

City of Sumner

**PLANNING COMMISSION
MINUTES**

Study Session

July 24, 2003

**Sumner City Hall
Police Conference Room (Rm #142)
1104 Maple Street**

CALL TO ORDER

MYERS called the study session to order at 7:05 p.m.

ROLL CALL

Members Present: Bush, Ganz, Myers, Nalder, Powers, Richardson and Walter

Members Absent: None

Also Present: Ryan Windish, Senior Planner Patricia Bosmans, Sumner City Attorney

APPROVAL OF MINUTES

There were no Minutes to approve.

PUBLIC COMMENT

There was no public comment.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

1) Parliamentary Procedures (Robert's Rules)

WINDISH introduced Patricia Bosmans, City Attorney.

BOSMANS reviewed for the Commission the basics of Parliamentary Procedure and how it relates to conducting the Planning Commission meetings. She provided to the Commissioners as an aid the Councilmember's Handbook, which defined and outlined: Motions; Robert's Rules; Types of Motions, i.e. main motions, subsidiary motions, incidental motions, renewal motions and questions of privilege.

STAFF and COMMISSIONERS had the following questions:

WINDISH asked if reconsideration is when a motion comes back?

BOSMANS explained that it is when a motion comes back. Further, a motion for reconsideration must be brought by somebody on the prevailing side to avoid motions for reconsideration being continually brought. This is something that can be changed in the Planning Commission's meeting rules.

WINDISH asked BOSMAN to walk through the process of amending motions when a main motion is on the table. At what point and with what language do you amend a motion? Specifically, with regard to the adoption of an ordinance?

BOSMANS stated that she would provide the copy of a script for various motions that she provided to the Mayor as an aid on how to proceed through meetings. BOSMANS gave various examples of amending a motion on an ordinance. She further discussed suspending the rules to add substitute resolutions and substitute ordinances, and the difference between the two. To add an entirely new ordinance or resolution, a motion to suspend the rules must be made to allow discussion on something other than what is on the written agenda.

MYERS asked if a motion to suspend needed to be made to change the order of the agenda?

BOSMANS stated that that was correct. The important thing to remember about parliamentary procedure is that it should be used to facilitate what you want to do, not make it impossible to do what you want to do.

BOSMANS walked through amending motions. First you have your main motion on the floor. A second must be made before there is discussion or debate. At that time, anybody can make a motion to amend. A vote would then be had on the amendment. After voting on the amendment, you would then vote on the main motion.

NALDER asked what would happen if the amendment did not pass? Are you then back to the main motion?

BOSMANS stated that that is correct.

WINDISH asked whether it was proper, through the course of discussion, if it was decided that an action should be taken. For instance, the emergency warning system was discussed, and it was decided that RICHARDSON would draft a letter to City Council?

BOSMANS stated that that was appropriate.

RICHARDSON asked if it would require a roll call vote, or if entry into the record was sufficient?

BOSMANS stated that she did not believe that it required a roll call vote. It may just require a consensus. The rules can be changed, however, to require a roll call vote if that is the desire of the Planning Commission. BOSMANS further suggested possibly adding to the letter that it is request or recommendation from the majority of the commissioners. The minutes will reflect the vote. The minutes could then be sent as an attachment to the letter.

WINDISH commented that a quorum was need to conduct business. What if you consistently did not have a quorum?

BOSMANS stated that the rules require a majority to have a meeting. Within that majority, a majority of the members present can make decisions on behalf of the Planning Commission. Essentially, a minority

opinion could be passed on as a majority opinion, due to the nature of the number of people that show up at the meeting.

BUSH clarified that there had to be a quorum to conduct business.

BOSMANS stated that there did have to be a quorum.

RICHARDSON asked at what point a motion could be withdrawn? Do you first have to vote on it and have it fail?

BOSMANS stated that according to Robert Rules, once a motion is made, it is in the hands of the Commission, and action must be taken on it. It is impersonal at that point and requires a vote.

WINDISH asked if a call for the questions is to stop debate when a topic appears to be irresolvable? Does it require a two-thirds majority vote?

BOSMANS stated that it is used to stop debate. It is an extraordinary action stopping discussion. It is a somewhat obnoxious motion.

MYERS asked if a call for the questions could also be a request for input on a motion so you can put it to a vote?

BOSMANS stated that at that point if there is no debate, a vote should be had anyway.

WINDISH stated with regard to public hearing, their procedure has been that Staff first makes it's presentation and then the Chair opens the meeting for public hearing. Should it be done in that order?

BOSMANS stated that it depends on whether you want to make Staff's presentation part of the record. It should already be a part of the record in written form.

MYERS stated that he feels that Staff's presentation is to inform the public, as the Commissioners already have the materials before them.

BOSEMAN stated that the only concern with regard to Staff's presentation is that it can sometimes be perceived that Staff has an opinion or is taking sides.

RICHARDSON stated that he will sometimes defer to Staff for their opinion. It is valuable to have that opinion on the record.

WINDISH further stated that Staff should have some kind of recommendation.

BOSMANS commented that Staff is also there to provide a sort of institutional memory, as keepers of the record.

BOSMANS concluded her presentation and stated that she could be contacted for further questions.

RICHARDSON motioned that as much business as possible be done by 8:30 p.m., at which time the study session should be adjourned. GANZ seconded the motion and it passed unanimously.

It was decided that RICHARDSON'S proposed letter to City Council would be addressed after the presentation on Critical Areas Regulations Update.

WINDISH further noted that New Business Agenda Item No. 3) Town Center Plan, would not be addressed at this meeting, as Staff did not have a presentation prepared for this topic.

2) Critical Areas Regulations Update

STAFF made presentation with regard to the Memo on Critical Areas Regulations Update, previously provided to the Commissioners.

WINDISH first addressed the Agricultural Resource Land section of the code. They are hoping to phase out that section of the code. Staff is looking for direction from the Planning Commission.

MYERS commented that the reason that it is in the code is that when the City was first annexing north of town, an agricultural zone was offered to protect the farmers so that they could carry on farming. A lot of work went into putting it together, however, not one person wanted their land zoned agricultural. It would have protected the farmers from being washed out by LID's.

WINDISH noted that what is stated in the code right now would still retain the right to farm section.

BUSH commented that if people are concerned with changing the character of Sumner, this is the kind of thing that would change it.

NALDER asked what would happen to the farmers if it was classified. Would they have to go for a rezoning if they wanted to sell it?

WINDISH stated that they would. If it is zoned agricultural and a farmer bought it, but wanted to develop it, we would have to go through a Comprehensive Plan Amendment to change it.

GANZ asked if they would receive tax breaks?

MYERS responded that they could get their tax break through open space, however, they would have to put it in a land bank.

BUSH asked if when it was rezoned there had been any thought given to giving incentives to remain agricultural?

WINDISH stated that there was discussion about it, specifically transfer of development rights as an incentive.

MYERS commented that they further would be relieved from participating in LID's.

WINDISH asked for clarification as to whether the Commissioners wished to delete this section or not?

MYERS suggested voting on eliminating agricultural.

BUSH asked what the harm would be if they left it in.

WINDISH stated that there would be no harm, however, it is just sitting in the codes not being used.

BUSH expressed concern that the day may come when we would need to use it. For instance, there may come a time when we cannot, for some reason, get our produce from outside the country. We may need our own land if it is not already covered up.

WINDISH stated that there is a section on agricultural resource land.

NALDER noted that it addresses agricultural activity, but that it does not talk about zoning.

WINDISH stated that this is really more of a mapping issue than a noticing issue. The right to farm chapter takes it a little bit further. It would not hurt to leave it in there. Staff is just asking for direction tonight. More research can be done on it and it can be addressed at the next meeting.

WINDISH further continued Staff's presentation with regard to Chapter 18E.60 Volcanic Hazard Areas, a copy of which was provided to the Commissioners.

WINDISH asked for questions and then moved on to review of the Aquifer Recharge areas.

MYERS asked how it is figured out how many people a well is serving?

WINDISH responded that a well has to serve 15 to 25 people to be considered group "A" water system, which would fall under the wellhead protection program. Staff is presently working on those maps and has been in contact with Tacoma/Pierce County, who initiated the wellhead protection program.

WINDISH address BUSH'S question on the cost of a geo-technical report and wetland report. A geo-technical letter, wherein an engineer walks the site to determine whether it is a landslide area, would cost \$1,000 minimum. A full-blown report begins at \$5,000.00, which would involve a number of borings, etc. A wetland letter for up to an acre is approximately \$1,000/\$1,500, and a report would run \$2,000/\$3,000. One to fifteen acres could run as much as \$4,000/\$5,000.

BUSH asked if Parametrics and/or other firms provide this service?

WINDISH stated that they do, however, there is an experienced staff member who can also go out to determine whether it is a wetland or not.

WINDISH reviewed for the Commissioners the July 16, 2003 letter from Halsan Frey, L.L.C. commenting on the Critical Areas Regulations. WINDISH discussed the comments contained in the letter and what changes needed to be made.

Also discussed was the Noise section of the Draft Environmental Impact Statement. Discussion was had regarding various acceptable decibel levels. WINDISH provided this handout to the Commissioners to help facilitate better discussion with regard to setbacks being 30 rather than 50 feet in the resource area.

RICHARSON read into the record his proposed letter to City Council with regard to LAHAR emergency procedures and evacuation plans for the City of Sumner. (See Attachment "A" to July 24, 2003 Planning Commission Study Session Minutes)

WALTER commented that she felt that if the term "flooding" was inserted along with LAHAR in one part of the letter that it should be added throughout for consistency.

BUSH suggested using a general term such as "disaster", and then move into specifics later.

WALTER asked RICHARDSON what he envisioned the Planning Commission's involvement would be in this process, i.e. hearings, study sessions and other follow-up? What can we do that the County has not already done? The County has a very comprehensive plan.

RICHARDSON stated that the City, however, does not.

WALTER commented that she attended the presentation with the Fire Chief and that it is her understanding that there is a countywide system in place. Pierce County's plan is very impressive.

RICHARDSON stated that his concern is how that translates to a system for warning the residents of Sumner in the event that an evacuation is necessary. The City needs to put up more sirens. It would be the most effective and inexpensive way to enhance the warning system.

WALTER commented that there are also weather radios that can be purchased by individuals at the approximate cost of \$50.00. They come on automatically in the event of an emergency.

RICHARDSON stated that he felt that for each household that would be quite a cost.

BUSH suggested that maybe the City could buy them in bulk and get a better rate, or possibly a federal grant.

DISCUSSION was had about the cost of sirens and various other means of warning.

RICHARDSON stated that he felt it was important to officially forward these concerns on to City Council. If they feel it is important then they can advise us.

MYERS stated that he did not think the matter fell under the jurisdiction of the Planning Commission.

WALTER commented that she did not feel comfortable advocating holding hearings in this matter. She would encourage more public workshops to educate the public. The public needs to take steps to protect themselves.

RICHARDSON expressed concern that people will be asleep at home and will not be properly warned in the event of an emergency. It is a lot of people to not have a system in place. Just four more sirens would be sufficient. The studies show that we are overdue for this.

BUSH agreed that the matter needed to be addressed, and that possibly a recommendation from City Council for another committee to look at it was in line.

RICHARDSON stated that the letter is just asking for some direction.

MYERS suggested asking the new Police Chief and Fire Chief to come and discuss this with the Planning Commission at a study session.

RICHARDSON asked if he should amend the letter and bring it back for comments?

GANZ moved to table action on Richardson letter until the next meeting. WALTER seconded the motion and it passed unanimously.

3) Town Center Plan

Nothing presented on this Agenda item.

CORRESPONDENCE

1) RICHARDSON'S proposed letter to Sumner City Council.

COMMISSIONER COMMENTS

There were no Commissioner comments.

STAFF COMMENTS

WINDISH advised the Commissioners that there would be a bus tour, to include the Design Commission, the Planning Commission and City Council. It is scheduled for August 5, 2003 from 7:00 p.m. to 9:00 p.m. The purpose is to tour current development.

ADJOURNMENT

GANZ motioned for meeting adjournment at 8:45 p.m.

Ryan R. Windish
Senior Planner