



Planning & Development Services

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Memorandum

To: Planning Commission

From: Sarah Ruether Long Range Planning Manager

Date: March 28, 2023

Re: **Planning Commission Workshop – Bylaws**

Summary: The current Planning Commission bylaws were last updated in 2009. The Planning Commission worked on updating the bylaws in 2020 and 2021 but the draft was not adopted. On February 28, 2023, the Planning Commission discussed the 2021 draft in a work session. Additional changes from the last work session are presented in tonight's draft.

Action Requested of the Planning Commission: After review of bylaw edits, make a motion to the Board of County Commissioners to recommend updated bylaws.

Background/Discussion: Article VIII of the bylaws state that "The Planning Commission shall review its bylaws periodically." At Planning Commission retreats in December 2019 and January 2020, the Planning Commission expressed interest in updating the bylaws. Work was done during this time but not completed so the item has been revisited in 2023 to finish the work. This is the last step of finishing recommendations for changes. This effort does not propose changing applicable Skagit County Code.

In the last work session in February, a change was requested to clarify the role of the Planning Commission Chair. This was added to Section 4 – Recording Secretary, sub-section (I) *"The Secretary of the Planning Commission or their designee, in consultation with the Chairperson, shall set the agenda for any given meeting. No subject matter shall be placed on the agenda for action at any given meeting which is not a part of the adopted work plan from the Board of County Commissioners. The Chairperson may, however, place housekeeping and non-action items on the agenda."* This was added to clarify the role of the Planning Commission Chair. It was modelled after the Snohomish County Planning Commission bylaws from Article V.

(Exhibit B: Snohomish County Bylaws) This item was placed in Section 4- Recording Secretary, per recommendation from legal.

No additional edits were requested by Planning Commissioners after the work session held on 2/28/23.

Next Steps: After review of bylaw edits, make a motion to the Board of County Commissioners to recommend updated bylaws.

Applicable County Policies: The role of the Planning Commission is described in [SCC 14.02.080](#). *The Planning Commission may, from time to time, adopt such procedural rules as are reasonably necessary to carry out the duties and responsibilities of the Planning Commission, provided such rules shall not be in conflict with this Chapter, or any other relevant provisions of the Skagit County Code. Such rules shall not take effect until they have been reviewed and approved by the Board of County Commissioners.* Public participation, the legislative amendment process, and Planning Commission review are described in [SCC 14.08](#).

Exhibit A: Bylaws draft 3/28/23

Exhibit B: Snohomish County Bylaws

Exhibit A:

**BYLAWS OF THE PLANNING COMMISSION
COUNTY OF SKAGIT, WASHINGTON**

DRAFT 3/28/23

DRAFT 5/25/21

ARTICLE I - NAME

The name of this organization shall be “Skagit County Planning Commission,” or for the purposes of this document, hereinafter referred to as the “Planning Commission.”

ARTICLE II - AUTHORIZATION AND PURPOSE-

The Planning Commission was created under the authority of RCW 36.70.040 by Resolution No. 3078, adopted by the Board of County Commissioners on July 24, 1961. The powers and duties of the Planning Commission shall be as expressed in the Planning Enabling Act, RCW 36.70, as now exists or hereafter amended (SCC 14.02.080(5)). Pursuant to RCW 36.70.040, the Planning Commission:-

shall assist the planning department in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments thereto. To this end, the planning commission shall conduct such hearings as are required by this chapter and shall make findings and conclusions therefrom which shall be transmitted to the department which shall transmit the same on to the board with such comments and recommendations it deems necessary.-

To this end, the Planning Commission shall work to promote the best interest of the people of the county over time.

Commented [PJG1]: Amended per vote on 5/25/21

Commented [PG2]: PC Meeting 04/13 – Hughes

ARTICLE III - GENERAL RULES-

General rules regarding membership, term of office, vacancies, removal, organization, meetings, powers and duties, shall be in accordance with SCC 14.02.080 and 14.08.080.

~~Planning Commission members will strive to attend all regular and special meetings. If unable to attend, the Planning Commission member will notify the Planning & Development Services as soon as possible prior to the meeting.~~

1 **ARTICLE IV - ORGANIZATION, OFFICERS AND DUTIES-**

2 **Section 1 - General-**

3 The Planning Commission shall elect a Chair and Vice Chair from among its membership, at the
4 first regular meeting of each calendar year. Officers shall be eligible for re-election. Vacancies in
5 unexpired terms of office shall be elected at the first regular meeting following announcement of
6 the vacancy.-

7 **Section 2 - Chair-**

8 The Chair shall preside at all meetings of the Planning Commission, enforce the rules of
9 procedure, and execute the will of the Commission. More specifically: The Chair shall appoint all
10 sub-committees.

- 11 • The Chair shall appoint all sub-committees.
- 12 • The Chair shall authenticate by his or her signature, when necessary, all acts, orders,
13 and proceedings of the Planning Commission.
- 14 • To declare the meeting adjourned when the Planning Commission so votes or –
15 where applicable – at the time prescribed in the program, or at any time in the event
16 of a sudden emergency affecting the safety of those present.
- 17 • To enforce the rules relating to debate and those relating to order and decorum within
18 the Planning Commission. Formal disciplinary procedures should be reserved for
19 serious or potentially serious situations and should be handled properly and tactfully.
20 Prior to initiating any formal disciplinary procedure, the Chair, accompanied by
21 another member, will discuss discreetly and informally with the offending member in
22 an effort to reach a satisfactory resolution. If a satisfactory resolution cannot be
23 reached, the Chair will forward the matter to the Director of Planning and
24 Development Services and the Chair of the Board of County Commissioners.

Commented [PG3]: Thurston Bylaws

25 **Section 3 - Vice Chair-**

26 The Vice Chair shall assist the Chair and during his/her absence act as Chair until the Chair is able
27 to resume his/her duties.-

28 **Section 4 - Recording Secretary-**

29 The Director of the Planning and Development Services Department or his/her designee shall
30 serve as Secretary. The Secretary shall:

- 31 a. maintain the Planning Commission calendar, agenda, public notices and attendance
32 records;-
- 33 b. notify Planning Commission members of regular meetings, special meetings, and
34 schedule changes;-

- 1 c. keep minutes ~~(if requested by the Chair);~~;
- 2 d. create an electronic recording of all meetings and hearings and create a transcript
- 3 (when appropriate) in order to maintain an adequate record of proceedings; collect
- 4 and number exhibits;
- 5 ~~e. collect and number exhibits;~~
- 6 ~~e.~~ provide to the Planning Commission proposed legislation, staff reports (with
- 7 findings, conclusions and recommendations), pre-hearing correspondence, draft
- 8 recorded motions, and all documentation necessary for an adequate record and an
- 9 informed decision or recommendation. Such materials shall be transmitted to the
- 10 Planning Commission at the same time as they are made available to the public;-
- 11 ~~f. provide quasi-judicial, site specific rezones to the Planning Commission and the~~
- 12 ~~appropriate criteria from which evidence and testimony in the record should be~~
- 13 ~~evaluated.~~
- 14 g. record the Planning Commission's findings of fact, motions, and votes and preparing
- 15 draft recorded motions for review by the Planning Commission members prior to
- 16 final approval by the Chair;-
- 17 ~~h. provide the Planning Commission's approved recorded motions to the Board of~~
- 18 ~~County Commissioners;~~
- 19 ~~h.~~ submit the approved plan, plan amendment or development regulation
- 20 recommendation, together with the recorded motion to the Board not later than 14
- 21 days following the date the recorded motion is signed by the chairperson of the
- 22 Commission, together with the statement of findings and conclusions, with such
- 23 comments and recommendations it deems necessary.
- 24 i. notify the Planning Commission members of the proposed schedule for consideration
- 25 of approved recorded motions by the Board of County Commissioners;-
- 26 ~~j. notify the Planning Commission members of any staff proposed changes to an~~
- 27 ~~approved recorded motion not less than 1 business day prior to any action by the~~
- 28 ~~Board of County Commissioners;~~
- 29 ~~kj.~~ provide Planning Commission members copies of Board of County Commissioners
- 30 recorded motions, ordinances and resolutions on matters previously before or relating
- 31 to the Planning Commission.-
- 32 ~~k. Make relevant training opportunities available to Planning Commission no less than~~
- 33 ~~annually.~~
- 34 ~~l. The Secretary of the Planning Commission or their designee, in consultation with the~~
- 35 ~~Chairperson, shall set the agenda for any given meeting. No subject matter shall be~~
- 36 ~~placed on the agenda for action at any given meeting which is not a part of the~~

Commented [PG4]: PC Recommendation 10/6 meeting

Commented [PG5]: Mitchell 10/6

Commented [PG6]: From SCC 14.08.080(8): "A copy of any plan, plan amendment or development regulation recommendation, together with the recorded motion shall be submitted to the Board not later than 14 days following the date the recorded motion is signed by the chairperson of the Commission, together with the statement of findings and conclusions."

Commented [PG7]: Pursuant to RCW 36.70.040, the Planning Commission: "shall make findings and conclusions therefrom which shall be transmitted to the department which shall transmit the same on to the board with such comments and recommendations it deems necessary."

1 adopted work plan from the Board of County Commissioners. The Chairperson may,
2 however, place housekeeping and non-action items on the agenda.

3 **Section 5 - Chair Pro-Tern-**

4 In the absence of the Chair and Vice-Chair, a Chair pro-tern shall be elected informally by the
5 members present to conduct the meeting.

6 **Section 6 – Legal Advisor**

7 The Prosecuting Attorney, or their designee, is the sole legal advisor for the Planning
8 Commission. The Prosecuting Attorney duties include shall serve as legal counsel to the planning
9 commission; prepares memoranda of law as requested by the planning commission, and
10 reviews drafts of ordinances, resolutions, and by-laws, and their amendment.

Commented [PjG8]: Mitchell 10/6

11 **ARTICLE V - MEETINGS-**

12 **Section 1 - Rules of Procedure-**

13 Meetings of the Planning Commission shall be conducted according to the Simplified Rules of
14 Procedure, attached as Appendix A. Procedural disputes ~~may~~ shall be settled by current Robert's
15 Rules of Order.-

Commented [PjG9]: Lundsten 10/6

16 **Section 2 - Quorum-**

17 A quorum shall consist of a simple majority of the membership of the entire Planning
18 Commission. In the absence of a quorum, no action shall be taken, except to adjourn the meeting
19 to a subsequent date, place and time, unless the lack of a quorum occurs due to challenges made
20 under the Appearance of Fairness Doctrine. Pursuant to RCW 42.36.900090, in the event
21 challenges would make a quorum impossible, those challenged members may return to their seats
22 and participate fully in the debate or decision, provided that the member fully discloses the reason
23 for his/her disqualification before the Planning Commission renders a decision. Electronic
24 participation in a meeting shall constitute presence in person at such meeting, and that presence
25 shall count toward a quorum of the Commission for all purposes.

Commented [PjG10]: Add language that a quorum is not needed if just receiving information.

26 **Section 3 - Voting-**

27 Each member is entitled to cast one vote. Pursuant to RCW 36.70.400 and .600, recommendations
28 on any official control, development regulation, comprehensive plan, or amendments thereto shall
29 be by an affirmative roll call vote of not less than a majority of the total members of the Planning
30 Commission, not simply a majority of the quorum. Pursuant to the Washington State Open Public
31 Meetings Act, all votes must be public.-

32 **Section 4 - Regular Meetings-**

33 Unless otherwise stated in a public notice, all meetings shall be held in the Commissioners
34 Hearing Room of the County Administration Building, 1800 Continental Place, Mount Vernon,
35 WA. Not less than one regular meeting shall be held each month unless no matters are pending on
36 the Commission calendar (SCC 14.02.080(4)). Meetings shall commence promptly at 6:00 p.m. A

1 meeting may be lengthened or adjourned with approval of the Commission a motion and second.
2 Meeting schedule will be posted annually no later than the first business day of the new year, and
3 no less than two weeks prior to any regular meeting.

Commented [Pg11]: PC 10/6

4 Electronic Participation: Remote access to meetings by individual members is allowed
5 periodically. Access shall be through technology available at the meeting location that enables all
6 persons participating in the meeting to communicate with each other simultaneously and
7 instantaneously. Members who wish to participate in such a meeting must notify Staff before the
8 scheduled start time for the meeting, allowing adequate time for Staff to make necessary
9 preparations. Electronic participation in meetings shall not be used on a regular basis; it should be
10 used to accommodate special needs of the Commission as may be determined by the Chair or to
11 accommodate members whose physical presence at the meeting is prevented due to prior
12 obligations, personal illness or disability, a family or other emergency, or unforeseen
13 circumstances.

Commented [Pg12]: From City of Tacoma

14 **Section 5 - Special and Emergency Meetings-**

15 The presiding officer, or a majority of members, or the Director of Planning and Development
16 Services, may call a special meeting in accordance with RCW 42.30.080. Discussion and action
17 during special meetings is limited to items indicated on the agenda. The notice requirements of
18 this section may be dispensed with in the event a special meeting is called to deal with an
19 emergency pursuant to RCW 42.30.080.-

20 In the case of an emergency, the Planning Commission may hold electronic meetings of the entire
21 membership. These meetings shall provide access to the public and comply fully with the Open
22 Public Meetings Act.

23 **Section 6 – Joint Meetings of the Planning Commission and the Board of County**
24 **Commissioners**

25 The Planning Commission shall request to meet with Board of County Commissions at least once
26 annually. Annual or semi-annual meetings should be considered to review the Planning
27 Commission’s work program.

Commented [Pg13]: Added 10/20

28 **Section 7 - Adjournments and Continuances-**

29 Any regular meeting, special meeting, or public hearing may be adjourned to a specified time and
30 place in accordance with RCW 42.30.080.-

31 **Section 8 – Training**

32 Planning Commission members must complete training requirements on the Open Public
33 Meetings Act within 90 days of assuming office or taking the oath of office. Additional training in
34 land use planning, the Growth Management Act, and similar state planning laws is encouraged.
35 Renewal of Open Public Meetings Act training shall occur in intervals of no less than four years.

36 These Bylaws shall be sent electronically to new Planning Commission members within seven
37 days of appointment by the Recording Secretary.

1 **Section 9 – Attendance**

2 Planning Commission members will strive to attend all regular and special meetings. If unable to
3 attend, the Planning Commission member will notify the Planning & Development Services as
4 soon as possible prior to the meeting. Four consecutive absences, except in the case of sudden
5 illness or other unforeseen hardship, in any calendar year by any member obligates the Chair to
6 notify the Board of County Commissioners of a potential vacancy.

Commented [PjG14]: PC Edited 10/6

7 **Section 10 – Public Remarks**

8 Opportunity for public participation at Planning Commission meetings is encouraged. An
9 opportunity for public comment will be provided at or before every regular meeting where final
10 action is taken. A public remarks agenda item may be added to the agenda once a month or more
11 frequently. This time on the agenda is an opportunity for anyone to speak to the Planning
12 Commission about any topic except items scheduled on the agenda for a public hearing that same
13 day, or items that have had a public hearing and are still under Planning Commission deliberation.
14 Public Remarks, which is not part of the formal public participation process for any development
15 regulation or comprehensive plan amendment project, is limited to three minutes per speaker and
16 up to fifteen minutes total, or as allowed by the Chairperson.

Commented [JCD15]: RCW 42.30.240(1).

Commented [PG16]: Consistent with language typically used on the agenda.

17 **Section 11 – Public Media Statements**

18 No release to the public or media on behalf of the Planning Commission shall be made without
19 approval of the Planning Commission Chair or by vote of the Planning Commission.

Commented [PjG17]: Approved PC 10/20

20 **ARTICLE VI - COMMITTEES-**

21 The Chair may appoint from among the members of the Planning Commission whatever
22 committees are deemed necessary. The Chair shall appoint committee chairpersons as appropriate
23 and may dissolve any such committees. To ensure compliance with the Open Public Meetings
24 Act, no committee may include a quorum of the Planning Commission.-

Commented [PG18]: End of 10/6 PC Meeting review.

25 **ARTICLE VII - ETHICS AND RULES OF CONDUCT-**

Commented [PG19]: New Sections 1 – 4 inserted PC Meeting 4/13 – Tim Raschko

26 **Section 1 - Statement of Ethical Principles**

27 A. Serve the public interest.

28 1. Recognize the rights of citizens to participate in planning decisions.

29 2. Give citizens full, clear, and accurate information.

30 3. Expand choice and opportunity for all persons.

31 4. Assist in the clarification of community goals.

32 5. Ensure that information available to decision makers is also available to the public.

1 6. Pay special attention to the interrelatedness of decisions and the long-range
2 consequences of present actions.

3 B. Strive to achieve high standards of integrity and proficiency.

4 1. Exercise fair, independent, and honest judgment.

5 2. Publicly disclose any personal interests.

6 3. Define personal interest broadly.

7 4. Abstain from participation in a matter in which you have a personal interest and leave
8 the chamber when the matter is being deliberated.

9 5. Seek no gifts or favors.

10 6. Abstain from participating as an advisor or decision maker on any plan or project in
11 which you have previously participated as an advocate.

12 7. Serve as advocates only when the objectives are legal and serve the public interest.

13 8. Not participate as an advocate on any plan or program in which you have previously
14 served as an advisory or decision maker except after full disclosure and in no
15 circumstance earlier than one year following termination of the role as advisory or
16 decision maker.

17 9. Not use confidential information to further a personal interest.

18 10. Not disclose confidential information.

19 11. Not misrepresent facts or distort information.

20 12. Not participate in any matter unless prepared.

21 13. Respect the rights of all persons.

22 These principles are aspirational in nature and they seek to inspire voluntary commitment through
23 appeals to conscience. They are a positive obligation.

24 **Section 2 - Conduct of the Members of the Planning Commission**

25 • Members of the planning commission shall take such time as to prepare themselves
26 for hearings and meetings.

27 • Any member of the planning commission absent from three consecutive regular
28 meetings or any six regular meetings within a calendar year, without being excused
29 by the Chairperson, may be removed for cause.

- 1 • A planning commission member with a conflict of interest in an item before the
2 commission must state that a conflict of interest exists and withdraw from
3 participation in the public hearing, working session, emergency meeting, or regular
4 meeting on that item.
- 5 • The interests of that planning commission member may be represented before the
6 planning commission by a specifically designated representative or legal agent at the
7 public hearing or working session, and testimony entered into the public record.
- 8 • Participation of a planning commission member with a conflict of interest is cause
9 for removal.

10 **Section 3 - Censuring a Member**

11 The censure of a member of a governing body is public statement condemning the member's
12 inappropriate behavior with the hopes of reforming him or her so that he or she will not behave in
13 the same way again. Members can be censured for:

- 14 • misconduct at meetings,
- 15 • failing to follow proper procedures,
- 16 • violating confidentiality,
- 17 • moral misconduct,
- 18 • absenteeism,
- 19 • lying,
- 20 • disloyalty,
- 21 • working against the organization, including the undermining of a decision of the
22 organization,
- 23 • conspiracy, and
- 24 • violating other values that the governing body holds dear.

25 Censure is one way for the other members of the governing body to avoid the appearance of
26 agreement with the objectionable behavior of a fellow member. The presiding officer cannot
27 censure a member of the governing body for misbehavior; only the body can do so. The presiding
28 officer can also be censured for not following parliamentary rules in meetings, and for denying
29 members their basic rights to make motions, participate in debate, and vote.

1 **Section 4 - Support for Decisions of the Planning Commission**

2 Local governments and public bodies are different from private organizations. Under the First
3 Amendment to the Constitution, elected officials and citizen volunteers have the right to speak out
4 when they hold a different view from the body. At the same time, they may not try to undermine
5 the body’s decision.

6 **Section 5 - Quasi-Judicial Actions-**

7 Planning Commissioners shall comply with the provisions below in addition to the Appearance of
8 Fairness Doctrine articulated in RCW 42.36.-

9 Pursuant to RCW 42.36.060, during the pendency of a quasi-judicial proceeding, members should
10 avoid ~~ex parte~~ any outside communications about the proposal when all participants in the matter
11 are not present. If a member has had *ex parte* communication with either proponents or
12 opponents of the project during the pendency of the proceeding, the member shall make a public
13 announcement of the content of the communication at each hearing and provide an opportunity for
14 parties to rebut the substance of the communication.-

Commented [PG20]: PjG inserted per PC request to define terms and use common language 4/13.

15 **Section 26 - All Actions-**

16 Any member of the Commission who in his or her opinion has a ~~pecuniary~~ financial interest in
17 any matter before the Commission that would prejudice his or her actions shall so publicly
18 indicate and shall step down, leave the hearing room and refrain from voting and any manner of
19 participation with respect to the matter in question so as to avoid any possible conflict of interest
20 or violation of the appearance of fairness.-

Commented [PG21]: PjG inserted per PC request to define terms and use common language 4/13.

21 If a member of the Commission or his/her immediate family has a ~~pecuniary~~ financial interest in
22 the matter at hand but does not think that this would prejudice his/her opinion the member should
23 publicly disclose this interest on the record prior to the start of the hearing and allow persons to
24 challenge his/her participation in the hearing. If so challenged the member shall step down, leave
25 the hearing room and refrain from voting and any manner of participation with respect to the
26 matter in question. If not challenged the member may participate. ~~When a topic is first introduced~~
27 ~~or a main motion is made, the Chair should allow all questions for information purposes to be~~
28 ~~asked before opening to debate.-~~

29 **ARTICLE VIII - AMENDMENT OF BYLAWS-**

30 The Planning Commission shall review its bylaws ~~periodically~~ as needed. The initial draft of a
31 proposed amendment must be provided to the Commission at least one meeting before adoption.-

Commented [PG22]: PC Meeting 04/13 – Henley

32 Any changes to bylaws require a majority vote of the Planning Commission members and
33 approval by the Board of County Commissioners (SCC 14.02.080(6)).-

34 These bylaws, upon approval by the Board of County Commissioners, repeal and supersede all
35 previous bylaws.-

1 **APPENDIX A - SIMPLIFIED RULES OF PROCEDURE-**

2 **A. Intent-**

3 These procedures are adopted to provide the Chair with guidelines for conducting orderly
4 public hearings and meetings ~~in lieu of Robert's Rules of Order.~~ The Planning Commission
5 reserves to the Chair the authority-to make reasonable changes or modify these guidelines to
6 facilitate legitimate special needs and to promote a fair- and orderly proceeding.-

Commented [Pg23]: 10/20 Alternative is "as set forth in current Robert's Rules of Order."

7 In all matters of parliamentary procedure not specifically governed by these Bylaws or
8 otherwise required by law, the current edition of Robert's Rules of Order (Newly Revised)
9 shall apply.

Commented [PG24]: 10/20 PC Meeting

10 **B. Public Hearings (Legislative and Quasi-Judicial)-**

11 1. General Hearing Procedures-

12 a. Chair declares the public hearing open.-

13 b. Chair reads the following statement as a guideline, prepared by staff in advance:-

14 *The purpose of this public hearing is to [state purpose]. Everyone present will be*
15 *given an opportunity to speak. However, if this hearing extends beyond [state*
16 *hour], the hearing will be continued to a later date and time.-*

17 *[For legislative hearings] Those of you who wish to provide public comment are*
18 *asked to sign in on the speakers list so that you may have an opportunity to*
19 *comment. Those who may not elect to sign in will nevertheless be given an*
20 *opportunity to speak following those who have signed in.-*

21 *Comments [may] will be limited to a [state time period].-*

22 *Written comments are encouraged and will be received until the close of this*
23 *public hearing.-*

24 *[If applicable] A court reporter is present to record your comments. Before you*
25 *testify, clearly state your name, spell your last name for the record, and indicate*
26 *where you reside.-*

27 c. Appearance of Fairness Issues (Quasi-Judicial hearings only)

28 i. Chair requests anyone who objects to the Chair's participation, or any other
29 Planning Commission member's participation, to please state so now and
30 give the reasons for objection.-

- 1 ii. Chair asks the Planning Commission members if any have an interest in the
2 property or issue. Chair asks Planning Commission members if they can
3 hear and consider this matter in a fair and objective manner.-
- 4 iii. Chair requests any Planning Commission member to place on record the
5 substance of any communication each has had outside of the hearing with
6 opponents or proponents on the issue to be heard. After the communication
7 is placed on the record, the Chair should request whether any interested
8 parties wish to rebut the substance of the communication.-
- 9 d. Chair requests staff to make its presentation (15-minute limit).-
- 10 e. [Follow procedures in subsection 2 or 3 below, as appropriate to the type of
11 proceeding.]
- 12 f. Chair declares the public hearing closed and thanks members of the public for
13 their testimony.-
- 14 g. Planning Commission deliberates on the record, discussing findings of fact,
15 conclusions, and recommendations (See "C - Public Meetings" below). The
16 Planning Commission may take all information under advisement and postpone
17 deliberation until a later meeting, provided the meeting is properly adjourned.-
- 18 2. For quasi-judicial hearings, or for legislative proposals of a site-specific nature, the
19 procedures shall be as follows:-
- 20 a. Following the staff presentation, the applicant or his/her representative is invited
21 to comment. If there is an organized group of opponents to a proposal, then the
22 representative of that group is also invited to comment. Notwithstanding
23 subsections (e) and (f) below, the Chair may decide on the timing of cross-
24 examination, depending on the circumstances of the particular hearing, and the
25 availability of the expert witness.-
- 26 b. Chair invites comments from citizens for and against the proposal.-
- 27 c. The chair invites the applicant to rebut the opposition.-
- 28 d. Additional comments from those against and those for the proposal should be
29 recognized, if needed.-
- 30 e. Cross-examination of experts and staff by representative of applicant or
31 opponents.-
- 32 f. Chair requests whether the Planning Commission members have questions of the
33 applicant, citizens, or staff.-
- 34 3. For legislative proposals that are not of a site-specific nature, the procedures shall
35 be as follows:-

- 1 a. Following the staff presentation, the chair invites comments in the order of
2 names on a sign-up sheet.
- 3 b. Chair invites comments from latecomers or others who may not have signed up.-
- 4 c. Chair requests whether the Planning Commission members have questions of
5 citizens or staff.-

6 **C. Public Meetings-**

- 7 1. Order of Business-
- 8 a. Call to order-
- 9 b. Roll call (optional. In any case, Secretary records attendance)-
- 10 c. Approval of minutes of last meeting, if applicable-
- 11 d. Officers and Committee reports, if applicable-
- 12 e. Special orders - Important business previously designated for consideration at
13 this meeting-
- 14 f. Unfinished business
- 15 g. New business-
- 16 h. Announcements-
- 17 i. Adjournment-
- 18 2. Process-
- 19 a. Before Deliberations-
- 20 i. The Planning Commission should not begin deliberation on matters before
21 them until the Chair calls for a motion. However, the Chair may allow
22 Planning Commission members to seek additional information or
23 clarification on a matter before them prior to opening debate on such matter.-
- 24 ii. Before making a motion, a Planning Commission member must request to
25 obtain the floor from, and be recognized by, the Chair.-
- 26 iii. Absent a second on any motion, the motion is lost, without any further
27 discussion.-
- 28 b. Deliberations-

- 1 i. After a motion is made and seconded, the Chair repeats the motion and calls
2 for discussion on the motion. The Chair may set a time limit for discussion
3 at his/her discretion.-
- 4 ii. The Planning Commission member making a motion is always allowed to
5 speak first.-
- 6 iii. All comments and debate must be directed to the Chair.-
- 7 iv. The Planning Commission member making a motion may speak again only
8 after other speakers have finished, unless called upon by the Chair.-
- 9 c. Voting-
- 10 i. If there is no more discussion, the Chair asks if the Planning Commission is
11 ready to vote. Alternatively, a Planning Commission member may move to
12 end debate and call for a vote (call the question).
- 13 ii. Voting may be by roll call or voice vote.
- 14 iii. When a motion is not likely to be opposed, a motion may pass by general
15 consent. The Chair says, "if there is no objection..." The membership
16 shows agreement by their silence. However, if there is an objection, the item
17 must be put to a vote.-
- 18 d. Types of Motions-
- 19 The following is a list of the various types of motions, and their use.-
- 20 i. Main Motion: The formal proposal for consideration and action. A main
21 motion cannot be made when any other motion is on the floor, and yields to
22 privileged, subsidiary, and incidental motions.
- 23 ii. Subsidiary Motions: Their purpose is to change or affect how a main motion
24 is handled. These motions are voted on before a main motion. Examples are:-
- 25 • Motion to Amend: Used to suggest an addition or revision to the main
26 motion.-
- 27 • Motion to Divide the Question: Breaks the motion on the floor into
28 two parts, in a manner suggested by the mover.-
- 29 • Motion to Refer to Committee: Applies only to the main motion. The
30 Chair may appoint committees pursuant to Article VIII above.-
- 31 • Motion to Extend Debate: Can be general, or for a specific time or
32 number of speakers. Not debatable.-

- 1 • Motion to End Debate and Vote or Call the Question: Applies only to
- 2 the motion on the floor. Not debatable.-
- 3
- 4 iii. Privileged Motions: Their purpose is to bring up important or urgent matters
- 5 or needs, such as a motion to recess or adjourn. Not debatable.
- 6
- 7 iv. Incidental Motions: Their purpose is to provide a means of questioning
- 8 procedure concerning other motions and must be considered before any
- 9 other business is taken up. Some examples are:-
- 10 • Motion to Suspend the Rules: Suspends the formal process for dealing
- 11 with a specific question (such as time limits, motions, etc.) Debatable.-
- 12 • Motion to Appeal Chair’s Decision: Allows the Planning Commission
- 13 to overrule a decision made by the Chair. Not debatable.-
- 14 • Point of Order: A question about a process, or objection and
- 15 suggestion of alternative process. May include a request for the Chair
- 16 to rule on process.-
- 17 • Point of Information: A request for information on a specific question,
- 18 either about process or about the content of a motion. May not be used
- 19 to obtain the floor for debate.-
- 20
- 21 3. Other Meeting Guidelines-
- 22 a. **When a topic is first introduced** or a main motion is made, the Chair should
- 23 allow all questions for information purposes to be asked before opening to
- 24 debate.-
- 25 b. **Discourage the repetition of arguments.** The Chair should attempt to call on
- 26 people who have not yet spoken before those who have already spoken. The
- 27 Chair should also discourage dialogues that start up between two individuals in
- 28 debate.-
- 29 c. If **debate carries on too long**, the Chair should impose time limits on speakers.-
- 30 d. **Do not speak in jargon, initials or acronyms** - unless all present are familiar
- 31 with common terms, avoid such usage.
- 32 e. **Be respectful.** Differences of opinion are inevitable. It is up to each Planning
- 33 Commission member to balance the needs of his/her constituents with the needs
- 34 of the community as a whole. Agree to disagree. Lose gracefully. Win honorably.

- 1 g. **Be objective.** Planning Commission members must be able to distinguish
2 between fact and opinion, and to support decisions based on facts, regardless of
3 personal opinion.-
- 4 h. **Speak in turn.** Public proceedings are recorded. Speaking out of turn may
5 prevent someone’s testimony or comments from being recorded, which may
6 unfairly exclude such testimony or comments from the record. Planning
7 Commission members and staff must speak directly into the microphone, and
8 only when in turn, as granted by the Chair.



Snohomish County

PLANNING COMMISSION

PLANNING & DEVELOPMENT SERVICES

3000 Rockefeller Avenue, M/S #604

Everett, WA 98201

(425) 388-3285

PLANNING COMMISSION BYLAWS

April 22, 2014

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ARTICLE I: ESTABLISHMENT

This Commission was established under the authority of RCW 36.70.060 and under the authority of the Snohomish County Charter, sections 2.20 and 11.30. The official title of this Commission shall be the "Snohomish County Planning Commission."

ARTICLE II: MEMBERS

The Planning Commission shall consist of eleven members who shall be appointed by the County Council. Members shall serve for a term of four years and may be reappointed for a second term by the Council. One of the members shall be an at-large position that may be

made by the County Executive and any Council member. The others, two from each Council district, shall be nominated by the Council member representing that district. Members shall reside within Snohomish County. If a member removes his or her legal residence from Snohomish County, the Commission shall declare that member's position vacant and shall so notify the Council and the County Executive. If a member removes his or her legal residence from the district from which he or she was appointed, that member shall notify the Council in writing of the change in residence. The Council may declare a vacancy in any position held by a member whose legal residence is removed from the Council district for which he or she was appointed, but not from Snohomish County. If the Council declares a vacancy, that member may continue to serve until the vacancy is filled by the Council, or until that member's term expires, whichever occurs first.

ARTICLE III: OFFICERS

The elected officers of the Commission shall be a Chairperson and Vice-Chairperson. The Vice-Chairperson shall serve in the absence of the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the members present at such meeting shall elect a Chairperson Pro-Tempore.

The terms of office for Chairperson and Vice-Chairperson shall be one year (January through December); for Chairperson Pro-Tempore, only for the meeting at which appointed. In the event of a vacancy from office, a replacement Chairperson and/or Vice-Chairperson shall be elected to serve the unexpired term of the vacant office(s). The vacancy shall be filled forthwith.

The Director of the Department of Planning and Development Services or representative shall act as Secretary and shall provide other staff services necessary to carry on the work of the Planning Commission.

ARTICLE IV: MEETINGS

The regular meetings of the Commission shall be held on the fourth Tuesday of every calendar month at a time set in advance by the Commission so as to ensure reasonable public participation, PROVIDED:

If the regular meeting falls on a legal holiday, that meeting shall automatically be held on the next day which is not a holiday unless the Commission, by formal action, sets a special meeting day.

A quorum of the Commission may, at any regular meeting, substitute another day for the regular meeting of the following month and shall cause notice to be given thereof in the manner provided for notice of special meetings.

If, for any reason, the business to be considered at a regular or special meeting day cannot be then completed, the Commission may at such meeting recess and designate the time to reconvene to consider the uncompleted matter, provided that such action shall be publicly

announced at the meeting, and notice thereof shall be immediately posted in a conspicuous place on the County Campus. Provided, further, that if such reconvened meeting is not held on a regular meeting day, notice thereof shall be given in the manner provided for notice of special meetings.

Special meetings may be called at any time by the Chairperson or, in the Chairperson's absence, by the Vice-Chairperson, or by a majority of the members of the Commission, by delivering personally, electronically, or by mail, written notice to each member of the Commission; and to each local newspaper of general circulation, and to each local radio or television station which has on file with the Commission a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally, electronically or by mail at least twenty-four hours before the time of such meetings as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No discussions, actions or decisions shall be taken on any other matter at such meetings. Such written notice may be dispensed with as to any member who at or prior to the time and meeting convenes files with the Secretary of the Commission a written waiver of notice. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

All regular and special meetings of the Commission shall be open and the public shall be permitted to attend.

ARTICLE V: AGENDA AND STAFF REPORTS FOR REGULAR MEETINGS

A copy of the agenda for every regular meeting of the Planning Commission shall be provided each member not less than six calendar days prior to the date of the meeting at which such agenda is to be considered.

The Secretary of the Planning Commission, in consultation with the Chairperson, shall set the agenda for any given meeting. No subject matter shall be placed on the agenda for action at any given meeting which was not formally filed with the Department of Planning and Development Services, as hereafter provided, or which was not initiated by motion of the Planning Commission. The Chairperson may, however, place housekeeping and non-action items on the agenda.

Where any matters filed with the Department of Planning and Development Services for consideration and action by the Planning Commission, which matter is deemed by the Director of the Department of Planning and Development Services to be of concern to other departments of the County and other public agencies in the County, the Department of Planning and Development Services shall notify each such interested department of the impending matter and request a report or recommendation, if any, on the matter. The notification to the other departments shall include any pertinent information, maps or other

material and data as will clearly indicate the type of action under consideration. Information resulting from the departmental reports and recommendations shall be considered by the Planning Commission at the time the matter is before it.

The Planning Commission Secretary shall review the times on the agenda in consultation with the Chairperson and then submit the agenda and pertinent staff materials to the Planning Commission Clerk for notification and distribution.

ARTICLE VI: MINUTES AND RECORDS

The Commission meetings shall be summarized in the minutes, which constitute a portion of the public record. The minutes shall be reviewed by the Chairperson and approved by motion by the Commission at the following meeting. An electronic recording shall be made of each meeting. The recordings shall be made a part of the public record along with applications made under provisions of law and the complete files of proceedings and actions taken in connection therewith. The agenda, with a record of action taken and attendance sheet, signed by the members in attendance and the Commission Secretary, shall also be made part of the public record.

A copy of public records from any meeting shall be provided by the Department of Planning and Development Services staff to anyone on request.

Formal recommendations considered by the Planning Commission shall constitute a part of the public record of the meeting at which such recommendation was considered, provided that the text of any such recommendation may be considered as being contained in the public record when properly identified as to the agenda item and/or case file number.

All actions of the Planning Commission, whether by motion or resolution, shall be considered conclusive as to general import as of the date of such action, provided that such action, as to details of phraseology, conditions, etc., shall be subject to approval by the Planning Commission Chairperson presiding over the specific action.

ARTICLE VII: HEARINGS

Hearings conducted by the Planning Commission shall conform to the provisions of law in the matter of public notice, time, number and reporting.

In all cases where it shall appear any notice of publication or posting or communication may be defective, any member, after hearing the statement of the defect, can rise to a point of order and demand that the issue of notice be tabled and that the matter proceed, reserving to any aggrieved person the right to appeal and, upon a vote by the majority, the issue of notice shall become moot as to the Planning Commission. The tabling of an issue of notice shall not prejudice the rights of any aggrieved party to full consideration of the apparent defect at a subsequent review phase.

1.1.0 Public hearings may not be held in the same meeting as a briefing on the same topic unless overridden by a two-thirds (2/3) vote of the currently appointed members of the Planning Commission.

ARTICLE VIII: QUORUM, MAJORITY AND VOTING REQUIREMENTS

Six members of the Planning Commission shall constitute a quorum. All actions of the Planning Commission shall require a majority vote of the confirmed Commission membership at a meeting at which a quorum is present except in the case outlined in Article VII, 1.1.0. The term "action" as used in this article means recommendations made to the county council, decisions to initiate Type 3 legislative action or recommendations of other code amendments.

ARTICLE IX: PUBLIC STATEMENTS

While any member has a right to express personal views and opinions pursuant to our Constitutional guarantees of freedom of speech, statements purporting to represent the view or pronouncements of the Commission or committees thereof shall not be made in advance of the Commission's final determination of the matter, except as directed or authorized by a majority of the entire Commission at any special or regular meeting or public hearing. The Commission shall appoint one of its members to issue such statements as the Commission deems necessary. This shall not prejudice the right of any dissenting members to express their minority position.

Commission members who wish to speak to or submit written opinions to government bodies or the media on issues commonly associated with those considered by the Planning Commission but not being immediately considered by it should nonetheless identify themselves as Commission members and state that they are acting for themselves and not for the Commission, unless they are authorized by the Commission to do so.

ARTICLE X: EX-PARTE CONTACTS AND SHARING OF INFORMATION

It is in the public interest that, to the greatest extent possible, all members of the Planning Commission should have an opportunity to be aware of and act upon the information that is available to other members. Therefore, all members are individually encouraged to place upon the record of the Planning Commission the substance of all ex-parte contacts on their part that have occurred during the time that a quasi-judicial issue has been introduced and is still before the Planning Commission for a decision. Examples of legislative issues on which the Planning Commission deliberates and make recommendations include comprehensive plan amendments, area-wide rezones, code amendments, and other policy recommendations.

With respect to matters of a quasi-judicial nature, members shall abide by the provisions of the Appearance of Fairness Doctrine of the State of Washington, as codified at chapter 42.36 RCW; and the Snohomish County Code of Ethics, chapter 2.50 Snohomish County Code ("SCC"), as adopted or subsequently amended. Examples of quasi-judicial land use matters are those which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceedings. Ex-parte communications during the pendency of any

quasi-judicial proceeding are prohibited unless the member engaged in such communications: 1) places on the record the substance of any written or oral ex-parte communications concerning the decision of action; and 2) provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered.

ARTICLE XI: CONFLICT OF INTEREST

If it shall appear to any member at any time that a conflict of his or her interest may arise which could embarrass the integrity of the Commission, it shall be the member's duty to openly state the nature of such conflict, and shall then refrain from any subsequent Commission participation, deliberation or voting on the subject matter for which conflict arises.

ARTICLE XII: ETHICS

Planning Commission members are subject, as appointed officials, to chapter 2.50 SCC, as well as state law. SCC 2.50.080 creates a Snohomish County Ethics Commission to receive complaints of ethics violations and otherwise administer chapter 2.50 SCC. Citizen or member complaints concerning the standards of behavior or conduct of the Planning Commission or its members should be filed in accordance with chapter 2.50 SCC.

ARTICLE XIII: COMMITTEES

Committees may be created by majority vote. A committee shall be comprised of between two and five members. If more than five members wish to serve on a committee, the appointees will be decided by majority vote of the Commission. The Chairperson or Commission may appoint or recommend its members to outside committees.

ARTICLE XIV: ORDER OF BUSINESS

The order of business at regular meetings shall be:

- (a) Roll call and, at the first meeting of the calendar year, elections
- (b) Announcement of the agenda
- (c) Approval of minutes of the previous meeting
- (d) Status of past recommendations and future agenda items
- (e) Old business
- (f) New business
- (g) Adjournment

ARTICLE XV: ATTENDANCE

Each Commission member should strive to attend as many Commission meetings as possible, to hear, read and consider the briefing information provided by county Planning staff and the written and oral testimony submitted by the public, and to express his or her views as a part of full and complete discussions by the body.

Four unexcused absences in any calendar year by any member obligate the Commission to declare the position vacant and to promptly notify the Council and Executive of such vacancy.

Except in instances of sudden illness or other unforeseen hardship, members shall advise the Department of Planning and Development Services, who shall notify the Chairperson, of their intended absence prior to 4:30 p.m. on the day prior to the meeting. Excused absences will be recorded at the roll call.

ARTICLE XVI: CONDUCT OF BUSINESS

The Planning Commission Chairperson shall conduct the meetings.

Members desiring to question staff, applicants or witnesses shall first ask leave of the Chairperson.

The Commission Chairperson may participate in the discussion and debate of matters before the Commission, and may vote on such matters.

The Chairperson shall neither move nor second a motion before the Commission.

The Chairperson shall be responsible for the compilation, approval and submittal of individual letters of transmittal to the County Council concerning each Commission action on matters presented to the Commission that seek recommendation to the Council.

ARTICLE XVII: DECISIONS OF THE COMMISSION

The Planning Commission's principal purpose is to provide recommendations to the County Council on matters referred to the Commission for action.

Majority Recommendations and Minority Reports

A majority recommendation is reached by a majority vote of the appointed Commission. For each majority recommendation reached by the Commission and intended for transmittal to the County Council, a separate written report shall be prepared. The report or reports shall include findings of fact and conclusion therefrom, and whether the motion was to approve, approve with amendments or deny the proposal. The report or reports shall also include any proposed amendments, if applicable, and the final vote of each member in attendance. In cases of approval with amendments, the statement shall include explanations and reasons for the amendments.

In cases where majority, but non-unanimous decisions are reached, minority reports may be prepared and forwarded to the Council. When the minority consists of a single member, that member may give notice to the Chairperson of intent to prepare a minority report. When the minority consists of more than one member, the minority report may be prepared by the Department of Planning and Development Services staff upon request. Notice of intent to file a minority report must be provided to the Chairperson within three calendar days of the

Commission decision. A minority report or reports shall be submitted within ten calendar days of the Commission decision or the right to transmit such report shall be deemed to have been waived. All minority reports shall be signed by the members who prepare or request preparation of the report and shall be transmitted by the Chairperson to the Department of Planning and Development Services at the same time as the majority recommendation.

In every case where the majority action of the Planning Commission is overruled, reversed or not adopted by the County Council, the Director of the Department of Planning and Development Services will make available to the Planning Commission, at its next regular meeting, the findings, conclusions and decision of the Council.

Non-Recommendation Reports

In cases where a recommendation is not reached, Department of Planning and Development Services staff shall draft a written non-recommendation report for transmittal to Council. The Chairperson shall review this report prior to submittal. Similar in form to a majority recommendation, the non-recommendation report shall include findings of fact and conclusion therefrom, whether the motion voted upon was to recommend approval, approval with amendments, or denial of the given proposal, and the final vote made by each member in attendance. The non-recommendation report will summarize the major differences in opinion that lead to the failure to reach a majority decision. To aid in this summary, individual members wishing to provide the Chairperson with succinct statements of their principal considerations on the issue may submit these within three calendar days of the date of the vote.

Copies of all Commission transmittal letters to Council shall be provided to all Commission members.

ARTICLE XVIII: AMENDMENTS TO BYLAWS

The Planning Commission may at any regular or special meeting amend the Commission's Bylaws. Any proposal to amend the Bylaws must be requested by a member of the Commission under New Business and must then be included as an item on a subsequent Commission agenda. Commission action to amend the Bylaws shall be made by motion and shall require a majority vote of the appointed Commissioners. Amendments to the Bylaws shall be incorporated into the text of the Bylaws and will thus constitute a formal, dated revision that that will supersede all previous versions of the Bylaws. At such times as the Bylaws are amended, all earlier Resolutions concerning Commission operating procedures, with any desired revisions therein, will be incorporated into the new Bylaw text and thus made moot as Resolutions.

Bylaws adopted the 26th day of April 1971.

AMENDED AS INCORPORATED HEREIN
the 26th day of October 1971.

AMENDED AS INCORPORATED HEREIN
the 27th day of January 1981.

AMENDED AS INCORPORATED HEREIN
the 28th day of May 1991.

AMENDED AS INCORPORATED HEREIN
the 25th day of April 1995.

AMENDED AS INCORPORATED HEREIN
the 9th day of April 1996.

AMENDED AS INCORPORATED HEREIN
the 26TH day of August 2008.

AMENDED AS INCORPORATED HEREIN
the 25th day of August 2009.

AMENDED AS INCORPORATED HEREIN
the 23rd day of March 2010.

AMENDED AS INCORPORATED HEREIN
the 22nd day of April 2014.