



Snohomish County

**PLANNING COMMISSION
PLANNING & DEVELOPMENT SERVICES**

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PLANNING COMMISSION BYLAWS

August 25, 2009

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ARTICLE I: ESTABLISHMENT

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

ARTICLE II: MEMBERS

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

made by the County Executive and any Council member. The others, two from each Council district, shall be nominated by the Council member representing that district. Members shall reside within the district from which they were nominated and appointed.

ARTICLE III: OFFICERS

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

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

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

ARTICLE IV: MEETINGS

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

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

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

If, for any reason, the business to be considered at a regular or special meeting day cannot be then completed, the Commission may at such meeting recess and designate the time to reconvene to consider the uncompleted matter, provided that such action shall be publicly announced at the meeting, and notice thereof shall be immediately posted in a conspicuous place on the County Campus. Provided, further, that if such reconvened meeting is not held on a regular meeting day, notice thereof shall be given in the manner provided for notice of special meetings.

Special meetings may be called at any time by the Chairperson or, in the Chairperson's absence, by the Vice-Chairperson, or by a majority of the members of the Commission, by delivering personally, electronically, or by mail, written notice to each member of the

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

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

ARTICLE V: AGENDA AND STAFF REPORTS FOR REGULAR MEETINGS

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

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

Where any matters filed with the Department of Planning and Development Services for consideration and action by the Planning Commission, which matter is deemed by the Director of the Department of Planning and Development Services to be of concern to other departments of the County and other public agencies in the County, the Department of Planning and Development Services shall notify each such interested department of the impending matter and request a report or recommendation, if any, on the matter. The notification to the other departments shall include any pertinent information, maps or other material and data as will clearly indicate the type of action under consideration. Information resulting from the departmental reports and recommendations shall be considered by the Planning Commission at the time the matter is before it.

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

ARTICLE VI: MINUTES AND RECORDS

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

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

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

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

ARTICLE VII: HEARINGS

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

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

ARTICLE VIII: QUORUM, MAJORITY AND VOTING REQUIREMENTS

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

ARTICLE IX: PUBLIC STATEMENTS

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

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

ARTICLE X: EX-PARTE CONTACTS AND SHARING OF INFORMATION

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

With respect to matters of a quasi-judicial nature, members shall abide by the provisions of the Appearance of Fairness Doctrine of the State of Washington, as codified at chapter 42.36 RCW; and the Snohomish County Code of Ethics, chapter 2.50 Snohomish County Code ("SCC"), as adopted or subsequently amended. Examples of quasi-judicial land use matters are those which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceedings. Ex-parte communications during the pendency of any quasi-judicial proceeding are prohibited unless the member engaged in such communications: 1) places on the record the substance of any written or oral ex-parte communications concerning the decision of action; and 2) provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered.

ARTICLE XI: CONFLICT OF INTEREST

If it shall appear to any member at any time that a conflict of his or her interest may arise which could embarrass the integrity of the Commission, it shall be the member's duty to openly state

the nature of such conflict, and shall then refrain from any subsequent Commission participation, deliberation or voting on the subject matter for which conflict arises.

ARTICLE XII: ETHICS

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

ARTICLE XIII: COMMITTEES

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

ARTICLE XIV: ORDER OF BUSINESS

The order of business at regular meetings shall be:

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

ARTICLE XV: ATTENDANCE

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

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

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

ARTICLE XVI: CONDUCT OF BUSINESS

The Planning Commission Chairperson shall conduct the meetings.

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

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

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

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

ARTICLE XVII: DECISIONS OF THE COMMISSION

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

Majority Recommendations and Minority Reports

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

In cases where majority, but non-unanimous decisions are reached, minority reports may be prepared and forwarded to the Council. When the minority consists of a single member, that member may give notice to the Chairperson of intent to prepare a minority report. When the minority consists of more than one member, the minority report may be prepared by the Department of Planning and Development Services staff upon request. Notice of intent to file a minority report must be provided to the Chairperson within three calendar days of the Commission decision. A minority report or reports shall be submitted within ten calendar days of the Commission decision or the right to transmit such report shall be deemed to have been waived. All minority reports shall be signed by the members who prepare or request preparation of the report and shall be transmitted by the Chairperson to the Department of Planning and Development Services at the same time as the majority recommendation.

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

Non-Recommendation Reports

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

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

ARTICLE XVIII: AMENDMENTS TO BYLAWS

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

Bylaws adopted the 26th day of April 1971.

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

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

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

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

AMENDED AS INCORPORATED HEREIN

the 9th day of April 1996.

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

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