



**AGENDA
DES MOINES
PLANNING COMMISSION MEETING**
City Council Chambers
21630 11th Avenue S, Suite C
Des Moines, Washington
Tuesday, April 14, 2026 - 6:00 PM

CALL TO ORDER

ROLL CALL

AGENDA ITEMS

- Item 1. **Welcome from Mayor Yoshiko Grace Matsui**
- Item 2. **Introduction of Planning Commission and Planning Staff**
- Item 3. **Selection of Chair and Vice Chair**
- Item 4. **Future Meeting Date/Times**
Motion: "I move to set the regular meeting of the Planning Commission on the _____ of the month at 6 p.m."
- Item 5. **Planning Commission Training**
- Item 6. **Planning Commission 2026 Workplan**
Motion: "I move to approve the 2026 Planning Commission Workplan"
- Item 7. **Planning Commission Bylaws**
Direct staff based on the examples for inclusion in the draft bylaw to return for future adoption.

NEXT MEETING DATE

To be determined

ADJOURNMENT

PLANNING COMMISSION
AGENDA ITEM

SUBJECT: Selection of Chair and Vice Chair

ATTACHMENTS:

1. Planning Commission Election of Chair and Vice-Chair Procedure

FOR AGENDA OF:

April 14, 2026

DEPT OF ORIGIN:

Community Development

DATE SUBMITTED:

April 06, 2026

CLEARANCES:

Purpose and Recommendation

The purpose of this agenda item is for the Planning Commission for the election of a Chairperson and Vice Chairperson of the Planning Commission.

Background

The Planning Commission elects a Chair and Vice Chair to perform essential duties during Planning Commission meetings. The Chair has broad authority over matters regarding the conduct of meetings and shall exercise this authority to promote the fullest possible presentation of information and discussion of matters before the Planning Commission, while ensuring the orderly and timely completion of Commission business.

Discussion

Tonight's discussion will focus on the election of the Chairperson and Vice Chairperson for the Des Moines Planning Commission. See attached procedures for the selection process.

Planning Commission Election of Chair and Vice-Chair Procedure

The Planning Commission shall annually elect a Chair and Vice-Chair from among its members. The Commissioner receiving a majority vote of Commissioners present shall be declared elected. The election shall first be conducted for Chair, followed by Vice-Chair.

Chair Election

1. Call for Nominations – The Clerk (Planning Commission Secretary) shall open the floor for nominations for the position of Chair. Example: “At this time, I will accept nominations for the position of Planning Commission Chair.”
2. Making Nominations – Any Commissioner may nominate another Commissioner or themselves. A second is not required. The nominee must indicate whether they accept the nomination.
3. Additional Nominations – After each nomination, the Secretary will ask if there are any additional nominations.
4. Closing Nominations – When no further nominations are offered, the Secretary shall close nominations.
5. Voting – Voting may occur by voice vote or roll call vote. Example Roll Call: Commissioner ____; Commissioner ____; Commissioner _____. Each Commissioner states their vote when called.
6. Announcement of Results – The nominee receiving a majority vote of Commissioners present shall be declared elected. Example: “By a vote of ___ to ___, Commissioner _____ is elected Chair of the Planning Commission.”
7. Transfer of Presiding Officer – The newly elected Chair will then preside over the remainder of the meeting and conduct the election of the Vice-Chair.

Vice-Chair Election

1. Call for Nominations – The newly elected Chair shall open nominations. Example: “At this time, I will accept nominations for the position of Planning Commission Vice-Chair.”
2. Making Nominations – Nominations may be made by any Commissioner. A second is not required. The nominee must accept the nomination.
3. Additional Nominations – The Chair shall ask if there are additional nominations.

4. Closing Nominations – When no further nominations are offered, the Chair shall close nominations.

5. Voting – Voting shall occur by voice vote or roll call vote, as determined by the Chair.

6. Announcement of Results – Example: “By a vote of ___ to ___, Commissioner _____ is elected Vice-Chair of the Planning Commission.”

Additional Nomination Guidelines

- Commissioners may self-nominate.
- A Commissioner may decline a nomination.
- A Commissioner may be nominated for more than one office but may only serve in one elected position.

PLANNING COMMISSION
AGENDA ITEM

SUBJECT: Future Meeting Date/Times

ATTACHMENTS:

1. 2026 Calendar

FOR AGENDA OF:

April 14, 2026

DEPT OF ORIGIN:

Community Development

DATE SUBMITTED:

March 12, 2026

CLEARANCES:

Purpose and Recommendation

To discuss the day and time for the regularly scheduled Planning Commission moving forward.

Suggested Motion:

Motion: "I move to set the regular meeting of the Planning Commission on the _____ of the month at 6 p.m."

Background

The Commission must establish a regularly scheduled monthly meeting date for the Planning Commission. However, the meeting may be canceled if there are no items on the agenda.

Discussion

The attached calendar shows the scheduled City Council and committee meetings for 2026. The Planning Commission will need to schedule its regular meeting so as not to conflict with other previously scheduled meetings. Staff sent out an email to review Commission availability and commissioners are available 1st or 2nd Tuesday of the month.

Additionally, a start time for the Planning Commission meeting of 6:00 p.m. works with the commissioners schedules.

2026

- Study Session
- Regular Meeting
- Council Retreat
- Holiday/Observed Holiday

January

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August

Su	Mo	Tu	We	Th	Fr	Sa
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- Airport Committee Meeting
- Citizens Advisory Committee Meeting
- Planning Commission Meeting

PLANNING COMMISSION
AGENDA ITEM

SUBJECT: Planning Commission Training

ATTACHMENTS:

None

FOR AGENDA OF:

April 14, 2026

DEPT OF ORIGIN:

Community Development

DATE SUBMITTED:

March 12, 2026

CLEARANCES:

City Clerk

Purpose and Recommendation

The purpose of this item is to discuss mandatory and optional training for commissioners.

Background

The Planning Commissioners have mandatory training that you are required to take every two years. This includes:

- Public Records Act Basics – RCW 42.56
- Open Public Meetings Act – RCW 42.30
- Records Management and Retention Basics - RCW 40.14

Discussion

Additionally, there is a short course on local planning which includes:

- An overview of the complex mix of land use planning laws that work together to support land-use decision-making in Washington state.
- An introduction to comprehensive planning and plan implementation under the Growth Management Act.
- A review of the roles in planning and best practices for public participation.
- Mandatory training on the Open Public Meetings Act and Public Records Act for local government officials.

Commerce hosts this class both in person and virtually. We have scheduled an in-person class for the Planning Commission to attend, which is also open to the public for April 27th at 5pm. For more information about the class see the Commerce Short Course website at <https://www.commerce.wa.gov/growth-management/education-outreach/short-course/>.

PLANNING COMMISSION
AGENDA ITEM

SUBJECT: Planning Commission 2026 Workplan

ATTACHMENTS:

1. 2026 Planning Commission Draft Work Plan
2. Ordinance No. 1838 - Planning Commission

FOR AGENDA OF:

April 14, 2026

DEPT OF ORIGIN:

Community Development

DATE SUBMITTED:

March 12, 2026

CLEARANCES:

Purpose and Recommendation

The purpose of this agenda item is for the Planning Commission to consider items for the 2026 workplan.

Suggested Motion:

Motion: "I move to approve the 2026 Planning Commission Workplan"

Background

Ordinance No. 1838 reinstated the City's Planning Commission. Per Section 3, *'The Planning Commission shall review staff proposals, hold public hearings, and submit recommendations to the City Council on certain Type IV and Type VI land use actions. The Planning Commission shall review such other matters and take such further action as the City Council may direct from time to time by motion, resolution, or ordinance.'*

Per Des Moines Municipal Code (DMMC) 18.20.070, Type IV land use actions are quasi-judicial and other nonlegislative decisions by City Council made without legal requirement for public comment. These include reviews such as site-specific zoning map amendments, subdivisions, and business park and institutional campus master plans. Type VI land use actions are legislative decisions by City Council made after legal required opportunity for public comment. These include reviews such as area-wide rezones, comprehensive plan adoption or amendments and text code amendments. A chart listing the different types of land use reviews, their applicable code sections and decision maker is located in DMMC 18.20.080.

Discussion

Tonight's discussion will focus on discussion of upcoming legislative requirements, code amendments, and projects for the commission's 2026 workplan.

Recommendation

Staff recommends approval of the 2026 workplan

**Planning Commission
2026 Workplan**

April

Chair/Vice Chair election
Planning Commission By-Laws
Planning Commission Workplan
Training: Short Course on Local Planning

May

Conversion of Existing Buildings (ESHB 1042 2023-2024)
Planning Commission By-Laws

June

Tree Mitigation/Tree Replacement

July

Zoning Review

August

Zoning Review

September

Zoning Review

October

Zoning Review

November

Zoning Review

December

Zoning Review

Pending/Not Scheduled:

Critical Area Ordinance
Development Agreement Ordinance
Design Guidelines
Special Projects as assigned

ORDINANCE NO. 1838

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to land use, reinstating a City planning commission, amending DMMC 17.10.130, 17.10.140, 17.10.150, 17.10.160, 18.20.190, 18.20.210, 18.20.230, and 18.30.100, and adding a new chapter to Title 4 DMMC entitled "Planning Commission".

WHEREAS, Pursuant to RCW 35A.63.020 a code City may create a planning agency, and

WHEREAS, the City of Des Moines creates a planning agency titled the Planning Commission, and

WHEREAS, The Planning Commission shall serve in an advisory capacity as may be provided by this ordinance and shall have such other powers and duties as shall be provided by this ordinance, and

WHEREAS, The City Council retains the authority of the planning agency to prepare a comprehensive plan under RCW 35A.63.060, and

WHEREAS, the Des Moines City Council held a duly noticed public hearing on December 4, 2025, and

WHEREAS, based on the careful consideration of the facts, the City Council finds that the proposed amendments attached and incorporated herein should be approved as presented; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

NEW SECTION. Sec. 1. Planning Commission established.

Pursuant to RCW 35A.63.020 there is established a planning commission which shall function in accordance with the provisions of this chapter.

NEW SECTION. Sec. 2. Membership - term.

(1) The Planning Commission shall consist of seven members, appointed by the City Council.

(2) If qualified candidates are available, members should represent each of the following interests:

(a) Five members should consist of members qualified by experience or interests in areas related to topics related to Growth Management, Land Use, Housing, Transportation, Economic Development, Parks, or Environment management.

(b) One should include an owner, operator, or employee of a small business within the City limits.

(3) Requirements for Residency

(a) Members of the Commission shall be residents of the City who have lived within the City for at least one year prior to appointment to the Commission.

(b) One member of the Commission may be a nonresident if the member has been an owner, operator, or employee of a small business operating within the City limits for at least one (1) year prior to appointment to the Commission.

(4) Members of the Commission shall not sit on any other City standing commissions or committees.

(5) The term of office for members of the Commission shall be four years.

(6) Three of the seven initial appointments to the Planning Commission shall be appointed for two year terms as determined by the City Council.

(7) Commission terms shall be limited as stated in DMMC 4.24.040(2).

NEW SECTION. Sec. 3. Purpose, duties, and responsibilities

The Planning Commission shall review staff proposals, hold public hearings, and submit recommendations to the City Council on certain Type IV and Type VI land use actions. The Planning Commission shall review such other matters and take such further action as the City Council may direct from time to time by motion, resolution, or ordinance.

Planning Commission meetings shall be scheduled once per month, and the planning commission shall meet no less than four times per year.

NEW SECTION. Sec. 4. Administrative support.

The City Manager shall designate a member of the paid staff of the City to serve as secretary of the Planning Commission.

NEW SECTION. Sec. 5. Procedure.

(1) Members of the Planning Commission members will choose a presiding officer from their number. The presiding officer can be removed by majority vote of the Planning Commission or majority vote of the City Council.

(2) The Planning Commission may prescribe rules concerning procedures for hearings authorized in the Des Moines Municipal Code, subject to approval by the City Attorney. In the absence of rules of procedure approved by the City Attorney, hearings shall be conducted as required by chapter 4.12 DMMC, City Council - Rules of Procedure.

NEW SECTION. Sec. 6. Public disclosure information.

Between January 1 and April 16 of each year during which a member of the planning commission holds office, the member shall file with the City Clerk a financial disclosure statement on a form approved by the City Attorney. Failure to file such form in a timely fashion shall result in the immediate removal of the member from office.

Sec. 7. DMMC 17.10.130 and section 50 of Ordinance No. 1585 are each amended to read as follows:

Planning Commission review.

(1) General. Pursuant to this chapter and chapter 18.20 DMMC, the Planning Commission shall hold a public hearing on each proposed Type IV land use action. No later than the first regular public meeting after receiving the recommendation of the Director on the preliminary subdivision, the City Council shall set by motion the date of the hearing.

(2) Notice. The Director shall prepare and distribute public notice of the hearing as set forth in DMMC 17.40.120.

(3) Electronic Sound Recording. The City shall make a complete electronic sound recording of each public meeting involving the review of a Type IV land use action.

(4) Recommendation. Upon consideration of the information presented at the public hearing, the Planning Commission shall, by a majority vote of a quorum of its membership, make a recommendation to the City Council.

(5) Recommendation criteria. The Planning Commission may recommend approval of the proposed Type IV land use action only if it finds that it meets the applicable decisional criteria.

(6) Transmittal of Recommendation. The Director shall inform the City Council of the Planning Commission's recommendation not later than within the next two (2) regular City Council meetings following the adoption of the Planning Commission's recommendation.

Sec. 8. DMMC 17.10.140 and section 51 of Ordinance No. 1585 are each amended to read as follows:

Public testimony and participation at public hearings.

Any person may participate in the public hearing in either or both of the following ways:

(1) By submitting written testimony either by delivering this testimony to the Department prior to the hearing or by giving it directly to the Planning Commission at the hearing.

(2) By appearing in person, or through a representative, at the hearing and making oral testimony directly to the Planning Commission. The presiding officer may reasonably limit the extent of oral testimony to facilitate the orderly and timely conduct of the hearing.

Sec. 9. DMMC 17.10.150 and section 52 of Ordinance No. 1585 are each amended to read as follows:

Continuation of hearing.

The Planning Commission may continue the hearing if, for any reason:

(1) It is unable to hear all of the public testimony on the matter;

(2) It determines that it needs more information on the matter; or

(3) It directs that the proposed preliminary subdivision be modified.

If, during the hearing, the Planning Commission announces the time and place of the next hearing on the matter, no further notice of that hearing need be given.

Sec. 10. DMMC 17.10.160 and section 53 of Ordinance No. 1585 are each amended to read as follows:

City Council's decision.

(1) General. Following its consideration of the record and the Planning Commission's recommendation in the matter, the City Council shall by motion direct administration to return the proposed preliminary subdivision to the applicant for modification or draft a resolution to either:

(a) Approve the preliminary subdivision; or

(b) Approve the preliminary subdivision subject to certain conditions; or

(c) Disapprove the preliminary subdivision.

(2) Decisional Criteria. The City Council may approve the proposed preliminary subdivision only if it finds that:

(a) It is consistent with the applicable provisions of the Comprehensive Plan, Zoning Code, Shoreline Master Program, and other City policies and regulations; and

(b) It is consistent with the applicable provisions of chapter 17.35 DMMC (layout and design of subdivisions); and

(c) There are adequate provisions for open spaces, drainage ways, rights-of-way, sidewalks, and other planning features that assure safe walking conditions for pedestrians, including students who walk to and from school, easements, water supplies, sanitary waste, fire protection, power service, parks, playgrounds, and schools; and

(d) It will serve the public use and interest and is consistent with the public health, safety, and welfare. The City Council shall be guided by the policy and standards and may exercise the powers and authority set forth in chapter 58.17 RCW, as presently constituted or as may be subsequently amended; and

(e) The proposed preliminary subdivision provides for coordinated development with adjoining properties or future development of adjoining properties including but not limited to provisions for improved or shared access where appropriate.

(3) Conditions, Restrictions, and Modifications. The City Council shall include in its decision any conditions, restrictions, and modifications that are determined as necessary to eliminate or minimize any undesirable effects or impacts that would result from approving the proposed subdivision. Any conditions, restrictions, and modifications that are imposed shall become part of the decision.

(4) Dedication. The City Council may require dedication of tracts, easements, or rights-of-way for utility or other public purposes. Such dedications shall be clearly shown and described on all documents required by this chapter.

(5) Contents of Decision. The City Council shall adopt by resolution:

(a) A statement approving, approving with conditions, or denying the preliminary subdivision; and

(b) Any conditions, restrictions, and modifications that are imposed; and

(c) Findings of fact that support the decision, including any conditions, restrictions, and modifications that are imposed; and

(d) A statement of the criteria used in making the decision; and

(e) A summary of the rights, as established in this chapter, of the applicant and others to request reconsideration of the decision of the City Council.

(6) Distribution of Decision. Within fifteen days following the City Council decision, the City Clerk shall distribute the resolution to the applicant.

(7) Failure to Resubmit. Preliminary subdivision applications returned to the applicant for modification that are not resubmitted to the planning official within 60 days of the date of the City Council public hearing will be, for the purposes of this chapter, considered withdrawn; except that the Director may extend the period to resubmit the application for an additional 60 days upon written request by the applicant submitted within the initial 60-day resubmittal period. Time spent by the applicant to make modifications as directed by the City Council shall not be counted toward application time limits specified in DMMC 17.10.190, Processing preliminary subdivisions - Time limits.

Sec. 11. DMMC 18.20.190 and section 69 of Ordinance No. 1591 as amended by section 4 of Ordinance No. 1737 are each amended to read as follows:

Review process for Type IV land use action.

(1) For all Type IV land use actions except matters governed by DMMC chapter 16.05, chapter 16.20, and zoning map amendments that require a Comprehensive Plan Amendment, the Planning Commission shall conduct a public hearing for the review of the proposed land use action. The Planning Commission

may recommend approval, approval with conditions or amendments, or denial of a Type IV land use action. The recommendation(s) of the Planning Commission shall be forwarded to the City Council. Hearings not delegated to the Planning Commission shall be conducted by the City Council or as otherwise directed by motion of the City Council.

(2) Upon conclusion of the 15-day comment period and any applicable SEPA appeal period, the City Council may approve, approve with conditions, or deny a Type IV land use action upon compliance with the procedural requirements of chapter 18.240 DMMC, Hearing Examiner.

(3) The City Council's decision regarding a Type IV land use action is appealable to the Superior Court of Washington for King County as specified by DMMC 18.20.290 (Appeal from decision of the City Council).

Sec. 12. DMMC 18.20.210 and section 71 of Ordinance No. 1591 as amended by section 6 of Ordinance No. 1737 are each amended to read as follows:

Review process for Type VI land use action.

(1) For all Type VI land use actions except textual code amendments for titles 12, 14, and 16, adoption or amendment of the Comprehensive Plan, and Area-wide rezones that require Comprehensive Plan amendment, the Planning Commission shall conduct a public hearing for the review of the proposed land use action. The Planning Commission may recommend approval, approval with conditions, or denial of a Type VI land use action. The recommendation(s) of the Planning Commission shall be forwarded to the City Council. Hearings not delegated to the Planning Commission shall be conducted by the City Council or as otherwise directed by motion of the City Council.

(2) For textual code amendments, the Director may schedule a public hearing before the Planning Commission as provided in DMMC 18.30.100.

(3) Upon conclusion of the 15-day comment period, the City Council may approve, approve with conditions, or deny a Type VI land use action upon compliance with the procedural requirements

of chapter 18.30 DMMC, Amendments to the Zoning Code, Map and Planned Unit Developments.

(4) Except for matters subject to review by the Central Puget Sound Growth Management Hearings Board as provided by RCW 36.70A.280, as presently constituted or as may be subsequently amended, the City Council's decision regarding a Type VI land use action is appealable to the Superior Court of Washington for King County as specified by DMMC 18.20.290 (Appeal from decision of the City Council).

Sec. 13. DMMC 18.20.230 and section 71 of Ordinance No. 1591 as amended by section 6 of Ordinance No. 1737 are each amended to read as follows:

Procedures for open record public hearings.

(1) Open record public hearings shall be conducted as required by chapter 4.12 DMMC, City Council - Rules of Procedure, and chapter 18.240 DMMC, Hearing Examiner, and other applicable law.

(2) Written information received from the public or other agencies shall be admitted to the record during the time between the publication of the applicable public notice, and the closing of the open record public hearing by the presiding officer of the City Council or Planning Commission hearing.

(3) Oral testimony from the public or other agencies shall be admitted to the record during the time between the opening and closing of the open record public hearing by the presiding officer of the City Council or Planning Commission hearing.

(4) Upon the closing of the open record public hearing by the presiding officer of the City Council or Planning Commission hearing, no additional written information or oral testimony from the public or other agencies will be accepted or considered.

Sec. 14. DMMC 18.30.100 and section 104 of Ordinance No. 1591 as amended by section 7 of Ordinance No. 1737 are each amended to read as follows:

Textual changes to zoning code or area-wide rezones.

Amendments to this Title that constitute a textual change or an area-wide rezone are made in the following manner:

(1) As used in this section, unless the context or subject matter clearly requires otherwise, "textual change" means a change or amendment to this Title except:

(a) Amendments changing the zone of a particular parcel of property (commonly known as a rezone); or

(b) Actions relating to adoption or amendment to the Comprehensive Plan.

(2) No textual change is made without at least one public hearing before the Planning Commission.

(3) Notice of the public hearing shall generally conform with DMMC 17.45.070, Notice. Continued hearings may be held at the discretion of the Planning Commission but no additional notice is required.

(4) The Director may schedule a public meeting of the Planning Commission to allow for review of a proposed textual code amendment. The Planning Commission may recommend approval, approval with conditions or amendments, or denial of the proposed textual code amendment. The recommendation(s) of the Planning Commission shall be forwarded to the City Council for review during the public hearing.

Sec. 15. Codification. Sections 1 through 6 of this ordinance shall be codified as a new chapter in Title 4 DMMC entitled "Planning Commission".

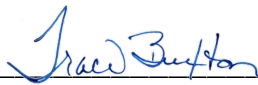
Sec. 16. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 17. Effective date. This ordinance shall take effect and be in full force sixty (60) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 11th day of December, 2025 and signed in authentication thereof this 11th day of December, 2025.



M A Y O R

APPROVED AS TO FORM:

/s/ Tim George
City Attorney

ATTEST:



City Clerk

Published: December 16, 2025

PLANNING COMMISSION
AGENDA ITEM

SUBJECT: Planning Commission Bylaws

ATTACHMENTS:

1. SeaTac Planning Commission Bylaws
2. Burien Planning Commission Bylaws
3. Federal Way Planning Commission Bylaws
4. Des Moines Planning Bylaws 2002

FOR AGENDA OF:

April 14, 2026

DEPT OF ORIGIN:

Community Development

DATE SUBMITTED:

March 30, 2026

CLEARANCES:

Purpose and Recommendation

To discuss the governing bylaws for the Planning Commission for the City of Des Moines.

Suggested Motion:

Direct staff based on the examples for inclusion in the draft bylaw to return for future adoption.

Background

Planning Commissions operate under a set of internal rules set up by the organization for the purpose of self-regulation. These internal rules are referred to as “bylaws”. Bylaws outline the rules of order, structure of meetings, and processes for the Commission to follow. Establishment of these bylaws will allow for consistency and order in Planning Commission business.

Discussion

Three sample Planning Commission bylaws from neighboring jurisdictions are attached. Discussion will include organization of bylaws, and what to include.

BYLAWS OF THE PLANNING COMMISSION OF THE CITY OF SEATAC

We, the members of the Planning Commission of the City of SeaTac, State of Washington, created pursuant to [Chapter 35A.63](#) of the Revised Code of Washington and [Chapter 2.15](#) of the SeaTac Municipal Code, do hereby adopt the following BYLAWS:

ARTICLE 1 – NAME

Section 1.1

The official name of the commission is the "Planning Commission of the City of SeaTac".

Section 1.2

The official seat of the Commission is the City Hall of the City of SeaTac.

ARTICLE 2 – JURISDICTION

Section 2.1

The purpose and intent of the Commission is to promote orderly physical development; prepare and recommend regulations, amendments, extensions, or additions to the regulations or plans for physical development; and review and make recommendations and hold public hearings on development regulations and performance standards for land situated within the boundaries of the City or proposed for annexation to the City.

ARTICLE 3 – RELATIONS TO CITY STAFF

Section 3.1

The Community and Economic Development Department staff of the City, as assigned by the City Manager, shall provide staff assistance and serve as liaison between the Planning Commission and those boards and commissions not represented on the Planning Commission, and shall also serve to facilitate communication by the Planning Commission to the City Council.

ARTICLE 4 – FUNCTIONS AND DUTIES

The Commission's functions and duties shall be pursuant to [SMC 2.15.200\(A\)](#).

ARTICLE 5 – MEMBERSHIP

Section 5.1

The Commission should consist of members qualified by experience or interests in areas related to topics referenced in [SMC 2.15.200\(A\)\(2\)](#). Members should represent a cross-section of the community, including but not limited to, occupations, skills, experiences, ages, ethnicities, demographics, and geographic areas.

The Planning Commission shall consist of seven (7) members.

If qualified candidates are available, one (1) member should represent each of the following interests:

- a. Homeowner, two (2) members preferred.
- b. Renter, two (2) members preferred.
- c. Owner, operator, or employee of a small business within the City limits
- d. Representative of the construction community, such as, builder, architects, engineers, urban planners, and designers.

Requirements for Residency.

- a. At least six (6) members of the Commission shall be residents of the City who have lived within the City for at least one year (365 days) prior to appointment to the Commission.
- b. One (1) member of the Commission may be a non-resident if the member has been an owner, operator or employee of a small business operating within the City limits for at least one year (365 days) prior to appointment to the Commission.

Section 5.2

The members of the Planning Commission shall be appointed by the Mayor, subject to confirmation by the City Council.

Section 5.3

Members of the Planning Commission shall serve for a term of three years, or until appointment of a successor member, whichever is later.

Section 5.4

If a member of the Planning Commission shall be absent, without prior notification and excuse, from three (3) consecutive regularly scheduled meetings of the Commission, the Chairperson shall report that fact and circumstances to the City Manager. The procedures in [SMC 2.15.100](#) will be followed once the absences are reported to the City Manager.

Section 5.5

Absences from six (6) convened meetings by any Commission member, excused or unexcused, occurring within a twelve-month period, may likewise be grounds for reporting to the City Manager. The procedures in [SMC 2.15.100](#) will be followed once the absences are reported to the City Manager.

ARTICLE 6 – MEETINGS

Section 6.1

Regular meetings are held the first and third Tuesday of each month, except when the Planning Commission sets an alternative meeting time, for the expressed purpose of conducting business and taking formal action. Agendas are issued and the proceedings of the meetings are recorded and published in the form of adopted meeting minutes.

Section 6.2

The Director of Community and Economic Development, or designee, shall attend each meeting of the Planning Commission and shall ensure that minutes of each meeting are taken and published. The Director, or designee, shall provide copies of the published minutes to each member of the City Council.

Section 6.3

The Planning Commission may hold joint meetings with one or more city or county planning agencies and may engage in regional planning activities.

Section 6.4

Special meetings may be called by the Chairperson as needed and formal action may be taken. Agendas are issued and the proceedings of the meetings are recorded and published in the form of adopted meeting minutes. Notice of any special meeting shall be issued as required by state law.

Section 6.5

Workshop meetings are held as needed for the purpose of providing work sessions for the development, review and discussion of draft documents, studies and reports. Agendas are issued; however, the proceedings are not recorded or published, and no formal action may be taken.

Section 6.6

All meetings shall be held in the Council Chamber or Riverton Room, SeaTac City Hall starting at 5:30 p.m., unless otherwise directed by the Chairperson. A hybrid meeting format with in-person and remote options for attendance and public participation may be offered if allowed by the City.

Section 6.7

All meetings shall be open public meetings as required by state law.

ARTICLE 7 – OFFICERS

Section 7.1

The officers of the Commission shall consist of a Chairperson and Vice-Chairperson, elected from the appointed members of the Commission. The election of officers shall take place the first regular meeting of February of each year, unless otherwise directed by the Chairperson. The term of office for each officer shall run until the next subsequent election of new officers; provided, however, that any officer may be removed at any time by a majority vote of the entire Commission.

Section 7.2

If the position of Chairperson becomes vacant, the Vice-Chairperson shall automatically become Chairperson until the next election of officers, as provided in Section 7.1. If the position of Vice-Chairperson becomes vacant, the Commission shall elect a Vice-Chairperson at the next regular meeting after the vacancy occurs.

Section 7.3

The election of Chairperson or Vice-Chairperson requires the affirmative vote of at least three commission members. The election of an Officer shall be continued to the next regularly scheduled meeting should the commission be unable to select an Officer in accordance with this Section.

ARTICLE 8 – DUTIES OF OFFICERS

Section 8.1

Chairperson – The chairperson shall preside over the meetings of the Commission and may exercise all powers usually incident to the office, retaining as a member of the Commission, however, the full right to have a vote recorded on all deliberations of the Commission. The City Council Committee liaison(s) shall be appointed, as needed, by the Planning Commission from within its membership.

Section 8.2

Vice-Chairperson – The Chairperson being absent, the Vice-Chairperson shall preside as acting Chairperson for the meeting. If both the Chairperson and Vice-Chairperson are absent, a member of the Commission shall be designated as acting Chairperson for the meeting.

ARTICLE 9 – QUORUM

Section 9.1

Four (4) members of the Commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting shall be deemed as the action of the Commission.

ARTICLE 10 – AGENDA/RULES OF ORDER

Section 10.1

The regular order of business shall be as follows, but may be adjusted as needed:

- Call to Order/Roll Call
- Approval of Minutes
- Public Comment on non-agenda items
- Business Items, including any public hearings and comments on agenda items.
- CED Director/Staff Report
- Commission Comments
- Adjournment

Section 10.2

Regular and special meetings of the Commission shall be conducted under the most recent edition of Roberts Rules of Order, except as otherwise addressed by these Bylaws.

ARTICLE 11 – PUBLIC HEARINGS

Section 11.1

The following procedure shall apply to Public Hearings held by the Planning Commission:

- The Director of Community and Economic Development or designee shall present the issue to the Planning Commission and respond to questions.

- A person may speak for up to three minutes, although up to ten minutes may be granted by the Chairperson if a person is speaking for a group of at least four people in attendance at the Public Hearing. The Chairperson may establish longer time periods, if there is unanimous concurrence by the rest of the Commission.
- The Planning Commission may ask questions of the speaker and the speaker may respond, but may not engage in further debate.

The Public Hearing will then be closed, but Planning Commission discussion may ensue if the Commission so desires.

ARTICLE 12 – COMPENSATION/EXPENSES

Section 12.1

The members of the Planning Commission shall serve without compensation.

Section 12.2

The City Council may appropriate a budget for use of the Planning Commission in meeting such expenses and expenditures as may be necessary. The City shall provide to the Planning Commission adequate space and facilities and necessary supplies to facilitate the official business of the Commission. It should be noted that the Community and Economic Development Department is designated to provide space and the necessary supplies to facilitate the official business of the Commission.

ARTICLE 13 – CONFLICTS OF INTEREST

Section 13.1

Planning Commission members shall abide by the City Code of Ethics adopted in [SMC 2.92](#). In addition, if any member of the Planning Commission concludes that such member has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the Commission, that member shall disqualify himself or herself from participating in the deliberations and the decision-making process with respect to that matter. If the Mayor and City Manager conclude that a member has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the Commission, that member shall be disqualified from participating in the deliberations and the decision-making process with respect to that matter. In either event, the Mayor may appoint, without necessity of confirmation by the City Council, a person to serve as an alternate on the Planning Commission in regard to that particular matter.

ARTICLE 14 – AMENDMENT

Section 14.1

These Bylaws and Rules of Procedure may be amended by the Planning Commission by the affirmative vote of a majority of the entire Commission membership during the course of a regular or special meeting; provided, however, that the amendment was proposed at a prior regular or special meeting. The Director of Community and Economic Development, or designee, shall transmit the adopted bylaws to the City Council.

PLANNING COMMISSION BY-LAWS

The Burien City Council created the Burien Planning Commission's role to advise the City Council and the City Manager in its preparation and revision of Burien's comprehensive plan and land use code and to review development proposals to guide and ensure that Burien's development is consistent with the comprehensive plan and the land use code. RCW 35A.63.020.

All Planning Commission members serve at the pleasure of the City Council and, consistent with RCW 35.63.030, "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."

Article I

Responsibility

The Planning Commission shall carry out the responsibilities designated by ordinance and other duties the City Council assigns. The Planning Commission members accept the office's responsibility and declare their intention to execute the duties defined under the state and municipal law to the best of their ability and to respect and observe the requirements established by the City Council. Among the responsibilities of the Planning Commission is the requirement that the Planning Commission "prepare a comprehensive plan for anticipating and influencing the orderly and coordinated development of land and building uses of" Burien. RCW 35A.62.060.

Article II

Organization of the Commission

1. A Chairperson and Vice-Chairperson shall be elected by a majority of the Commissioners at the second regular meeting in July of each year or as soon as feasible. A quorum must be present to elect the Chairperson and Vice-Chairperson.
2. If the Chairperson's term ends before the Chair and Vice-Chairperson's election, the Commission shall elect an interim Chair until the regularly scheduled election.
3. In the absence of the Chairperson and the Vice-Chairperson, a Chairperson pro tem shall be elected informally by the members present to conduct the meeting.
4. If the Chairperson or Vice-Chairperson resigns, the Commission shall expeditiously elect a new officer to fill the vacancy for the unexpired term.
5. The Chairperson shall preside at all Commission meetings and have the powers generally assigned such office in conducting the meetings.
6. It shall be the Chairperson's duty to see that the transaction of Commission business is in accord with these by-laws.
7. The Planning Commission, by a majority vote of those present, may create special committees and assign one or more members to such committees.
8. If a Commission member has more than eight (8) total absences from regularly scheduled meetings in a calendar year, the Chairperson shall inform the City Council, who may appoint a new Commission member to fill the member's term.
9. No person shall hold the office of a member of the Planning Commission unless that person is a Burien resident. If a member of the Planning Commission ceases to be a Burien resident, the office must be vacated.

10. A quorum is a majority (at least four (4) members) of the Planning Commission.

Article III

Planning Commission powers

Consistent with RCW 35.63.060, the Planning Commission “may act as the research and fact-finding agency of the municipality.” More specifically, as noted in RCW 35A.63.020, the Planning Commission serves in an advisory capacity to the City Manager, City Council, or both, as may be provided by ordinance, and shall have such other powers and duties as shall be provided by ordinance. Also,

1. “Any duties and responsibilities which by other statutes are imposed upon a planning commission may, in a code city, be performed by a planning agency, as provided in this chapter. RCW 35A.63.140. See, RCW Chapter 35.63, entitled *Planning Commissions*.
2. A Planning Commission’s “authority is generally limited to that of an advisory administrative body, and its recommendations are not binding but are subject to final approval by the legislative body of the municipality.” *D.E.B.T., Ltd. V. Bd. Of Clallam County Commissioners*, 24 Wn.App. 136, 139 (Div. II, 1979), and *Concerned Coupeville Citizens v. Coupeville*, 62 Wn.App. 408, 417 (Div. I, 1991).
3. A council may “vote to approve or disapprove or to modify and approve, as modified, the comprehensive plan or to refer it back to the planning agency for further proceedings, in which case the legislative body shall specify the time within which the planning agency shall report back to the legislative body its findings and recommendations on the matters referred to it.” RCW 35A.63.072
4. The Planning Commission may make such surveys, analyses, research, and reports responsive to any council request or that it is authorized to perform or gather. RCW 35.63.060.
5. Prepare coordinated plans for Burien’s physical development. RCW 35.63.080.
6. Encourage land use that lessens traffic congestion and accidents, protects from fire, provides sufficient light and air, prevents overcrowding and overpopulation, coordinates the development of undeveloped land, protects and forms neighborhoods and community units, secures land for community needs, conserves and restores natural beauty and resources, ensures direct sunlight for solar energy systems, facilitates adequate transportation, water, sewage, and other public needs and uses, while reviewing each plan for drainage, flooding, stormwater runoff and mitigating and cleaning discharges that may pollute the Puget Sound or waters releasing into the Puget Sound. RCW 35.63.090.
7. Make recommendations to the council after at least one public hearing. RCW 35A.63.070 and 35.63.100.
8. Hear all proposed amendments, supplements, or modifications to resolutions or ordinances adopting a comprehensive plan or related regulations before the council considers such a proposal. RCW 35A.63.071, RCW 35A.63.073, and RCW 35.63.120.

Article IV

Meetings

The Commission shall determine a regular meeting time (time, place, and frequency) as necessary.

1. Planning Commission meetings are open to the public consistent with RCW Chapter 42.30.

2. According to RCW 35.63.040, the Planning Commission “shall hold at least one regular meeting each month for not less than nine months in each year.”
3. Executive sessions may be held only with prior City Council approval and consistent with RCW 42.30.110 (Executive Sessions) and 42.30.140 (Chapter controlling – Application).
4. A quorum must be present to conduct official Planning Commission business. No official action can be taken if no quorum exists due to members leaving or failing to attend the meeting. If no quorum exists due to members leaving the meeting, the meeting must adjourn.
5. These by-laws shall govern all Planning Commission meetings. Where the by-laws do not state otherwise, the 12th Edition of Roberts Rules of Order shall apply.
6. To the extent it does not violate public notice requirements, the printed agenda of a regular meeting may be modified, supplemented, or revised at the beginning of the meeting by the affirmative vote of the majority of Commission members present.
7. The Planning Commission may devote part of its meetings to an informational study session during which no comments from the public will be permitted unless the Chairperson or a majority decides otherwise on a case-by-case basis.
8. A majority vote of the members present and voting takes action.
9. After 9 p.m., the Planning Commission shall hear no new agenda items unless a majority of the Commissioners present decide otherwise.
10. To satisfy RCW 35.63.050, a staff person will be responsible for the written recording of all Planning Commission meetings. All minutes will be forwarded to the City Clerk and be made part of a permanent record. *See also*, RCW 42.30.035.

Article V

Conflict of Interest and Appearance of Fairness

According to RCW 35A.63.020, if a Planning Commission member “concludes that he or she has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the agency so that he or she cannot discharge his or her duties on such an agency, he or she shall disqualify himself or herself from participating in the deliberations and the decision-making process with respect to that matter.” The Planning Commission is subject to Burien’s ethics ordinance, BMC Chapter 2.50, and any other applicable guideline, ordinance, policy, resolution, or rule.

1. Conflict of Interest. Prohibitions under RCW Chapter 42.23, *Code of Ethics for Municipal Officers – Contract Interests*, are the minimum standard to be enforced against municipal officers. RCW 42.23.060.
 - a. Applies to all “municipal officers, ” including all elected and appointed officials. RCW 42.23.020(2), *Definitions*.
 - b. Generally, municipal officers may not benefit from a contract under the official’s or the official’s office and may not accept any compensation, gratuity, or reward from such contract or a beneficiary of that contract. RCW 42.23.030, *Interest in contracts prohibited – Exceptions*.
 - c. Violations of RCW 42.23 could result in a \$500 penalty to be paid to Burien, criminal charges or civil liability, and a forfeiture of the officer’s position. RCW 42.23.050, *Prohibited contracts void – Penalties for violation of chapter*.
 - d. According to RCW 42.23.070, Prohibited acts, a municipal officer may not
 - i. use their “position to secure special privileges or exemptions for himself, herself, or others.”

- ii. “directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer’s services as such an officer unless otherwise provided for by law.”
 - iii. “accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.”
 - iv. disclose confidential information gained because of the officer’s position [i.e., Executive session, meetings, etc.], nor may the officer otherwise use such information for personal gain or benefit.
 - e. Other prohibitions exist in Burien’s guidelines, ordinances, policies, resolutions, and rules.
2. Appearance of Fairness Doctrine. The quasi-judicial hearings (non-legislative and non-policy items) must be procedurally fair and appear to be conducted by impartial decision-makers. Quasi-judicial hearings include:
- a. Appeal of a rezone application (BMC 19.65.090, *Rezones*)
 - b. Conditional uses (BMC Chapter 19.55, *Non-Conformance* and BMC 20.35.035, *Shoreline conditional use permits*)
 - c. Discretionary zoning permits
 - d. Preliminary plat approval (BMC Chapter 17.40, *Preliminary Plats*)
 - e. Planned Unit Development approval (BMC 17.50.020, *Planned unit developments*)
 - f. Subdivisions (BMC Title 17, *Subdivisions*)
 - g. Variances (BMC 19.65.085, *Variances*)
 - h. Other types of zoning changes that involve fact-finding

Article VI

Agenda

1. The Community Development Director or designee shall prepare the Planning Commission agenda with input from the Planning Commission Chair, Vice-Chair, or designee.
2. The agenda may be divided into sections and continue until subsequent meetings when it is apparent that one meeting will not be sufficient to complete the scheduled business.
3. Copies of the agenda will be available to all Commission members at least two (2) days before a regular meeting date.
4. The agenda will indicate whether the Planning Commission intends to act on a particular matter formally.
5. The Commission may continue a public hearing to a future date only to accept new written or oral testimony solely from anyone who had signed up to speak on the original hearing date but did not have the opportunity to testify. A continued public hearing does not require new public notice. Once a public hearing is closed, it cannot be re-opened without issuing a new public notice.
6. The Commission shall adopt an agenda at the beginning of each meeting.

Article VII

Study Sessions

Much of the Planning Commission’s work is conducted at informal study sessions.

1. The Commission shall consider information and recommendations from staff and, if permitted, comments from the public during the study session.
2. Based on staff, Commission, and possibly public input, the Commission makes recommendations to forward to the City Council.

Article VIII

Public Comment

1. If a speaker is an individual or represents an organization, that speaker may speak for 2 minutes or less.
2. Members of the public attending study sessions may only speak if acknowledged by the Chairperson.
3. If audience dialogue becomes disruptive, the Chairperson may recess the meeting or request that the meeting be adjourned.
4. To communicate with the Commission on a matter not scheduled for Public Hearing, the public may write a letter and/or speak during the duration of each meeting entitled “Public Comment” near the beginning of the agenda.

Article IX

Public Hearings and Notice

The Burien City Council “may provide by ordinance for such additional public hearings and notice thereof as it deems to be appropriate in connection with any action contemplated under this chapter.” RCW 35A.63.150.

RCW 35A.63.152 explains that any notice made under RCW Chapter 35A.63 “that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

Article X

Amending By-Laws

1. The Planning Commission may amend these bylaws at a regularly scheduled meeting.
2. The Burien City Council must approve all Planning Commission-initiated amendments before they become effective.
3. The Burien City Council may propose and adopt amendments to the Planning Commission by-laws as necessary or appropriate without Planning Commission involvement.

City of Federal Way

Planning Commission

RULES OF PROCEDURE

I. NAME

- A. The official name of the organization shall be the “City of Federal Way Planning Commission,” hereinafter referred to as “the Commission.”

II. MEETINGS

- A. The Commission shall consist of seven members and alternate member(s) as appointed by the City Council.
- B. All meetings will be held at Federal Way City Hall, except on such occasions as the Commission may otherwise direct by majority vote. Assigned senior staff will be responsible for ensuring that proper public notice has been given.
- C. Regular meetings shall be held on the first and third Wednesday of each month; study sessions may be held on the second and fourth Wednesday of each month. All meetings shall convene at 5:00 p.m. and adjourn by 9:00 p.m. Continuation of any meeting past 9:00 p.m. will require approval by motion and affirmative majority vote of the commissioners’ present.
- D. Not less than 24 hours notice shall be given for the posting, publication, or cancellation of any meeting of the Commission.
- E. Except as provided by these rules and procedures, Roberts Rules of Order (as amended) shall govern the conduct of all commission meetings.

III. ELECTION OF OFFICERS

- A. Officers of the Commission shall be elected from its membership; such offices shall be chair, vice-chair, and other offices that the Commission may choose to approve and appoint by majority vote.
- B. The election of officers will take place once each year, at the first regularly scheduled meeting of the year. The term of office for all positions shall continue until the subsequent election.
- C. A vacancy of any office due to resignation or removal of a member holding that office will be filled by special election of the Commission. In the event the office of chair is vacated, the vice-chair shall serve in that capacity until the required special election of the Commission is held.

IV. CHAIR AND VICE-CHAIR

- A. The chair shall preside over all meetings of the Commission in accordance with Roberts Rules of Order.
- B. In the absence of the chair, the vice-chair shall perform all duties incumbent of that position.
- C. In the event of the absence of both the chair and vice-chair, a temporary chairperson shall be appointed by majority vote of the members present in order to perform such duties incumbent of the position of chair.

V. CLERK OF THE COMMISSION

- A. The Director of Community Development shall designate a Clerk of the Commission who shall provide for a recording of all commission meetings and shall ensure that summary minutes of each meeting are prepared.
- B. Such summary minutes will be accepted as the official minutes of meetings upon approval of the Commission.
- C. The Clerk of the Commission will conduct and record roll call of the Commission membership as the first order of business at regular and special meetings.

VI. QUORUM

- A. A quorum of the Commission will consist of not less than four members present at regular meetings and public hearings. A simple majority vote of the quorum present shall be sufficient to: 1) conduct routine commission business; and 2) recommend **denial** of an item referred to the Commission for review. *A majority vote of the entire membership will be necessary to recommend **approval** of an item referred to the Commission for review.*
- B. In the absence of a quorum of regular members, the chair shall select an alternate (or alternates, if necessary) to serve as temporary regular members. The chair shall, at his or her discretion, select which alternate or alternates will be elevated temporarily to regular members.
- C. In the absence of a quorum, all agenda items not disposed of in accordance with these rules and procedures shall be continued to the next regular commission meeting.

VII. ABSENCES

- A. A commissioner may be excused from a meeting by providing advance notice to the Clerk of the Commission or the Commission chair.
- B. In the event any commissioner has unexcused absences from three or more meetings held during any calendar year, the Commission may request that the City Council appoint a replacement for that member.

VIII. AGENDAS

- A. The City's Director of Community Development, or designee, shall coordinate agenda preparation with the Commission chair and shall be responsible for agenda publication and posting.
- B. Copies of an agenda shall be made available to commissioners not less than 48 hours prior to a scheduled meeting. Copies of pertinent data for the meeting will be attached to the agenda.
- C. The Commission chair and assigned senior staff should structure the agenda so that sufficient time is available for the Commission to act on all action items. Discussion of action items not completed will be continued to a subsequent meeting as directed by the Commission.
- D. The agenda will indicate whether or not the Commission should take formal action on a particular matter.

IX. PUBLIC MEETING PROCEDURES

- A. Chair calls meeting to order.
- B. Clerk conducts and records roll call.
- C. Chair asks for approval or amendment of previous meeting minutes.
- D. Chair invites audience comment.
- E. Commission hears administrative comments (both commission and staff).
- F. Commission addresses old business.
- G. Commission addresses new business.
- H. Chair invites audience comment.
- I. Meeting is adjourned.

X. PUBLIC HEARINGS

- A. Chair calls meeting to order.
- B. Clerk conducts and records roll call.
- C. Chair opens the public hearing.
- D. Staff report is provided.
- E. Public testimony regarding the application is given.
- F. Discussion and questions are addressed by the commissioners.
- G. Chair asks for final comments.
- H. Commission has final discussions.
- I. Decision is made by the Commission to approve, disapprove, continue, or return the topic to staff. Any member subject to Articles XI and XII of these Rules will disclose compliance with these requirements prior to casting a vote.
- J. Chair closes or continues the public hearing.

XI. CONFLICT OF INTEREST

- A. Any commissioner having a direct or indirect interest in, or who would benefit from any matter, shall disclose this interest and shall, if deemed appropriate by that commissioner or required by law, refrain from participating or voting on the matter at hand. (form provided at the beginning of each calendar year)
- B. No member may participate or vote on a matter at hand unless the member has attended all public hearings regarding such matter or has listened to the recording of the public hearing and reviewed the written record of the matter in question.

XII. APPEARANCE OF FAIRNESS

- A. The Commission shall adhere to the applicable requirements of the appearance of fairness doctrine.

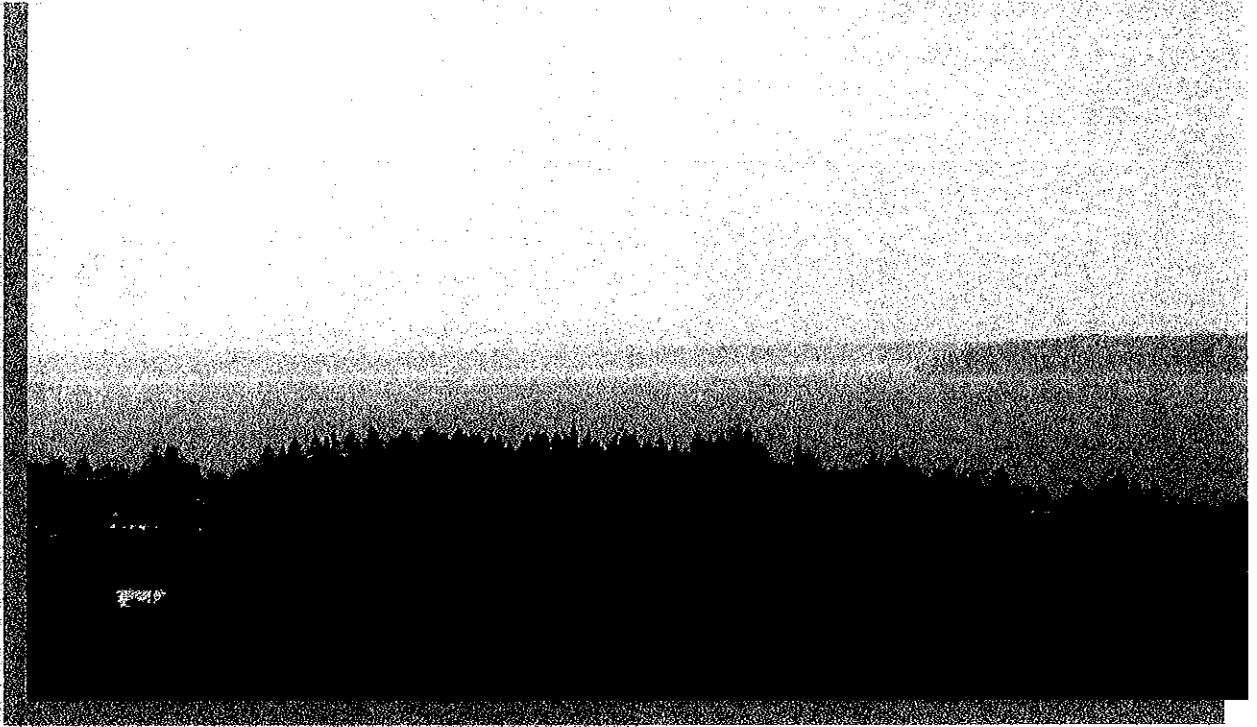
XIII. CITY OF FEDERAL WAY CODE OF ETHICS

- A. All members of the Commission must abide by the City of Federal Way Code of Ethics established in Resolution No. 91-54.

XIV. AMENDMENT

- A. These rules and procedures may be amended at any regular or special meeting of the Commission if included as an item on the published and posted notice.
- B. Any proposed amendment to these rules and procedures shall be in writing and will be provided to the members not less than seven calendar days in advance of the meeting at which such amendment will be discussed.
- C. Adoption of any amendment to these rules and procedures shall be by simple majority vote of the members present at the meeting at which the proposed amendment is discussed.

Adopted – 8/22/90
Revised – 10/17/90
Revised – 10/2/96
Revised – 1/6/10
Revised – 11/2/22
Revised – 4/5/23



Planning Agency Rules of Procedure

City of Des Moines

Community Development Department
21630 11th Ave. So., Suite D, Des Moines, WA
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Adopted April 1, 2002, June 6, 1994

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DES MOINES PLANNING AGENCY RULES OF PROCEDURE

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DES MOINES PLANNING AGENCY RULES OF PROCEDURE

SECTION 1: GENERAL RULES

RULE 1.1 PLANNING AGENCY MEETING – LOCATION

All meetings of the Planning Agency shall be held at the location specified in DMMC (4.24.070).

RULE 1.2 PLANNING AGENCY MEETING – TIME

The regular meetings of the Planning Agency shall be held beginning at 7:00 p.m. on the first Monday of each month.

RULE 1.3 PLANNING AGENCY MEETINGS – OPEN TO THE PUBLIC

All meetings of the Planning Agency shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140.

RULE 1.4 ELECTION OF OFFICERS

Procedures for electing officers are as follows:

- A. Annually, at the first meeting of the new Planning Agency, the members shall choose a presiding officer from their number who shall have the title of Chair. In addition to the powers conferred upon him/her as Chair, he/she shall continue to have all the rights, privileges and immunities of a member of the Planning Agency. If a permanent vacancy occurs in the Office of Chair, the members of the Planning Agency at their next regular meeting shall select a Chair from their number for the unexpired term. Following the election of the Chair, there shall be an election for Vice Chair, The term of the Vice Chair shall run concurrently with that of the Chair, (DMMC 4.28.020, DMMC 4.29.090).
- B. The election for Chair shall be conducted by the City Attorney. The City Attorney shall call for nomination. Each member of the Planning Agency shall be permitted to nominate one (1) person, and nominations shall not require a second. A nominee who wishes to decline the nomination shall so state at this time. Nominations are then closed. The election for Vice Chair shall be conducted by the Chair-elect, and nominations shall be made in the manner previously described for the election of the Chair.
- C. Except when there is only one nominee, election shall be by written ballot. Each ballot shall contain the name of the Planning Agency member who cast it. The Agency Clerk shall publicly announce the results of the election by reading each ballot into the record, stating the name of each voting Agency member and the manner in which the Agency member voted. Thereafter, the Agency Clerk shall record in the minutes of the meeting the manner in which each voting member of the Planning Agency cast his or her ballot.

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- D. In the event the Planning Agency is unable to agree on a Chair by majority vote of members present, the Office of Chair shall be temporarily filled by an Acting Chair. The Acting Chair shall be the Planning Agency member who just previously served as Chair; or if such person is no longer a member of the Planning Agency, the Planning Agency member who just previously served as Vice Chair; or if such person is no longer a member of the Planning Agency, the Planning Agency member with the highest seniority as determined by the City Attorney. Ties shall be resolved in a contest by chance. The office of Acting Vice Chair shall be filled by the Planning Agency member who just previously served as Vice Chair; or if such person is not a member of the Planning Agency, by the Planning Agency member with the next highest seniority. The Acting Chair and Acting Vice Chair shall continue in office and exercise such authority as is described in Chapter 3 5A.13 RCW until the members of the Planning Agency agree on a Chair, at which time the Office of Acting Chair and Acting Vice Chair shall cease and terminate.

RULE 1.5 FORMS OF ADDRESS

The Chair shall be addressed as "Mr. or Madame Chair". The Vice Chair shall be address as "Mr. or Madame Vice Chair". Members of the Planning Agency shall be addressed as " Mr. or Ms. (surname)".

RULE 1.6 SEATING ARRANGEMENT

Planning Agency members shall occupy the respective seats in the City Council Chamber assigned to them by the Chair.

RULE 1.7 PRESIDING OFFICER

The Chair shall preside at meetings of the Planning Agency, and be recognized as the head of the Planning Agency for all ceremonial purposes. The Chair shall have no regular administrative or executive duties. In case of the Chair's absence or temporary disability, the Vice Chair shall act as Chair during the continuance of the absence. In case of the absence or temporary disability of the Chair and the Vice Chair, a Vice Chair selected by members of the Planning Agency shall act as Chair during the continuance of the absences or disabilities. The Chair or Vice Chair are referred to as "Presiding Officers" from time to time in these Rules of Procedure. (DMMC 4.24.090)

RULE 1.8 QUORUM

At all meetings of the Planning Agency, four Agency members, who are present and eligible to vote, shall constitute a quorum for the transaction of business. A less number may adjourn a meeting, provided that written notice of said adjournment be posted on the exterior Planning Agency Chamber doors. Planning Agency meetings adjourned under the previous provision shall be considered a regular meeting for all purposes. (DMMC 4.24.110)

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RULE 1.9 ATTENDANCE, EXCUSED ABSENCES

A Planning Agency member may be removed from office for more than one unexcused absence per calendar year from duly called meetings unless the absence is work related or was due to personal or family illness; and the absence was excused by the Presiding Officer. (DMMC 4.24.120(2)(a)) Members of the Planning Agency may be so excused by complying with this section. The member shall contact the Presiding Officer prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Presiding Officer, the member shall contact the Community Development Director or Agency Clerk, who shall convey the message to the Presiding Officer. Following roll call, the Presiding Officer shall inform the Planning Agency of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes.

RULE 1.10 SPECIAL PLANNING AGENCY MEETINGS

Procedures for setting a special meeting are as follows:

- A. A special meeting may be called by the Community Development Director, Planning Agency Chair, or any three members of the Planning Agency.
- B. Notice of the special meeting shall be prepared in writing by the Agency Clerk. The notice shall contain the following information about the meeting: time, place, and business to be transacted. The notice shall be reviewed by the City Attorney for proper legal form.
- C. The notice shall be delivered by mail or personally to the residence or place of employment, as appropriate, of each Planning Agency member, the City Clerk, the Mayor, the City Attorney, and City Council Liaison, and any parties of record relating to the agenda items of the special meeting. The notice shall also be broadcast on the City's cable access channel. The notice shall be delivered at least twenty-four (24) hours prior to the meeting.
- D.

RULE 1.11 CANCELLATION OF MEETINGS

With the concurrence of the Presiding Officer, the Community Development Director may cancel meetings when there are no business items for the Planning Agency's review. At least 24 hours prior to the scheduled meeting, the Agency Clerk shall provide written notification of the cancellation. Such notice shall be: posted at regular posting locations and distributed to Planning Agency members and the City Council Liaison.

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RULE 1.12 PLANNING AGENCY MEETING AGENDA

The Agency Clerk, under the direction of the Community Development Director, shall arrange a list of such matters according to the order of business and prepare an agenda for the Planning Agency. After the proposed agenda has been approved by the Presiding Officer, a copy of the agenda and supporting materials shall be prepared for Planning Agency members, the Community Development Director, and the press on or before 4:30 p.m., two (2) working days before a regular Planning Agency meeting. The Presiding Officer shall have the option of deleting any item from the agenda until the next Planning Agency meeting. The Presiding Officer, three (3) Planning Agency members, or the Community Development Director may introduce a new item to the agenda.

RULE 1.13 STUDY SESSIONS

Regular Planning Agency meetings which are held for informational and orientation purposes, may be designated as Study Sessions by the Presiding Officer. Study Sessions need have no formal agenda and may be conducted informally so long as such informality is not in conflict with these rules. The purpose of Study Session discussions is to allow Planning Agency members to be made aware of impending business, to allow for training of Planning Agency members, and allow informal discussion of issues that might be acted on at a future meeting. These conditions will allow the Planning Agency members to communicate informally about these impending issues. The Agency Clerk, under the direction of the Community Development Director, shall arrange a Planning Agency Study Session worksheet for the Study Session. The Planning Agency Study Session worksheet shall, for each item, contain the Discussion Item, the Discussion Item Moderator, and the Discussion Goal. After the proposed Planning Agency Study Session worksheet has been approved by the Presiding Officer, a copy of the worksheet along with any supporting materials shall be prepared for Planning Agency members, the Community Development Director, and the press on or before 4:30 p.m. five (5) working days before the Planning Agency Study Session. During the Planning Agency Study Session the Discussion Item Moderator may: 1) introduce the subject and give background information; 2) identify the discussion goal; 3) act as facilitator to keep the discussion focused to the eventual discussion goal; and 4) alert the Presiding Officer when it is appropriate to call for a motion or other official direction of the Planning Agency. The Presiding Officer retains the option of assuming the function of the Discussion Item Moderator in order to keep the discussion properly focused.

RULE 1.14 COMMUNITY DEVELOPMENT DIRECTOR

- A. Wherever used in the Planning Agency Rules of Procedure, the title "Community Development Director" shall mean the Community Development Director or his/her designee.
- B. The Community Development Director shall attend all Planning Agency meetings. In the event the Community Development Director is unable to attend a Planning Agency meeting, the Community Development Director shall designate a key staff member to attend the meeting as the Community Development Director's representative.

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- C. The Community Development Director shall: 1) be responsible for the proper administration of all affairs of the Planning Agency; 2) recommend such measures as he/she may deem appropriate; 3) prepare reports and studies as needed for the Planning Agency to complete its duties; 4) keep the Planning Agency advised as to the business of the City; and 5) assist the Planning Agency during discussion and consideration of agenda items.

RULE 1.15 CLERK

The Community Development Director shall designate a City employee as ex-officio Agency Clerk of the Planning Agency. The Agency Clerk shall keep minutes and shall perform such other and further duties in the meeting as may be required by the Planning Agency, Presiding Officer, or Community Development Director. In the absence of the Agency Clerk, the Community Development Director shall appoint a replacement to act as Clerk of the Planning Agency.

SECTION 2: DUTIES AND PRIVILEGES OF MEMBERS

RULE 2.1 APPEARANCE OF FAIRNESS DOCTRINE

- A. Appearance of Fairness Doctrine Defined. “When the law which calls for public hearings gives the public not only the right to attend but the right to be heard as well, the hearings must not only be fair but must *appear* to be so. It is a situation where appearances are quite as important as substance. The test of whether the appearance of fairness doctrine has been violated is as follows: Would a disinterested person, having been apprised of the totality of a boardmember’s personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided.” Zehring v. Bellevue, 99 Wn.2d 488 (1983).
- B. Types of Hearings to Which Doctrine Applies The appearance of Fairness Doctrine shall apply only to those actions of the Planning Agency which are quasi-judicial in nature. Quasi-judicial actions are defined as actions of the Planning Agency which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. 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 amendment that is of area-wide significance. RCW 42.36.010. Some examples of quasi-judicial actions which may come before the Planning Agency are: rezones of specific parcels of property, appeals from decisions of the Community Development Director, substantive appeals of threshold decisions under the State Environmental Policy Act, subdivisions, street vacations, and special land use permits.

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C. Specific Statutory Provisions.

During the pendency of any quasi-judicial proceeding, no Planning Agency member may engage in ex parte (outside the hearing) communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Planning Agency member: (1) places on the record the substance of such oral or written communications; and (2) provides that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject.

This does not prohibit correspondence between a citizen and one or more Planning Agency members if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding.

D. Considerations and Procedures relating to the Appearance of Fairness.

1. Planning Agency members should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Planning Agency member or a Planning Agency member's business associate or a member of the Planning Agency member's immediate family. It could involve ex parte communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Planning Agency member's employer with the proponents or opponents, announced predisposition, and the like.

Prior to any quasi-judicial hearing, each Planning Agency member should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Planning Agency member should disclose such facts to the Community Development Director who will seek the opinion of the City Attorney as to whether a potential violation of the Appearance of Fairness Doctrine exists. The Community Development Director shall communicate such opinion to the Planning Agency member and to the Presiding Officer.

2. Anyone seeking to disqualify a Planning Agency member from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Planning Agency member shall state with specificity the basis for disqualification; for example: demonstrated bias or

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prejudice for or against a party to the proceedings, a monetary interest in outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or ex parte contact. Should such challenge be made prior to the hearing, the Community Development Director shall direct the City Attorney to interview the Planning Agency member and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in superior court. Should such challenge be made in the course of a quasi-judicial hearing, the Presiding Officer shall call a recess to permit the City Attorney to make such interview and render such opinion.

3. The Presiding Officer shall have sole authority to request a Planning Agency member to excuse himself/herself on the basis of an Appearance of Fairness violation. Further, if two (2) or more Planning Agency members believe that an Appearance of Fairness violation exists, such individuals may move to request a Planning Agency member to excuse himself/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Planning Agency members shall give due regard to the opinion of the City Attorney.
4. Notwithstanding the request of the Presiding Officer or other Planning Agency member, the Planning Agency member may participate in any such proceeding.

E. Public Disclosure File.

The City Clerk of the City of Des Moines shall maintain a public disclosure file, which shall be available for inspection by the public. As to members of the Planning Agency, the file shall contain for each member a disclosure statement. The Planning Agency disclosure statement shall list all real property and all business interests located in the City of Des Moines in which the member or the member's spouse, dependent children, or other dependent relative living with the member, have a financial interest.

F. Procedure on Application.

Any person making application for any action leading to a quasi-judicial hearing shall be provided with a document containing the following information: (1) the names and addresses of all members of the City Council and the Planning Agency; (2) a statement that public disclosure information is available for public inspection regarding all such members; and (3) a statement that if the applicant intends to raise an appearance of fairness issue, the applicant should do so at least two weeks prior to any public hearing. The applicant shall acknowledge receipt of such document.

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RULE 2.2 DISSENTS AND PROTESTS

Any Planning Agency member shall have the right to express dissent from or protest against any ordinance or resolution before the Planning Agency and have the reason therefore entered in the minutes.

RULE 2.3 ADMINISTRATIVE INTERFERENCE BY PLANNING AGENCY MEMBERS

Neither the Planning Agency, nor any of its committees or members shall direct or request the appointment of any person to, or his/her removal from, any office by the Community Development Director any of his/her subordinates. Except for the purpose of inquiry, the Planning Agency and its members shall deal with the administrative branch solely through the Community Development Director and neither the Planning Agency nor any committee or member thereof shall give any orders to any subordinate of the Community Development Director, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the Planning Agency, while in open session, from fully and freely discussing with the Community Development Director anything pertaining to appointments and removals of City officers and employees and City affairs.

SECTION 3: PLANNING AGENCY MEETING PROCEDURES

RULE 3.1 RULES OF ORDER

Rules of order not specified by statute, ordinance, or resolution shall be governed by The Scott, Foresman Robert's Rules of Order Newly Revised, 1990 Edition, as published by Scott, Foresman and Company.

RULE 3.2 MOTIONS

All items of business placed before the Planning Agency that require the expenditure of Planning Agency and/or administration resources, shall be in the form of an affirmative motion.

RULE 3.3 ORDER OF BUSINESS

The business of all regular meetings of the Planning Agency shall be transacted as follows; provided, however that the Presiding Officer may, during a Planning Agency meeting, rearrange items on the agenda to conduct the business before the Planning Agency more expeditiously.

- A. Call to order by the Presiding Officer.
- B. Pledge of Allegiance (for public hearings).
- C. Invocation (for public hearings at the Presiding Officer's discretion).

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- D. Roll call (see Rule 1.9 for procedure to excuse an absence).
- E. Correspondence not previously received by the Planning Agency.
- F. Comments from the public on non-public hearing topics (see Rule 3.4).
- G. Committee and board reports.
- H. Presiding Officer's report.
- I. City Council Liaison's report.
- J. Administration report.
- K. Consent Calendar (as required) (see Rule 3.5).
- L. Public Hearings (see Rule 3.7).
- M. Old Business.
- N. New Business.
- O. Executive Session (as required).
- P. Next meeting date announced by Presiding Officer.
- Q. Adjournment (see Rule 3.6).

RULE 3.4 COMMENTS FROM THE PUBLIC (NON-PUBLIC HEARING TOPICS)

Comments from the public are encouraged and appreciated. The information and advice received from citizens helps the Planning Agency make the best possible decisions.

- A. Procedure
 - 1. Citizens are encouraged to supplement verbal comments through written submittals.
 - 2. The Presiding Officer may invoke the sign-in procedure defined in Rule 3.7(A).
- B. Scope of Comments
 - 1. Subjects not on the current agenda. Any member of the public may request time to address the Planning Agency after first stating their name, address, and the subject of their comments. The Presiding Officer may then allow the comments subject to such time limitations as the Presiding

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Officer deems necessary. Following such comments the Presiding Officer may place the matter on the current agenda or a future agenda, or refer the matter to administration or a Planning Agency committee for investigation and report.

2. Subjects on the current agenda. Any member of the public who wishes to address the Planning Agency on an item on the current agenda shall make such request to the Presiding Officer at the time when comments from the public are requested. The Presiding Officer shall rule on the appropriateness of public comments as the agenda items are reached. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, vested interests, etc.).
3. Subjects of a Public Hearing. Comments made during the Public Comment period on a topic set for a public hearing shall be out of order.
4. Any ruling by the Presiding Officer relative to subsections B.1 and B.2 above may be overruled by a vote of a majority of members present.

C. Rules of Conduct

1. Each person addressing the Planning Agency shall do so from the designated rostrum. Speakers shall give his or her name and address for the record, and shall limit comments to three minutes. Groups may be allotted five (5) minutes by the presiding officer.
2. Except where permission is granted by the Presiding Officer, all remarks shall be made only from the designated rostrum and addressed to the Planning Agency as a body and not to individual members, the audience, or cameras.
3. The Agency Clerk shall notify the speaker when the allotted time has expired and the speaker shall promptly conclude his or her remarks.
4. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Planning Agency may be ordered to leave the meeting. The Presiding Officer has the authority and duty to preserve order at all meetings of the Planning Agency, to cause the removal of any person from any meeting for disorderly conduct and to enforce these rules.
5. The Presiding Officer may rule "out of order" any comment made with respect to a quasi-judicial matter pending before the Planning Agency. Such comments should be made only at the hearing on a specific matter. If a hearing has been set, persons whose comments are ruled out of order

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will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

6. Any person whose comments have been ruled out of order by the Presiding Officer shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from personal, inappropriate, slanderous, or otherwise disruptive remarks after being ruled out of order by the presiding officer may subject the individual to removal from the City Council Chambers.

RULE 3.5 CONSENT CALENDAR

- A. The Community Development Director, in consultation with the Presiding Officer, may place matters on the Consent Calendar which: 1) have been previously discussed by the Planning Agency; or 2) appear to be items that can be reviewed by Planning Agency members without further explanation or discussion; or 3) are so routine or technical in nature that passage is likely; or 4) have been identified by the Planning Agency as appropriate matters for the Consent Calendar.
- B. The Agency Clerk shall read the Consent Calendar prior to its adoption.
- C. The proper motion on the Consent Calendar is as follows: "I move adoption of the Consent Calendar". This motion shall be non-debatable and will have the effect of moving to adopt all items on the Consent Calendar. Since adoption of any item on the Consent Calendar implies unanimous consent, any member of the Planning Agency shall have the right to remove any item from the Consent Calendar. Therefore, prior to the vote on the motion to adopt the Consent Calendar, the Presiding Officer shall inquire if any Planning Agency member wishes an item to be withdrawn from the Consent Calendar. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting.

RULE 3.6 ADJOURNMENT

No meeting shall be permitted to continue beyond 10:00 p.m. without approval of three fourths of the Planning Agency members who are present and eligible to vote. A new time limit must be established before taking a Planning Agency vote to extend the meeting. In the event that a meeting has not been closed or continued by Planning Agency vote prior to 10:00 PM, the items not acted on shall be deferred to the next regular Planning Agency meeting as old business, unless the Planning Agency, by a majority vote of members present, determines otherwise.

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RULE 3.7 ACTIONS FOR A PUBLIC HEARING

The procedures for a public hearing are as follows:

- A. Prior to the start of the “Comments from the Public” portion of the public hearing, the Presiding Officer may require that all persons wishing to be heard shall sign in with the Agency Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard. However, the Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. In public hearings that are not of a quasi-judicial nature, the Presiding Officer, subject to concurrence of the majority of the Planning Agency, may establish time limits and otherwise control presentations. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, vested interests, etc.).
- B. The Presiding Officer introduces the agenda item, opens the public hearing and provides a summary of the following Rules of Order and/or advises the public that they may have a copy of such rules, which shall be available with other agenda materials regularly made available to the public at each public hearing before the Planning Agency.
- (1) *“All comments by proponents, opponents, or the public shall be made from the speaker's rostrum and any individual making comments shall first give their name and address. This is required because an official recorded transcript of the public hearing is being made. If there is any appeal to King County Superior Court, the court must make its decision on the basis of what was said here.”*
 - (2) *“It is not necessary that you be in favor or against the proposal in order to speak. Frequently, citizens are not particularly for or against a proposal, but still have important opinions or information to share. If you consider yourself neutral on the matter at hand, please speak during the time allotted to proponents, and explain that you are neither a proponent nor an opponent.”*
 - (3) *“No comments shall be made from any other location, and anyone making “out of order” comments shall be subject to removal from the meeting.”*
 - (4) *“There will be no demonstrations during or at the conclusion of anyone's presentation.”*
 - (5) *“These rules are intended to promote an orderly system of holding a public meeting or public hearing, to give every person an opportunity to*

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be heard, and to ensure that no individual is embarrassed by exercising their right of free speech.”

- C. When the Planning Agency conducts a hearing to which the Appearance of Fairness Doctrine applies (Rule 2.1) applies, the Presiding Officer, or in the case of a potential Rule 2.1 violation by that individual, the Vice Chair, will ask if any Planning Agency member knows of any reason which would require such member to excuse themselves pursuant to Rule 2.1. The form of the announcement is as follows:

“All Planning Agency members should now give consideration as to whether they have (1) a demonstrated bias or prejudice for or against any party to the proceedings; (2) a direct or indirect monetary interest in the outcome of the proceedings; (3) a prejudgment of the issue prior to hearing the facts on the record; or (4) ex parte contact with any individual, excluding Administrative staff, with regard to an issue prior to the hearing. If any Planning Agency member should answer in the affirmative, then the Planning Agency member should state the reason for their answer at this time so that the Chair may inquire of Administration as to whether a violation of the Appearance of Fairness Doctrine exists.”

- D. When the Planning Agency conducts a “quasi-judicial” hearing, the Presiding Officer may require that all persons wishing to provide testimony during the course of such hearing provide an oath, on the record, affirming the truth of their testimony. The suggested form and process for such oath is as follows:

The Presiding Officer asks all possible speakers to raise their right hand, asks such individuals to consider the following question and respond “I do”, and inquires:

“Do you affirm under penalty of perjury under the laws of the State of Washington that the testimony you are about to provide is true and accurate to the best of your knowledge?”

- E. At the outset of each public hearing or meeting to consider a zoning amendment(rezone) , the Presiding Officer will announce the legal standards for zoning amendments and ask the parties to limit their presentations to information within the scope of the standards. The suggested form of the announcement is as follows:

“The following constitute the legal standards for zoning amendments under the law of the State of Washington:

1. *The current zoning is presumed valid.*
2. *The burden of proof is on the applicant for the rezone to establish by proof in sufficient measure that conditions in the area have substantially changed since the enactment of the current zoning or that the proposed*

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rezone would implement policies or provisions of the City's comprehensive plan. This proof may, of course, come from any source; either the applicant, the administration, or the public. The important consideration is that the decision must be made on the basis of information provided at this meeting or any continued meeting.

3. *A rezone must bear a substantial relationship to the public health, safety, morals or welfare.*
4. *Any terms of a concomitant agreement intended to neutralize the impact of the proposed property usage such as (without limitation) intermediate density, increased setbacks, screening, reduced building height restrictions, building of roads and sidewalks or other off-site requirements, and the like should be developed in writing upon the recommendation of the administration prior to the first public hearing on the application. However, the Planning Agency may introduce such terms on their own motions. In any event, it is the Planning Agency's practice to withhold final action until such terms are agreed to in writing.*
5. *Following the decision, this body must make findings of fact and conclusions of reasons for its action. These findings may be drafted by Administration or there may be a recess for the drafting of such items.*

Bearing in mind the legal standards I have just described, please limit your comments to information within the scope of these standards."

- F. The Presiding Officer calls upon City Administration to describe the matter under consideration.
- G. The Presiding Officer calls for proponents in quasi-judicial proceedings and for speakers in non-quasi-judicial proceedings. When considering a zoning amendment the Presiding Officer shall announce: *"Site Plans, artistic renditions, and the like in support of the zoning amendment should be avoided except as they help explain the terms of a concomitant agreement. Any graphic representations should be used for illustrative purposes only and the Planning Agency should avoid indicating approval or disapproval of such plans, since the City of Des Moines has established a design review process through the Community Development Department for such purposes."*
- H. The proponents or speakers now speak. (Note: If the City of Des Moines is the proponent, a member or members of the administration shall be designated to give proponent and rebuttal testimony.)
- I. The Presiding Officer calls for additional proponents or speakers three times. In non-quasi-judicial proceedings refer to Rules 3.7.A and 3.7.B , otherwise the Presiding Officer calls for opponents by announcing the following:

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"At this time the opponents will have an opportunity to speak. Should any opponent have questions to ask of the proponents, ask the questions during your presentation. The proponents shall note the question asked, and answer such questions when the proponent speaks in rebuttal. The proponent shall be required to answer any reasonable question, provided that the Presiding Officer reserves the right to rule any question out of order."

- J. Opponents speak.
- K. The Presiding Officer calls for additional opponents three times.
- L. The Presiding Officer calls for proponents to speak in rebuttal. A proponent speaking in rebuttal shall not introduce new material. If the proponent does, or is allowed to do so, the opponents shall also be allowed to rebut the new elements.
- M. The Presiding Officer announces the following:

"At this time I will inquire of the administration as to whether there have been any misstatements of fact or whether the administration wishes to introduce any material as to subjects raised by the proponents or opponents or alter in any regard its initial recommendations."
- N. The Presiding Officer inquires as to whether any Planning Agency members have any questions to ask the proponents, opponents, speakers, or administration. If any Planning Agency member has questions, the appropriate individual will be recalled to the rostrum.
- O. The Presiding Officer closes the public hearing.
- P. The Presiding Officer inquires if there is a motion by any Planning Agency member. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among Planning Agency members. The Presiding Officer may call on individual Planning Agency members in the discussion.
- Q. The Presiding Officer inquires if there is any further discussion by the Planning Agency members.
- R. The Presiding Officer inquires if there are any final comments or recommendations from administration.
- S. The Presiding Officer inquires of the Planning Agency members as to whether they are ready for the question.
- T. The Clerk shall conduct a roll call vote.

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- U. The Presiding Officer directs administration to prepare findings consistent with the action.

RULE 3.8 VOTING

The votes during all meetings of the Planning Agency shall be transacted as follows:

- A. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Planning Agency member, a roll call vote shall be taken by the Agency Clerk. The order of the roll call vote shall be determined by the Presiding Officer.
- B. In case of a tie of votes on any proposal, the proposal shall be considered lost.
- C. Every member who was in the City Council chambers when the question was put, shall give their vote unless the Planning Agency, for special reasons, shall excuse the member by motion or unless the Planning Agency member is excused in accordance with Rule 2.1. If any Planning Agency member refuses to vote "aye" or "nay", their vote shall be counted as a "nay" vote.
- D. The recommendation of passage of any motion or resolution not subject to the provisions of RCW, DMMC, or these procedures, shall require the affirmative vote of at least a majority of the membership of the Planning Agency who are present and eligible to vote.

RULE 3.9 PERMISSION REQUIRED TO ADDRESS THE PLANNING AGENCY

Persons other than Planning Agency members and Administration shall be permitted to address the Planning Agency upon introduction by the Presiding Officer.

RULE 3.10 RECONSIDERATION

Any action of the Planning Agency, including final action on applications for changes in land use status, but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular Planning Agency meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Planning Agency meeting.

RULE 3.11 PLANNING AGENCY COMMUNICATIONS WITH THE CITY COUNCIL

- A. The Agency Clerk through the City Clerk shall provide the City Council with copies of minutes of all Planning Agency meetings. Communications from the Planning Agency other

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than the transmittal of meeting minutes shall be made in the form of a motion and recorded in the Planning Agency's meeting minutes.

B. Agendas for Planning Agency meetings shall include an opportunity for a representative of the City Council to address the Planning Agency. Should any member of the Agency determine that any such communication warrant a response or reply by the Planning Agency to the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

C. When requested by the City Council, the Planning Agency shall attend joint meetings of the City Council and the Planning Agency. When requested by the City Council, the Planning Agency Chair shall attend one or more Council meeting to discuss specific issues identified by the City Council.

RULE 3.12 COMPLAINTS AND SUGGESTIONS TO PLANNING AGENCY

When citizen complaints or suggestions are brought before the Planning Agency and are not on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

- A. If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Planning Agency finds such complaint suggests a change to an ordinance or resolution of the City, the Planning Agency may refer the matter to Administration for study and recommendation.
- B. If administrative and a complaint regarding administrative staff performance, administrative execution of legislative policy or administrative policy within the authority of the Community Development Director, the Presiding Officer should then refer the complaint directly, to the City Manager for his/her review if said complaint has not been so reviewed. The Planning Agency may direct that the Community Development Director brief or report to the Planning Agency when his/her response is made.

RULE 3.13 ADMINISTRATIVE COMPLAINTS MADE DIRECTLY TO INDIVIDUAL PLANNING AGENCY MEMBERS

When administrative policy or administrative performance complaints are made directly to individual Planning Agency members, the Planning Agency member may then refer the matter directly to the Community Development Director for his/her view and/or action. The individual Planning Agency member may request to be informed of the action or response made to the complaint.

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RULE 3.14 PHOTOGRAPHS, MOTION PICTURES, VIDEOTAPE – PERMISSION REQUIRED FOR ARTIFICIAL ILLUMINATION

No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at Planning Agency Meetings without the consent of the Presiding Officer or a majority of the Planning Agency.

RULE 3.15 AUDIO RECORDINGS OF MEETINGS

All meetings of the Planning Agency shall be recorded by the Agency Clerk on an audio recording device.

RULE 3.16 VIDEO RECORDING AND BROADCAST

The City Council or City Manager may direct that visual and audio images of an occasional meeting, or all meetings, of the Planning Agency be recorded and cablecast within the City.