



CITY OF KIRKLAND
PLANNING AND BUILDING DEPARTMENT
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MEMORANDUM

Date: October 6, 2022
To: Planning Commission
From: Allison Zike, AICP, Deputy Planning and Building Director
Subject: Planning Commission Rules of Procedure Amendments

Recommendation

Review the draft amendments to the Planning Commission Policies and Procedures (Attachment 1) and consider adopting by motion. The document will be routed for signature by all Commissioners following adoption.

Background

The Planning Commission's Policies and Procedures were last reviewed and signed by the Commission in July 2021, and included several updates to Officer Duties, Public Hearing procedures, and Required Training.

After over two years of holding Commission meetings exclusively in a virtual format via Zoom, staff anticipates beginning a return to in-person/hybrid meetings (with options to attend virtually) in Fall of 2022. As mentioned briefly to the Commission in Administrative Reports at their September 22, 2022 meeting, the Commission may consider amendments to their Policies and Procedures to specify expectations for attendance of Commissioners at future hybrid meetings. To this end, staff has drafted proposed amendments to the Policies and Procedures that address expectations for meeting attendance at hybrid meetings, largely based on similar policies adopted by City Council (see Attachment 1, proposed section 8.D in track changes).

Additionally, the proposed amendments include an amendment to remove a reference to the Houghton Community Council (see Attachment 1, section 2.C).

Attachments

1. Draft Amendments to Planning Commission Policies and Procedures

City of Kirkland Planning Commission Policies and Procedures

A resolution of the Kirkland Planning Commission setting forth the rules of procedure for the conduct of Planning Commission meetings.

Section 1. Meetings:

- A. Regular Meetings. The Planning Commission meets on the second and fourth Thursday of each month, in the Kirkland City Council Chamber, 123 5th Avenue, Kirkland, WA 98033 commencing at 7:00 PM unless otherwise noticed.
- B. Special Meetings. The Planning Commission shall meet for special meetings at the call of the Chair or a majority of the Planning Commission.
- C. Open Meeting Requirements and Notification:
 - 1. The open meeting provisions of state law ([RCW Chapter 42.30](#)) shall apply to Planning Commission meetings. All meetings must be open to the public and communications or discussions of agency business in person, by email, phone, or text messages, amongst a quorum of governing body members can be considered a public meeting. Such an exchange that is not open to the public is a violation of the OPMA since public notice has not been given and attendance by the public is not possible.
 - 2. Notification procedures shall follow the requirements of the Kirkland Zoning Ordinance, Subdivision Ordinance, State Environmental Policy Act, Shoreline Management Act, and other regulations, as applicable.
 - 3. All special meetings shall be noticed by:
 - a. Delivering written notice personally by mail, fax, or by electronic mail at least 24 hours in advance to Planning Commission members.
 - b. Delivering written notice personally by mail, fax, or by electronic mail at least 24 hours in advance to the newspaper officially designated by the City of Kirkland and to each media publication which has filed a written request with the City.
 - c. Specification of the time and place of the meeting and the business to be transacted.
- D. Record. A record will be made of all public hearing proceedings and all other meetings. This record will normally be an audio recording by means of electronic equipment.
- E. Minutes. The Department of Planning and Building Department staff will prepare minutes of each meeting that include all pertinent information, motions, decisions made, and actions and votes taken.

Section 2. Officers:

- A. Appointment. The Planning Commission has the following officers:
1. Chair;
 2. Vice Chair; and
 3. Any other officer that the Planning Commission, by a majority vote, approves and appoints.
- B. Temporary Chair. If both the Chair and Vice Chair are absent from a meeting, the Planning Commission shall, by a majority vote of those members present, elect a temporary Chair for that meeting.
- C. Duties of Officers. The duties and powers of the officers of the Planning Commission are as follows:
1. Chair:
 - a. To preside at all meetings of the Planning Commission;
 - b. To call meetings of the Planning Commission;
 - c. To sign documents of the Planning Commission;
 - d. To act as liaison between the Planning Commission and other City entities;
 - e. To appoint Planning Commission members to serve on other city committees, advisory groups and task forces.
 - f. To meet quarterly or as needed with the Mayor and Deputy Mayor;
 - ~~g. To meet quarterly or as needed with the Chair and Vice Chair of the Houghton Community Council for cooperative consultation and to facilitate communication;~~
 - h.g. To meet annually or as needed with the leadership of the Lake Washington School District for cooperative consultation and to facilitate communication; and
 - i.h. To engage other community stakeholders to encourage participation in the work of the Commission.
 2. Vice Chair: During the absence, disability, or disqualification of the Chair, or upon the request of the Chair, the Vice Chair shall exercise all the duties and be subject to all the responsibilities of the Chair. The Vice Chair shall also maintain any other responsibilities that are assigned to them by the Chair.

The Chair and Vice Chair and other officers shall be elected by a majority vote of the Planning Commission at the first regular meeting each May and may be reelected.
 3. Chairing the Meetings
The Chair shall make every effort to facilitate the orderly discussion of the Planning Commission, encourage and

facilitate public participation, and guide the Commission in providing direction to staff and making recommendations to the City Council.

Section 3. Order of Business:

- A. Generally, the Planning Commission will follow the following order of business at all meetings:
1. Call to order/roll call.
 2. Announcement of agenda and summary guidance for attendees on participation in the meeting.
 3. Comments from the audience on any topic that is not the subject of public hearing - limited to 3 minutes per speaker. Speakers should state their full name.
 - a. The Chair may limit the comments to no more than three speakers on any one topic. If both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the chair.
 - b. The Chair may ask questions of speakers for clarification and, at their discretion, may allow other Commissioners to do the same.
 4. Hearings.
 5. Study Sessions.
 6. Unfinished Business.
 7. New Business.
 8. Reading and/or approval of minutes.
 9. Administrative reports and Planning Commission discussion.
 10. Comments from the audience on any topic that is not the subject of public hearing - limited to 3 minutes per speaker. Speakers should state their full name.
 - a. The Chair may limit the comments to no more than three speakers on any one subject. If both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the chair.
 - b. The Chair may ask questions of speakers for clarification and, at their discretion, may allow other Commissioners to do the same.
 11. Adjournment.
- B. 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.

Section 4. Quorum:

A majority of the appointed members of the Planning Commission constitutes a quorum. A quorum must be in attendance or participating via a conference call or other electronic media before business can be transacted. Every motion

by the Planning Commission requires approval of a majority of the Planning Commission members present to pass.

Section 5. Disqualification:

No member of the Planning Commission should participate in any Planning Commission discussion or vote on any matter in which the member has a personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be 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.

Section 6. Voting:

- A. Each member present at a meeting shall cast one vote on each motion. Voting may be by voice call or by roll call.
- B. Although it is the duty of every member to vote, a member may abstain. An abstention has the same effect as a negative vote.

Section 7. Vacancies:

Should any vacancy occur among the membership of the Planning Commission by reason of death, resignation, disability, or otherwise, the City Clerk shall be immediately notified. If a member resigns, the member shall tender their resignation in writing to the Planning and Building Department and City Clerk. The Chair of the Planning Commission shall request that the Mayor and City Council consider an appointment to the vacancy on the Planning Commission at the earliest possible time.

Section 8. Conduct of Meetings:

- A. *General.* The Chair has broad authority over all matters regarding the conduct of meetings. The Chair shall exercise this authority to promote the fullest possible presentation of information and discussion of matters before the Planning Commission while permitting the orderly and timely completion of Planning Commission business.

As a general protocol, the Chair of the meeting should introduce the agenda topic, provide for a staff presentation and questions from the Commission, and call for discussion among the Commission members.

The Chair should generally provide for each Commission member to offer a comment prior to weighing in on an issue. The Chair should ensure that all members have an opportunity to speak.

The Chair should also expedite the discussion in a timely manner and summarize the recommendation or direction from the Commission as appropriate.

- B. *Use of Roberts Rules of Order.* 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.
- C. On specific agenda items other than public hearings, which are discussed in Section 9, the Chair may allow comments from the audience as appropriate. This usually occurs following a staff presentation and/or the completion of discussion by the Commission on the agenda item. Comments may be subject to the limitations noted in Section 3.A.
- D. *Attendance at Planning Commission Meetings. Planning Commissioners may attend Commission meetings in person or virtually in accordance with this section:*
1. Commissioners are generally expected to attend meetings in person, absent emergent or other extenuating circumstances. However, the Commission also intends that Commissioners retain the flexibility to participate in meetings remotely from time to time, for reasons including, but not limited to, illness or injury, travel, or familial care by utilizing technologies such as video conferencing that allow interactive engagement with other Commissioners and interested members of the community. Whether participating in person or remotely, Commissioners are expected to participate actively in meetings.
 2. The Commission has a strong preference for video and sound communication links that allow Commissioners participating remotely to see and be seen and to hear and be heard. However, to account for different needs that may exist (e.g. those related to sight or hearing), the Commission intends to allow for flexible approaches to meeting these communication needs. In any event, the ability to communicate effectively in real time is essential.
 3. In the event a remote communication link is broken or significantly degraded such that it is no longer possible to communicate effectively in real time, the presiding officer shall confirm the loss of service and announce the termination of such remote attendance until such time as

such service may be restored. An affected Commissioner shall not be considered to be present at any time during which remote service has been terminated. The Recording Secretary shall record the time period of any such closure.

4. For all other purposes under these policies and procedures, including voting, remote attendance by a Commissioner at a meeting shall be considered equal to being physically present at the meeting.

Section 9. Rules of Procedure for Public Hearings:

A. Presentation at the Hearing.

1. The Chair shall declare the Public Hearing open before the staff presentation is given. After the staff presentation and after everyone has had the opportunity to speak, the Chair shall announce that the hearing continues to remain open, but only for the benefit of the Planning Commission members who may seek further information during their deliberation. Reopening the hearing to give persons an opportunity to speak shall require a motion and a vote. If the hearing is reopened, the Commission may limit the topics to be addressed.
2. Nature of Presentation:
 - a. Written Comments. Any person wishing to comment on an application may do so by submitting their written comments to the Planning and Building Department before 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. Written comments received 10 days prior to the hearing will be included in the Commission's meeting packet sent out by staff the week before the hearing. Comments received after that will be forwarded by email to the Planning Commission. Comments should be submitted at least 24 hours in advance of the hearing to ensure that Commissioners have adequate time to thoroughly review comments in advance of the hearing.
 - b. Oral Comments. The Chair shall permit any person to make a brief oral presentation at the hearing. Comments are limited to three minutes per speaker unless otherwise authorized by the Chair. The speaker shall provide their name and email address on the sign-in sheet provided by the City. No physical addresses should be given during oral presentation.

- c. Oral Comments, Video Meetings. When meetings are held virtually, community members who wish to comment will raise their virtual hand during the comments from the audience portion of the meeting. Once called on by the Chair, the community member will be directed to provide their name and email address for the record. No physical addresses should be given during oral presentation.
 - 4.3. Questions from the Planning Commission. Members may question a speaker on any matter related to their comments.
 - 2.4. Questions from the Speaker. All comments and questions shall be directed to the Chair.
- B. *Planning Commission Deliberation*. After all speakers have been heard, the Planning Commission shall close the public comment portion of the hearing, consider all the information and deliberate on the matter. This deliberation shall include:
 - 1. The information submitted;
 - 2. The written comments received;
 - 3. Any presentation and discussion made at the hearing; and
 - 4. The staff report.
 - C. *Planning Commission Recommendation*. After discussion and deliberation, the Commission shall make a recommendation to the City Council by a motion and approval of a majority of those members present. Once a motion for recommendation has been passed, the Chair shall declare the public hearing closed.
 - D. *Continuance*. 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 oral comments be permitted unless the Commission decides to re-open the public hearing following additional public noticing.

Section 10. Planning Commission Conduct and Operations

- A. *Planning Work Program*. The Planning Commission shall review the proposed annual planning work program and make a recommendation to the City Council.
- B. *Planning Commission Recommendations*. The Planning Commission may make recommendations to the City Council, City Manager's Office, City staff and other City boards and commissions as appropriate. Unless otherwise determined, the Chair is authorized to review and approve the Planning Commission's transmittal memorandum. The Chair shall

determine who will present the Commission's recommendation to the City Council.

- C. *Representing the Commission.* The Planning Commission shall act as a body. A member, when representing the Commission may speak or act for the Commission in accordance with the recommendation or direction taken by the Commission. The Chair or Chair's designee shall serve as the official spokesperson of the Commission.

Individual Commission members may speak as an individual, clearly specifying they are speaking as an individual articulating their own views and concerns (e.g. I am speaking as an individual, not representing the Planning Commission.)

- D. *Majority and Minority Opinions.* As determined by the Commission, a minority report may accompany a voted decision or recommendation. An additional spokesperson may be designated to present the minority report.
- E. *Duties and Responsibilities.* Commission members shall exercise their duties and responsibilities with integrity, collegiality and care. Members should establish a high priority to attend all meetings and to come prepared to contribute to the discussion of issues and business to be addressed. Members should respect the opinions of other members of the Commission and be receptive to diverse viewpoints in Commission discussions. Members should represent the Commission and the City in a positive and supportive manner through appearance, conduct and attitude.
- F. *Required Training.* Commission members shall attend all training required by the City related to Open Public Meetings Act (OPMA), Public Records Act, Code of Ethics, and Records Management practices.
- G. *Attendance.* Commission members shall strive to attend all scheduled meetings. The expectation is a minimum eighty percent attendance of all meetings in any twelve-month period. If the expectation is not met, the Commission will address the absences and determine whether to refer the matter to the City Council.

Section 11. Amending the Policies and Procedures:

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

Section 12. Validity:

If any part of parts of these rules of procedure are found to be invalid, that part or parts will not invalidate the remainder of the rules.

PASSED by the Planning Commission on the _____ day of _____ 202~~2~~¹.

Angela Rozmyn, Chair

Scott Reusser, Vice Chair

Katya Allen

Bria Heiser

Rodney Rutherford

Sandeep Singhal

John Tymczyszyn

