

BY-LAWS

Of the Jefferson County Planning Commission

SECTION 1 - AUTHORITY: These by-laws are promulgated in compliance with Chapter 36.70 of the **Revised Code of Washington**, the **Washington Planning Enabling Act**, and **Jefferson County Resolution No. 54-97**, which recognized the Jefferson County Planning Department and reconstituted a new Planning Commission.

SECTION 2 - MEMBERSHIP: The Planning Commission shall be comprised of nine members from Jefferson County, and Members of the Planning Commission shall be appointed by the Board of County Commissioners for a term of four years which shall commence on March 18th, and each commissioner district shall be equally represented on the Planning Commission. The chair of the Jefferson County Board of Commissioners shall appoint members to the commission with approval of a majority of the Board's members. An appointment of a member shall be made from a list of applicants who shall submit a "Letter of Intent" to the Board of County Commissioners stating their qualifications for serving on the Planning Commission. Vacancy(s) shall be advertised at least twice in a legal newspaper of record having county-wide circulation. The advertisement shall encourage individuals residing in the specific commissioner district in which the vacancy occurs to apply.

Vacancies resulting from the expiration of terms of office shall be filled by appointments for a term of four (4) years. Vacancies occurring for any reason other than the expiration of a term of office shall be by appointment for the unexpired term of the office being filled.

In the event a Planning Commission member changes residence during their term which moves them into a different commissioner district, that member shall serve the remainder of their term. If through redistricting a Planning Commissioner is moved into a different commissioner district, they shall remain in office until their term expires. The vacant position in the appropriate district shall then be filled after the term expires.

The chair of the Board of County Commissioners may remove a member of the Planning Commission after a public hearing by the Board of County Commissioners. All Board members must approve the removal. A member of the Planning Commission may be removed for inefficiency, neglect of duty, or malfeasance.

The chair of the Planning Commission may grant an excused absence or a leave of absence. "Excused absence" is defined as an absence from one regular meeting. "Leave of absence" is defined as an absence from two or more regular meetings. Two unexcused absences in a row from regularly scheduled meetings shall be grounds for the Planning Commission to recommend to the Board of County Commissioners that the individual be removed from the Planning Commission. Furthermore, a member granted a leave of absence by the chair of the Planning Commission is not an active member. Only active members shall constitute the current membership.

SECTION 3 - MEMBER'S RESPONSIBILITIES AND DUTIES: The duties and responsibilities of the planning commission shall be as follows:

1. Because Jefferson County has created both a planning commission and planning department (Department of Community Development – DCD) , the Planning

Commission will, in accordance with RCW 36.70.040, assist the DCD in carrying out its duties, as outlined below.

2. The planning commission shall review the Jefferson County Comprehensive Plan and other planning documents to determine if the county's plans, goals, policies, land use ordinances and regulations are promoting orderly and coordinated development within the county. The commission shall make recommendations in cooperation with DCD concerning this to the board of commissioners.
3. The planning commission shall review land use ordinances and regulations of the county and make recommendations in cooperation with DCD regarding them to the board of commissioners.
4. The planning commission shall recommend priorities for and review studies of geographic subareas in the county in cooperation with DCD.
5. All other county boards, committees, and commissions shall coordinate their planning activities, as they relate to land use or the Jefferson County Comprehensive Plan.
6. The planning commission may hold public hearings in the exercise of its duties and responsibilities as it deems necessary.
7. The planning commission shall have such other duties and powers as heretofore have been or hereafter may be conferred upon the commission by county ordinances or as directed by resolution of the board of commissioners, the performance of such duties and exercise of such authority to be subject to the limitations expressed in such enactments.
8. The Planning Commission shall report in all matters referred to it within the time line given in County Resolution #54-97, which is forty (40) days, or within such additional time as may be specified by the Board of County Commissioners. The report of the Planning Commission shall be advisory only.

SECTION 4 - OFFICERS: Officers of the Planning Commission shall be chair and vice-chair. The chair and vice-chair shall be elected annually at the first May regular meeting from among its members. In the absence of both the chair and vice-chair at a meeting or workshop, members present shall elect a temporary chair to perform those duties described by Section 5 of these by-laws. The member elected shall only serve as temporary chair for that meeting or workshop.

SECTION 5 - OFFICERS' RESPONSIBILITIES AND DUTIES: The chair of the Planning Commission shall: (1) preside at all meetings and execute the agenda of such meetings in an orderly manner and (2) officially represent the commission before organizations or groups. The vice chair shall officiate as chair in the chair's absence.

When appropriate and necessary, the chair shall establish committees and appoint members thereto. Committees are governed by the Open Public Meetings Act (Section 8 paragraph 2) and therefore require public notice of meetings and an audio record of such meeting.

SECTION 6 - SECRETARY: The secretary shall be provided by the Planning Department. The secretary's duties shall be to record the proceedings of all Planning Commission meetings. No member of the Planning Commission shall be appointed secretary.

SECTION 7 – STAFF AND RESPONSIBILITIES: The Jefferson County Planning Department shall provide staff to the Planning Commission. The designated county planning staff shall (1) prepare for future meetings with the chair of the Planning Commission, (2) distribute agendas for meetings and workshops, (3) prepare the Planning Commission budget, (4) account for and process expenditures, (5) notify members by e-mail of workshops, and (6) where sufficient staff resources exist, act in any other manner deemed necessary by the Planning Commission, such as providing technical advice or developing plans, studies, or reports.

SECTION 8 - MEETINGS AND WORKSHOPS: Notification to the public of all meetings shall be made through advertising in a legal newspaper of record with county-wide circulation. Meetings requiring public notification include, but are not limited to: (1) regular meetings, (2) special meetings, (3) public hearings, (4) workshops, and (5) committee meetings. Notification will appear at least ten (10) days prior to a public hearing. Workshops can be held on matters of discussion by approval of the Planning Commission with notice to the public. No official action shall be taken at workshops. If a meeting needs to be canceled due to a lack of a quorum, a notice shall be posted on the door of the meeting place.

The Planning Commission is subject to the Open Public Meetings Act which generally requires that meetings of the governing body be open to the public and that no conditions precedent to attendance by the public, except for orderly conduct, may be imposed. Therefore, a county legislative body shall not ban the use of recording devices or video cameras from the open portion of a meeting held pursuant to the Open Public Meetings Act. The county legislative body may impose restrictions on the use of recording devices, but only to the extent necessary to preserve the orderly conduct of the meeting.

E-mails between the members addressing matters before the Planning Commission could be construed to be a public meeting, particularly if there was any response to such communication. Therefore, all e-mails related to matters before the Planning Commission should be forwarded to staff for appropriate distribution.

SECTION 9 - CONDUCT: Except where in conflict with these By-laws, Roberts Rules of Order shall guide the conduct of all public meetings and hearings of the Planning Commission.

SECTION 10 - QUORUM: A majority of the Planning Commission membership, being not fewer than (5) five, shall constitute a quorum for the consideration of most items of business, with a majority vote of those present being sufficient to take action.

Comprehensive Plan Changes, Zoning Changes, By-Law Changes, Unified Development Code (UDC) changes and other site-specific approvals shall be by the affirmative vote of not fewer than (5) five members - a majority of the total membership.

In the event of a challenge to a member or members of a decision-making body which would cause a lack of a quorum or would result in a failure to obtain a majority

vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine (RCW 42.36.090, Participation of challenged member of decision-making body).

SECTION 11 - VOTING: All members are entitled to one vote. A vote shall be either (1) yeah, (2) nay, or (3) abstain. An abstention per Roberts Rules of Order is not counted as a nay vote. If a member recuses themselves, they shall leave the room and not take part in any of the discussion pertaining to the matter before the Planning Commission. All matters acted on shall be recorded as written motions.

The chair is a Planning Commission member and is therefore allowed one vote on all issues.

Some matters before the Planning Commission (e.g., election of officers, approval of the Planning Commission's minutes, setting dates and times for special meetings, etc.) are administrative and not quasi-judicial in nature. Such administrative matters shall be decided by a majority vote of the members present.

SECTION 12 - BUDGET: A preliminary budget for the Planning Commission shall be prepared by the Jefferson County Planning Department. An itemized estimate of expenditures for the ensuing calendar year shall be included in the preliminary budget. The preliminary budget shall be reviewed by members at the earliest possible time so the members may express any shortcomings in the budget and make a recommendation direct to the Board of County Commissioners to address the Planning Commission's needs.

The budget shall become final in December without further review by the Planning Commission, unless there is a substantial change. The budget and any amendments thereof shall be prepared in accordance with requirements established by the Jefferson County Auditor.

SECTION 13 - CLAIMS FOR EXPENDITURES: All claims for expenditures for operating the Planning Commission shall be made by the Jefferson County Planning Department in accordance with requirements established by the Jefferson County Auditor. All claims shall be reviewed by the Director of the Department of Community Development and approved by the Board of County Commissioners. Any requests to claim mileage, expenses for attending a conference, seminar, or similar session shall be approved by the Board of County Commissioners.

SECTION 14 – APPEARANCE OF FAIRNESS: Application of the Appearance of Fairness Doctrine to local land use decisions shall be limited to the quasi-judicial actions of local decision-making bodies as defined in this section. Quasi-judicial actions of local decision-making bodies are those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or another contested case processing. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amend that is of area-wide significance (RCW 42.36.010, Local land use decisions).

In quasi-judicial actions, Members shall disclose any and all personal benefits, gains, advantages to themselves, friends or immediate family; "Immediate family" means spouses, dependents, anyone residing in the person's household, and anyone within three degrees of relationship by blood, marriage or domestic partner.

Even though Legislative decisions do not require disclosure as detailed in paragraphs 1 and 2 of this section, Planning Commissioners may recuse themselves in Legislative matters if the commissioner feels that, due to public perception or other consideration, the Planning Commission's business would be negatively impacted.

No former Planning commissioner shall, within two years after his or her term on the Planning Commission has ended, knowingly act as agent, consultant or attorney for anyone other than Jefferson County in connection with any particular matter in which the county is a party, if the Planning Commissioner participated personally and substantially in that particular matter while on the Planning Commission.

A planning commissioner who is a candidate for public office and who complies with all provisions of applicable public disclosure and ethics laws shall not be limited from accepting campaign contributions to finance the campaign, including outstanding debts; nor shall it be a violation of the Appearance of Fairness Doctrine to accept such campaign contributions (RCW 42.36.050, Campaign Contributions).

SECTION 15 - REPORTS: Reports of official Planning Commission reviews or official recommendations shall include only that which has been approved by a majority vote of the members present as expressed in Section 10.

Drafts of reports of official Planning Commission reviews or official recommendations shall be reviewed, corrected as necessary, and adopted by a majority vote of the Planning Commission members present.

Under exceptional circumstances, where time is of the essence, this rule may be suspended by a two-thirds majority of the Planning Commissioners in attendance. Should this rule be suspended, the drafters of the subject report shall make a good faith effort to have the subject draft report reviewed by as many Planning Commissioners as feasible. Under such circumstances, such reports will be sent to the Planning Commissioners immediately upon completion. Further, this means of adoption shall be noted on the facing page of such document.

A Planning Commission minority report may be submitted with a majority report. A minority report shall (1) contain the concurrent opinion of two or more Planning Commission members who participated in the discussion and voted in the negative, (2) be signed by such members, (3) not contain diverging opinions, and (4) contain an issue relating directly to the majority report with which it is submitted.

One or more business days before any minority report is submitted to the Board of County Commissioners, a copy of such minority report shall be (1) submitted to the Planning Commission secretary and (2) made reasonably available to all Planning Commission members.

The timing of minority reports shall follow the same time line as the Planning Commission majority report and be submitted in the same Board of County Commissioners packet. Such minority report shall be disseminated to the entire Planning Commission on the day the minority and majority reports are submitted to the Board packets.

SECTION 16 - AMENDMENTS: Amendment to these By-Laws may be made at any regular meeting of the Planning Commission, provided the following conditions have been met:

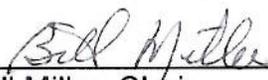
SECTION 16 - AMENDMENTS: Amendment to these By-Laws may be made at any regular meeting of the Planning Commission, provided the following conditions have been met:

- a. The proposed change has been an item of business at the previous meeting;
- b. The proposed change has been e-mailed to the membership ten (10) days prior to the meeting considering the proposed change;
- c. The proposed change is not in conflict with the statutes which authorize the Planning Commission; and
- d. The proposed change receives an affirmative vote of no fewer than (5) five members - a majority of the total membership.

SECTION 17 - REPEALER: All previous by-laws of the Jefferson County Planning Commission are hereby repealed.

SECTION 18 - ADOPTION: These by-laws, as amended, are hereby adopted this 6th day of February, 2013.

Jefferson County Planning Commission



Bill Miller, Chair



Michelle McConnell, Interim Secretary

Original adoption date 7/23/97; Amended Section 17 on 11/17/99 and 12/1/99; Amended Section 4 on 6/21/00; Amended Section 13 on 7/19/00; Amended Sections 12 & 13 on 5/16/01; Entire revision on 8/6/03; Amended Section 4 on 4/18/07; Amended Section 14 on 1/16/08; Amended Sections 3, 9, 10, 11, 14 & 16 on 9/3/08; Amended Sections 4 and 8 on 6/1/11; Amended Section 8 on 2/6/13.