Staff can also include information in their presentation, which will be really helpful. She suggested doing a time check in a few months. If it seems like these are really unreasonable expectations to get through the material they will need to talk about additional meetings. There is a firm deadline and PC review time cannot stretch out too far because time needs to be reserved for CC review. She said staff is really looking for the PC to be partners with them on how they can best present this material to them so it is easy to understand and they will have the information they need to conduct efficient review. She said a lot of feedback from the PC would be great.
- Commissioner Sidhu echoed what Director Gierloff said and suggested setting a deadline of 12:00 pm the Tuesday prior to the meeting for PC to reach out to staff with any requests or questions.

Chair Sidhu asked for a motion to adjourn. Commissioner Mann moved to adjourn and Commissioner Martinez seconded the motion.

Adjourned: 8:32 pm

Submitted by: Wynetta Bivens
Planning Commission Secretary

DRAFT



STAFF REPORT TO THE PLANNING COMMISSION
Prepared February 6, 2023

REQUEST: Follow up on discussion of amendments to the Tukwila Planning Commission Rules of Procedure (Bylaws). This item was last discussed at the December 8, 2023.

Amendment Process: Per Article IX of the current adopted Bylaws, amendment of the Rules of Procedure requires a two thirds vote of the members present at any meeting, provided notice of such proposed changes has been transmitted to the Commission not less than five (5) days prior to the meeting.

STAFF: Nora Gierloff, AICP, DCD Director
Nancy Eklund, AICP, Long Range Planning Manager

ATTACHMENTS:
A. Proposed Planning Commission Bylaws – Equity/public Comment Only – marked up copy

BACKGROUND

The Commission reviewed the proposed changes to the Bylaws at their December 8, 2022, meeting. The amendments were originally needed to bring the Bylaws into conformance with additional City training requirements for all boards and commissions and, subsequently, to include legislative requirements addressing public comment and remote meetings.

Since the December 2022 meeting, staff developed a final version of bylaw amendments for the Commission’s consideration, focusing on ensuring the Bylaws were up to date with legislative requirements (e.g., changes to Public Comment and requirements) and local decisions regarding remote participation and requirements for the Board to receive periodic Equity training. In addition, staff had clarified public comment provisions as requested by the Commission and taken numerous opportunities to improve the format, flow, and language of the Bylaws to ensure they conformed to state and local law. Staff also corrected errors and clarified the responsibilities of commissioners and staff.

Prior to preparing the final Commission packet, the City Administrator asked that we move forward only with the Equity Training and Public Comment additions.

REQUESTED ACTION

You have reviewed these sections previously, and they are provided here for your approval.

RULES OF PROCEDURE
FOR THE
TUKWILA PLANNING COMMISSION
AND
BOARD OF ARCHITECTURAL
REVIEW

Adopted April 17, 1958
Amended November 29, 1973
Amended February 28, 1974
Amended July 29, 1982
Amended February 26, 1998
Amended March 23, 2006
Amended January 15, 2009
Amended August 25, 2011
Amended October 2017
Amended February , 2023

**RULES OF PROCEDURE
FOR THE
TUKWILA PLANNING COMMISSION AND
BOARD OF ARCHITECTURAL REVIEW**

ARTICLE I – PURPOSE AND GOALS

Pursuant to the authority conferred by RCW 35A.63 and per Tukwila Municipal Code (TMC) 2.36.10 the Planning Commission (“Commission”) is hereby established to serve in an advisory capacity to the Mayor and City Council for the City of Tukwila.

The purpose of the Tukwila Planning Commission is to perform the function of a Municipal Planning Commission as set forth in Chapter 35.63 of the Revised Code of Washington (“RCW”) and Chapter 2.36 of the Tukwila Municipal Code (“TMC”) on matters relating to land use, comprehensive planning and zoning. The purpose of the Tukwila Board of Architectural Review is to review land development and building design per the TMC Chapter 18.60.

The objectives of the Planning Commission are as follows:

1. To influence in a positive manner the major planning efforts and projects that will affect the city.
2. To advocate consistency and integration among plans which provide a future image and direction for the city as well as the means for meeting more immediate needs.
3. To ensure that effective citizen participation, including opportunities for timely public involvement, are part of the City’s planning processes.
4. To represent a whole-city view point when evaluating proposed plans, projects and issues.
5. To make recommendations which recognize the city’s needs and government’s constraints as well as identified citizen viewpoints.
6. To fairly judge the merits of quasi-judicial applications such as shoreline conditional use permits.

The goal of the Board of Architectural Review is to provide review by public officials of land development and building design in order to promote the public health, safety and welfare. Specifically, the Board of Architectural Review (“BAR”) shall only approve well-designed developments that are creative and harmonious with the natural and manmade environments. Individual project approvals shall be based on an evaluation of the project design against the applicable design guidelines, Zoning Code requirements and other development standards.

ARTICLE II - MEMBERSHIP

Per TMC 2.36.020, the Commission shall be composed of seven members and shall include six community members representing a cross section of the community from different trades, occupations, activities and geographical areas and one member representing a business operating in the City.

A. Length of Appointment

The term of membership for the members of the Tukwila Planning Commission shall be four years.

B. Resignation

If a Commission member is unable to complete their term of service a letter of resignation should be sent to the Mayor indicating the effective date of the resignation.

C. Removal

Commission members may be removed from the position if absent without being excused for three consecutive meetings or six regular meetings in a calendar year.

D. Compensation

Members will receive no monetary compensation for serving on the Commission.

ARTICLE III - DUTIES OF THE COMMISSION, OFFICERS, COMMISSIONERS AND SUPPORT STAFF

A. Duties of Commission

The Commission shall undertake the duties and responsibilities defined in TMC 2.32.010.

B. Officers

Officers shall be a Chair and a Vice-Chair; both appointed members of the Commission. In absence of both the Chair and the Vice-Chair members shall elect a Chair pro tem.

C. Duties of the Officers

Chair

The Chair shall preside at all meetings and adhere to the duties of the presiding officer prescribed in Robert’s Rules of Order Newly Revised. When necessary, the Chair shall call for special meetings. The Chair shall be a full voting member of the Commission. The Chair may delegate duties to other Commissioners with the consent of the Commission. The Chair shall speak on behalf of the Commission before City Council, the public and City staff.

The Chair will serve as a member on the City’s Board of Ethics. In the event the Chair is unable or unwilling to serve on the Board of Ethics, the Commission shall select a member to serve on the Board.

The responsibilities of the chair include:

- Providing group direction and options for setting goals;
- Coordinating with staff to set meeting agendas;
- Coordinating meeting preparation with City staff; and
- Representing the Commission in the community.

The term of office shall be one year.

Vice-Chair

The Vice-Chair shall perform the duties of the Chair in absence of the Chair. The Vice-Chair may also speak on behalf of the Commission before City Council, the public and City staff when the Chair is not available to speak.

The term of office shall be one year. The Vice-Chair will promote to the Chair the following year.

D. Duties of Commissioners

It is the responsibility of all Commission members to:

- Arrange adequate time to carry out responsibility as a Commission member;
- Come to meetings prepared: Read all reports, proposals and documents distributed prior to meetings;
- Listen to other Commission members and communicate with respect and courtesy; and
- Participate in group discussion and decision making.

I. Ethics Training

Every Commission member must complete Ethics Training and sign an Ethics Training Certification Form within 90 days of appointment and must complete the training within 90 days of reappointment or every four years, whichever comes first.

II. Open Public Meetings Act Training

Pursuant to RCW 42.30.205, every Commission member must complete training on the Open Public Meetings Act and sign an OPMA Training Certification Form within 90 days of appointment and must complete the training within 90 days of reappointment or every four years, whichever comes first.

III. Public Records Training

Every Commission member must complete training on the Public Records Act and sign a Public Records Training Certification Form within 90 days of appointment and must complete the training within 90 days of reappointment or every four years, whichever comes first.

IV. Conflict of Interest

Washington's ethics laws prohibit public officials from gaining financially as a result of his or her position. Public officials must declare any conflicts of interest at a public meeting. A conflict exists if a recommendation potentially could affect the finances of the group member or the finances of a family member. If a conflict exists, the member must declare this fact at a meeting where the issue is being discussed and refrain from discussing or voting on the recommendation.

Every Commission member must sign a Conflict of Interest Disclosure Form within 90 days of appointment and must sign a new Disclosure Form within 90 days of reappointment or every four years, whichever comes first.

1. Equity Policy Training

Equity Policy Training In 2017, the Tukwila City Council adopted the Equity Policy, Resolution No. 1921. The Tukwila City Council identified the need for an equity policy to continue the City of Tukwila's commitment to being an inclusive community that provides equal access to all City services.

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The purpose of this policy is to provide guidance to City elected officials, staff, boards and commissions, partners, residents, businesses, and guests on how the City of Tukwila will actively promote equitable access to opportunities and services. The City requires every member of an advisory body to complete training on the Equity Policy, Resolution 1921 within 90 days of appointment and within 90 days of reappointment or every four years, whichever comes first.

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E. Duties of Support Staff

One or more City staff are assigned to support the Commission. The Director of the Tukwila Community Development Department or his/her designee will serve as the Secretary to the Commission. The primary role of the Secretary is to represent the City and facilitate communication between the Commission, City Administration, the City Council and other City departments. Responsibilities of the Secretary and support staff include:

- Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and the Public Records Act (PRA) including legal noticing requirements;
- Maintaining a current roster of all members,
- Taking roll at regular, special and public hearing meetings;
- Compiling agendas and agenda packets, recording, transcribing, and maintaining minutes and records, forwarding recommendations and/or implementing actions;
- Providing professional guidance, issue analysis and recommendations;
- Assisting with research, report preparation and correspondence.

ARTICLE IV – DESIGNATION OF OFFICERS

The Commission shall make a motion to designate a Chair and a Vice Chair to serve for one year. Designations are based on longevity of service on the commission and will rotate through all of the members before a member serves an additional term. Generally, officers shall be designated and take office annually at the first regular public meeting of the Commission in January. The first item of new business shall be the designation of the officers and they will assume their duties at that time.

The Vice-Chair from the previous year will be designated as Chair and the next member in line in line of seniority will be designated as the Vice-Chair.

Should the Chair be vacated prior to the completion of the Term, the Vice-Chair will assume the duties and responsibilities of the Chair for the remainder of the Term. The next member in line of seniority will then be designated as the new Vice-Chair to serve out the remainder of the Term.

Should the Vice-Chair be vacated prior to the completion of the Term, the Chair will designate the next member in line of seniority as the new Vice-Chair to serve out the remainder of the Term.

ARTICLE V – MEETINGS

Section 1: Meetings.

All Commission meetings shall comply with the requirements of the Open Public Meetings Act RCW 42.30. All meetings shall be noticed and open to the public.

The Planning Commission may hear both legislative and quasi-judicial actions. The Commission may devote part or all of a meeting to an informational work session during which

no comments from the public will be permitted, unless the Chairperson or a majority, on a case-by-case basis, decides otherwise. All Board of Architectural Review hearings are quasi-judicial in nature. All meetings shall be open to the public and duly noticed per the applicable regulations in the Tukwila Municipal Code.

Quasi-judicial public hearings determine the legal rights, duties or privileges of specific parties, decided in a contested case proceeding by non-judicial decision-makers such as planning commissions, city councils and hearing examiners. The decisions made as a result of such hearings must be based on and supported by the record developed at the hearing. Therefore, these types of hearings are subject to stricter procedural requirements than legislative hearings.

The purpose of legislative public hearings is to obtain public input on matters of policy. They do not involve the legal rights of specific, private parties in a contested setting but rather affect a wider range of citizens or perhaps the entire City. If challenged, the decision reached at a legislative public hearing is only reviewed to determine if it is constitutional or violates state law.

All meetings of the Planning Commission shall be governed by these by-laws. Where the by-laws do not state otherwise, the parliamentary rules and procedures contained in the current edition of *Roberts Rules of Order* shall apply.

A. Schedule

The Commission shall hold regular meetings according to the following schedule:

The fourth Thursday of each month January through October and the second Thursday in November and December. The meetings shall begin at 6:30 p.m. unless modified. Should a regular meeting day be a legal holiday, the scheduled meeting shall be postponed to the succeeding Thursday, unless a majority of the Commission votes to select another day or to cancel the meeting.

Any Commission meeting may be canceled by a majority vote or consensus of the Commission. The Chair or Vice-Chair may instruct the Secretary to cancel a meeting for lack of agenda items or lack of a quorum.

B. Special Meetings

Special meetings may be held by the Commission subject to notice requirements prescribed by State law. Special meetings may be called by the Chair in conjunction with the Secretary, the City Council, or the Mayor, or by the written request of any three (3) Commissioners by written notice emailed or delivered to each member of the Commission at least 24 hours before the time specified for the proposed meeting.

Special meeting called shall state the subject(s) to be considered and no subject other than those specified in the notice shall be considered. No special meetings shall be scheduled between November 15th and the end of the year. The agenda for a special meeting need not conform to the Order of Business in Section C of this Article.

C. Order of Business

The order of business for each regular meeting of the Commission shall be as follows:

1. Call to Order

2. Roll Call
3. Amendment of Agenda if Necessary
4. Approval of Minutes
5. Public Comment
- 5-6. Unfinished Business
- 6-7. New Business
- 7-8. Reports of Commissioners and Staff/Announcements
- 8-9. Adjournment

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D. Public Comment The Commission shall provide several opportunities for the public to comment on Commission business:

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1. Public Hearing Comment: Comments for items being considered at public hearings.

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- Written comments relating to items being considered at a public hearing should be provided by email, regular mail, and/or hand delivery to the Secretary of the Planning Commission prior to 5:00 p.m. the day before the public hearing. Any comments received will be forwarded to Commissioners and City Staff for their information.
- During the public hearing, both written and oral comment relating to the items being considered by the Commission may be provided.
- Comments provided outside of these parameters will not be considered part of the public record for the item being considered at the public hearing.

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2. General, Non-public Hearing Related Comment: Public comment on general, nonpublic hearing related items is provided for in all regular meetings.

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- Such public comment shall be written and, if provided to the Secretary of the Planning Commission prior to 5:00 p.m. the day before the Commission meeting, will be forwarded to Commissioners for their information.
- If such comment is received less than 24 hours prior to the Commission meeting, staff will hold the comment and forward it to the Commission for information at a following meeting.
- No oral comment will be accepted unless permitted by the Commission, as described in Article VI, section D.

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D. Notices

The public shall be notified of the preliminary agenda for the forthcoming Commission meeting by posting a copy of the agenda in the City's Digital Records Center. In the event of a public hearing, the notice of hearing will be published in the legal section of the newspaper in compliance with RCW 35A.12.160.

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ARTICLE VI - RULES OF MEETINGS

A. Absences

Absence from more than three (3) consecutive Commission meetings may be cause for removal. Members shall communicate with the Secretary with requests for an excused absence in the event they will miss three (3) or more consecutive meetings. Emergency requests may be considered. The Chair may approve the absence.

B. Quorum

At all Commission meetings, the presence of the majority of the currently seated members constitutes a quorum. A quorum is required for the Commission to take any

action.

C. Rules of Procedure

The current edition of Robert's Rules of Order Newly Revised shall provide the basis for meeting structure and official decisions shall be made by motion and vote of the Commission.

D. Meeting Decorum

To provide a fair and efficient forum for the conduct of business at Planning Commission meetings, the following rules of decorum shall be observed:

- a) No person shall address the Commission without first obtaining recognition from the Chair.
- b) The Commission may allow comments from members of the public attending work sessions by permission of the Chair or majority vote.
- c) If there are a large number of people who wish to speak at a meeting the Chair may limit each speaker to a specific number of minutes of speaking time. If a speaker is representing an organization, the Chair may grant that speaker additional speaking time
- d) If audience dialogue becomes disruptive, the Chair may recess the meeting or request that the meeting be adjourned.
- e) Once a member of the public has spoken in regard to a specific matter before the Commission, he or she shall not be recognized to speak again until all persons wishing to speak have first been given the opportunity to do so.
- f) To aid in the creation of accurate meeting minutes all speakers should identify themselves each time they address the Commission.
- g) Planning Commission meetings will generally begin at 6:30 PM or as indicated on the public notice. They will continue until the agenda items have been completed or until 9:30 PM whichever comes first. Continuation of a meeting past 9:30 PM requires approval of a motion to extend by a majority vote. If no motion is approved the Chair will continue the meeting to a date certain.

E. Conflict of Interest and Appearance of Fairness for Quasi-Judicial Actions

The appearance of fairness doctrine is a rule of law that requires government decision-makers to conduct quasi-judicial hearings and make quasi-judicial decisions in a way that is both fair in appearance and in fact. Any member of the Commission who in his or her opinion has an interest in any matter before the Commission that would prejudice his or her actions shall so publicly indicate and shall step down, leave the hearing room and refrain from voting and any manner of participation with respect to the matter in question so as to avoid any possible conflict of interest or violation of the appearance of fairness.

If a member of the Commission or his/her immediate family has a tangential interest in the matter at hand but does not think that this would prejudice his/her opinion the member should publicly disclose this interest on the record prior to the start of the hearing and allow persons to challenge his/her participation in the hearing. If so challenged the member shall step down, leave the hearing room and refrain from voting and any manner of participation with respect to the matter in question. If not challenged the member may participate.

If a member of the Commission has had ex-parte communication with either proponents or opponents of the project the member shall place the substance of the written or oral communication on the record, make a public announcement of the content of the communication, and allow persons to challenge his or her participation in the hearing. If so challenged the member shall step down, leave the hearing room and refrain from voting and any manner of participation with respect to the matter in question.

F. Quasi-Judicial Hearing Procedures

All quasi-judicial hearings held by the Commission shall be recorded and use the following procedures:

Chair - call the meeting to order

Secretary - take attendance

Commission - review, amend and adopt the minutes of previous meetings

Chair - swear in all those who wish to offer testimony at the hearing including staff members

Chair - open the public hearing, state the purpose of the hearing and the action the Commission may take

Staff - ask each of the Planning Commission/BAR Members the following questions regarding any appearance of fairness issues:

- Do you or your family have any interest in the subject property?
- Do you stand to gain or lose by your decision on this matter?
- Have you had any ex-parte communications about this application? *If so, please disclose the substance of these communications and whether you think it will impair your ability to impartially decide on the merits of the application.*
- *If any Commissioner answers yes to one or more of the prior questions, ask: Does anyone here object to Commissioner _____ hearing this matter?*

If any Commissioners disclose appearance of fairness issues allow the applicant or other audience members to challenge their participation in the hearing. If so challenged the Commissioner must step down from the case and leave the room unless this would cause the loss of a quorum per RCW 42.36.090. If the applicant does not object to the Commissioner hearing the case, please have them state that for the record.

Staff – present the staff report and take questions from the Commission

Applicant – optional presentation and take questions from the Commission

Public – comments and questions are to be directed to the Commission

Rebuttal testimony and responses by staff, applicant and the public

Chair - close the public hearing

Commission deliberates

Any member may make a motion on the application

Any member may second the motion

Discussion

Vote

Next Item if applicable

Director's Report

Chair - adjourn the meeting

G. Legislative Hearing Procedures

All legislative hearings held by the Commission shall use the following procedures:

- Chair - call the meeting to order
- Secretary - take attendance
- Commission - review, amend and adopt the minutes of previous meetings
- Chair - open the public hearing, state the purpose of the hearing and the action the Commission may take
- Staff – present the staff report and take questions from the Commission
- Public – comments and questions are to be directed to the Commission
- Rebuttal testimony and responses by staff and the public
- Chair - close the public hearing
- Commission deliberates
- Any member may make a motion on the application
- Any member may second the motion
- Discussion
- Vote
- Next Item if applicable
- Director’s Report
- Chair - adjourn the meeting

H. Voting

Voting on all matters except amendments to these by-laws shall be by simple majority.

- a) The Chair shall have one vote and shall enjoy the same opportunity to vote as afforded to all other Commission members.
- b) On matters considered of extreme importance, the Chair may call for roll call vote.
- c) No matter may be voted upon unless:
 - 1) The matter has been discussed at a previous meeting of the Commission, or
 - 2) The matter has been placed on the agenda prior to the meeting by any member of the Commission or by the Secretary, or
 - 3) A new legislative item, not on the agenda, and considered by a 2/3 vote of the Commission to constitute an emergency and thus warrant immediate decision, may be approved by a 2/3 vote, or
 - 4) A new procedural item, not on the agenda, may be approved by a simple majority vote.
- d) All Commission members shall have one and only one vote on any particular matter of business.
- e) There shall be no voting by proxy.

I. Adjournment/Recess/Continuations

Meetings shall be adjourned by a majority vote of the Commission or by the chair when it appears that there is no further business.

The Commission may, by majority vote or consensus, recess for a short break. The proposal to recess may set a time limit or can be until the Chair calls the meeting back to order.

Continuations of meetings shall be to a definite time and place by the majority vote of present Commission members. The Commission may continue a public hearing to a future date for the purpose of accepting new written or oral testimony. A continued public hearing to a date certain does not require new public notice. A closed public hearing cannot be re-opened without issuance of a new public notice.

Article VII Code of Ethics

Members of the Commission shall fully comply with RCW 42.23 Code of Ethics for Municipal Officers and with TMC 2.95 Code of Ethics for Employees and Appointed Officials.

ARTICLE VIII – COMMITTEES

From time-to-time, the Chair may appoint sub-committees of the Commission membership, or a Committee-of-the-Whole thereof, for purposes of furthering the conduct of Commission business. Such committees may be directed to draft or review legislative proposals, to initiate code-amendments or special studies, or to undertake research and analysis of topical matters referred to the Commission by action of the City Council.

ARTICLE IX – AMENDMENTS

These Rules of Procedure may be amended by two thirds vote of the members present at any regular or special meeting, provided notice of such proposed changes shall be transmitted by the Secretary to each member in good standing not less than five (5) days nor more than fifteen (15) days prior to such meeting.

2021-2023 ROSTER OF COMMISSIONERS

~~*Apneet Sidhu*~~*Louise Strander*, Chair

~~*Karen Simmon*~~*Sharon Manns*, Vice-Chair

~~*Louise Strander*~~*Andrea Reay*

Dennis Martinez

~~*Dixie Stark*~~*Alexandria Teague*

~~*Apneet Sidhu*~~~~*Sharon Mann*~~*Martin Probst*

VACANT

Wynetta Bivens, Secretary

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Past Chairs

2022 Commissioner Karen Simmons

2021 Commissioner Louise Strander

2020 Former Commissioner Heidi Watters

2019 Commissioner Dennis Martinez

2018 Former Commissioner Nhan Nguyen

2017 Former Commissioner Miguel Maestes

2016 Commissioner Sharon Mann

2015 Former Commissioner Mike Hansen

2014 Commissioner Louise Strander

2013 Former Commissioner Thomas McLeod

2012 Former Commissioner Brooke Alford

2011 Former Commissioner Margaret Bratcher/Commissioner Alford

2010 Former Commissioner Bill Arthur

2009 Former Commissioner George Malina

2008 Former Commissioner Chuck Parrish

2007 Former Commissioner George Malina

2006 Former Commissioner Allan Ekberg

2005 Former Commissioner Margaret Bratcher

2004 Former Commissioner George Malina

2003 Former Commissioner Kirstin Whisler

2002 Former Commissioner David Livermore

2001 Former Commissioner Vern Meryhew

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STAFF REPORT TO THE PLANNING COMMISSION
Prepared February 13, 2023

- ISSUE:** Discussion of Policy and Content Amendments to be Incorporated into the 2024-20244 Tukwila Comprehensive Plan Update, and Review of Schedule Constraints
- STAFF:** Nora Gierloff, AICP, DCD Director
Nancy Eklund, AICP, Long Range Planning Manager
Neil Tabor, AICP, Senior Planner
- ATTACHMENTS:** 2023 PC Work Program (Draft)

BACKGROUND

This agenda item is to brief the Planning Commission on updates in requirements of the Periodic Update of the City’s [Comprehensive Plan](#), that is required to be adopted by September¹ 2024.

Staff briefed the Planning Commission on the general background of the 2024-2044 comprehensive plan update at their June 23, 2022, meeting. This update serves to provide further detail on additional requirements of the update and the anticipated consolidation and restructuring of the Plan to both comply with regulatory requirements and to simplify the plan to make it more concise and usable for the public, Council, boards, commissions, and staff.

Compliance of the Plan Update with Regulatory Requirements

The 2024 update to the Comprehensive Plan is required to comply with goals, policies, and other standards from the [Washington Department of Commerce](#)², Puget Sound Regional Council’s (PSRC) [Vision 2050](#) and King County’s adopted [Countywide Planning Policies](#). In this update cycle, topic areas that require new or significantly updated policy language, and possibly regulations and standards include:

¹ GMA Comprehensive Plan updates are required to be adopted by December 31, 2024, but because 2024 is a budget year for the Council, the plan must be forwarded to the Council for adoption no later than September 2024, to allow them time to work on the budget.

² This is the Checklist that Tukwila must complete to ensure compliance with the state Growth Management Act requirements.

- Integrating equity in land use and policy decisions across elements.
- Planning for, and demonstrating how the City will accommodate housing affordable across different income ranges.
- Addressing Climate Change in measurable actions.
- Adopting reasonable measures to address how the City will achieve adopted 2044 jobs and housing targets.

Consolidation and Streamlining of Plan Format

The City’s current Comprehensive Plan is 322 pages, with background documents that range in size from 25 pages to more than 300 pages. Many of the policies are redundant or repetitive. The implementation strategies frequently do not clearly relate to achieving a specific goal or policy, are not assigned to individual departments for accountability, do not have a timeline for execution, or are not achievable or measurable (e.g., “Implement the Strategic Plan”; “Continue to apply Development Regulations”). Ideally, the Plan can be taken off the shelf by an existing or future resident or business, and it will convey clearly and succinctly the city’s clear values, direction, and work program.

In order to help convey the City’s intentions and priorities for the future, staff recommends consolidating land use-related data, goals, and policies into a single Land Use element. This will involve incorporating the various subarea and center plans. It will also make the City’s plan more consistent with GMA’s intent that land use information is presented in an organized manner in a single element. Similarly, staff is looking to consolidate the Residential Neighborhoods Plan into the Housing element, and other elements that more appropriately address policies found there, such as policies relating to the character of the built environment, or policies pertaining to businesses located within residential areas. This restructuring is intended to better streamline the document to place goals and policies in more logical locations and increase the usability of the document for residents, developers, staff, and the public. See the following table for the general plan of consolidation.

In addition, we will be looking to consolidate policies, so they are, overall, less repetitive and more specific. We are examining the feasibility of developing a policy matrix/index to include in the document. Given the range of policy guidance with which the City must comply, a matrix demonstrating how the City complies and where specific policies can be found will help elected officials, staff and others navigate the policy requirements in the Plan. A quick assessment of the Plan’s existing policies suggests that only a small percentage are completely consistent with the guidance (~15%). Another 30% or so are *generally* consistent and could correlate with the guidance with a slight modification. The remainder of required policies (~55%) will need to be incorporated into the plan.

Updating Process with the Planning Commission

At the last Planning Commission meeting, we briefly discussed the upcoming schedule (draft) for the Planning Commission’s review of the Plan elements (attached). The Commission will need to review changes proposed to (almost) all of the elements and will conduct at least two Board of Architectural Review public hearings for projects currently under review. The sequence of topics may vary somewhat since some of the element updates are being led by, or depend on, input from other City departments. In

addition, we have not yet been able to hire a consultant for the full comprehensive plan, and they will have their input on when some of these elements will be ripe for Planning Commission discussion.

Between now and when it will be necessary to hold a Planning Commission Public Hearing on the draft plan next spring (2024), there are +/-13 months. Over that time period, we have proposed retaining the once-a-month Commission meeting schedule for all but two months, September and October, when the Commission will meet the second and fourth Thursdays of the month. Keeping to this schedule is critically dependent on the ability of the Commission to be expeditious in its review and discussion of the various elements. The Planning Commission Chair has asked that Commissioners provide staff with any questions or comments about the PC packet no later than noon on the Tuesday preceding the meeting. This will require Commissioners to read their packets prior to that Tuesday. This way, staff can come to the meetings prepared to address any issues or questions the commissioners have identified. If we are unable to stay relatively abreast of the elements needing review, we will need to revisit the Commission’s once-a-month meeting schedule.

Comprehensive Plan Format	
Existing Elements	Proposed Elements (and Background Reports)
Community Image and Identity (18 pp) ³	Community Image and Identity (“ <i>Community Character</i> ”? - may include parts of Residential Neighborhoods)
Economic Development (12 pp)	Economic Development
Tukwila International Boulevard District (28 pp)	Land Use (to include parts of subarea, center, and Residential Neighborhoods elements)
Tukwila South (8 pp)	
Southcenter - Tukwila's Urban Center (16 pp)	
Manufacturing / Industrial Center (10 pp)	
Housing (13 pp)	
Residential Neighborhoods (19 pp)	Housing (to include parts of Residential Neighborhoods)
Natural Environment (28 pp)	Natural Environment (to include portion of new Climate Change discussion)
Shoreline (25 pp)	Shoreline
Parks, Recreation and Open Space (21 pp)	Parks, Recreation and Open Space
Utilities (22 pp)	Utilities
Capital Facilities (18 pp)	Capital Facilities
Transportation (30 pp)	Transportation
Roles and Responsibilities (14 pp)	Roles and Responsibilities

NEXT STEPS

Staff is beginning updates of the various elements and will be bringing those to the Commission for consideration over the year. The City will be releasing a Request for Qualifications for consultant assistance within the week and hopes to have identified a consultant team by mid-March.

³ The number of pages in each element is provided for information.

REQUESTED ACTION

While no action is needed at this time, the Planning Commission may want to commit to each other and staff that every effort will be made to move through the items on each agenda efficiently so that all can avoid having to attend meetings more frequently than once a month.

2023/1Q 2024 Planning Commission Work Program

Meeting day	Topic	
February	9	
	23	<ul style="list-style-type: none"> ▪ Bylaws ▪ 2024 Update – New Requirements/ Changes needed/ Policy & Content Gap Analysis ▪ Update Approach (Consolidate & Simplify)
March	9	
	23	<ul style="list-style-type: none"> ▪ Vallum Townhomes (BAR) ▪ Middle Housing Project Overview + Racially Disparate Impacts
April	13	
	27	<ul style="list-style-type: none"> ▪ Middle Housing Findings (MAKERS) ▪ Housing Intro ▪ Outreach Status
May	11	
	25	<ul style="list-style-type: none"> ▪ Transportation Plan Status (element update lead by PW) ▪ Economic Development (lead by Econ Dev) ▪ Introduction
June	8	
	22	<ul style="list-style-type: none"> ▪ Middle Housing Ordinance Discussion (MAKERS) ▪ Economic Development (lead by Econ Dev)
July	13	
	27	<ul style="list-style-type: none"> ▪ Outreach summary to date ▪ Community Image ▪ PROS
August	10	
	24	<ul style="list-style-type: none"> ▪ Land Use ▪ Any possible 2023 Code updates required (Housekeeping or Legislative requirements)
September	14	<ul style="list-style-type: none"> ▪ Vintage (BAR) TBD
	28	<ul style="list-style-type: none"> ▪ Land Use / Subarea Discussion ▪ Housing

October		
	12	<ul style="list-style-type: none"> ▪ Natural Environment / Shoreline (Climate Change?) ▪ Housing/ Reasonable Measures
	26	<ul style="list-style-type: none"> ▪ Land Use / Housing/ Reasonable Measures ▪ Transportation
November		
	9	<ul style="list-style-type: none"> ▪ Transportation ▪ Capital Facilities / Utilities Element ▪ Anticipated 2024 Code Updates - intro
December		
	14	<ul style="list-style-type: none"> ▪ Land Use / Housing/ Reasonable Measures ▪ Capital Facilities / Utilities Element
January		
	11	
	25	<ul style="list-style-type: none"> ▪ Land Use / Housing/ Reasonable Measures ▪ Capital Facilities / Utilities Element ▪ Roles and Responsibilities
February		
	8	
	22	<ul style="list-style-type: none"> ▪ Anticipated 2024 Code Updates ▪ Land Use / Housing/ Reasonable Measures
March		
	14	
	28	<ul style="list-style-type: none"> ▪ Public Hearing
April		
	11	
	25	<ul style="list-style-type: none"> ▪ Finalize Public Hearing
May		
	9	
	23	<ul style="list-style-type: none"> ▪ TBD