

City of Tenino

149 Hodgen Street South
Tenino, WA 98589

Planning Commission Meeting
Wednesday, September 21, 2022 at 6:00 PM

Agenda

CALL TO ORDER

HOUSEKEEPING

1. Agenda approval of the 9/21/2022 Planning Meeting

Recommended Action: Motion to approve the agenda as presented.

- [2.](#) Minutes of the regular Planning Commission meeting.

Recommended action: Move to approve the 7/13/2022 regular meeting minutes.

PUBLIC COMMENT

REPORTS

PUBLIC HEARINGS

UNFINISHED BUSINESS

3. Planning Department progress update on Shoreline Master Program, Floodplain ordinance, Habitat Conservation Plan

Recommended Action: Discuss progress.

4. Housing Action Plan update from City Planner Dan Penrose

Recommended Action: None

5. Update on pending permit applications (Ag Park, Stage Street Townhomes, etc.)

Recommended Action: None

NEW BUSINESS

- [6.](#) Training Session on Public Hearing protocols

Recommended Action: None

ADJOURN

2.

File Attachments for Item:

2. Minutes of the regular Planning Commission meeting.

Recommended action: Move to approve the 7/13/2022 regular meeting minutes.

**Planning Commission Meeting
Wednesday, July 13, 2022**

Minutes

CALL TO ORDER

Co Chair Mounts called the meeting to order at 6:00 pm with

PRESENT

Commissioner Alex Murry

Commissioner Erin Conrady

Commissioner Cory Mounts

Commissioner Dave Watterson

ABSENT

Commissioner Will Rutherford

1. Agenda approval of the 7/13/2022 Planning Meeting

Recommended Action: Motion to approve the agenda as presented.

With Exception Commissioner Rutherford Absence.

Motion made by Commissioner Konrady, Seconded by Commissioner Watterson.

Voting Yea: Commissioner Konrady, Commissioner Mounts, Commissioner Murray,
Commissioner Watterson

HOUSEKEEPING

2. Minutes of the regular Planning Commission meeting.

Recommended action: Move to approve the 6/15/2022 regular meeting minutes.

Motion made by Commissioner Watterson, Seconded by Commissioner Konrady.

Voting Yea: Commissioner Konrady, Commissioner Mounts, Commissioner Murray,
Commissioner Watterson

PUBLIC COMMENT

REPORTS

Commissioner Dave Watterson said he attended the 7/12/2022 City Council Meeting, He will begin attending all that he can to report back to Planning Commission what is going on. Wanted to thank the

City Council for allowing him to attend the Council/Planning retreat on 6/25/2022. Retreat was very informative regarding the Housing Action Plan as well as Ag park growth.

PUBLIC HEARINGS

UNFINISHED BUSINESS

3. Temporary Occupancy Permitting

Recommended Action: Discussion

Commissioner Dave Watterson made some revisions, things in Italics are what were changed. See attached Temporary Occupancy Permitting form. Commissioner Murry asks why limit to only 10 permits at a time, Commissioner Watterson states this will be the trial run it make sure the Code Enforcement can keep up with them before we determine if the program is working and expanding it to more homes. This will need to also be added to the fee schedule if Council approved said Ordinance. Many Planning commissioners are concerned about people taking advantage of this permitting process. Aside from possibly charging for the sewer/water connection, Commissioner Murry recommends adding a code enforcement fee for doing monthly checks that will be required. The City does have a critical area aquifer underneath so there is concern of people disposing of Grey water incorrectly. Planner Dan Penrose states that Castle Rock and Bremerton have a similar permit available to their residents, but this is not something many have due to all the Grey area. Code enforcement will be a challenge if the current 14 day with no permit is allowed, May have to be removed and only allow it for permitted residents. Planner Dan Penrose will work with Tenino Code Enforcement Rene Durand on proceeding, He will then work with City Attorney to discuss and proceed if we are creating an ordinance to present to City Council. Will change wording such as no permanent structure of paved pad, Water and power connections.

Motion made by Commissioner Murray, Seconded by Commissioner Konrady.

Voting Yea: Commissioner Konrady, Commissioner Mounts, Commissioner Murray,
Commissioner Watterson

NEW BUSINESS

Ag Park update from City Planner Dan Penrose. City of Tenino has received and MOU from a business that would like to build a 20,000 square foot multi tenant building at the Ag Park. City of Tenino will do a short platt on the land. A short Platt is when you separate one lot into 4 or less lots. EDC was approached by this investment company to build, MOU was approved last night at the City Council Meeting. Zoning is public and semi public. See attached Map. The agreement will be for 30 years with 2 15 years. Short Platt should be done within 90 days.

ADJOURN

Meeting adjourned at 7:03 pm.

6.

File Attachments for Item:

6. Training Session on Public Hearing protocols

Recommended Action: None

Appearance of Fairness

In quasi-judicial hearings, a decision-maker is not permitted to prejudge or have biases regarding a matter. Communications between parties to the hearing and members of the decision-making body are prohibited outside the context of the public hearing.

Decisions Based on the Record

The "record" consists of all testimony or comment presented at the hearing and all documents or exhibits that have been submitted in connection with the matter being considered. The decision-maker in quasi-judicial hearings should only base a decision on facts and evidence that are in the record, as a court or other reviewing body generally cannot consider any facts or evidence that are not in the record. Any public body preparing to hold a quasi-judicial hearing should develop a thorough procedure and set of rules for creating a record that preserves all testimony, documents, and any other evidence presented at the hearing in case the decision is appealed.

Public Hearing Script Guide (MRSC)

Separate attachment

Tenino Municipal Code**100.40.110. - Process IV, quasi-judicial.**

A. Process IV is quasi-judicial in nature that requires a public hearing before the planning commission. Based on the record of that hearing, the planning commission shall provide a recommendation to the city council for consideration in the application decision.

B. 2. Project actions.

A project action is a decision on a specific project, such as a construction or management activity located in a defined geographic area:

- a. The proposal does not meet the requirements of subsection B.1 of this section.
- b. The proposal is based on a specific project (i.e., preliminary plat or, an amendment, alteration or extension thereof, or project related comprehensive plan map or text amendment, or rezone).

G. Staff report.

1. The designee shall prepare a staff report containing the following information:
 - a. All pertinent application materials.
 - b. All comments regarding the matter received by the community development department prior to distribution of the staff report.
 - c. An analysis of the application under the relevant provisions of this chapter and the comprehensive plan.
 - d. A statement of the facts and the conclusions drawn from those facts.
 - e. A recommendation on the matter.
2. The staff report shall be distributed at least seven calendar days before the hearing to:
 - a. The city council.
 - b. The applicant.
 - c. Each person who has specifically requested it.

H. The planning commission shall hold an open record hearing on each application.

1. The commission hearing is open to the public.

2. The commission serves as the hearing body for the city on process IV applications except as noted in table 100.40.070; application processing procedures process IV.

I. The planning commission shall make a complete audio recording of each public hearing.

J. The applicant has the responsibility of convincing the city that under the provision of this section, the applicant is entitled to the requested decision.

K. Any person may participate in the public hearing in either or both of the following ways:

1. By submitting written comments to the city or by providing written or oral comments, either personally or through a representative, directly to the planning commission (or city council as appropriate) at the hearing.
2. The planning commission may reasonably limit the extent of oral comments to facilitate the orderly and timely conduct of the hearing.

L. The planning commission may continue the hearing if, for any reason, they are unable to hear all of the public comments on the matter or if the planning commission determines that they need more information on the matter. If, during the hearing, the planning commission announces the time and place of the next hearing on the matter and a notice thereof is posted on the door of the hearing room, no further notice of that hearing need be given.

M. Recommendation by the planning commission.

1. After considering all of the information and comments submitted on the matter, the planning commission shall issue a written recommendation.
2. Unless a longer period is agreed to by the applicant, the planning commission must issue the recommendation within ten working days after the close of the public hearing.
3. The planning commission shall use the following criteria for quasi-judicial matters:
 - b. The city may approve an application for a quasi-judicial project action related proposal only if:
 - 1)The criteria in subsection 3.a of this section are met;
 - 2)The proposed project complies with this chapter in all respects;
 - 3)The site plan of the proposed project is designed to minimize all adverse impacts on the developed properties in the immediate vicinity of the subject property; and
 - 4)The site plan is designed to minimize impacts upon the public services and utilities.
 - c. The planning commission shall include in the written recommendation any conditions and restrictions determined reasonable and necessary to eliminate or minimize any adverse effects of granting the requested rezone.
4. The planning commission shall include the following statements in the written recommendation to the city council:
 - a. Facts presented to the planning commission that supports their recommendation, including any recommended conditions and restrictions.
 - b. The commission's conclusions based on those facts.
 - c. The criteria used by the commission in making the recommendation.
 - d. The date of issuance of the recommendation.

Public Hearing Script Guide

For quasi-judicial hearings

The presiding officer may find it helpful to have a written "script" to follow for opening and presiding over the hearing.

A typical script might include the following:

1. Call to order; open the hearing.
2. Introduce self, hearing body, and staff.
3. State the purpose of the hearing, including a brief description of the application and the action that the hearing body may legally take on the application.
4. Address appearance of fairness issues; explain briefly what the appearance of fairness doctrine requires; ask the members of the hearing body:
 - If they have any interest in the property or the application, or if they own property within a certain distance (e.g., 300 feet) of the property subject to the application
 - If they stand to gain or lose any financial benefit as a result of the outcome of the hearing
 - Whether they can hear and consider the application in a fair and objective manner
 - If they have engaged in any ex parte communications with either proponents or opponents of the application, and, if so, ask them to place on the record the substance of any such communications so that interested parties have the opportunity at the hearing to rebut the communications.
 - Ask members of the audience if they wish to challenge on appearance of fairness grounds participation in the matter by any member of the hearing body, including the reasons for the request. (Any member challenged should be given the opportunity to either disqualify or refuse to disqualify him- or herself.) Any member disqualified based on appearance of fairness grounds must leave the hearing room and must not participate further concerning the application.
5. State the ground rules for the hearing and the manner in which it will proceed.
6. Administer the oath to all those who may testify, as a group (or have clerk or other appropriate official administer the oath).
7. Ask for staff to give a report on the application; insure that all documents, charts, maps, etc. are introduced as exhibits, with a number assigned to each exhibit.
8. Ask for applicant to comment on the application, followed by the testimony of any technical experts in support of the application.
9. Ask for any public testimony on the application (first by proponents and then by opponents) and state any rules regarding public testimony, such as:
 - a. *all speakers must speak into the microphone and give their names and addresses;*
 - b. *all comments should be addressed to the hearing body, should be relevant to the application, and should not be of a personal nature;*
 - c. *identify time limits, if any, on speaking;*
 - d. *avoid repetitive comments;*
 - e. *if there are a large number of speakers, including many who are part of groups or organizations, ask for a representative to speak on behalf of the organization or group;*
 - f. *unruly behavior, such as booing or hissing or harassing remarks, is prohibited.*
10. Ask if everybody understands these rules.
11. Ask for closing or rebuttal comments from the applicant, and, if desired, from the public.
12. Ask for additional staff comments.
13. Ask for questions from members of the hearing body (these questions may also be authorized to occur as testimony is presented).
14. Close the hearing and state what steps are to occur next regarding the application.