



City of Stevenson

Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371
Stevenson, Washington 98648

TO: Planning Commission
FROM: Ben Shumaker
DATE: December 14th, 2020
SUBJECT: Planning Commission Bylaws

Introduction

This memo provides a copy of the Planning Commission Bylaws for review/discussion. The bylaws were last updated in 2014. No specific action is anticipated as a result of this discussion.

Prepared by,

Ben Shumaker
Community Development Director

Attachments:

- 1 City of Stevenson Planning Commission Bylaws, August 11, 2014

Stevenson Planning Commission

Statement of Purpose

August 11, 2014

The purpose of the Planning Commission is:

To study and plan for the physical development and needs of the community through comprehensive planning; initiatives;

To consider the community's Cornerstone Principles (High Quality of Life, Natural/Scenic Beauty, Healthy Economy, Active Waterfront) when developing land use plans, development standards and ordinances, and establishing goals and policies for future development;

To thoughtfully review all development proposals (whether public or private) fairly, openly and on their merits;

To provide the Mayor and City Council with sound advice and guidance concerning development proposals and community planning matters;

To be receptive to the community's directions and changes and to be willing to reexamine plans, procedures and rules so they address the present;

To be well informed and in close touch with the staff, to have high expectations and to remain independently critical;

To perform such other powers and duties specified in RCW 35A.63 or assigned to the Commission by ordinance of the City Council.

Bylaws

City of Stevenson Planning Commission

We, the members of the Planning Commission of the City of Stevenson, State of Washington, pursuant to Ordinance 1029 passed on June 18th, 2009 by the City of Stevenson, do hereby adopt, publish and declare the following bylaws:

Article I – Membership, Terms and Vacancies

- A. At least four members shall be residents of the City, and one [member residing elsewhere in Skamania County and nonresident member](#) having some business or other interest in the planning and development of the City may be appointed in an “at-large” capacity
- B. In the case of a vacancy of a Commission position, after advertizing for interested parties in accordance with SMC 2.12.020(E), the Commission shall submit the name of a candidate to the Mayor and City Council for approval.
- C. The six (6) year terms of office shall be reviewed annually at the time of election of officers..
- D. Ex officio members appointed to the Commission by the Mayor are non-voting members, except as discussed in RCW 35A.63.020.

Article II – Organization, Meetings and Records

- A. Officers
 1. The Chair and Vice-Chair of the Commission shall be elected as the first order of business at the first meeting in January of each year.
- B. Meetings
 1. All meetings of the Commission shall be open to the public.
 2. Pursuant to Resolution 243a adopted by the City of Stevenson, regular meetings shall be held at 6:00 PM on the second Monday of each month. At the discretion of the Chair, meetings lasting later than 8:30 may be continued from such a meeting to a stated later date.
 3. Official or continued meetings may be adjusted to avoid conflict with a major or legal holiday. Special meetings may be called by the Chair as provided by RCW 42.30.080.
 4. Meeting location shall be at Stevenson City Hall unless prior public notice of an alternate location is advertised.
 5. Meetings may be cancelled due to lack of an agenda with the approval of the Chair.
 6. Official action of the Commission shall be made by vote, and only at official meetings.
- C. Quorum
 1. A quorum consists of a majority of the membership (excluding vacant seats). Actions are taken by the majority vote of the members present, a quorum being present. A member present may abstain from voting for cause.
- D. Agenda
 1. Agendas will be finalized and made available by 12:00PM on the Thursday prior to the meeting. The agenda will be posted on the City’s website and at City Hall and provided to the Commission

in advance of the meeting to allow the Commission members an opportunity to review prior to the meeting.

2. The suggested format for the agenda is as follows:
 - a. Introduction of Invited Guests
 - b. Minutes
 - c. Public Comment Period
 - d. New Business
 - e. Old Business
 - f. Staff Reports
 - g. Discussion
 - h. Adjournment
3. The printed agenda of a regular meeting may be modified, supplemented or revised by the majority affirmative vote of the Commission members present. The agenda may be divided into sections and scheduled for continued meetings when it is apparent that one meeting will not be able to complete the eligible cases.

E. Attendance

1. Attendance at regular meetings is expected of all Commission members.
2. Occasionally a Commission member will not be able to physically attend a meeting due to personal or work conflicts. Provided that the Commission member received a full meeting packet and is prepared, interested, and able to participate in the meeting, the Chair may allow the member to participate via conference call, video conference, or similar electronic mechanism.
3. Any member anticipating absence from an official meeting should notify staff in advance.
4. Any absence may be excused by the Chair even for an extended period. After three (3) consecutively missed regular meetings, the members will be contacted and asked to reaffirm to their fellow Commission members their desire to remain on the Commission

F. Operation

1. Meeting operations are carried out according to RCW 42.30-Open Public Meetings, RCW 42.32-Meetings, and RCW 42.36-Appearance of Fairness Doctrine—Limitations.
2. Under the Open Public Meetings Act the public must be allowed to attend Commission meetings, but the Act does not require the public be allowed to speak during Commission meetings. To foster both public participation and meeting efficiency, the Chair shall select one of the following public participation options prior to commencing any meeting or agenda item:
 - a. Option 1- Each speaker will be offered three (3) minutes to express their thoughts during the general public comment period and three (3) minutes to comment during each public hearing period. Under certain circumstances the Chair may announce a change in a meeting's time limits. Speakers may not convey or donate their allotted time to another speaker. Written comments may also be submitted for the record.
 - b. Option 2- After being acknowledged by the Chair, any member of the public may participate in discussion throughout the meeting. Participants should keep comments brief, respectfully, and related to the agenda topic. Written comments may also be submitted for the record.
3. Certain decisions of the Commission, such as decisions on conditional uses, variances, and subdivision recommendations are quasi-judicial in nature. In these cases, the Commission acts "as if it were a judge" and must base its decisions on the "record" of the matter. The "record" consists of all testimony or comment presented at the hearing and all documents and exhibits that

have been submitted. In quasi-judicial hearings, Commission members shall comply with all applicable laws and be guided by Appendix A of these bylaws.

G. Records

1. Official files and records of the Commission shall be maintained in accordance with the State records retention schedule.

H. Official Action

1. The Commission shall act as a body in making its decisions and in announcing them. The Chair or the Chair's designated spokesman will speak for the group in a public meeting.
2. All Commission discussions and motions may be guided by Robert's Rules of Order, Newly Revised at the Chair's discretion.
3. Method of presenting official recommendations to the City Council:
 - a. An official recommendation to the City Council must be moved, seconded and passed by majority vote of the Commission.
 - b. Official recommendations shall be recorded by staff in the Commission minutes.
 - c. Official recommendations shall be transmitted to the City Council for their next scheduled meeting.
 - d. Special reports or recommendations to the City Council may be made by a designated Commission member or staff person.
 - e. The Chair or a member may be designated to represent the Commission at special functions, seminars or meetings of interest to the Commission.
 - f. Minority reports may accompany any report or recommendation of the Commission to the City Council.

Article III – Committees

- A. From time to time the Commission will identify the need for greater citizen participation on a wide variety of subjects. Advisory committees may be created in these instances to aid the Commission's decision making process. Advisory committees should contain at least one Commission member but shall never contain a quorum of the Commission.

Article IV – Public Relations

- A. The Commission should, in most cases, defer to the City Council to represent the City in the press and other public spheres.
- B. If a Commission member appears on behalf of the Commission before another governmental agency, community organization, or through the media, for the purpose of commenting on an issue, the Commission member shall state the majority position of the Commission, if known, on such issues. Personal opinions and comments that differ from the Commission majority may be expressed if the Commission member clarifies that these statements do not represent the Commission's position.
- C. Commission members shall have other Commissioner members' concurrence before officially representing any Commission member's views. As a matter of courtesy, any letters to the editor, interviews or other communication by a Commission member of a controversial nature that do not reflect the Commission's majority opinion should be presented to the Commission and City Council prior to publication so that the Commission and Council members may be prepared.

Article V – Expenditures

- A. The expenditures of the Commission shall be within the budget appropriations for the Commission and with the approval by the Council.

Article VI – Duties and Powers of the Commission

- A. Chair
 1. Shall preside at all Commission meetings and have the powers generally assigned such office in conducting the meetings.
 2. Shall see that the transaction of Commission business is in accord with law, ordinances, these Bylaws and Roberts' Rules of Order.
 3. May appoint standing committees or special committees and assign one or more members to such committees.
 4. Shall, at the opening of the hearing on each subject, state the purpose of the hearing and may read aloud any pertinent written communications contained in the case file. Prior to a presentation, the Chair may establish a time limit on discussion on any said subject.
- B. Vice-Chair
 1. Shall assume the duties and power of the Chair in the Chair's absence, vacancy or attendance by conference call.
- C. City Staff
 1. The staff shall ensure that the following tasks are accomplished:
 - a. Keep the minutes of all regular and special meetings of the Commission.
 - b. Give notice of all special meetings to all Commission members at least 24 hours prior to the meeting.
 - c. Prepare an agenda for all special and regular meetings.
 - d. Serve proper and legal notice of all public hearings.
 - e. Draft the routine correspondence of the Commission.
 - f. Maintain files of all studies, plans, reports, recommendations and official records of the Commission.
 - g. Maintain records of Commission expenses.
 2. The Planning Director shall attend all regular meetings of the Commission unless excused. If the Planning Director has an excused absence, a staff person shall be designated to attend in the Director's absence. The Planning Director may make recommendations to the Commission and take part in discussions but shall have no vote.
 3. The City Attorney may be invited to attend certain quasi-judicial or other meetings to provide opinions, answer legal questions, or ensure the Commission adheres to appropriate legal procedures.
- D. Commission Voting Members
 1. Shall informally elect a Chair Pro-tem in the absence of the Chair and Vice-Chair.

Article VII – Conflict of Interest

- A. Any member of the Commission who, in that member's own opinion, has an interest in any matter before the Commission that would tend to prejudice the member's actions shall so publicly indicate and shall step down and refrain from voting.

Article VIII – Amendments

- A. These Bylaws may be amended at any regular meeting by the affirmative vote of three (3) members of the Planning Commission; provided that the proposed amendments have been submitted in writing at the previous regular meeting.

Adopted in regular session this _____ day of _____, _____.

Chair

Secretary

Ayes:

Nays:

Appendix A – Public Hearing Procedures Script for Quasi-Judicial Issues

The following represents a recommended procedure as a general instruction for the conduct of quasi-judicial hearings and may be followed or departed from in the Chair's discretion. Failure to follow this recommended procedure shall not constitute a *prima facie* failure of Due Process.

Opening

- The Chair shall open the public hearing by stating the name of the application.
- The Chair shall direct any persons wishing to be heard to sign in on the sign-in sheet.

Rules of Order Presented by the Chair

- The Chair shall explain that the public hearing will proceed in an orderly manner and ask that members of the public respect the process.
- The Chair shall ensure that everyone will be given an opportunity to be heard. The Chair shall ask that all comments be made standing, at a speaker's rostrum if available, or in an otherwise noticeable fashion. All speakers must first give their name and address for the officially recorded transcript of the hearing. The Chair shall further explain that if there is an appeal, the court must make its decision on the basis of what is said at this meeting.
- The Chair shall ascertain if anyone will require special accommodation in order to speak so that arrangements can be made.
- In fairness to all in attendance, each person wishing to speak will be given an opportunity to address the Commission. Depending on the number of people in attendance, the Chair may limit the initial period of time allowed. If additional time is needed, the Chair may allow additional time after all interested parties have had an opportunity to speak.
- There should be no demonstrations (clapping, cheering, booing) during or at the conclusion of anyone's presentation.
- This public hearing is the time for presentation of testimony, not an opportunity for debate between or among the presenter, the applicant, or the Commission.
- The Commission is interested in promoting an orderly public hearing to give all persons in attendance an opportunity to be heard.

Appearance of Fairness and Conflicts of Interest

- Quasi-judicial actions are defined as actions of the Commission which determine legal rights, duties, or privileges of specific parties in a hearing. The public hearing for these actions must fair in three respects: form, substance and appearance.
- All Commission members should give consideration as to whether they have:
 - A demonstrated bias or prejudice for or against any party to the proceedings;
 - A direct or indirect monetary interest in the outcome of the proceedings;
 - A prejudgement of the issue prior to hearing the facts on the record; or
 - *Ex parte* contact with any individual, excluding administrative staff, and whether the individual supports or opposes the issue.

Each Commission member must disclose whether any of the factors listed above are at issue and respond to the question “Do you have an Appearance of Fairness or Conflict of Interest issue or disclosure to make?”

- After making any such disclosures, the members in the audience are asked if there are any objections to any Commission members’ participation in the proceedings.

Order of Speaking Presented by the Chair

- Staff presentation;
- Request to staff if there were any written materials submitted and summary of any such materials;
- Comments from applicant;
- Comments from proponents;
- Comments from opponents;
- Comments from any others wishing to speak;
- Comments from applicants in response/rebuttal. New material may not be introduced;
- Response from staff to any subjects raised by any of the speakers, or any additional clarifications;
- Questions from Commission members to any speaker or staff person who made comment;
- The Chair may ask if anyone in the audience has any comments to clarify an item raised by a Commission member’s questions. No new items can be presented nor should the speaker repeat testimony given previously. This is purely an opportunity for clarification.

Commission Discussion

- The Chair, making certain there is no further testimony, closes the public testimony portion of the hearing.
- Commission discussion is held – Commission should consider discussing issues in terms of findings and potential conditions.
- Request for any further recommendations or comments from staff.
- Chair calls on the Commission members to make a motion (take action) or postpone. If action taken, Chair directs staff to prepare findings and decision.