

**City of Kenmore
Planning Commission**

SCOPE AND RULES

**Including the Planning Commission Statement of Purpose
and Function, Scope of Work, Rules of Procedure,
and Operational Guidelines.**

Adopted by Planning Commission on April 18, 2007. Revised 2009 and 2013.

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ARTICLE I: AUTHORITY

Section 1: Historical Background

On December 21, 2006, the Kenmore City Council adopted Ordinance 06-0255 which included the adoption of a new Chapter 2.30 of the Kenmore Municipal Code, entitled Planning Commission.

Section 2: Duties and Responsibilities

The duties and responsibilities of the Planning Commission are as described in KMC Section 2.30.040:

- A. The Planning Commission shall be an advisory body to the City Council responsible for review and making policy recommendations relating to amendment to the comprehensive plan and related land use regulations. The Planning Commission shall provide annual reports to the City Council on execution of its duties and responsibilities.
- B. The Planning Commission shall have the authority to review and study proposed amendments to the comprehensive plan and development regulations that are included in a City Council approved annual docket work program for each year. The Planning Commission shall hold a public hearing, deliberate and make recommendations to the city on said proposals.

ARTICLE II: MEMBERSHIP

Section 1: Membership

Membership requirements are as described in KMC Section 2.30.020:

- A. **Number of Members.** The Planning Commission shall consist of seven voting members, each of whom shall serve for a period of three years. The City Council, when making initial appointments, may select some members for two or three year terms to stagger appointments.
- B. **Appointment.** All members of the Planning Commission shall be appointed by, and serve at the pleasure of a majority of the City Council. All Planning Commission members shall serve without compensation. All members of the Planning Commission shall be Kenmore residents. The City Council shall attempt, but shall not be obligated, to appoint Planning Commission members so that all geographic areas of the city are represented.
- C. **Vacancies.** Vacancies shall be filled by the City Council.
- D. **Chair and Vice Chair.** For the first year, the City Council shall appoint from among the Planning Commission members, a Chair who shall preside at all meetings and a Vice Chair who shall preside in the absence of the Chair. Thereafter, members of the Planning Commission shall nominate and vote for the Chair and Vice Chair positions.

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Section 2: Nominations and Elections of Officers

Elections of officers shall take place annually at the first regular meeting of the Planning Commission each calendar year. Nominations shall be made from the floor. The election shall follow immediately thereafter. Nominees receiving a majority vote of those present shall be declared elected.

Section 3: Term of Office

The elected officers shall immediately assume their positions at the conclusion of the elections and shall serve one (1) calendar year.

Section 4: Vacancies in Offices

Vacancies in elective offices shall be filled immediately by regular election procedure for the unexpired portion of the term.

Section 5: Resignation or Removal of Planning Commission Member

In the event that a Planning Commissioner can no longer fulfill his or her responsibilities, or is no longer a full-time resident of the City of Kenmore or misses twenty-five percent (25%) or more of the Commission's regularly scheduled meetings within a twelve (12) month period (unless excused by the Commission), it may be appropriate that the Commissioner resign or be removed from the Commission. The procedures for resignation or removal are outlined as follows:

A. Resignation

Whenever a Planning Commissioner is no longer qualified to serve, or is unable to fulfill the responsibilities of a Commissioner and desires to resign, then a resignation may be tendered in writing to the Mayor and the Chair.

B. Removal

1. Per KMC 2.30.020 all members of the Planning Commission are appointed by, and serve at the pleasure of, a majority of the City Council.

The Planning Commission may recommend to the Mayor and City Council the removal of any Planning Commissioner who misses twenty-five percent (25%) or more of the regularly scheduled meetings within any twelve (12) month period without being excused by the Chair, or in the opinion of the Commission, is unable to fulfill the duties of a Commissioner.

2. Recommendations for removal must be recommended by at least four (4) members of the Planning Commission.
3. A Planning Commissioner may be removed, after public hearing, by the Mayor, with the approval of the City Council for inefficiency, neglect of duty or malfeasance in office.

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Section 6: Duties of Officers

A. Chair

The Chair shall preside over the Planning Commission and exercise all the powers incidental to the office, retaining however, the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions. The Chair may call special meetings of the Planning Commission in accordance with the Scope and Rules, sign documents and see to it that all actions of the Commission are properly taken.

B. Vice Chair

During the absence, disability or disqualification of the Chair, the Vice Chair shall assume the duties and powers of the Chair during this period. The Vice Chair shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions.

C. Executive Secretary

The Director of Community Development shall serve as Executive Secretary of the Planning Commission. The Director may designate a staff member to perform any of the duties of the Executive Secretary and shall provide other staff services necessary to carry out the work the Planning Commission.

ARTICLE III: MEETINGS

Section 1: Meetings

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

- A.** If the regular meeting falls on a legal holiday, that meeting shall be held on the following Tuesday unless the Commission, by formal action, sets a special meeting day.
- B.** 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 a special meeting day.
- C.** 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. Notice thereof shall be posted in a conspicuous place in the Kenmore City Hall. 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 a special meeting day.

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- D. Special meetings may be called at any time by the Chair or, in the Chair's absence, by the Vice Chair, or by at least four (4) members of the Commission, by delivering personally, electronically, or by mail, written notice to each member of the Commission. Such notice must be delivered personally, electronically or by mail at least seventy-two (72) hours before the time of such meetings as specified in the notice. 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.
- E. All regular and special meetings of the Planning Commission shall be open and the public shall be permitted to attend.

Section 2: Agenda and Staff Reports for Regular and Special Meetings

A copy of the agenda for every regular and special meeting of the Kenmore Planning Commission shall be provided each member not less than five (5) days prior to the date of the meeting at which such agenda is to be considered.

The Executive Secretary of the Kenmore Planning Commission, in consultation with the Chair, 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 Kenmore Department of Community Development, as hereafter provided, or which was not initiated by motion of the Kenmore Planning Commission or City Council. The Chair may, however, place housekeeping and non-action items on the agenda.

Where any matters filed with the Department of Community Development for consideration and action by the Planning Commission, which matter is deemed by the Director of Community Development to be of concern to other departments of the City and other public agencies, the Department shall notify each such interested department or agency of the impending matter and request a report or recommendation, if any, on the matter. The notification to the other departments or agencies 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 or agency reports and recommendations shall be considered by the Planning Commission at the time the matter is before it.

The Kenmore Community Development staff shall review the items on the agenda and submit the staff's recommendations and findings to the Planning Commission prior to a regular meeting.

Section 3: Minutes and Records

A record of proceedings of all official meetings shall be recorded and made a part of a permanent 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, shall constitute the record of proceedings.

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A copy of the records of proceedings taken at any meeting shall be provided by the Kenmore Community Development Department staff to anyone on request, at costs as established by the City of Kenmore.

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 record of proceedings 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 the Chair has authority to modify non-substantive items.

Section 4: Public Hearings and Meetings

Public Hearings and meetings 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 that 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 request that the issue of notice be tabled and that the matter proceed, reserving to any aggrieved person the right to appeal to the Planning Commission 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.

Section 5: Order of Business

The regular order of business at regular meetings of the Kenmore Planning Commission shall be:

- A. Call to Order
- B. Approval or Corrections of Previous Meeting Minutes
- C. Citizen Comments (on matters not on tonight's agenda)
- D. Council Liaison Report
- E. Public Hearing(s)
- F. Work Session(s)
- G. Business
- H. Community Development Director's Report and Informational Item(s)
- I. Adjournment

Section 6: Conduct of Public Hearings

- A. The Chair opens the Public Hearing and orally summarizes the application before the Kenmore Planning Commission.

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- B. The Community Development Director, or designated staff, provides background information, technical analysis, reviews planning considerations and policy, and summarizes the Department's findings and recommendation to the Planning Commission. Copies of staff testimony and reports should be submitted in writing to be made part of the record.
- C. Upon recognition by the Chair, a Planning Commissioner may ask relevant questions on the application to staff.
- D. The Chair opens the public hearing portion of the deliberation.
- E. The applicant, or designated representative, is invited to speak on behalf of the application. Upon recognition of the Chair, a Planning Commissioner may ask relevant questions to the applicant, applicant's designated representative or to the planning staff.
- F. The public is invited to speak for or against this application. In the event that there are large numbers of individuals seeking to speak on the issue, the Chair may limit the time that each individual may speak on the issue. The Chair should alternate between proponents and opponents when possible to provide for a balanced discussion of the application. Upon recognition of the Chair, a Planning Commissioner may ask relevant questions of the individual testifying.
- G. After the general public have commented on the application, the applicant is invited to speak in rebuttal or to answer questions that may have arisen.
- H. The general public is given another opportunity to rebut comments by the applicant.
- I. The Chair calls a third time for public testimony, upon hearing none the public testimony portion of the public hearing is officially closed.
- J. The Chair now opens the session for Planning Commissioner deliberations and action. Upon recognition by the Chair, a Planning Commissioner may direct specific questions to staff, applicant, applicant's representative, citizen or fellow Planning Commissioner to clarify issues, comments or technical questions that may not have been directly addressed during the public testimony portion of the public hearing.
- K. After reasonable time, the Chair closes further discussions and entertains a motion from the Planning Commission. The Planning Commission may approve, modify, reject or continue the item until another Planning Commission meeting date certain.
- L. After a motion is made and seconded, the Chair entertains additional discussion on the motion. Upon recognition of the Chair, a Planning Commissioner may exercise further parliamentary actions on the original motion.
- M. Upon hearing no further deliberation, the Chair takes a vote on the motion or any subsidiary motions and directs the Executive Secretary to record the formal action as required by these Scope and Rules.

Section 7: Conduct of Public Meetings

Under the Growth Management Act of the State of Washington, a single level of formal legislative review must be adopted by each jurisdiction. The City Council has reserved this legislative review on certain planning issues requiring a quasi-judicial determination.

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These public meetings will be conducted on an informal basis to provide guidance to the applicant in advance of formal City Council consideration.

These public meetings shall be generally conducted in the following manner:

- A. Open the meeting and review the meeting procedures (Chair).
- B. Summarize the application (Staff).
- C. Describe the review process and "record-to-date" (Staff).
- D. Present proposal (applicant).
- E. Receive and discuss public comments (Planning Commission and public).
- F. Report and recommendation:
 1. Summarize highlights of the meeting (Chair).
 2. Make recommendation (Planning Commission).
 3. Draft meeting report (Staff).
- G. Report to the City Council (Staff).

Section 8: Special Meetings

Special meetings and work sessions may be called:

- A. By the request of the Chair, or in the Chair's absence by the acting Chair as set forth in the provisions under Article III, Section 1.
- B. By the written request of four (4) or more members of the Planning Commission.
- C. By sustained motion of the Planning Commission.

Written notice of all study sessions and special meetings shall be provided to all members of the Planning Commission and public in accordance with all applicable rules for public notice.

Section 9: Quorum

Four (4) members of the Kenmore Planning Commission shall constitute a quorum. A Kenmore Planning Commission member may attend a regular or special meeting by telephone and have the same rights as if they were attending the meeting in person.

All actions of the Kenmore Planning Commission shall be determined by a minimum of four (4) affirmative votes of the total Commission. If any member of the Kenmore Planning Commission is unable to attend a regular or special meeting, they may delegate their vote by written proxy to another Kenmore Planning Commission member. Written notice of such proxy shall be provided to the full Kenmore Planning Commission prior to the meeting.

Section 10: Rules of Procedures

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All meetings of the Planning Commission shall be conducted in accordance with Robert's Rules of Order (Latest Edition), unless specifically provided otherwise by these Scope and Rules, applicable City Ordinance or State Statute.

Section 11: Time and Length of Meetings

Planning Commission meetings shall begin at 7:00 p.m. and continue until 9:30 p.m. unless adjourned. After 9:30 p.m., the Planning Commission shall hear no new subjects, unless a majority of the Planning Commissioners present should decide otherwise. Meetings may begin earlier by prior determination of the Planning Commission. Public notifications of such meetings shall place a special emphasis on the earlier start time.

Section 12: Motions and Voting

Unless waived, motions shall be restated by the Chair before a vote is taken. The names of the maker and second shall be recorded in the minutes of the meeting.

ARTICLE IV: PLANNING COMMISSIONER CONDUCT

Section 1: Public Statements

While any Planning Commissioner 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 Kenmore Planning Commission shall not be made in advance of the Kenmore Planning Commission's final determination of the matter, except as directed or authorized by a majority of the entire Kenmore Planning Commission at any special or regular meeting or public hearing. The Kenmore Planning Commission shall appoint one of its members to issue such statements as the Kenmore Planning Commission deems necessary. This shall not prejudice the right of any dissenting members to express their minority position.

Lobbying efforts by any Advisory Bodies on legislative, or political, matters should first be checked for consistency with existing City policy by contacting the City Manager. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that the member is not speaking as a representative of the City, or as a member of an Advisory Body.

Section 2: 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 encouraged to place upon the record of the Planning Commission the substance of all ex-parte contacts that have occurred during the time that either a quasi-judicial or legislative matter has been introduced and is still before the Planning Commission for a decision. Examples of legislative issues on which the Planning Commission deliberates and makes recommendations include comprehensive plan amendments, code amendments, and other policy recommendations.

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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 RCW 42.36; 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.

Section 3: Conflict of Interest or Appearance of Fairness

If it shall appear to any member at any time that a conflict of interest or an appearance of fairness problem exists with respect to a matter pending before the Kenmore Planning Commission, it shall be the member's duty to openly state the nature of such conflict, and then to refrain from participating in any subsequent deliberation of the Kenmore Planning Commission and the decision-making process with respect to the matter.

Section 4: Attendance

Regular attendance of Planning Commissioners at regularly scheduled or special meetings is important and critical to the operation of this advisory body. Each Planning Commissioner is responsible for notifying the Chair and Planning Department when a scheduling conflict arises that prevents a Commissioner from attending a scheduled meeting.

In the event that a Planning Commissioner cannot actively participate in regularly scheduled or special meetings, the Planning Commissioner should consult with the Chair and the Executive Secretary to determine if his or her absence can be accommodated. If the scheduled absence proves disruptive, the Planning Commissioner should consider resigning his or her Planning Commission position.

Section 5: Conduct of Business

The Chair shall direct the conduct of meetings. A Planning Commissioner should seek recognition of the Chair before speaking.

Section 6: Decision of the Commission

The Kenmore Planning Commission's goal is to provide a consensus recommendation to the City Council on matters referred to the Planning Commission for action after full and complete discussion with all members in attendance. Each Planning Commission member should strive to fulfill this goal by attending as many Commission meetings as possible and by expressing his or her views.

When, despite the best efforts of each member, a consensus cannot be reached, minority reports may be prepared and forwarded to the City Council. When a decision is reached, a member not voting with the majority may prepare a minority report. When

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the minority is comprised of more than one individual, and if requested, the minority report may be prepared by Community Development Department staff.

A minority report, or request for preparation of a minority report, shall be made within seven (7) calendar days of the date of majority action, 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 forwarded to the Mayor and City Council by the Chair. Minority reports will be transmitted by the Chair at the same time as the majority recommendation is transmitted, with copies distributed to all members.

In every case where the action of the Planning Commission is overruled, reversed or not adopted by the City Council, the Executive Secretary will make available to the Kenmore Planning Commission, at its next regular meeting, the findings, conclusions and decision of the City Council.

ARTICLE V: AMENDMENTS

These Scope and Rules may be amended at any regular meeting by the affirmative vote of four (4) members of the Planning Commission; provided that the proposed amendments, together with the precise wording of such changes, have been presented at the previous meeting.