

10/1/2024

PLANNING COMMISSION

Bylaws and Rules of Procedure



Dan Ford
CITY MANAGER

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1.0 OFFICIAL NAME/SEAT

The official name of the organization shall be the “City of Toppenish Planning Commission,” hereafter referred to as the “Commission.” The Commission is an advisory commission as selected by City Council.

The official seat of the commission shall be in the Toppenish City Hall, Council Chambers.

LOCATION: Address: 21 W 1st Avenue, Toppenish, Washington 98948.

DATE AND TIME: 3rd Wednesday of every month at 5:30pm.

All meetings will be held there except on such occasions and at such times as the commission may, by a majority vote of the commissioners present at a duly held meeting, otherwise direct.

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2.0 LEGISLATIVE AUTHORITY:

The Commission is created under the authority of Chapter 2.30 of the Toppenish Municipal Code hereafter referred to as the “TMC”. The Bylaws and Rules of Procedure are created pursuant to RCW 35.63.040 and RCW 35A.63.020

3.0 PURPOSE

The purpose of the Commission is to perform the function of a Municipal Planning Commission as outlined in RCW 35A.63 and RCW 35.63 and Section 2.30.120 TMC. The Commission serves in an advisory capacity to the City of Toppenish City Council. It is the responsibility of the Commission to make recommendations to the City Council on land use, planning, and community development and to consider all amendments to the city’s comprehensive plan. The Commission shall also conduct hearings as required in the TMC

DUTIES OF THE PLANNING COMMISSION

The responsibility of the planning commission shall be to consider all amendments, modifications or alterations to the city’s comprehensive plan, to conduct hearings as otherwise specified by this code, and to perform other planning functions for the city. Planning commission members shall attend at least nine of the regular planning commission meetings during each calendar year and shall not have more than one unexcused absence from a regular planning commission meeting during any calendar year. Any member who fails to attend regular meetings as specified herein or who fails to devote the time and effort necessary to competently and conscientiously perform planning commission duties may lose his or her membership on the planning commission

and the vacancy shall be filled by the city council. (Ord. 2024-08 § 1, 2024; Ord. 2004-4 § 1, 2004).

ORGANIZATION OF THE PLANNING COMMISSION

4.0 COMISSION APPOINTMENT / TERMS OF SERVICE

The City Council recognizes and values the opinions of the citizens of the City of Toppenish as well as those individuals who own and operate a commercial business and appreciates the value of the Toppenish Mural Society, to assist in planning and directing the safe and prosperous growth and overall wellbeing of the City of Toppenish. With that in mind. The City Council shall appoint all Commission members with the consideration of Toppenish Municipal Code 2.30.040. Any appointee must be at least one of the following:

1. The majority of commissioners shall be a verifiable resident living within the corporate limits of the City of Toppenish.
2. The following (2) minority positions are at large and can only consist of one each:
3. The owner and operator of a commercial business located within the corporate limits of the City of Toppenish; Be a representative of the Toppenish Mural Society.

If any Commissioner should resign, be removed, or otherwise vacate his/her office, the City Council shall appoint a replacement.

Pursuant to RCW 35.63.030, term limits for members of the parks and recreation advisory board, the planning commission, and the lodging tax advisory committee shall be for six years. Those members who have served for the longest period of time will be reappointed for the shortest terms ranging from one year to six years in such a manner as to provide that the fewest possible terms will expire in any one year. Advisory board, commission or committee members may be reappointed to serve more than one term at the discretion of the city council.

A. B. Unless otherwise provided, all members of the advisory board, commission, and committee shall be appointed by the city council. (Ord. 2023-08 § 1, 2023; Ord. 2008-3 § 1, 2008; Ord. 2004-4 § 1, 2004).

B. 2.30.110 Membership of the planning commission.

The planning commission shall consist of either five or seven members but shall at no time consist of an even number of six members. The city council recognizes and values the opinions of the residents of the city of

Toppenish, as well as those individuals who own and operate a commercial business in the city, and also appreciates the input of the Toppenish Mural Society to assist in planning and directing the safe and prosperous growth and overall well-being of the city. With that in mind, so long as a majority of the planning commission members are verifiable residents living within the corporate limits of the city of Toppenish, the city council may appoint up to a total of two nonresident planning commission members who may consist of one owner and operator of a commercial business located within the corporate limits of the city of Toppenish and/or one representative of the Toppenish Mural Society. (Ord. 2024-08 § 1, 2024; Ord. 2004-4 § 1, 2004).

MEETINGS

5.0 REGULAR MEETINGS

Regular meetings shall be held on a day, time and location that is announced and consistent by a vote of the Planning Commissioners and as approved by the City Liaison assigned by for such work.

Meetings shall be held in accordance with RCW 35.63.040. The commission shall hold at least one regular meeting in each month for not less than nine months in each year. Should there be sufficient business, a second regular meeting shall be held on the third of every month. If the regular meeting day falls on an official holiday, the meeting shall be held on the following business day unless the commission has, in the prior month, determined that a day and time is better suited for a regular meeting and is approved by both the Planning Commission and the City liaison. Such a meeting must make a proper advanced notice to the public. At such meetings, the Commission may consider all matters that properly come before them without prior notice being given to the members as would be the case with public comment.

RCW [35.63.040](#)

Commissions—Organization—Meeting—Rules.

The commission shall elect its own chair and create and fill such other offices as it may determine it requires. The commission shall hold at least one regular meeting in each month for not less than nine months in each year. It shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations which record shall be a public record.

RCW [42.30.075](#)

Schedule of regular meetings—Publication in state register—Notice of change—"Regular" meetings defined.

State agencies which hold regular meetings shall file with the code reviser a schedule of the time and place of such meetings on or before January of each year for publication in the Washington state register. Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.

For the purposes of this section "regular" meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule.

RCW [42.30.030](#)

Meetings declared open and public.

(1) All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

(2) Public agencies are encouraged to provide for the increased ability of the public to observe and participate in the meetings of governing bodies through real-time telephonic, electronic, internet, or other readily available means of remote access that do not require an additional cost to access the meeting.

Meetings

A "meeting" under the OPMA occurs when a quorum (majority) of a city council, board of county commissioners, or other governing body (including certain kinds of committees) gathers with the collective intent of transacting the governing body's business. In order to be valid, ordinances, resolutions, rules, regulations, orders, and directives must be adopted at meetings conducted in compliance with the OPMA.

Meetings do not have to be in person to be subject to the OPMA. Meetings can occur by telephone, email, or other [electronic media](#).

Electronic communications

If you, as a member of the governing body (e.g., city council, board of commissioners, planning commission), communicate with other members of the governing body by electronic means (email, chat, text message, or using social media), keep in mind that exchanges involving a majority of members of the governing body can be considered an illegal “meeting” under the OPMA.

Social media are not to be used as mechanisms for conducting official city business other than informally communicate with the public.

6.0 SPECIAL MEETINGS

Special meetings of the Commission may be called by the Chair or City Liaison and must be called upon written request of any three Commission members. Such a request shall be made to the Chair and City Liaison.

RCW [42.30.080](#)

The City Liaison shall provide a meeting notice to all Commissioners at least three days before any regular or special Commission meeting. Members of the Planning Commission shall fully comply with code of ethics for municipal officers (RCW 42.23), appearance of fairness (RCW 42.36), and such other rules and regulations may be adopted from time to time by the City Council regulating the conduct of any person holding appointive office within the City. No elected official or City employee may be a voting member of the Planning Commission.

7.0 CONFLICTS OF INTEREST

All Commissioners shall exercise every effort to avoid conflicts of interest, or appearance of fairness problem in the actions of the Commission. Any Commissioner, who in his/her judgment has an interest in any matter before the Commission that would tend to prejudice his/her actions shall so publicly indicate, step down and abstain from the deliberations and voting on that matter.

8.0 CODE OF CONDUCT

1. It is the constant duty of each Commission member to maintain respect for each other, the staff, and the public. Likewise, the Commission shall require corresponding respectful behavior from all persons who attend a meeting.

2. It shall be the obligation of every Commission member forming Planning Commission recommendations to be familiar with the facts in order to reach an informed and independent judgment. To discuss or vote on a matter heard at a meeting from which a member was absent, said member shall have familiarized himself with the subject matter, using the file of record and/or recoding of the hearing. Such familiarization shall be confined to the official files and referenced documents.
3. Except at public meetings of the Commission, its members do not discuss the resolution of specific cases scheduled or likely to come before the Commission with applicants, their representatives, proponents or opponents, or other public with direct interest, unless directed by the Chair to meet with an applicant in a committee forum which is also open to the public to discuss making modifications to an amendment. Questions of fact or clarification concerning these cases prior to hearing are normally to be addressed to the City Manager or designee rather than to Commission members.
4. 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.
5. Commission members may speak as an individual member, reflect and inform about Commission positions and activities and on their own position as long as it is clear whether such position is or is not a Commission position and clearly specifying, they are speaking as an individual, or as an individual Planning Commissioner articulating their own views and concerns.
6. Planning Commission members may attend meetings held by applicants with adjacent property owners, however only in the capacity of an observer. If a Planning Commission member does decide to take part in discussions at said meeting, he/she shall disclose the nature of their participation to the Planning Commission prior to participating in a hearing or deliberations on a request.
7. Each Commission member decides which invitations to public and private functions can appropriately be accepted as a member of the

Commission. A member must differentiate whether a stated action or comment is solely the member's or represents the official position of the Commission.

8. Commission members shall not engage in any profitable employment or in any personal business transaction in which the fact of membership on the Commission or any knowledge of its actions unique to membership would be a qualification for such employment or a significant reason for the personal business transaction. Commission members shall not benefit in any financial way due to their Commission participation or confidential knowledge.
9. Commission members shall not accept gifts from applicants, their representative, or other persons and institutions concerned with matters which have been or might come before the Commission. Well intended acceptance of such gifts could lead to misconceptions by prospective donors or the public.
10. When a commission member concludes a matter before the commission involves a conflict of interest on the commissioner's part he/she should request permission to step down before the matter is heard, which request shall be granted by the Chair and recorded by the City Manager or designee. Where the Chair considers a conflict of interest to exist, before the matter is heard, a commission member may be asked to request disqualification. If the commission member declines, the Chair will request that the member confer with legal counsel from the City legal staff or this matter may be decided by a majority vote of the members, other than said commission member. In cases where no conflict of interest exists, a commission member may occasionally choose to abstain from voting in accordance with the member's best judgment.
11. A Commission member shall disqualify him(her)self from participating in a hearing whenever bias, interest, or other influences will prevent or appear to prevent him or her from exercising fair-minded, independent judgment on the facts and established policy.
12. Disqualifying influences include prejudgment of the issues that cannot be swayed by the facts in evidence, a partiality or personal bias for or against a party, and a personal pecuniary interest in the subject matter. Examples of disqualifying bias include a close personal, family or business relationship with a party, ownership of property the value of which might be affected by the decision, and a business or personal financial situation that might be affected by the decision.
13. Should a Commission member be aware of circumstances which might appear to disqualify him or her, he or she can either disqualify

him(her)self or explain the circumstances before the hearing and let the rest of the Commission, by majority vote, decide whether he or she participates. Should the Commission be aware of circumstances which might appear to disqualify a member, the Commission, may, by majority vote, disqualify the member.

14. It is in the public interest that, to the greatest extent possible, all members of the Commission should have an opportunity to be aware of and act upon the information that is available to other members. Therefore, all members are encouraged to place upon the record of the Planning Commission the substance of all ex-parte contacts that have occurred during the time that a legislative matter has been introduced and is still before the Planning Commission for a decision.

15. Except for submitting a written dissenting opinion as provided under these rules of procedure, no Commission member shall work for the frustration, or the overturn of any decision made by a majority of the Commission outside the framework of the Commission.

16. Except for submitting a written dissenting opinion as provided under these rules of procedure, no Commission member shall lobby City Council members for votes or actions that undermine the decisions of the Planning Commission.

9.0 REQUIRED MEETING POSTINGS AND PUBLICATIONS

The posting and publication of a meeting shall be as required by state law or the TMC and at a minimum shall include:

- a. The meeting agenda shall be posted at City Hall.
- b. The meeting agenda and full meeting packet shall be posted on the city's website.
- c. When required, legal notices of hearings and meeting notices shall be posted at City Hall, two public places, distributed to local media outlets, and published in the city's Official Newspaper as designated in Chapter 1.12 TMC.

10.0 APPLICATIONS PROCEDURES

Applications for consideration of business items before the Commission shall be made on forms provided by the City. Complete applications shall be processed by the appropriate city staff, departments, and professional consultants retained by the City.

11.0 RULES FOR CONDUCTING COMMISSION BUSINESS

Unless otherwise specified or differing herein or in the TMC, Commission meetings and business shall be conducted according to Robert's Rules of Order.

12.0 MEETING ETIQUETTE

To provide a fair and efficient forum for the conduct of business at Commission meetings, the following rules of etiquette shall apply:

- a. No person shall address the Commission without first obtaining recognition from the Chair.
- b. The order of business shall be as presented on the agenda; changes to the agenda order shall be made by the Chair.
- c. For an agenda item in which a request has been made to the Commission, the applicant or proponent, upon recognition by the Chair, shall state his/her request. If the applicant or proponent, or his/her representative, is not present, the Chair may present the request (on behalf of the applicant) or postpone the item until the next regularly scheduled Planning Commission meeting.
- d. For agenda items where a written staff report has been prepared, the staff person, upon recognition by the Chair, shall summarize the report at the meeting.
- e. Following the summary of the staff report, the Commission members shall be allowed to question staff regarding the material in the report.
- f. After the Commissioner's questions have been answered, the Chair may recognize the applicant or proponent of that item of business to speak. Following the proponent's statements, any other person wishing to speak on the subject may be recognized by the Chair.
- g. Once a person has spoken concerning a specific item before the Commission, he or she shall not be recognized to speak again until all persons wishing to speak have been allowed to do so first.

13.0 VOTING

Voting on all items of Commission business and matters brought before the Commission shall be conducted upon a motion and a second to the motion and presented to the Commission by the Chair. It shall take a simple majority of the Commissioners present voting in the affirmative for a matter to be approved by the Commission. Each Commissioner shall have only one vote on any particular item of business. The Chair shall have one vote and shall have the same opportunity to vote as other Commissioners. On items considered of extreme importance, the Chair may call for a roll call vote. There shall be no voting by proxy.

The following shall be done for an item to be voted upon:

- a. The item has been placed on the agenda before the meeting, or
- b. The item has been discussed at a previous meeting and tabled for future consideration, or

- c. The item is considered by a majority vote of the Commission to constitute an emergency and as such warrant immediate decision.

Each formal action of the Commission shall be made by a formal motion, which will be entered into the minutes. The Chair shall, at his/her discretion, or the request of any Commissioner, read the motion before being voted on. Voting on the original adoption of and subsequent amendments to the Bylaws and Rules of Procedure shall be done according to Section 26.

The Chair shall be responsible to personally report Planning Commission activities, updates, and status to the City Council no less than quarterly.

14.0 QUORUM

A quorum shall consist of a majority of the total number of Commissioners duly appointed by the City Council. No action or Commission business shall be taken in the absence of a quorum. If a quorum is not present at any meeting, the Chair, Vice-chair, one Commissioner, or the City Liaison shall call the meeting to order, conduct a roll call for the record, and then adjourn the meeting to a future date.

Meeting minutes of any meeting for which there is not a quorum shall consist of a call to order, roll call, and adjournment and shall be entered into the record at the next meeting of the Commission.

15.0 OFFICERS

The officers of the Commission shall consist of a Chair and Vice-Chair. Officers shall be selected from among the five Commission members at the first Commission meeting of the year and shall serve from January 1 through December 31.

DUTIES

16.0 DUTIES OF THE CHAIR

It shall be the duty of the Chair to:

- a. Preside at all meetings of the Commission,
- b. Enforce the Commission's Bylaws and Rules of Procedure,
- c. Execute the will of the Commission,
- d. Appoint all Commission committees, and
- e. Ensure that each newly appointed Commissioner receives the current version of the Bylaws and Rules of Procedure.

17.0 DUTIES OF THE VICE-CHAIR

It shall be the duty of the Vice-Chair to assist the Chair and fulfill the duties of Chair in the Chair's absence.

18.0 DUTIES OF THE CITY STAFF AND CONTRACTED CONSULTANTS

The City Manager appoints a City Liaison to serve at the pleasure of the Commission and shall facilitate Commission business. It shall be the duty of the City Liaison to:

- a. Call regular or special meetings and public hearings when required or deemed necessary,
- b. Maintain a record of Commission member attendance at Commission Meetings,
- c. Keep a current roster of Commission members,
- d. Prepare the minutes of all Commission meetings,
- e. Prepare and deliver Commission agenda packets,
- f. Maintain a record of all correspondence, minutes, and records,
- g. Ensure all legal and public noticing occurs, and
- h. Assist the Chair.

City staff and subject matter consultants shall prepare and present staff reports, supply technical information, make presentations to the Commission and provide any other support determined necessary by the Commission.

19.0 ABSENCE OF CHAIR AND VICE-CHAIR

In the absence of the Chair and Vice-Chair, a Chair may be selected from the Commissioners present to conduct the current meeting. The meeting may be canceled, postponed, or continued to a future date as determined by the Commission.

20.0 COMMISSIONERS ATTENDANCE

Commissioners shall notify the City Liaison no later than 24 hours prior to the scheduled meeting when they will be absent for a meeting. If no notice is given it shall be an unexcused absence. Commissioner absences are governed by section 2.30.030 TMC and commissioner removals from the commission shall follow the process in RCW 35.63.030.

RCW 35A.12.060

Vacancy for nonattendance.

In addition, a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.

RCW 35.63.030

Commissioners—Number—Tenure—Compensation.

The ordinance, resolution, or act creating the commission shall set forth the number of members to be appointed, not more than one-third of which number may be ex officio members by virtue of office held in any municipality. The term of office for ex officio members shall correspond to their respective tenures. The term of office for the first appointive members appointed to such commission shall be designated from one to six years in such manner as to provide that the fewest possible terms will expire in any one year. Thereafter the term of office for each appointive member shall be either four or six years, as determined by legislative action of the council.

Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term. Members may be removed, after public hearing, by the appointing official, with the approval of his or her council or board, for inefficiency, neglect of duty, or malfeasance in office.

The members shall be selected without respect to political affiliations and they shall serve without compensation.

TMC 2.30.060 Absenteeism.

Each member of an advisory commission, other than the planning commission, shall not be absent and unexcused from any three consecutive commission meetings and shall attend at least seven of the commission's preceding 12 regular meetings. Any member who fails to attend regular meetings as above mentioned shall lose his or her membership on the advisory commission and the vacancy shall be filled by the city council. (Ord. 2024-08 § 1, 2024; Ord. 2004-4 § 1, 2004).

21.0 PUBLIC HEARING PROCEDURES

- a. General. Public hearings provide an opportunity for citizens to give direct input to the Planning Commission on matters being considered. It is the policy of the Planning Commission to conduct hearings in a manner that allows input from the maximum number of citizens possible and respects the opinion of all those wishing to testify.
- b. Conducting the Hearing. Public hearings are conducted as regular items on the Commission's published agenda. To ensure that the public hearing is conducted in a manner that encourages maximum public participation and respect for varying opinions, the Planning Commission will generally adhere to the following rules:
 1. A sign-up sheet will be available for the public to indicate their desire to testify. Speakers will generally be heard in the order in which they sign up, followed by an opportunity for those who did not sign up to comment.
 2. The Chair will open the public hearing and accept any written testimony. All written testimony received before the closing of the public hearing

will be considered.

3. The Chair will request planning staff to provide a staff report and recommendation on the matters being considered. Planning Commission members are permitted to ask staff any relevant questions regarding the matter being considered.
4. To maintain an accurate public record, all citizens testifying will be required to state their name, address, and nature of interest in the matter for the permanent record.
5. For any application before the Planning Commission, the applicant will be allowed to testify first with a limit of 20 minutes divided among as many of the speakers as determined by the applicant. The applicant will also be given an opportunity, at the end of the testimony period, to have one rebuttal, limited to 10 minutes. Rebuttal comments shall be limited to factual statements relating to previous testimony. The Chair has the discretion to allow more time to speak and/or additional opportunities to comment to ensure adequate time for all present to have an opportunity to comment and in consideration of meeting time and other agenda items.
6. The Chair, at its discretion, may limit the comment period for each speaker so that all can be heard. As a general rule, testimony will be limited to three minutes per person, except for a group spokesperson, who will be allowed up to 10 minutes.
7. Public hearings are intended to provide information and opinions from citizens to the Planning Commission. They are not intended to be a debate between those on opposing sides of an issue, nor to weigh how many on each side of an issue attend. The Chair, at its discretion, may limit testimony that provides no new information and/or comments intended solely to debate another person's position on a particular issue while not providing new information to the Planning Commission.
8. The public hearing is closed. Planning Commission members may voice other significant considerations and pose any relevant questions through the Chair. The Chair will question the proper party for answers.
9. The Chair with a majority vote may extend the written comment period at their discretion.
10. Motion for disposition.

22.0 COMMITTEES

The Chair may from time to time appoint sub-committees of the Commission membership, or a Committee-of-the-Whole thereof, to carry out certain specific duties or functions as the Commission deems advisable. The Chair shall appoint the members of each committee and shall name the Chair of each committee.

The committee shall complete its assigned tasks expeditiously and report its findings to the Commission at their next meeting or as soon thereafter as

feasibly possible. The committee may request assistance from the City Liaison.

23.0 ADOPTION OF AND AMENDMENTS TO THE BYLAWS AND RULES OF PROCEDURE

- a. The original adoption of the Bylaws and Rules of Procedure shall be by a vote of two-thirds in the affirmative of the Commissioners present at the regular meeting where they are considered.
- b. Any sitting Commissioner or the City Liaison may propose amendments to the Bylaws and Rules of Procedure.
- c. Proposed amendments to the Bylaws and Rules of Procedure shall be prepared in writing and submitted to the City Liaison who shall then include them as an agenda item for the next regular Commission meeting. The Chair, by having a majority vote in the affirmative by the Commissioners present recommending to the City Council to approve the amendments. The City Liaison shall prepare a resolution to present the amendments to the City Council for approval.
- d. After receiving approval from the City Council, these Bylaws and Rules of Procedure may be amended by a two-thirds vote in the affirmative of the Commissioners present at any regular or special Commission meeting, provided the requirements of subsection b. and c. of this section have been fulfilled.
- e. A revision date and history shall be kept after the signature blocks noted herein.

24.0 References:

[Chapter 2.30 ADVISORY COMMISSIONS \(codepublishing.com\)](#)
[Chapter 42.30 RCW: OPEN PUBLIC MEETINGS ACT \(wa.gov\)](#)
[MRSC - Planning Commissions](#)

Planning Commission Chair

Date

Adopted:

Approved as to Form

City Attorney

Date