

BYLAWS OF THE PLANNING COMMISSION COUNTY OF SKAGIT, WASHINGTON

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.

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.~~

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ARTICLE IV - ORGANIZATION, OFFICERS AND DUTIES

Section 1 - General

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

Section 2 - Chair

The Chair shall preside at all meetings of the Planning Commission, enforce the rules of procedure, and execute the will of the Commission. More specifically:

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

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Section 3 - Vice Chair

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

Section 4 - Recording Secretary

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

- a. maintain the Planning Commission calendar, agenda, public notices and attendance records;
- b. notify Planning Commission members of regular meetings, special meetings, and schedule changes;
- c. keep minutes ~~(if requested by the Chair);~~
- d. ~~create an electronic recording of all meetings and hearings and create a transcript (when appropriate) in order to maintain an adequate record of proceedings, collect and number exhibits;~~
- d. ~~;~~
- e. ~~collect and number exhibits;~~
- e. provide to the Planning Commission proposed legislation, staff reports (with findings, conclusions and recommendations), pre-hearing correspondence, draft recorded motions, and all documentation necessary for an adequate record and an informed decision or recommendation. Such materials shall be transmitted to the Planning Commission at the same time as they are made available to the public;
- f. ~~provide quasi-judicial, site specific rezones to the Planning Commission and the appropriate criteria from which evidence and testimony in the record should be evaluated.~~
- g. record the Planning Commission's findings of fact, motions, and votes and preparing draft recorded motions for review by the Planning Commission members

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prior to final approval by the Chair;

~~h. submit the approved plan, plan amendment or development regulation recommendation, together with the recorded motion 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, with such comments and recommendations it deems necessary, provide the Planning Commission's approved recorded motions to the Board of County Commissioners;~~

~~h. notify the Planning Commission members of the proposed schedule for consideration of approved recorded motions by the Board of County Commissioners;~~

~~j. notify the Planning Commission members of any staff proposed changes to an approved recorded motion not less than 1 business day prior to any action by the Board of County Commissioners;~~

~~i. provide Planning Commission members copies of Board of County Commissioners recorded motions, ordinances and resolutions on matters previously before or relating to the Planning Commission.~~

~~k.j. Make relevant training opportunities available to Planning Commission no less than annually.~~

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Section 5 - Chair Pro-Term

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

Section 6 – Legal Advisor

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

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ARTICLE V - MEETINGS

Section 1 - Rules of Procedure

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

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Section 2 - Quorum

A quorum shall consist of a simple majority of the membership of the entire Planning Commission. In the absence of a quorum, no action shall be taken, except to adjourn the meeting to a subsequent date, place and time, unless the lack of a quorum occurs due to challenges made under the Appearance of Fairness Doctrine. Pursuant to RCW 42.36.9090, in

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the event challenges would make a quorum impossible, those challenged members may return to their seats and participate fully in the debate or decision, provided that the member fully discloses the reason for his/her disqualification before the Planning Commission renders a decision. Electronic participation in a meeting shall constitute presence in person at such meeting, and that presence shall count toward a quorum of the Commission for all purposes.

Section 3 - Voting

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

Section 4 - Regular Meetings

Unless otherwise stated in a public notice, all meetings shall be held in the Commissioners Hearing Room of the County Administration Building, 1800 Continental Place, Mount Vernon, WA. Not less than one regular meeting shall be held each month unless no matters are pending on the Commission calendar (SCC 14.02.080(4)). Meetings shall commence promptly at 6:00 p.m. A meeting may be lengthened or adjourned with approval of the Commission a motion and second. Meeting schedule will be posted annually no later than the first business day of the new year, and no less than two weeks prior to any regular meeting.

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

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Section 5 - Special and Emergency Meetings

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

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

Section 6 -- Joint Meetings of the Planning Commission and the Board of County Commissioners

The Planning Commission shall meet with Board of County Commissions at least once annually. Annual or semi-annual meetings should be considered to review the Planning Commission's work program, facilitate candid two-way feedback, and build understanding, trust and mutual support.

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Section 76 - Adjournments and Continuances

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

Section 8 – Training

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

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

Section 9 – Attendance

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. Four consecutive absences, except in the case of sudden illness or other unforeseen hardship, in any calendar year by any member obligates the Chair to notify the Board of County Commissioners of a potential vacancy.

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Section 10 – Public Remarks

Opportunity for public participation at Planning Commission meetings is encouraged. A public remarks agenda item may be added to the agenda once a month or more frequently. This time on the agenda is an opportunity for anyone to speak to the Planning Commission about any topic except items scheduled on the agenda for a public hearing that same day, or items that have had a public hearing and are still under Planning Commission deliberation. Public Remarks, which is not part of the formal public participation process for any development regulation or comprehensive plan amendment project, is limited to three minutes per speaker and up to fifteen minutes total, or as allowed by the Chairperson.

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ARTICLE VI - COMMITTEES

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

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ARTICLE VII - ETHICS AND RULES OF CONDUCT

Section 1 - Quasi-Judicial Actions

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

Pursuant to RCW 42.36.060, during the pendency of a quasi-judicial proceeding, members should avoid ex- parte communications about the proposal. If a member has had *ex parte* communication with either proponents or opponents of the project during the pendency of the proceeding, the member shall make a public announcement of the content of the communication at each hearing and provide an opportunity for parties to rebut the substance of the communication.

Section 2 - All Actions

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

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

ARTICLE VIII - AMENDMENT OF BYLAWS

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

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

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

APPENDIX A - SIMPLIFIED RULES OF PROCEDURE

A. Intent

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

B. Public Hearings (Legislative and Quasi-Judicial)

1. General Hearing Procedures

- a. Chair declares the public hearing open.
- b. Chair reads the following statement as a guideline, prepared by staff in advance:

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

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

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

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

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

- c. Appearance of Fairness Issues (Quasi-Judicial hearings only)
 - i. Chair requests anyone who objects to the Chair's participation, or any other Planning Commission member's participation, to please state so now and give the reasons for objection.
 - n. Chair asks the Planning Commission members if any have an interest in the property or issue. Chair asks Planning Commission members if they can hear and consider this

matter in a fair and objective manner.

- iii. Chair requests any Planning Commission member to place on record the substance of any communication each has had outside of the hearing with opponents or proponents on the issue to be heard. After the communication is placed on the record, the Chair should request whether any interested parties wish to rebut the substance of the communication.
 - d. Chair requests staff to make its presentation (15-minute limit).
 - e. [Follow procedures in subsection 2 or 3 below, as appropriate to the type of proceeding.]
 - f. Chair declares the public hearing closed and thanks members of the public for their testimony.
 - g. Planning Commission deliberates on the record, discussing findings of fact, conclusions, and recommendations (See "C - Public Meetings" below). The Planning Commission may take all information under advisement and postpone deliberation until a later meeting, provided the meeting is properly adjourned.
2. For quasi-judicial hearings, or for legislative proposals of a site-specific nature, the procedures shall be as follows:
- a. Following the staff presentation, the applicant or his/her representative is invited to comment. If there is an organized group of opponents to a proposal, then the representative of that group is also invited to comment. Notwithstanding subsections (e) and (f) below, the Chair may decide on the timing of cross-examination, depending on the circumstances of the particular hearing, and the availability of the expert witness.
 - b. Chair invites comments from citizens for and against the proposal.
 - c. The chair invites the applicant to rebut the opposition.
 - d. Additional comments from those against and those for the proposal should be recognized, if needed.
 - e. Cross-examination of experts and staff by representative of applicant or opponents.
 - f. Chair requests whether the Planning Commission members have questions of the applicant, citizens, or staff.
3. For legislative proposals that are not of a site-specific nature, the procedures shall be as follows:
- a. Following the staff presentation, the chair invites comments in the order of names on a sign-up sheet.
 - b. Chair invites comments from latecomers or others who may not have signed

up.

- c. Chair requests whether the Planning Commission members have questions of citizens or staff.

C. Public Meetings

1. Order of Business

- a. Call to order
- b. Roll call (optional. In any case, Secretary records attendance)
- c. Approval of minutes of last meeting, if applicable
- d. Officers and Committee reports, if applicable
- e. Special orders - Important business previously designated for consideration at this meeting
- f. Unfinished business
- g. New business
- h. Announcements
- l. Adjournment

2. Process

a. Before Deliberations

- i. The Planning Commission should not begin deliberation on matters before them until the Chair calls for a motion. However, the Chair may allow Planning Commission members to seek additional information or clarification on a matter before them prior to opening debate on such matter.
- ii. Before making a motion, a Planning Commission member must request to obtain the floor from, and be recognized by, the Chair.
- iii. Absent a second on any motion, the motion is lost, without any further discussion.

b. Deliberations

- i. After a motion is made and seconded, the Chair repeats the motion and calls for discussion on the motion. The Chair may set a time limit for discussion at his/her discretion.
- ii. The Planning Commission member making a motion is always allowed to speak first.

- iii. All comments and debate must be directed to the Chair.
 - iv. The Planning Commission member making a motion may speak again only after other speakers have finished, unless called upon by the Chair.
- c. Voting
- i. If there is no more discussion, the Chair asks if the Planning Commission is ready to vote. Alternatively, a Planning Commission member may move to end debate and call for a vote (call the question).
 - u. Voting may be by roll call or voice vote.
 - iii. When a motion is not likely to be opposed, a motion may pass by general consent. The Chair says, "if there is no objection..." The membership shows agreement by their silence. However, if there is an objection, the item must be put to a vote.
- d. Types of Motions

The following is a list of the various types of motions, and their use.

- i. Main Motion: The formal proposal for consideration and action. A main motion cannot be made when any other motion is on the floor, and yields to privileged, subsidiary, and incidental motions.
- ii. Subsidiary Motions: Their purpose is to change or affect how a main motion is handled. These motions are voted on before a main motion. Examples are:
 - Motion to Amend: Used to suggest an addition or revision to the main motion.
 - Motion to Divide the Question: Breaks the motion on the floor into two parts, in a manner suggested by the mover.
 - Motion to Refer to Committee: Applies only to the main motion. The Chair may appoint committees pursuant to Article VIII above.
 - Motion to Extend Debate: Can be general, or for a specific time or number of speakers. Not debatable.
 - Motion to End Debate and Vote or Call the Question: Applies only to the motion on the floor. Not debatable.
- iii. Privileged Motions: Their purpose is to bring up important or urgent matters or needs, such as a motion to recess or adjourn. Not debatable.
- iv. Incidental Motions: Their purpose is to provide a means of questioning procedure concerning other motions and must be

considered before any other business is taken up. Some examples are:

- **Motion to Suspend the Rules:** Suspends the formal process for dealing with a specific question (such as time limits, motions, etc.) Debatable.
- **Motion to Appeal Chair's Decision:** Allows the Planning Commission to overrule a decision made by the Chair. Not debatable.
- **Point of Order:** A question about a process, or objection and suggestion of alternative process. May include a request for the Chair to rule on process.
- **Point of Information:** A request for information on a specific question, either about process or about the content of a motion. May not be used to obtain the floor for debate.

3. Other Meeting Guidelines

- a. **When a topic is first introduced** or a main motion is made, the Chair should allow all questions for information purposes to be asked before opening to debate.
- b. **Discourage the repetition of arguments.** The Chair should attempt to call on people who have not yet spoken before those who have already spoken. The Chair should also discourage dialogues that start up between two individuals in debate.
- c. **If debate carries on too long,** the Chair should impose time limits on speakers.
- d. **Do not speak in jargon, initials or acronyms** - unless all present are familiar with common terms, avoid such usage.
- e. **Be respectful.** Differences of opinion are inevitable. It is up to each Planning Commission member to balance the needs of his/her constituents with the needs of the community as a whole. Agree to disagree. Lose gracefully. Win honorably.
- f. **Be prepared.** Read staff reports and other materials provided before coming to a meeting. Ask questions of each other or staff in advance to avoid spending meeting time becoming familiar with the issue being addressed.
- g. **Be objective.** Planning Commission members must be able to distinguish between fact and opinion, and to support decisions based on facts, regardless of personal opinion.
- h. **Speak in turn.** Public proceedings are recorded. Speaking out of turn may prevent someone's testimony or comments from being recorded, which may unfairly exclude such testimony or comments from the record. Planning

Commission members and staff must speak directly into the microphone, and only when in turn, as granted by the Chair.

