



PLANNING COMMISSION PROCEDURAL RULES

Approved by Planning Commission on January 7, 2019



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Planning Commission Role

Planning Commission is comprised of seven (7) volunteers who live within the city limits and/or own property within the city limits. Planning Commission applicants are selected by the Mayor and approved by Council for four (4) year terms.

The primary charge of the Planning Commission is to make legislative recommendations to the City Council on matters relating to long-range use planning including the Comprehensive Plan updates and amendments, zoning amendments, area-wide rezones, other long range planning including the Shoreline Master Program, the Best Available Science and Critical Areas Ordinance, capital and transportation improvement plans.

The Planning Commission also functions as the Architectural Design Review Board and makes recommendations to Councils on current planning matters including site plans, preliminary plats (subdivisions) and other development applications.

Functions of the Planning Commission

The Planning Commission has three (3) distinct functions:

1. Advisory Body on Legislative Issues: The first function involves preparation and revision of the community's comprehensive plan and local land use regulations, such as the zoning or subdivision code. This role is advisory to the Orting City Council, with the planning commission forwarding a recommended plan, ordinance or code to the governing body for consideration.
2. Quasi-Judicial: The second involves the review of development proposals, such as site plans and subdivisions. The Planning Commission performs this role, providing recommendations to the Orting City Council. The Planning Commission holds Open Record Hearings and provides recommendations to the City Council who then hold Close Record Hearings and render decisions.
3. Administrative: The third involves the review and approval of all Architectural Designs for various types of buildings and signage as it relates to the architectural design code. The Planning Commission reviews and either approves or disapproves submittals. The Planning Commission's administrative decision is subject to appeal to the Orting City Council.
Finally, the City Council may refer to the Planning Commission, for its recommendation and report, any ordinance, resolution, or other proposal relating to any of the matters and subjects referred to in RCW Chapter 35A.63.

Applicable Codes of Ethics and Conduct

Members of the Planning Commission shall fully comply with Chapter 42.23 RCW, Code of Ethics for Municipal Officers, Chapter 42.36 RCW, Appearance of Fairness, and such other rules and regulations as may be adopted from time to time by the City Council regulating the conduct of any person holding appointive office within the City, including but not limited to the City Council's Code of Conduct and City of Orting Policy No. 2017-04 (as may be amended), pertaining to ethical conduct by elected and appointed officials, which are adopted by reference herein.

Commissioner Policies

Absenteeism

If a Commissioner is unable to attend a scheduled meeting, Commissioners are requested to contact the Planning Secretary prior to the meeting. The secretary will announce during the roll call that contact was made. At that time the Commissioners may motion and vote to excuse the absent Commissioner.

Appearance of Fairness/Conflict of Interest

The Commission shall adhere to the applicable requirements of the appearance of fairness doctrine, RCW Chapter 12.36.

Any Commission member having a direct financial or property or indirect familial or other interest in, or who would benefit from any decision by the Commission, shall disclose this interest and shall, if deemed appropriate by the Commissioner, the larger Commission or required by law, refrain from participating or voting on the matter. Any member of the public may also call for the Commission to decide if a Commissioner should recuse themselves from any quasi-judicial or administrative decision. The interest may be a private gain, financial or personal, and it may benefit the member, a relative, a friend, or an employer. Any disqualified member must leave the room when the matter is presented. The minutes shall show that the member left the room.

Vacant Position

Vacant Planning Commission positions are filled by appointment by the Mayor, subject to confirmation by City Council.

The Planning Commission is a seven (7) member board. Five (5) of the members must currently reside within the Orting city limits. The remaining two (2) positions may be filled by non-resident owner(s) of property within Orting city limits. This policy is intended to facilitate the membership of Orting business owners who may reside outside the city's limits.

Election of Officers

Officers of the Commission shall be elected by the Commission from its membership. The two officer positions are the Chair and Vice Chair. All other members are Commissioners at large. Election of officers occurs at a meeting in January of each year.

Chair – The Chair shall preside over the meetings of the Planning Commission and will exercise all powers incidental to the office.

Vice Chair – The Vice chair shall, in the absence of the Chair, perform all duties of the Chair at the regular or special meeting.

Temporary Chair – If both the Chair and Vice Chair are absent from a meeting, the Commission shall, by a majority of those members present, elect a temporary Chair for that meeting.

Removal of Commissioner

In the event that a Commissioner is absent for three (3) consecutive meetings, without advance notice to the Planning Commission's Secretary, the Commission may vote to recommend removal of the Commissioner from Planning Commission. This recommendation will be forwarded to the Mayor.

Members may be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office, after a public hearing, with the approval of the City Council. (Ord. 641, 4-14-1994)

Length of Terms

Terms shall be for a period of four (4) years. (Ord. 641, 4-14-1994)

Temporary Committees

With the approved vote of the Commission, a temporary committee may be established to develop, update or review a portion of the Orting Municipal Code. Said committee will present their findings to the full Commission during a regularly scheduled meeting for review, motion and vote to make a recommendation to the City Council for action. A Temporary Committee will have no more than (3) Commissioners assigned to it.

Communication

Open Public Meeting Act

All Planning Commission meetings are open to the public pursuant to Chapter 42.30 RCW, except for Temporary Committee meetings conducting internal discussions for the sole purpose of providing advice or information to the Planning Commission.

Electronic Mail

All Commission related email correspondence shall be sent to all Commissioners and included as Exhibits in the next public Planning Commission meeting. Commissioners may receive information by email, but may not reply to or discuss issues relevant to the Commission outside of publicly noticed Planning Commission meetings.

Media Representation

No member of the Commission may speak to the media regarding City or Commission business. The Commissioners shall refer the media to the Mayor and City Administrator for comment.

Personal/Slandering Remarks

Any person making personal, offensive, impertinent or slanderous remarks or who shall become boisterous while addressing the Planning Commission may be requested to leave the meeting and may be barred from further audience participation. Any Planning Commissioner making personal, offensive, impertinent or slanderous remarks to a member of the audience, city staff member or another Commissioner will be asked to refrain. If the remarks continue he/she may

be asked to leave the meeting. See also City Council's Code of Conduct and City of Orting Policy No. 2017-04 (as may be amended), pertaining to ethical conduct by elected and appointed officials, which are adopted by reference herein.

Social Media

See City of Orting Policy No. 2017-06, Social Media Policy (as may be amended), adopted by reference herein.

Meetings

Regular Meeting

The Planning Commission meets on the first Monday of each month, at the Public Safety Building, commencing at 7:00 p.m. unless otherwise noticed.

Special Meeting

The Planning Commission shall meet for special meetings at the call of the Chair or a majority of the Planning Commission.

Agenda

The Planning Commission general order of business is as follows. The order of business may be changed during the meeting by the Chair with the consent of a majority of the Planning Commission members present.

1. Call to order; Pledge of allegiance and Roll Call.
2. Agenda Approval.
3. Public Comments.
4. Approval of Minutes.
5. Architectural Design Review.
6. New Business. (Includes Hearings)
7. Old Business.
8. Good of the Order.
9. Adjourn.

Minutes

The Planning Commission Secretary will prepare minutes of each meeting and hearings that include all pertinent information, motions, decisions made, and actions and votes taken

Public Comments

Public Comments from the audience may be address to the Chairperson on any topic that is not on the agenda and will be limited to 3 minutes per speaker.

Roberts Rules

The Planning Commission may refer to the applicable provision of Roberts Rules of Order for guidance for items not addressed by these Rules and Procedures.

Public Hearings

Order of Operations

The order of operations for public hearings on land development (quasi-judicial and administrative decisions) shall be as follows. All presentation, questions and motions shall be addressed to the Chair of the Commission.

1. The Chair shall declare the Public Hearing open.
2. The Staff shall give a presentation.
3. The Applicant shall give a presentation.
4. The Chair shall seek comments from members of the public.
5. The Planning Commission may ask questions of Staff and the Applicant. The Applicant is given the last word.
6. The Commission Chair will then close the public hearing and the Planning Commission will deliberate.
7. In the case of Administrative decisions, a member of the Commission will move to approve, deny, or approve the land use action with conditions. After a second, the Commission will discuss the Motion and take action. In the case of Quasi-judicial decisions, the Commission will move to recommend approval, denial or approval with conditions to the City Council.
8. Continuance. After closure of the public hearing, the Planning Commission may continue the matter to a specific date by an affirmative vote of a majority of the members present. The Planning Commission may also agree to keep the public hearing open solely for written comments to be submitted by an agreed upon date. However, in no event shall additional oral comments be permitted unless the Commission decides to re-open the public hearing following additional public noticing. Written comments provided after the close of the public hearing shall be forwarded by the Planning Secretary to all parties of record including the Applicant, all members of the Commission, the relevant City staff and any member of the public who attended the hearing, provided written or oral comments at the hearing or prior to the hearing and anyone who requests party of record status.

Written Comments

Any person wishing to comment on an application may do so by submitting his/her written comments to the Planning Secretary prior to the hearing or the Chair during the hearing. These comments will become part of the official record and shall be considered by the Planning Commission in its action.

Oral Comments

The Chair shall permit any person to make a brief oral presentation at the hearing. Comments are limited to three (3) minutes per speaker unless otherwise authorized by the Chair. The speaker shall first give his/her name and address.

Procedural Rules

Quorum

A majority of the membership of the Planning Commission shall constitute a quorum for the transaction of business. A quorum must be in attendance or participating via a conference call or other electronic media before business can be transacted. Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting of the Planning Commission shall be deemed taken as the action of the Commission. The commission may adopt such other rules governing its procedures and conduct of business as it deems appropriate.

Motions & Voting

Each member present at a meeting shall cast one vote on each motion. Voting may be by voice call or by roll call. Although it is the duty of every member to vote, a member may abstain. An abstention will not be counted as a “yes” or a “no” vote. The Planning Chair will vote only for two (2) reasons; first, if there is a tie vote among the other Commissioners and when there is only four (4) members (quorum) at the meeting. A quorum of the Commission must be in attendance to vote. Commissioners attending via telephone must be in attendance for the entire meeting in order to be able to vote. .

Commission Secretary

The Mayor shall designate a city staff member to serve as secretary to the Planning Commission. The secretary shall be responsible for taking the minutes of each Commission meeting and for assisting the Commission with other administrative duties as assigned by the presiding member of the Commission.

Public Records

See City of Orting Policy 2017-03, Public Records Request Policy (as may be amended).

All Commissioners will be required to attend training on the Washington State Public Records Act within 90 days of assignment to the commission and then every four (4) years.

Suspension & Amendment of these Rules

The rules of procedure may be suspended or amended at any regular meeting of the Planning Commission by a majority vote of the appointed members.

PASSED by the Planning Commission on the 7th day of January 2019.

Commissioner Jennifer Sargent

Commissioner Dennis Paschke

Commissioner Kelly Cochran

Commissioner Jeff Craig

Commissioner Tyler Daniels

Commissioner Tony Belot

Commissioner Karen Wilson