



Small Town. Real Life.

PLANNING COMMISSION BY-LAWS

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ARTICLE I - AUTHORITY AND PURPOSE

- A. Authority. Municipalities are authorized to establish Planning Commissions by state statute under the Revised Code of Washington (RCW) Section 35A.63.020.
1. *Establishment.* The Duvall City Council adopted Ordinance 136 on November 10, 1966, formally establishing the Duvall Planning Commission. Codified as Chapter 2.15 of the Duvall Municipal Code (DMC), it provides for the membership, organization, and duties of the Planning Commission.
 2. *By-Laws.* Pursuant to DMC 2.15.020, the Planning Commission is authorized to adopt such rules and regulations as are necessary for the conduct of its business. These By-Laws are such rules and regulations and shall govern all meetings of the Planning Commission. If a special situation arises that is not addressed by these by-laws, then the parliamentary rules and procedures contained in the current edition of Roberts Rules of Order shall apply.
- B. Purpose. The Planning Commission serves as an advisory body to the City Council regarding its Comprehensive Plan (and associated plans adopted by reference), Unified Development Regulations, and other land use related items. The Planning Commission also serves as the Design Review Board for review and recommendation on certain land use applications as specified in DMC Title 14 (Unified Development Regulations).

ARTICLE II - MEMBERSHIP

- A. Appointment and Term. Appointment and Terms are specified in DMC 2.15.010.
- 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. Written notice shall be submitted to the Community Development Director. The Community Development Director shall promptly present the resignation to the City Administrator, Mayor and City Council.
- C. Removal or Forfeiture of Office. A Commissioner must meet the residency requirements of DMC 2.15.010.B. If at any time during a Commissioner's term a Commissioner fails to meet these requirements, then the Commissioner shall be deemed to have forfeited their appointment. Forfeiture is effective immediately as the individual no longer satisfies the qualifications of membership set forth in DMC 2.15.010.B. Commissioners may also be removed by a majority vote of the City Council for neglect of duty, undisclosed conflict of interests, malfeasance in office, or other just cause, including unexcused absence. The Planning Commission may make recommendations to the City Council for removal.
- 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 Duvall Municipal Code 2.15.010.

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

- A. Duties of the Commission. The Planning Commission shall undertake the duties and responsibilities as set forth in DMC 2.15.030 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. When participating in a recommendation, it shall be the obligation of every Commissioner to be familiar with the facts on a matter to reach an informed, reasoned decision. If a Commissioner was absent from a meeting, the Commissioner shall familiarize themselves 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 in accordance with DMC 2.15.020 and are subject to the following:
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; and
 - ii. Keep the meeting to its order of business; and
 - iii. Control discussion in an orderly manner; and
 - iv. Give each Commissioner an opportunity to speak when recognized by the Chair; and
 - 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.
 - g. It shall be the Chair's duty to see that the transaction of Commission business is in accordance with these by-laws.

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.
- C. Term. The term of an Officer shall be defined as one year. An Officer may serve in the same capacity for no more than three (3) consecutive one-year terms.
1. *Term Expiration.* If the term of the Commissioner who is serving as the Chair ends prior to the January election, the Vice-Chair will assume the responsibility of Chair until the annual elections are conducted.
 2. *Interim Chair.* If a Commissioner who is serving as the Chair leaves the Commission prior to December of the Chair's term, a majority of the Commission shall elect an interim Chair until the annual elections are conducted.
 3. *Resignation.* Should a Chair or Vice-Chair resign prior to December of their term, a majority of the Commission shall expeditiously elect a new officer to fill the vacancy for the expired term.
- D. Clerk of the Planning Commission. City staff shall serve in the capacity of the Clerk of the Planning Commission with the following duties:
1. *Agenda Preparation.* 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. *Agenda Posting.* At the minimum, the Clerk shall post agendas and notices of cancellation on the bulletin board at the Duvall City Hall and on the City's website.
 3. *Meeting Minutes.* The Clerk shall prepare summary minutes, which must be approved by the Planning Commission at the next regularly scheduled or as soon thereafter the meeting. Approved minutes shall be made part of the permanent record of the Planning Commission.
 4. *Meeting Recording.* The Clerk shall record each meeting of the Planning Commission either by audio or audio/visual. 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 January 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. *Chair.* 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. *Vice-Chair.* 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. *Terms.* 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

- A. Regular Meetings. Regular Meetings are those meetings of the Planning Commission that occur at regularly scheduled days and times. The regular meeting time, day, location, and frequency is established by the City Council by resolution. The Planning Commission may recommend to the City Council their desired meeting times, days, locations, and frequencies.

- B. Special Meetings. Special Meetings are those meetings of the Planning Commission that occur outside of regularly scheduled days, times, or locations. Special meetings may be called by the Chair of the Planning Commission, the City Council or Mayor, City Administrator, or Community Development Director and conform to the requirements of the OPMA and specify the time and place of the special meeting and the subjects to be considered, and that no subject other than those specified in the notice shall be considered.
- C. Joint Meetings. Joint Meetings are those joint meetings between the Planning Commission and the City Council. Joint Meetings may be hosted by either the City Council or by the Planning Commission. When hosted by the Planning Commission, the Clerk of the Planning Commission shall be responsible for advertising such meeting and posting and distributing the agenda as specified in Section G.
- D. Executive Sessions. Executive Sessions of the Planning Commission may be held in accordance with the provisions of RCW Chapter 42.30.
- E. Noticing. All Planning Commission regular, special, joint meetings, and public hearings shall be properly noticed by the Clerk of the Planning Commission in accordance with DMC Chapter 14.08 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.
- F. Cancellation. 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. The Community Development Director is also authorized to cancel a Planning Commission meeting for lack of agenda items or if there are conflicts with observed holidays.
- G. Agenda Posting & Distribution. Planning Commission agendas and associated packet materials shall be posted and distributed as follows:
1. *Posting.* The Planning Commission Agenda and associated packet materials shall be posted to the City's website the week prior to the scheduled meeting—ideally seven (7) days in advance but no less than five (5) days in advance. Only the Planning Commission agenda needs to be posted on the City Bulletin Board at City Hall.
 2. *Distribution.* The Planning Commission Agenda and associated packet materials shall be electronically distributed to the City's Planning Commission, City Council, and individuals scheduled on the agenda for presentation, the week prior to the scheduled meeting—ideally seven (7) days in advance but no less than five (5) days in advance.

H. Meeting Length. Meetings of the Planning Commission shall be limited to two (2) hours provided that the Planning Commission, upon motion, shall either a) extend the meeting for a specified period or b) continue the meeting to a future specified time and date. Meetings anticipated to be approximately one and a half hours in length will include a five (5) minute recess as noted on the meeting agenda.

I. Order of Business.

1. *Order.* The order of business for each regular meeting of the Commission shall generally be as follows:

- a. **Call to Order & Flag Salute** – Those Commissioners wishing to do so may exercise their First Amendment rights by not participating in the flag salute.
- b. **Roll Call** – The Chair will call those in attendance and note those that are not in present. A note will be added in the minutes for Commissioners who arrive after roll call is taken.
- c. **Approval of Agenda** – The meeting agenda shall be approved by the Commission before proceeding. Amendments to the agenda may be proposed at this time by either Commissioners or City staff.
- d. **Good of the Order** – This is an opportunity for Commissioners to discuss topics they would like discussed that are not on the agenda.
- e. **Approval of Minutes** – Commissioners will be presented the opportunity to approve the meeting minutes from previous meetings. If there are corrections needed, the Chair shall direct the Clerk of the Planning Commission to make such changes.
- f. **Staff Announcements** – City staff will provide announcements.
- g. **General Public Comment** – This is an opportunity for those in physical attendance to provide general comments to the Planning Commission on topics not listed on the agenda.
- h. **Public Hearings** – This is a formal opportunity for the public to provide comment on proposed policy or code changes. The Chair will provide the hearing rules and outline at the beginning of the hearing.
- i. **Design Review** – This is a formal opportunity for the Planning Commission to review the design of a proposed development project (as required) and for the public to provide comment related to the design of the proposed development.
- j. **New Business** – These are new agenda items not previously discussed and will be presented by staff for education/discussion with the Planning Commission.
- k. **Unfinished Business** – These are previously discussed items for which more discussion or final action is needed.
- l. **Reports of Committees** – This is an opportunity for Commissioners to report back to the Commission on items discussed by such committees.
- m. **Written Reports/Study Items** – These are items provided to the

Commission by staff for Commissioner education. Questions and discussion on such items may take place as determined by the Chair.

- n. **Study Session** – These are informal opportunities for discussion between staff and the Commission regarding relevant items. Comments may be received from the public during a study session at the Chair’s discretion.
- o. **Adjournment** – The Chair adjourns the meeting when it is apparent there is nothing further to discuss after the Good of the Order.

- 2. Topics not scheduled for a meeting do not need to be included on the agenda. Adjustments to the order of business including subject matter may be made as necessary by Clerk of the Planning Commission. Adjustments to the agenda after publication require approval by the Planning Commission.

J. Public Comment and Testimony. Public comment and testimony during a meeting shall be subject to the following:

- 1. *Opportunity*. Planning Commission regular meetings shall provide the public to express its views in-person in during General Public Comment period on the agenda. If a public hearing is on the agenda, public comments related to the hearing item(s) should be provided during the hearing and not during the General Public Comment period. Members of the public attending remotely are not permitted an opportunity for public comment. General Public Comment at a Special or Joint Meeting is not required.
- 2. *Engagement*. Public comment and testimony are not opportunities for dialog between members of the public and Planning Commissioners. If a member of the public asks direct questions of the Planning Commission, the Chair will defer to staff who will provide answers to such questions following the meeting. As determined by the Community Development Director, certain questions by be immediately addressed by staff.
- 3. *Receipt of Public Comment*. During the General Public Comment item on the agenda, the Planning Commission will take oral public comment on any subject which is not specifically scheduled on that meeting’s agenda. Public comment for items on the agenda may only be made after the item has been presented to the Commissioners only if the Chair opens a public comment period for the agenda item being presented to the Commissioners.
- 4. *Public Hearings*. Opportunity for public comment during a public hearing will be provided. A public hearing is a formal opportunity for citizens to provide their viewpoints to the Commission for consideration in its decision making on the item. The Chair will specify the rules and order of operation of at the beginning of the public hearing.
- 5. *Time Limitations*. Individuals may speak for three (3) consecutive minutes or less.

An individual speaking on behalf of a group or organization may speak for five (5) consecutive minutes in lieu of other members of the group or organization speaking.

6. *Time Donations.* Time cannot be donated by one speaker to another.
7. *Extensions.* The Chair or the Vice Chair, acting as Chair pro-tem, has discretion to limit or extend time limitations.
8. *Timekeeper.* The Clerk of the Planning Commission shall be the timekeeper for all public comment or testimony.
9. *Advisement.* 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. The Chair shall advise speakers that the Planning Commission will not engage in dialog with any of the speakers and that if they have questions, to please submit them to City staff for a later response. Each speaker must begin by clearly stating their first and last name, city of residence, and if applicable, the organization they are representing.
10. *Close of Public Comment.* Prior to closing the testimony or comment period, the Chair shall inquire if there are any additional speakers, other than those that have signed up and previously spoken, and if there are they shall be allowed to speak.
11. *Public Decorum.* Any person making disruptive, impertinent, slanderous or threatening remarks while addressing the Planning Commission or during the meeting shall be asked to leave by the Chair and barred from further audience before the Planning Commission at that meeting. If audience dialogue becomes disruptive, the Chair may recess the meeting or request that the meeting be adjourned by a vote of the Commission.
12. *Method of Testimony.* Speakers will not be permitted to present comments or testimony via electronic methods (e.g. PowerPoint or screen sharing). Speakers may utilize visual aids; hardcopies of visual aids may be submitted to the Clerk for distribution to the Planning Commission.

ARTICLE VI - RULES OF MEETINGS

- A. Attendance. Attendance is expected of each Commissioner at all regular, joint, and special meetings subject to the following:
 1. *Absence Notification.* If 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 Community Development Director, who shall

convey the message to the Chair.

2. *Unexcused Absences.* If a Commissioner fails to provide the required notice, the absence will be considered unexcused. The unexcused absence of a Commissioner from three (3) consecutive regular meetings may be cause for removal. A combined unexcused and excused absence of a Commissioner from four (4) consecutive regular meetings may also be cause for removal. Missing more than five (5) meetings during a calendar year, whether excused or unexcused may also be cause for removal. The Chair shall be responsible for providing notice to the City Administrator of any Commissioner that meets these thresholds.

3. *Punctuality.* Commissioners are expected to be on-time to scheduled meetings.

B. Remote Attendance. The Commission recognizes the benefits of full attendance of its members at regular, joint, 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 Community Development Director, who shall convey the message to the Chair. After the Chair has called the roll at a meeting, the Chair shall indicate any Commissioner attending remotely. If joining after roll call, the Chair 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.

a. *Commissioner Remote Attendance Requirements:*

- I. Remote attendance by a Commissioner shall be through the City's approved online videoconferencing application.
- II. A Commissioner's camera should be turned on when participating in the meeting.
- III. A Commissioner attending remotely will be marked present, counting towards a quorum and can vote during the meeting as if they were physically present.
- IV. A Commissioner attending remotely must be able to hear public comments or testimony and staff presentations in real time.
- V. A Commissioner attending remotely should log into the meeting at least five (5) minutes before the scheduled start of the meeting.

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.

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.

E. Voting. Voting shall be conducted in accordance with the following:

1. *Number of Votes.* Each Commissioner shall have one (1) vote.
2. *Presence.* Only Commissioners present at a meeting (whether attending in-person or remotely) may vote. No vote may be cast by proxy.
3. *Manner.* 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. *Action.* In instances where a vote is called for or required, the present majority is sufficient to act (providing a quorum is present).
5. *Silence & Abstentions.* 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. *Majority.* A majority vote shall carry.
7. *Ties.* In the event of a tie vote, the motion fails.

F. Adjournment, Recess, and Continuance

1. *Adjournment.* Meetings shall be adjourned by a by the Chair when it appears that there is no further business to be conducted.
2. *Recess.* 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. *Continuation.* 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 a reasonably possible on the bulletin board in Duvall City Hall and the City's website.

ARTICLE VII - COMMITTEES

- A. Committees. Committees may be appointed by the Chair and serve at the pleasure of the Planning Commission.
1. *Number.* A committee shall consist of no more than three (3) Commissioners, with the chair of the committee selected by the Chair.
 2. *Subject.* 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. *Reporting.* 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.
- C. Other Committees. From time to time, the Chair, in consultation with the Community Development Director, may assign Planning Commissioners to other staff led committees related to long range planning or City projects.

ARTICLE VIII - CODE OF ETHICS AND DECORUM

- A. Appearance of Fairness. Commissioners shall abide by the Appearance of Fairness Doctrine as specified in Chapter 14.36 RCW.
- B. Conflict of Interest. To preserve the integrity of the Planning Commission, if a Commissioner reasonably believes that they have a conflict of interest about a matter before the Planning Commission, the Commissioner should recuse themselves from discussion or vote on the matter and shall leave the room while the matter is under consideration. A Commissioner may seek advice from the Community Development Director in making this determination.
- C. Ethics. Members of the Planning Commission shall fully comply with chapter 42.23 RCW, Code of Ethics for Municipal Officers and all City ethic requirements.
- D. Interruptions & Delay. 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 or presenter while speaking nor refuse to obey the orders of the Chair.

- E. OPMA Compliance. 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.
- F. Position Disclaimer. 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 their statement reflects their opinion if it is not the official position of the Planning Commission.
- G. Representation. A Planning Commissioner is a representative of the City of Duvall and therefore, a Commissioner's actions should reflect that representation.

ARTICLE IX - AMENDMENTS

- A. Committee Option. Prior to amending these 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.
- B. Notice. 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.
- C. Timing and Affirmation. These By-Laws 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).