



NAPAVINE PLANNING COMMISSION MINUTES
April 1, 2024 6:00 P.M.
Napavine City Hall, 407 Birch Ave SW, Napavine, WA

PLEDGE OF ALLEGIANCE:

INVOCATION: Invocation was led by Director Morris.

CALL TO ORDER:

Commissioner Graham opened the regular Planning Commission meeting to order at 6:00 PM

ROLL CALL:

Planning Commission present: **Commissioner Graham, Commission Hollinger, Commissioner Haberstroh, and Commissioner Morris.** **Commissioner Morris** motioned to excuse **Commissioner Collins**, seconded by **Commissioner Hollinger.** **Vote on Motion 3 aye, 0 nay.**

APPROVAL OF AGENDA – As presented:

Commissioner Hollinger motioned to approve the agenda as presented, seconded by **Commissioner Haberstroh.** **Vote on motion 3 aye, 0 nay.**

APPROVAL OF MINUTES:

Commissioner Morris motioned to approve minutes from the Planning Commission Meeting on March 18, 2024, seconded by **Commissioner Haberstroh.** **Vote on motion 3 aye and 0 nay.**

NEW BUSINESS:

ORDINANCE 639 – INTERIM HEARING EXAMINER – REVIEW

Commissioner Haberstroh stated he wasn't present at the meeting when this was briefly discussed last February. Stated he feels it's another layer of bureaucracy, and that the city has an attorney that reviews Planning Commissions things anyhow. Feels that it puts another distance between the people, and firsthand accountability with the citizens of Napavine.

Director Morris stated that there are pros and cons to everything. The Hearing Examiner lifts a lot of liability of the city because they (Hearing Examiner) are a judge, and if appealed, the appeal goes to Superior Court. The cons are that during the process of the public hearing they go in front of a hearing examiner, which is a neutral party, instead of the Planning Commission. The Planning Commission would brainstorm to provide input and feedback on how to make the project work. The Hearing Examiner won't do that, it will be by the city code. If the project doesn't break any codes, the Planning Commission nor City Council will not know anything about the development until it is to the final plat.

Commissioner Haberstroh understands all what Bryan stated. But as part of the Planning Commission, he feels the duty is to plan and help grow the city. By doing that, when there are different developments, it is good to bounce ideas off people, right, wrong, or indifferent. Instead of resorting to codes that were written many years ago, that may not be applicable to what we are doing now, nor be in the best interest of the city. The city is growing, but we are still in the growth developing mode, and feels that the citizens should have input on how it is developed.

Director Morris asked what if the Planning Commission was part of the staff report?

Executive Assistant Katie Williams stated she wasn't sure that it is legal for the Planning Commission to be a part of the staff report.

Commissioner Haberstroh asks why they can't continue to do what they have been doing, and if we thought it was above the Planning Commission expertise, invoke the Hearing Examiner. Why can't we postpone the hearing examiner? Currently, he feels that the Hearing Examiner is not needed for the citizens of Napavine. This should be an ordinance that the Planning Commission should be looking at.

Director Morris asked if the Hearing Examiner becomes postponed, during that timeframe would the Planning Commission be willing to re-write the codes where the Planning Commission is involved. The hearing examiner is currently due for a new contractor.

Commissioner Morris stated that they (Planning Commission) had a chance (prior to Hearing Examiner) to kick everything around, come up with good ideas, bad ideas, for no charge. Now no one has a say in it, it just goes to the hearing examiner and the developer gets charged. Why can't the decision of Planning Commission go to the lawyer to make sure that we won't get sued?? Isn't that why we pay a lawyer? Now we are paying a lawyer and hearing examiner? What is the Planning Commission doing?

Director Morris understands that going to the hearing examiner takes away the working with the applicant, what was done in the past would never happen with the hearing examiner.

Commissioner Haberstroh feels that Napavine is growing, but we aren't built out yet. We are a work in progress. Having the hearing examiner is just adding an additional cost to the developer, taking the citizen input out of the equation, and is trying to fix something that he feels wasn't broken. For some reason the city jumped ahead of the game and implemented a hearing examiner to enforce codes that have a lot of work to be done on them.

Director Morris asked Katie Williams to speak on it because of how much paperwork she has done with it all.

Executive Assistant Katie Williams stated that right now we are having to take the entire development code and separate it into 3 sections. It is a time-consuming process, especially when we need to brainstorm on any possible scenario that comes up to make sure the code addresses it all, so we aren't amending codes in the near future. It has been a process to explain and enforce the codes while figuring out the process ourselves.

Commissioner Haberstroh stated that one thing that stuck with him after the liability workshop was "do the most good for the most people for most of the time." He feels that if the city is looking at a motto, they better be living that. That isn't the route of a hearing examiner, they are ruling on stuff that has already been written and could have been written 15 years ago, that has nothing to do with what is being done today.

Director Morris brainstormed on how it would work if we go back to planning commission and city council but have the hearing examiner do the public hearings.

Commissioner Haberstroh doesn't understand why the hearing examiner would still be involved; the city has an attorney. Hiding behind a hearing examiner isn't the best interest of the citizens.

Executive Assistant Katie Williams stated that she feels that the City Council doesn't want that liability of the final decision.

Director Morris stated that maybe the Planning Commission should request a workshop with the City Council to sit down at a round table to discuss this.

Executive Assistant Katie Williams agrees with Director Morris. When reviewing the minutes and recording of the January 24, 2023 council meeting, there were some valid questions asked by council members that she feels didn't get answered.

Commissioner Graham believes a workshop to discuss with the council is a great idea since we have had a year now to experience the pros and cons of the hearing examiner.

Commissioner Morris motioned to invite the City Council to the April 15th Planning Commission meeting to discuss the Hearing Examiner, Seconded by Commissioner Hollinger. Discussion continued.

Commissioner Haberstroh stated in addition to that motion that the council postpone entering into any agreement with the hearing examiner until the workshop has been completed.

Vote on motion 3 ayes, 0 nays.

Commissioner Haberstroh requested to amend the motion to ask council to consider postponing any final decision on extending the Hearing Examiner contract until after the workshop, seconded by Commissioner Morris. Discussion continued.

Director Morris asked if that needs to be put on the agenda for council to vote on postponing the contract?

Executive Assistant Katie Williams stated that the ordinance must be renewed in a certain timeframe. What Director Morris is trying to say is it is currently not on our agenda to make a motion to send to council.

Commissioner Graham stated that she will email the Clerk to request the above requests.

Vote on motion, 3 ayes, 0 nays.

ADJOURNMENT 6:37 pm

Commissioner Morris motioned to adjourn, seconded by **Commissioner Hollinger**. Vote 3 aye, 0 nay.

These minutes are not verbatim. If so desired, a recording of this meeting is available online at <https://fccdl.in/10HLtGiBYH> .

Respectfully submitted,



Bryan Morris, Community Development/Public Works Director



Planning Commission Chairperson