
Planning Commission Meeting Date: April 7, 2022

Agenda Item: 9a.

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Amending Planning Commission Rules of Procedure

DEPARTMENT: Planning & Community Development

PRESENTED BY: Andrew Bauer, Planning Manager

Public Hearing

Study Session

Recommendation Only

Discussion

Update

Other: Action

INTRODUCTION

The Planning Commission's Rules of Procedure (Rules) were recently amended in December 2019 and assist in the orderly conduct of the Commission's business. Tonight, the Commission is to consider amendments to its Rules related to remote attendance at Commission meetings along with in-person and on-line public comment.

Pursuant to Article IX(A), the Rules may be amended at any regular meeting or special meeting by a majority vote of the Planning Commission as a whole (four (4) affirmative votes).

DISCUSSION

In April 2020, as a result of the COVID-19 pandemic, the Planning Commission held its first remote electronic meeting with all Commissioner's attending remotely. With the passage of Resolution No. 459 on June 1, 2020, the Shoreline City Council directed that all Boards and Commissions suspend any rules or practices that require meetings to occur in person and to hold all meetings virtually through videoconferencing software and to continue to do so until the City Council directed otherwise. In addition, in March 2020, Washington's Governor issued Proclamation 20-28 prohibiting public agencies from holding in-person meetings.

In November 2021, with the passage of Resolution No. 485, the City Council updated their Rules to allow for Councilmembers and City Staff to attend meetings remotely, as needed, and to continue to allow the public to participate over the telephone or on-line.

With the 2022 Legislative Session, the Legislature passed, and the Governor signed Engrossed Substitute House Bill 1329. This House Bill amended the Open Public Meetings Act, chapter 42.30 RCW, not only in recognition of the benefit remote participation by the public provides to the government but also the ability to conduct remote meetings in event of an emergency.

Approved By: Project Manager: _____ Planning Director: _____

9a. SR - Planning Commission Rules Of Procedure Update

Attachment A are the proposed amendments to the Planning Commission's Rules of Procedures. These amendments are largely parallel to those adopted by the City Council and provide the ability of a Commissioner to attend remotely and the procedures for such remote attendance. The amendments also denote that the public can participate in two ways – in-person and on-line/telephone. Lastly, there is a single housekeeping amendment to change any use of "By Laws" to "Rules of Procedure."

RECOMMENDATION

Staff recommends that the Planning Commission discuss the proposed amendments and vote to approve those amendments to the Commission's Rules of Procedure so as to become effective upon approval by a majority of the Commission.

ATTACHMENTS

Attachment A: Amended Commission Rules of Procedure

Approved By: Project Manager: ____ Planning Director: ____

CITY OF SHORELINE
Planning Commission Rules of Procedure

Original Adoption
February 15, 1996

Revisions
November 6, 1997
October 15, 1998
January 18, 2001
April 5, 2001
April 3, 2003
April 7, 2005
March 16, 2006
May 1, 2008
October 1, 2009
March 18, 2010
December 1, 2011
March 7, 2013
October 6, 2016
July 18, 2019
December 5, 2019
April 7, 2022

ARTICLE I - AUTHORITY AND PURPOSE

As authorized by RCW 35A.63.020, on July 31, 1995, the Shoreline City Council adopted Ordinance 36, creating the Shoreline Planning Commission. Chapter 2.20 of the Shoreline Municipal Code (SMC) provides for the membership, organization, and duties of the Planning Commission.

The Planning Commission serves as an advisory body to the City Council. The purpose of the Planning Commission, as set forth in SMC 2.20.010, is to provide guidance and direction for Shoreline's future growth through continued review and improvement to Shoreline's comprehensive land use plan, zoning code, shoreline management, environmental protection, and related land use documents.

Pursuant to SMC 2.20.030, the Planning Commission is authorized to adopt such rules and regulations as are necessary for the conduct of its business. These Rules of Procedure Bylaws are such rules and regulations.

ARTICLE II - MEMBERSHIP

A. Appointment and Term

1. The Planning Commission shall consist of seven (7) Commissioners, appointed by majority vote of the City Council.
2. Each Commissioner shall be appointed for a term of four (4) consecutive years. No Commissioner shall serve longer than two (2) consecutive terms. A Commissioner who has served more than half a term is considered to have served a full term.
3. New Commissioners, or those reappointed for an additional term, shall be sworn in by the Mayor, Deputy Mayor, or other designated City Councilmember.

B. Resignation of Office

Any Commissioner desiring to resign from the Planning Commission shall provide written notice of his/her resignation as soon as reasonably possible, but no less than thirty (30) calendar days prior to the effective date of resignation except under extenuating circumstances. Written notice shall be submitted to the Clerk of the Planning Commission. The Clerk shall promptly present the resignation to the City Council.

C. Removal or Forfeiture of Office

1. A Commissioner must be a resident or own property within the City of Shoreline. If at any time during a Commissioner's term a Commissioner fails to reside or own property in the City of Shoreline, then the Commissioner shall be deemed to have forfeited his/her appointment. Forfeiture is effective immediately as the individual no longer satisfies the qualifications of membership set forth in SMC 2.20.020.
2. Commissioners may be removed by a majority vote of the City Council for neglect of duty, conflict of interests, malfeasance in office, or other just cause, including unexcused absence.

D. Vacancies

Vacancies occurring other than through the expiration of terms shall be filled for the unexpired terms by the City Council in the same manner as for appointments as provided in Shoreline Municipal Code 2.20.020(C).

ARTICLE III - DUTIES OF THE COMMISSION, OFFICERS, AND CLERK

A. Duties of the Commission

1. The Planning Commission shall undertake the duties and responsibilities as set forth in SMC 2.20.060 and any other duties as may be conferred upon the Planning Commission from time to time by ordinance, resolution, or motion of the City Council.
2. When participating in a recommendation, it shall be the obligation of every Commissioner to be familiar with the facts on a matter in order to reach an informed, reasoned decision. If a Commissioner was absent from a meeting, the Commissioner shall familiarize himself/herself with the subject matter, using the file of record and the video recording of the meeting.

B. Officers

Planning Commission Officers shall consist of a Chair and a Vice-Chair; both appointed members of the Planning Commission and voted into office by the Planning Commission.

1. Chair of the Planning Commission

- a. The Chair shall be a full voting member of the Planning Commission.
- b. The Chair shall serve as the Presiding Officer for all meetings and public hearings and shall:
 - i. Call the meeting to order and adjourn the meeting,
 - ii. Keep the meeting to its order of business,
 - iii. Control discussion in an orderly manner,
 - iv. Give each Commissioner an opportunity to speak when recognized by the Chair,
 - v. Permit public participation at the appropriate times, and
 - vi. Maintain the decorum, respect, and order of the meeting or hearing.
- c. The Chair shall appoint all committees and their respective chairs; and may act as an ex-officio member of a committee but without voting privileges. Prior to making such appointments, the Chair shall solicit interest from Commissioners as to service.
- d. The Chair may delegate duties to other Commissioners with the consent of the Planning Commission.
- e. The Chair may speak on behalf of the Planning Commission before the City Council, the public, and City staff. When the Chair is representing the Planning Commission, the Chair must support and advocate the official position of the Planning Commission, not a personal viewpoint.
- f. The Chair shall sign all official papers involving the authority of the Planning Commission which are transmitted to the City Council.

2. Vice Chair of the Planning Commission

The Vice Chair shall assume the duties and powers of the Chair when the Chair is absent.

3. Chair Pro Tem of the Planning Commission

In absence of both the Chair and Vice Chair, members shall elect a Chair pro tem in the same manner as the Chair is appointed in Article IV Elections.

4. Term

The term of an Officer shall be defined as one year. An Officer may serve in the same capacity for no more than two (2) consecutive one-year terms.

C. Clerk of the Planning Commission

1. The Clerk shall prepare and post the agendas of all regular and special meetings and all notices of cancellation for such meetings. [The agenda shall provide the method for remote attendance at a meeting by the Public.](#)
2. At the minimum, the Clerk shall post agendas and notices of cancellation on the bulletin board at the Shoreline City Hall and on the City's website.
3. The Clerk shall prepare summary minutes, which must be approved by the Planning Commission.
4. The Clerk shall record each meeting of the Planning Commission either by audio or audio/visual.

5. The Clerk shall retain such recordings, minutes, and any official records of the Planning Commission, including staff reports and recommendations, in conformance with chapter 40.14 RCW and the Local Government Common Records Retention Schedule.

ARTICLE IV – ELECTIONS

A. Elections

The Planning Commission shall elect a Chair and a Vice Chair each year. Generally, the Chair and Vice Chair shall be elected and take office annually at the first regular public meeting of the Planning Commission in April of each year. Such election shall take place as the first item of new business of that meeting, and elected Officers shall immediately assume their duties at the close of elections.

B. Election of the Chair

The election of Chair will be conducted by the Clerk of the Planning Commission. No one Commissioner may nominate more than one (1) person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Nominations do not require a second. The Clerk will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nomination, the Clerk will ask again for further nominations and if there are none, the Clerk will declare the nominations closed. A motion to close the nominations is not necessary. After nominations have been closed, voting for the Chair takes place in the order nominations were made. Only affirmative votes shall be given, and Commissioners will be asked to vote by a raise of hands. As soon as one of the nominees receives a majority vote of the Planning Commission as a whole (four (4) affirmative votes), the Clerk will declare him/her elected. No votes will be taken on the remaining nominees. A tie vote results in a failed nomination. If none of the nominees receives a majority vote, the Clerk will call for nominations again and repeat the process until a single candidate receives a majority vote.

C. Election of Vice Chair

Upon election, the Chair conducts the election for Vice Chair following the same process set forth for the election of the Chair.

D. Vacancies

1. Should the Office of Chair be vacated prior to the completion of the Term, the Vice-Chair shall become the Chair and assume the duties and responsibilities of the Chair for the remainder of the said Term. The new Chair shall then conduct elections for a new Vice-Chair.
2. Should the Office of the Vice-Chair be vacated prior to the completion of the Term, the Chair shall conduct elections for a new Vice-Chair to serve out the remainder of the Term at the next regular meeting.
3. Time spent fulfilling a vacated Term shall not count towards the two (2) consecutive Term limit for Chair and for Vice-Chair.

ARTICLE V - MEETINGS

All Planning Commission regular and special meetings and hearings shall be properly noticed and

open to the public in compliance with the requirements of the Open Public Meetings Act (OPMA), chapter 42.30 RCW, as amended from time to time, and this Article.

Meetings of the Planning Commission shall be held in the Council Chambers of Shoreline City Hall, 17500 Midvale Avenue N, Shoreline, Washington. All meetings shall be held at this location except when the Planning Commission, by majority vote of those present at any regular or special meeting, directs otherwise.

A. Regular Meetings.

1. Regular meetings shall be held at 7:00 pm on the first and third Thursday of each month. Should a regular meeting day be an observed legal holiday, the scheduled meeting shall be postponed to the succeeding Thursday, unless a majority of the Planning Commission, at the immediately preceding regular meeting, vote to select another day or to cancel the meeting.
2. Any Planning Commission meeting, present or future, regular or special, may be cancelled by a majority vote of the Planning Commissioners present at the meeting where cancellation is being considered. The Chair, or Vice Chair if serving as Chair pro tem, may cancel a Planning Commission meeting for lack of agenda items.
3. The Clerk of the Planning Commission shall post timely notice of the cancelled meeting as provided in this Article.

B. Special Meetings

1. Special meetings may be called by the Chair of the Planning Commission, the City Council or Mayor, City Manager, or by the request of any four (4) Commissioners by delivering written notice personally or by electronic mail to each member of the Commission at least 24 hours before the time specified for the proposed special meeting.
2. Notices of special meetings shall conform to the requirements of the OPMA and specify the time and place of the special meeting and the subjects to be considered, and no subject other than those specified in the notice shall be considered.
3. No special meetings shall be scheduled between December 15th and the end of the year.
4. The agenda for a special meeting need not conform to that specified in Section C of this Article.

C. Order of Business

The order of business for each regular meeting of the Commission shall be as follows:

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. General Public Comment
6. Public Hearings
 - a. Staff/Applicant Presentation
 - b. Public Testimony
7. Study Items
 - a. Staff/Applicant Presentation

- b. Public Comment
- 8. Director's Report (optional)
- 9. Unfinished Business
- 10. New Business
- 11. Reports of Committees/Commissioners/Announcements
- 12. Agenda for next meeting
- 13. Adjournment

D. Public Comment and Testimony

Planning Commission regular meetings may allow the public to express its views in-person in the Council Chambers or remotely through the telephone or online during ~~three (3) comment periods:~~ "General Public Comment", "Public Hearing Testimony" and "Study Item Public Comment".

- 1. During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled on that meeting's agenda. General Public Comment at a Special Meeting is not required.
- 2. During Public Hearings or Study Sessions, the Planning Commission will take public testimony and/or comment after the Staff Presentation and any initial questions by the Commissioners which follows the presentation.
- 3. Individuals may speak for three (3) consecutive minutes or less, depending on the number of people wishing to speak. If more than ten (10) people are signed up to speak for any of the comment periods, each speaker will be allocated two (2) minutes.
- 4. An individual may only speak once on an agenda item unless the Chair authorizes otherwise. Time cannot be donated by one speaker to another.
- 5. The Chair or the Vice Chair, acting as Chair pro tem, has discretion to limit or extend time limitations and the number of people permitted to speak.
- 6. The Clerk of the Planning Commission shall be the timekeeper for all public comment or testimony.
- 7. The Chair shall advise all speakers that their testimony or comment is being recorded and to address the Planning Commission with all testimony or comments. ~~In all cases, speakers are asked to come to the podium to have their testimony or comments recorded. Individuals appearing in-person wishing to speak to agenda items must sign up prior to the start of the Agenda Item 6 and will be called to speak first, generally in the order in which they have signed. Individuals participating remotely wishing to speak to agenda items must sign up at least thirty (30) minutes prior to the start of the meeting and will be called on after in-person speakers. Speakers will, generally speak in the order in which they have signed.~~ Each speaker must begin by clearly stating their first and last name, city of residence, and if applicable, the organization they are representing.
- 8. Prior to closing the testimony or comment period, the Chair shall inquire if there are any additional speakers, in-person or remote, other than those that have signed up and previously spoken, and if there are they shall be allowed to speak.
- 8.9. Any person making disruptive, impertinent, ~~or~~ slanderous or threatening remarks while addressing the Planning Commission or during the meeting shall be asked to leave the Council Chambers by the Chair and barred from further audience before the Planning Commission at that meeting. If the person is participating in the meeting remotely, the Presiding Officer/Chair shall ask the Clerk of the Planning Commission to remove them

from the online video conferencing application or telephone connection.

9.10. Speakers will not be permitted to present comments or testimony via electronic methods (e.g. PowerPoint or screen sharing). Speakers attending in person [JAT1] may utilize visual aids; hardcopies of visual aids may be submitted to the Clerk for distribution to the Planning Commission.

E. Noticing

1. The Clerk of the Planning Commission shall cause the preliminary agenda for the forthcoming Planning Commission meeting to be posted on the bulletin board at Shoreline City Hall and on the City's website at least twenty-four (24) hours in advance of the meeting's start time.
2. Except when not reasonably possible, the Clerk of the Planning Commission shall make staff reports and supporting documentation for any meeting or public hearing available on the City's website at least seven (7) days in advance of the meeting. However, no staff report shall be made available less than five (5) days in advance of a hearing.
3. The Clerk of the Planning Commission shall provide notice of the agenda, staff reports, and supporting documentation available through any other means, including electronic mail to persons requesting notice, as deemed necessary by the Planning Commission or the City Manager.
4. Notice of a public hearing before the Planning Commission shall conform to SMC Chapter 20.30 Subchapter 4 and shall be the responsibility of the Planning and Community Development Department.

ARTICLE VI - RULES OF MEETINGS

A. Attendance

1. Attendance is expected of each Commissioner at all regular and special meetings. In the event that a Commissioner must miss a meeting, that Commissioner must notify the Clerk of the Planning Commission as soon as reasonably possible prior to the meeting. If a Commissioner is unable to contact the Clerk, the Commissioner shall contact the Director of Planning and Community Development, who shall convey the message to the Chair.
2. If a Commissioner fails to provide the required notice, the absence will be considered unexcused. The unexcused absence of a Commissioner from more than three (3) consecutive regular meetings may be cause for removal.
3. Emergency requests for an absence may be considered. The Chair may approve such an absence.

B. Remote Attendance.— The Commission recognizes the benefits of full attendance of its members at regular, special, and emergency meetings and expects Commissioners to attend meetings in-person. However, remote attendance by a Commissioner who is not able to be physically present, whether for all or part of a meeting, is allowed as needed subject to the following:

1. Notice: A Commissioner shall contact the Chair and the Clerk no later than three (3) hours prior to the Commission meeting for which they will attend remotely. If the Commissioner is unable to contact the Chair or the Clerk, the Commissioner shall contact the Planning Director, who shall convey the message to the

Chair/Presiding Officer.

After the Clerk has called the roll at a meeting, the Presiding OfficerChair shall indicate any Commissioner attending remotely. If joining after roll call, the Presiding OfficerChair shall note the time the Commissioner joined and, if before adjournment, when the Commissioner left. The Clerk will document both the remote attendance and times of attendance, if applicable, in the minutes.

2. Commissioner Remote Attendance Requirements:

- a. Remote attendance by a Commissioner shall be through the City's approved online videoconferencing application.
- b. A Commissioner's camera should be turned on when participating in the meeting.
- c. In order to effectively preside over the meeting, the Presiding OfficerChair needs to be physically present at the meeting, unless the entire Commission is remote. The Chair may attend the meeting remotely with the Vice Chair or another Commissioner presiding over the meeting from the physical meeting location.
- d. A Commissioner attending remotely will be marked present, counting towards a quorum and can vote during the meeting as if they were physically present.
- e. A Commissioner attending remotely must be able to hear public comment or testimony and staff's presentation in real time.

3. Staff Remote Attendance: The Director of Planning and Community Development will work with City Staff to determine whether attendance at a Planning Commission meeting should be in-person or whether remote attendance is appropriate.

B.C. Quorum

At all Planning Commission meetings, the presence of four (4) Commissioners constitutes a quorum and is required for transaction of business and the taking of official action. In the absence of a quorum, the Commissioners present at the meeting shall adjourn that meeting to a later date.

C.D. Rules of Procedure

The most current edition of Robert's Rules of Order Newly Revised shall provide the basis for meeting structure and official decisions shall be made by motion and vote of the Planning Commission. The Clerk of the Planning Commission or, if in attendance, the City Attorney or Assistant City Attorney, shall serve as the parliamentarian for the Commission, however, each Commissioner should adhere to Robert's Rules of Order.

D.E. Voting

1. Each Commissioner shall have one (1) vote.
2. Only Commissioners present at a meeting may vote. No vote may be cast by proxy.
3. All votes shall be taken by voice, except that at the request of any Commissioner, a roll call vote shall be taken by the Clerk of the Planning Commission.
4. In instances where a vote is called for or required, the present majority is sufficient to act (providing a quorum is present).
5. If a Commissioner is silent on a vote, it shall be recorded as an affirmative vote. If a Commissioner abstains, it shall be recorded as an abstention and not included in the vote tally.
6. The Chair may vote on any issue. If the Chair does not vote on an issue and the vote results in a tie, then the Chair shall vote to resolve the issue. No action is taken if the

Chair votes and the tie continues.

7. A majority vote shall carry, and minority opinions shall be formally registered in the summary minutes and reported to the City Council.

E.F. Adjournment, Recess, and Continuance

1. Meetings shall be adjourned by a majority vote of the Planning Commission or by the Chair when it appears that there is no further business to be conducted.
2. The Planning Commission may, by a majority vote or consensus, recess a meeting for a short break. The proposal to recess may set a time limit or can be until the Chair calls the meeting back to order.
3. Any meeting may, by majority vote of present members, be continued to any subsequent meeting of the Planning Commission. Whenever a meeting is continued, the Chair shall state the time and place for the continued meeting. Notice of the continuation shall be posted as soon as reasonably possible on the bulletin board in Shoreline City Hall and the City's website.

ARTICLE VII - COMMITTEES

Committees may be appointed by the Chair and serve at the pleasure of the Planning Commission.

A. Committees

1. A committee shall consist of no more than three (3) Commissioners, with the chair of the committee selected by the Chair.
2. A Committee shall be formed based on subject areas and shall analyze issues and receive subject matter briefings in advance of full Planning Commission consideration.
3. A Committee shall establish their own meeting schedule, and the deliberations thereof shall take the form of written reports, submitted to the entire Planning Commission.

B. Committee Meetings

Meetings of committees are not required to conform to the notice and recording keeping provisions of Article III or Article IV. HOWEVER, if a member of the public requests attendance at a committee meeting, the committee shall accommodate such a request.

ARTICLE VIII - CODE OF ETHICS AND DECORUM

A Planning Commissioner is a representative of the City of Shoreline and, therefore, a Commissioner's actions should reflect that representation.

- A.** Members of the Planning Commission shall fully comply with chapter 42.23 RCW, Code of Ethics for Municipal Officers, and the most current version of the City of Shoreline Code of Ethics, as adopted by the City Council.
- B.** Members of the Planning Commission shall fully comply with chapter 42.30 RCW, Open Public Meetings Act, including RCW 42.30.205 which requires training on the OPMA's requirements.
- C.** While the Planning Commission is in session, a Commissioner shall neither, by

conversation or otherwise, delay or interrupt the meeting or the peace of the Planning Commission, nor disrupt any Commissioner while speaking nor refuse to obey the orders of the Chair.

- D.** To preserve the integrity of the Planning Commission, if a Commissioner reasonably believes that he/she has a conflict of interest in regard to a matter before the Planning Commission, the Commissioner should recuse himself/herself from discussion or vote on the matter and shall leave the Council Chambers while the matter is under consideration. A Commissioner may seek advice from the City Attorney or Assistant City Attorney in making this determination.
- E.** If a Commissioner is meeting with, speaking to, or otherwise appearing before a member of the public, group, or other governmental agency, the Commissioner shall clearly state that his/her statement reflects their personal opinion if it is not the official position of the Planning Commission.

ARTICLE IX - AMENDMENTS

- A.** These ~~Bylaws~~ [Rules of Procedure](#) may be amended at any regular meeting or special meeting by a majority vote of the Planning Commission as a whole (four (4) affirmative votes).
- B.** Prior to amending these ~~Bylaws~~ [Rules of Procedure](#), the Chair may appoint a committee to prepare proposed amendments and said committee shall present its recommendation to the Planning Commission. However, any Commissioner may propose an amendment at any time provided that a copy of any proposed amendments shall be furnished to each Commissioner at least three (3) working days prior to the date of the meeting that it will be considered.
- C.** The Chair shall timely cause the City Council to be advised of all adopted amendments and shall direct the Clerk of the Planning Commission to reflect such amendments in the public record.