



Staff Report for the Planning Commission

Report Date: 2/1/17

Meeting Date: 2/7/17

This staff report was prepared by Scott Diener, Development Services and Engineering Manager, based on information available up until the time the report was prepared. New information relevant to review of this application may become available prior to the meeting or at the meeting. Staff may wish to change their analysis based upon that new information, and reserves the right to do so.

Action Requested: Review Resolution Establishing revised Planning Commission Rules of Procedure

Recommendation: Staff is asking that the Planning Commission consider the attached resolution updating the Rules of Procedure for the Planning Commission.

Attachments:

Attachment A – Resolution

Attachment B – Rules of Procedure (Draft)

Scott Diener, Development Services and Engineering Manager

02/01/17

Date

RESOLUTION ____ - 2017

**APPROVING RULES OF PROCEDURE FOR THE
KITSAP COUNTY PLANNING COMMISSION**

WHEREAS, the Kitsap County Board of Commissioners advocates public participation and supports and encourages citizen involvement in all matters of County government; and

WHEREAS, Kitsap County Code Chapter 2.56 creates a Kitsap County Planning Commission consisting of nine members; and

WHEREAS, the rules of procedure are standards by which the Planning Commission functions, directs and clarifies its actions, procedures and organization, and is the mechanism by which the Planning Commission provides recommendations to the Board on land use, development, comprehensive planning and policy matters; and

WHEREAS, the Planning Commission has submitted the attached rules of procedure for approval by the Board of County Commissioners; and

NOW THEREFORE, BE IT RESOLVED BY THE KITSAP COUNTY BOARD OF COMMISSIONERS that the attached rules of procedure are approved.

Rules of procedure are in full force and effect when approved by the Board of County Commissioners

Dated this ____ day of _____ 2017

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON**

CHARLOTTE GARRIDO, Chair

ROBERT GELDER, Commissioner

EDWARD E. WOLFE, Commissioner

ATTEST:

Dana Daniels, Clerk of the Board

KITSAP COUNTY PLANNING COMMISSION RULES OF PROCEDURE

I. Purpose of the Kitsap County Planning Commission

A. The Kitsap County Planning Commission shall assist the Kitsap County Department of Community Development in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and the adoption of development regulations, as defined in the Kitsap County Code (KCC), Chapter 2.56 and Chapter 36.70 RCW.

II. Meetings and Location

A. The Commission shall convene on the first and third Tuesday of each month in the Board of County Commissioners (Board) Chambers, Kitsap County Administration Building, 619 Division St, Port Orchard, Washington, unless otherwise noticed. Meetings may be held on such other occasions, times and places as the business of the Commission may require.

B. The Commission shall conduct a special meeting at the call of the Chair or upon the written request of a majority of the Commission to the Secretary or Clerk of the Commission, so long as twenty-four hours advance notice to all Commission members has been given. Such notice shall include specific items of business and only those items of business set forth in the notice to the Commissioners shall be in order. Such notice shall be prominently posted on the County website and physically posted outside the entrance to the Board of County Commissioners' Chambers, Kitsap County Administration Building, 619 Division St, Port Orchard, Washington.

III. Officers, Staff and Duties

A. Each member of the Kitsap County Planning Commission shall be appointed and confirmed by the Board of County Commissioners, in accordance with RCW 36.70.080.

B. The officers of the Commission shall consist of a Chair, Vice-Chair and Secretary.

C. The Planning Commission shall, at its first regular meeting of each year, organize itself by electing a chair and vice-chair to serve until the expiration of the calendar year. Elections shall be held by open nomination by way of a main motion, subject to a 'second' to the main motion, and shall be voted in accordance with majority rules. In the case of a declared vacancy or of the resignation of the Chair, the Vice-Chair shall

automatically serve the remainder of the Chair's term of office. A special election will be held at the next regular meeting to elect a second Vice-Chair to serve until the next regular election. If the Vice-Chair position is vacated, the office of Vice-Chair shall be filled via an election at the next regular meeting following the notice of vacancy or resignation.

D. Chair. The Chair shall preside over meetings of the Commission exercising all the powers usually incident to the office. The Chair shall have the full right and obligation to have his/her own vote recorded in all deliberations/recommendations of the Commission.

E. Vice-Chair. The Vice-Chair shall, in the absence of the Chair from any meeting, perform all the duties incumbent upon the Chair.

F. Secretary. The Commission shall appoint a secretary who need not be a member of the Commission. Alternatively, the Commission may delegate the secretary's duties to the Clerk of the Commission.

G. Clerk. The Director of the Department of Community Development shall assign a staff member who shall act as Clerk to the Planning Commission. The duties of the Clerk shall include, but are not limited to, keeping a record of all meetings of the Planning commission; publishing notices for Planning Commission meetings, disseminating information regarding Planning commission meetings to the Commission members and to the public.

H. Removal from Office. Any appointed member of the commission may be removed by the Board of County Commissioners for inefficiency, negligence of duty or malfeasance of office, as noted in RCW 36.70.110.

IV. Conduct of Meetings and Hearings

A. The powers and duties of the Planning Commission shall be such as are prescribed by Chapter 36.70 RCW, as amended, and other applicable laws of the state; and the Planning Commission shall also perform such other duties as are not inconsistent with the laws of the state, at the direction of the Board of County Commissioners.

B. The Planning Commission shall conduct such hearings as are required by Kitsap County Code and state statutes, and shall make findings of fact and conclusions, which shall be transmitted to the Department of Community Development for transmittal to the Board, along with such comments and recommendations as the Department shall deem necessary. At its discretion, the Board may choose to act directly on specific land-use matters without the input of the Planning Commission, where an emergency exists, or

where the matter concerns an issue that was remanded by a court or a state administrative review body.

C. In formulating its recommendations to the Department of Community Development for transmittal to the Board, the Planning Commission may be required to conduct public hearings. All such meetings and hearings of the Planning Commission committees shall be conducted in a manner consistent with the Code of Ethics for Municipal Officers, Chapter 42.23 RCW, the Open Public Meetings Act, Chapter 42.30 RCW, the Appearance of Fairness Doctrine as applicable, Chapter 42.36 RCW, and applicable public participation policies of the county.

D. The Planning Commission shall prepare an annual report that reviews the previous twelve months' activities. Department of Community Development shall assist in scribing the report. The report shall be affirmed by the Planning Commission by majority vote present.

E. The Planning Commission shall meet at least once annually with the Board to, at minimum, review its roles, expectations and performance. The meeting shall be an opportunity to review the latest annual report of the Planning Commission as well as upcoming legislative and work programs.

V. Composition of the Planning Commission.

The Planning Commission shall be composed of nine members, whose members shall be appointed by the Kitsap County Board of Commissioners in accordance with RCW 36.70.080 and KCC 2.56.035. Appointments to the Planning Commission shall be staggered and each member's four-year term shall commence on the first day of January of the year when the term created herein shall expire and the four-year anniversary thereof.

VI. Conduct of Business

A. Parliamentary Procedure. The rules contained in the current edition of 'Robert's Rules of Order Newly Revised' will be followed, except as otherwise amended herein.

B. Quorum. The majority of the appointed membership of the Planning Commission will constitute a quorum for the transaction of all business at meetings. All actions of the Planning Commission shall be determined by a majority vote at a meeting at which a quorum is present. In accordance with Ch. 36.70 RCW, as it now exists or is hereafter amended, the Planning Commission's recommendation regarding the Comprehensive Plan, Comprehensive Plan amendments or development regulations shall be by affirmative vote of not less than a majority of the total members of the Planning Commission.

C. Minutes and Audio Recordings. Minutes of all meetings shall be prepared for the record. In accordance with “Robert’s Rules of Order,” minutes shall be succinct and shall record what is done, including motions, recommendations made and hearings that have been continued. In accordance with “Robert’s Rules of Order,” minutes are not verbatim records of what is said or of testimony at meetings. Audio recordings of all meetings shall be made available to the public, staff and officials, and shall be posted and kept on the County’s website. Minutes and audio recordings shall be 'indexed' in relation to each other according to items on the related agenda.

D. Minority Reports. A Planning Commissioner whose vote was in the minority may submit a minority report briefly explaining their position to be forwarded to the Kitsap County Board of Commissioners for consideration. Minority reports must be attached to the Findings of the Planning commission as a minority report and signed by the planning commissioners participating in the minority report.

E. Public Spokespersons. Unless otherwise specified by the Chair, the Chair and Vice-Chair will be the only official spokespersons for the Planning Commission.

F. Chair and Vice-Chair Absent. Where the Chair and Vice-Chair are both absent, the members present may elect for the meeting a temporary Chair who shall have full powers of the Chair during the absence of the Chair and Vice-Chair.

G. Email Communication. The Commission shall be mindful of the Open Public Meetings Act when conducting communication via email. If a 'copy' or 'Cc' email address is provided by the department, all communication from Commissioners shall include the specific address as a 'copy' in its distribution. The Commission shall not engage in dialogue or discussion of business via email. Emails sent to one member shall be sent to all members, the Clerk and the departmental 'copy' email address if applicable.

H. Performance of Duties. In the performance of its ordinary duties, the Planning Commission shall apply the Code of Ethics for Municipal Officers (Chapter 42.23 RCW), the Open Public Meetings Act (Chapter 42.30 RCW), the Appearance of Fairness Doctrine as applicable (Chapter 42.36) and applicable public participation policies of the county.

VII Reconsideration

A. Reconsideration, if successful, allows a Commission member to bring back for a quorum's further consideration a motion which has already been voted on. The purpose of reconsidering a vote is to permit correction, to take into account added information, or a changed situation that has developed since the taking of the vote. Procedures for reconsideration must be consistent with the following:

1. A motion for reconsideration may be made only at a regular or special meeting by a member who voted on the prevailing side. The reasons to reconsider must be stated in the motion of reconsideration and must be seconded. When a member who cannot move for reconsideration believes there are valid reasons for reconsideration, he/she should, time and opportunity permitting, try to persuade a member who voted on the prevailing side to make such a motion. A second for reconsideration may be made by any member of the Commission.
2. The making of a motion for reconsideration and its second is subject to expiry at the conclusion of the next regularly scheduled meeting following the meeting at which the motion was originally voted upon. If the motion for reconsideration is seconded, and is timely, the reconsideration must be heard and voted upon at the same meeting.

VIII. Recommended Amendments to Rules of Procedure

- A. The Commission may recommend that the Board consider amendments to the Rules of Procedure. Such recommendations may be made at any regular or special meeting of the Commission, provided that the following conditions have been met:
1. The proposed change has been an item of business at a previous meeting;
 2. The proposed change has been communicated to the membership ten (10) days prior to the meeting at which changes shall be voted upon;
 3. The proposed change is not in conflict with any state or local regulations; and
 4. The proposed change receives a favorable majority vote of a Commission quorum.

IX. Meetings Rules and Procedures

- A. **Exercising Powers.** The general powers of the Commission shall be exercised by a motion adopted by the Commission.
- B. **Inconsistent Motion.** A motion that is inconsistent with Washington law or local regulations has no validity.
- C. **Intent of Motion.** All motions shall express fully and clearly the intent of the mover and should be worded in the affirmative.
- D. **Motion to be Seconded.** A motion is not properly before the Commission and shall not to be considered until it has been seconded.

- E. Motion for Discussion. No motion shall be entertained or debated until duly seconded and announced by the Chair.
- F. Withdrawing Motion - After a motion has been moved and seconded, it shall not be withdrawn without the consent of the majority of members who are present.
- G. Lost Motion. A question or motion shall be declared lost or defeated when it:
1. does not receive a majority vote;
 2. does not receive the required number of votes; or
 3. receives an equal division of votes; or
- H. Debatable Motions. Except as specifically provided elsewhere in these Rules, the following motions are debatable by the Commission:
1. a motion arising out of any matter included on the agenda for the meeting at which it is debated;
 2. a motion concerning any question, matter or subject tabled indefinitely from a previous meeting of the Commission at which it was discussed;
 3. a motion for concurrence in, rejection or further consideration of a report to the Commission;
 4. a motion to receive and file; and
 5. such other motions made upon routine proceedings as may be determined necessary by the Commission.
- I. Privileged Motion. When a motion has been introduced and is before the Commission, no member shall make any other motion except a motion to:
1. amend the motion;
 2. refer the main question to some other person or group for consideration;
 3. table the main question; or
 4. adjourn the meeting.
- J. Motion to Table. A member moving a motion to table any matter, whether the matter is contained in a petition, motion or other matter before the Commission shall include in the tabling motion the time at the present meeting or the date of a future regular meeting to which the matter is to be tabled. A motion to table shall not be debated except as to the time when the Commission will again consider the matter. A matter which has been tabled shall not again be considered by the Commission before the date set, except on a majority vote of all members.
- K. Referral Motion. A motion to refer a matter shall not be amended or debated, except with respect to the conditions of the referral or the time required to carry out the review. The substantive issue of the item being referred shall not be debated and a member making a referral motion generally should include in the motion:
1. the terms on which the motion is being referred; and
 2. the time when the matter is to be returned.

L. Division of Motion. A motion containing several distinct propositions shall not be out of order for that reason alone and where a member so requires or the Chairperson so orders, the Commission shall vote on each proposition separately.

M. Amendment to Motion. An amendment proposed to a motion shall be relevant to its subject matter and shall not propose a direct negative of the motion.

N. Amendment to Amendment. Only one amendment to a motion shall be before the Commission at any time, but an amendment to the amendment may be before the Commission at the same time. An amendment to an amendment shall be relevant to the amending motion and shall be voted on before the amendment to the main motion.

O. Debate on Amendment. The Commission shall only debate the merits of the amendment and not the merits of the motion it is amending.

P. Majority to Decide. Every disputed question shall be decided by a majority of the votes of the members of the Commission present at the meeting, except in cases where, under this by-law or by any Act of the Legislature, another number of votes is required to decide this matter.

Q. Voting Obligatory. Every member of the Commission present when a question is put shall vote on the question, unless a majority of the other members present excuses him or her from so doing or if such member is prohibited from voting or allowed to abstain from voting by this by-law or any other applicable law. If any member persists in refusing to vote for other than the reasons stated, he or she shall be recorded as voting in the negative on the question before the Commission.

X. Financial Obligations and Expenditures

A. No financial obligation or expenditure shall be incurred by either the Department of Community Development or the Planning Commission, except as are expressly authorized in advance by the Kitsap County Board of Commissioners as by law provided. Appropriations for the operation of both the Department and Planning Commission shall be separately identified, but office accounting and records shall be kept by the Department of Community Development.

B. Planning Commission members shall receive a stipend as approved by the Board of Commissioners in the Department of Community Development annual budget.

XI. Ground Rules

Ground Rules for regular and special meetings shall be attached to the Planning Commission Rules of Procedure.

KITSAP COUNTY PLANNING COMMISSION
GENERAL GROUND RULES

1. The Planning Commission Chair will conduct meetings according to specific topics and, when possible, timing as outlined in the agenda. Parliamentary procedures as noted in Robert's Rules shall be followed-unless otherwise noted. Meetings will start on time.
2. Out of respect for Planning Commissioners and members of the public, all cell phones and any other electronic devices must be turned off or muted. To allow for an audible record, conducting conversations with other members of the audience or staff during the meeting shall be avoided:
3. Public testimony shall be advertised and may be made orally or in writing. Testimony from the public may be limited to **three (3) minutes**, or time set at the discretion of the Chair; issues that warrant more time may be continued for future meetings. If testifying in person, names and residential locales shall be noted for the record. Testimony should identify succinct issues and desired actions of the Planning Commission. If written testimony is used, the Secretary or the Clerk of the Planning Commission should receive a copy; if copies are desired for the Planning Commissioners, the Secretary or Clerk will distribute them before the public hearing begins. Any testimony can be submitted in writing in lieu of oral testimony.
4. Meetings may be conducted without a quorum present. However, a quorum will be required for formal recommendations via voting on motions, which will be duly noted for the record by Planning Commission Secretary or Clerk. Five (5) members of the Planning Commission shall constitute a quorum.
5. Any member desiring to speak shall be recognized by the Chair and shall confine his/her remarks solely to the subject under consideration.
6. Summary ground rules are also noted on the last page of Planning Commission agendas.
7. Kitsap County does not discriminate on the basis of disability. Individuals who require accommodations at this meeting, or who require this information in a different format, should contact the ADA Coordinator at (360) 337-7181 (voice) or (TDD) (360) 337-7275 or (800) 816-2782. Please provide one week's notice for accommodations, if possible.