



**AGENDA
DES MOINES PLANNING COMMISSION
MEETING**

City Council Chambers
21630 11th Avenue S, Suite C
Des Moines, Washington
Tuesday, May 5, 2026 - 6:00 PM

CALL TO ORDER

ROLL CALL

COMMENTS FROM THE PUBLIC

PUBLIC HEARING

- Item 1. **Residential Conversions Ordinance**
Motion: "Based on the findings, and in consideration of public input received for the public hearing, the Planning Commission recommends approval of the Draft Ordinance No. 26-035."

AGENDA ITEMS

- Item 1. **Approval of Minutes**
Motion: "I move to approve the minutes of the April 14, 2026 Planning Commission Meeting."
- Item 2. **Planning Commission Bylaws**
Direct staff based on the examples for inclusion in the draft bylaw to return for future adoption.

NEXT MEETING DATE

ADJOURNMENT

**Planning Commission
AGENDA ITEM**

BUSINESS OF THE PLANNING COMMISSION
City of Des Moines, WA

SUBJECT: Residential Conversions Ordinance

ATTACHMENTS:

1. Draft Ordinance No. 26-035

FOR AGENDA OF:

May 5, 2026

DEPT OF ORIGIN:

Community Development

DATE SUBMITTED:

April 24, 2026

CLEARANCES:

Community Development

Purpose and Recommendation

The purpose of this agenda item is for the Planning Commission to hold a Public Hearing and make a recommendation to City Council on Draft Ordinance No. 26-035 Residential Conversions.

Suggested Motion:

Motion: "Based on the findings, and in consideration of public input received for the public hearing, the Planning Commission recommends approval of the Draft Ordinance No. 26-035."

Background

The Washington State legislative session passed House Bill (HB) 1042 in 2023. HB 1042 requires jurisdictions to allow commercial and mixed-use buildings to convert to residential buildings. State law requires all local governments in Washington State planning under the Growth Management Act to update their development regulations to comply with HB 1042 by June 30, 2026. This code update process requires a thorough review of Des Moines's regulations to ensure they reflect new laws and requirements.

Discussion

Tonight's discussion will focus on the draft Residential Conversions ordinance which includes amendments to Des Moines Municipal Code (DMMC) 18.01.050 Definitions, DMMC 18.52.010B Commercial use chart, and adding a new chapter to Title 18 DMMC entitled "Residential Conversions". City staff prepared a draft ordinance of the proposed

Residential Conversions regulations (Attachment 1).

City staff conducted a review of Des Moines’s existing regulations to ensure consistency with HB 1042 and RCW 35A.21.440. As a result of the review, proposed code amendments address definitions, affected zoning districts, general and development.

Framework

City staff are proposing a Draft Ordinance which includes amendments to DMMC 18.01.050, DMMC 18.52.010B Commercial use chart, and adding a new chapter to Title 18 DMMC entitled “Residential Conversions” to comply with HB 1042 and RCW 35A.21.440. Per these new legislative requirements, cities:

- Must comply with HB 1042 by June 30, 2026;
- Only buildings with Certificates of Occupancy that are at least three years old are eligible;
- Must allow conversions to have a 50% density increase above what is permitted in the underlying zone;
- Parking for the new converted units cannot be required; however, cities may require retention of existing parking for residential and nonresidential uses;
- Cannot impose additional design standards beyond those generally applicable to all residential development in the zone;
- Cannot impose architectural or design standards unless the building is a designated landmark or is within a historic district established by a local preservation ordinance;
- Must allow additional housing units in all locations except ground floor commercial or retail that’s along a major pedestrian corridor;
- Cannot require unchanged portions of an existing building used for residential purposes meet the current energy code. If any portion of an existing building is converted to new dwelling units, the new units must meet the current code;
- Existing non-conformities such as setbacks, building coverage, impervious coverage, etc. cannot be a justification for denial of a building permit;
- Transportation and environmental studies are not required; and
- If a potential conversion cannot satisfy life safety standards, the city is not required to approve its building permit.

Proposed Amendments/Rationale:

Definitions. The words or phrases defined in this section will have the indicated meanings.

- **“Residential conversion”** means the conversion of a building, or portion of a building, that is vacant, or occupied by a nonresidential use, to a residential use.

Zoning Districts. HB 1042 applies to commercial and mixed-use zones. The zoning districts include:

- N-C: Neighborhood Commercial;
- I-C: Institutional Campus;
- C-C: Community Commercial;
- D-C: Downtown Commercial;
- H-C: Highway Commercial;
- PR-C: Pacific Ridge Commercial;
- T-C: Transit Community Zone; and
- W-C: Woodmont Commercial.
- Those excluded are Single Family Residential (SFR) Zones designated as RS-15,000; RS-9,600; RS-8,400; RS-7,200 and RS- 4,000, RS-E, and R-SR as these zones already allow for mixed-use development. The B-P Zone does not allow for residential or mixed-use development.

General Standards

1. For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units;
2. Existing buildings may be permitted to convert to a residential use(s) provided their Certificate of Occupancy was issued a minimum of three (3) years prior to building permit application;
3. The proposal shall comply with all health and safety standards, including but not limited to building code standards and fire and life safety standards.

Development Standards

1. Development of new dwelling units entirely within an existing building is not subject to building height, setbacks, lot coverage, and floor area ratio requirement development standards as applicable to residential development of the underlying zone unless the Director makes written findings that the nonconformity is causing a significant detriment to the surrounding area;
2. The residential density established by the underlying zone may be increased by up to 50% if the housing is constructed entirely within the building envelope of an existing building. Applicable building codes and health and safety standards must be met;
3. New parking spaces are not required for dwelling units added to an existing building;
4. The existing commercial exterior structure is not required to meet additional exterior design requirements unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;
5. Ground floor retail or commercial uses must be retained in buildings located on a Major Pedestrian Corridor as defined as "Priority Pedestrian Corridor" in the City of Des Moines Comprehensive Transportation Plan;

6. No traffic concurrency or environmental study is required for residential conversions;
7. Emergency housing and transitional housing uses are exempt from the development standards of this chapter.

Compatibility of Proposed Amendment with Des Moines Municipal Code (DMMC)

The proposed amendment is compatible with the Des Moines Municipal Code. The proposed amendment brings the Des Moines Municipal Code provisions relating to residential conversions into compliance with state law.

Compatibility of Proposed Amendment with Des Moines Comprehensive Plan

The proposed amendments are consistent with and implement policies in the Comprehensive Plan. Relevant policies supporting the proposed amendments include the following:

- LU 1.1.3 Coordinate planning activities and development review with state, regional, and local governments, tribes, and institutions to ensure compliance with established plans and regulations affecting Des Moines, as required by law.
- LU 2.2 Support the revitalization of declining commercial areas and obsolete facilities through redevelopment, rehabilitation, and other available means to provide long-term economic vitality.
- HOU 4.4 Provide guidelines that encourage flexibility in housing types while ensuring compatibility of housing with the surrounding neighborhood.
- ED 1.3 Increase opportunities for higher density, urbanized development focusing on mixed-use projects.

Findings

1. Pursuant to RCW 36.70A.106, the draft regulations were forwarded to Commerce - Growth Management Services on April 22, 2026.
2. The proposed amendments are categorically exempt from the requirement for a SEPA determination as a procedural action under RCW 43.21C.450(5)
3. The Planning Commission considered the proposed amendments and held a public hearing on the draft regulations at their May 5, 2026, meeting.
4. Following consideration of public comment received for the public hearing, the Planning Commission voted to recommend Council approval of the draft amendments.(TBD).....
5. The proposed amendments are consistent with the procedures established in DMMC 18.20, Type VI Land Use Action and DMMC 18.30 Amendments to Zoning Code.
6. The proposed amendments are in compliance with the Comprehensive Plan.

General Questions:

1. Does the Planning Commission have any recommended changes for the draft Residential Conversions regulations?

Next Steps: The next steps in the Residential Conversions regulations update process including addressing any outstanding Planning Commission questions/additions, finalizing Des Moines' Residential Conversions regulations, and Council adoption by June 30, 2026.

Alternatives

State law (RCW 35A.21.440) requires all local governments planning under the Growth Management Act (GMA) to revise their regulations by June 30, 2026 to conform with the requirements. If a city or county does not amend its rules to be consistent with the law, the statute will "supersede, preempt and invalidate any conflicting local development regulations" RCW 35A.21.440 (1)(b).

Financial Impact

Unknown

Recommendation

Based on the findings above, and in consideration of public input received for the public hearing, staff recommend approval of the draft ordinance as provided herein.

CITY ATTORNEY'S FIRST DRAFT 04/23/2026

DRAFT ORDINANCE NO. 26-035

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the land use, implementing and regulating residential conversions, amending DMMC 18.01.050, DMMC 18.52.010A, and adding a new chapter to Title 18 DMMC entitled "Residential conversions".

WHEREAS, in 2023 the Washington state Legislature passed Engrossed Substitute House Bill (ESHB) 1042 (chapter 285, laws of 2023), creating new section RCW 35A.21.440, related to co-living housing, and

WHEREAS, in passing ESHB 1042 the Legislature found that Washington state is experiencing a housing affordability crisis, and

WHEREAS, On 04/22/2026, the City submitted the proposed amendment to the Washington State Department of Commerce for its expedited 30-day review and received documentation of completion of the procedural requirement (Submittal ID 2026-S-12726), and

WHEREAS, the Des Moines Planning Commission held a duly noticed public hearing on May 5, 2026, and

WHEREAS, based on the careful consideration of the facts and law, 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:

Sec. 1. DMMC 18.01.050 and section 5 of Ordinance No. 1591 as amended by section 1 of Ordinance No. 1628 as amended by section 1 of Ordinance No. 1655 as amended by section 3 of Ordinance No. 1661 as amended by section 3 of Ordinance No. 1669 as amended by section 15 of Ordinance No. 1671 as amended by section 1 of Ordinance No. 1697 as amended by section 3 of Ordinance No. 1714 as amended by section 2 of Ordinance No. 1719 as amended by section 1 of Ordinance No. 1737 as amended by section 1 of Ordinance No. 1750 as amended by section 1 of Ordinance No. 1820 as amended by section 1 of Ordinance No. 1821 as amended by section 1 of Ordinance No. 1836 are each amended to read as follows:

Definitions.

As used in this Title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

...

"Residence" means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings, but not including hotels or motel units having no kitchens. The term "residence" includes the term "residential" as referring to the type of or intended use of a building or structure.

"Residential conversion" means the conversion of a building, or portion of a building, that is vacant, or occupied by a nonresidential use, to a residential use.

"Restoration" means the return of an environmentally critical area to a state in which its functions, values, and size approach or exceed its unaltered state as closely as possible.

...

"Zone" means an area accurately defined as to boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded, as set forth in this Title.

Sec. 2. DMMC 18.52.010B, and those parts of the Commercial Use Chart and section 133 of Ordinance 1591 as amended by section 12 of Ordinance 1601 as amended by section 8 of Ordinance 1618A as amended by section 2 of Ordinance 1644 as amended by Section 1 of Ordinance 1645 as amended by section 8 of Ordinance 1655 as amended by section 4 of Ordinance 1656 as amended by section 2 of Ordinance 1661 as amended by section 2 of Ordinance 1669 as amended by section 1 of Ordinance 1672 as amended by section 3 of Ordinance 1697 as amended by section 1 of Ordinance 1701 as amended by section 2 of Ordinance 1714 as amended by section 1 of Ordinance 1719 as amended by section 9 of Ordinance 1737 as amended by section 3 of Ordinance 1750 as amended by section 5 of Ordinance No. 1775 as amended by section 3 of Ordinance No. 1836 are each amended as follows:

Commercial Use Chart.

Use is: P: Permitted P/L: Permitted but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C	W-C
Accessory buildings and uses (as described in the applicable zone)	P	P	P	P	P	P	P	P	P
...									
Repossession services	P/L [3]		P	P	P		P/L [52.5]		P
<u>Residential conversions</u>	<u>P/L</u> [95]	<u>P/L</u> [95]		<u>P/L</u> [95]	<u>P/L</u> [95]	<u>P/L</u> [95]	<u>P/L</u> [95]	<u>P/L</u> [95]	<u>P/L</u> [95]
Restaurants	P	P/L [6.1]	P/L [9]	P	P	P	P	P	P
...									

1. Accessory Buildings and Uses. This regulation applies to all parts of Table 18.52.010A that have a [1].

...

95. Residential conversions. This regulation applies to all parts of Table 18.52.010B that have a [95].

Residential Conversions are permitted where the underlying zone permits multifamily or mixed use. Additional requirements for Residential conversions per sections 3 through 8 of this ordinance.

NEW SECTION Sec. 3. Title.

This chapter shall be entitled "Residential conversions".

NEW SECTION Sec. 4. Application.

Residential conversions are a permitted use for buildings that are zoned for commercial or mixed use. Residential conversions are a permitted use in the following zoning districts: N-C, I-C, C-C, D-C, H-C, PR-C, T-C, and W-C.

NEW SECTION Sec. 5. Purpose.

The purpose in providing for the conversion of existing buildings to residential is to encourage conversion of underutilized office and commercial space to housing as a way to accommodate housing needs for the state's growing population, and to be consistent with RCW 35A.21.440.

NEW SECTION Sec. 6. Authority.

This chapter is adopted pursuant to the provisions of RCW 35A.21.440 and other applicable laws.

NEW SECTION Sec. 7. General Standards.

(1) For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units;

(2) Existing buildings may be permitted to convert to a residential use(s) provided their Certificate of Occupancy was issued a minimum of three (3) years prior to building permit application;

(3) The proposal shall comply with all health and safety standards, including but not limited to building code standards and fire and life safety standards.

NEW SECTION Sec. 8. Development Standards.

(1) Development of new dwelling units entirely within an existing building is not subject to building height, setbacks, lot coverage, and floor area ratio requirement development standards as applicable to residential development of the underlying zone unless the Director makes written findings that the nonconformity is causing a significant detriment to the surrounding area;

(2) The residential density established by the underlying zone may be increased by up to 50% if the housing is constructed entirely within the building envelope of an existing building. Applicable building codes and health and safety standards must be met;

(3) New parking spaces are not required for dwelling units added to an existing building;

(4) The existing commercial exterior structure is not required to meet additional exterior design requirements unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;

(5) Ground floor retail or commercial uses must be retained in buildings located on a Major Pedestrian Corridor as defined as "Priority Pedestrian Corridor" in the City of Des Moines Comprehensive Transportation Plan;

(6) No traffic concurrency or environmental study is required for residential conversions;

(7) Emergency housing and transitional housing uses are exempt from the development standards of this chapter.

Sec. 9. Codification. Sections 3 through 8 of this ordinance shall be codified as a new chapter in Title 18 DMMC.

Sec. 10. 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

Ordinance No. ____
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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. 11. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of _____, 2026 and signed in authentication thereof this ____ day of _____, 2026.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

**Planning Commission
AGENDA ITEM**

BUSINESS OF THE PLANNING COMMISSION
City of Des Moines, WA

SUBJECT: Approval of Minutes

ATTACHMENTS:

1. April 14, 2026 Planning Commission Meeting Minutes

FOR AGENDA OF:

May 5, 2026

DEPT OF ORIGIN:

Administration

DATE SUBMITTED:

April 29, 2026

CLEARANCES:

Purpose and Recommendation

The purpose of this agenda item is for the Planning Commission to review the minutes from the April 14, 2026 Planning Commission meeting.

Suggested Motion:

Motion: "I move to approve the minutes of the April 14, 2026 Planning Commission Meeting."

Background

The City Clerk's Office has prepared action-format meeting minutes for the Planning Commission's consideration.

Alternatives

The Planning Commission may make corrections to errors and approve the meeting minutes as amended.

Recommendation

Staff recommends the Planning Commission approve the meeting minutes as presented.



**MINUTES
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

City Clerk Taria Keane called the meeting to order at 6:03 p.m.

ROLL CALL

Committee Present: Danielle Anderson, Traci Buxton, Chuck Coleman, Michelle Curry, Barton DeLacy, Colleen Gants, and Nicole Gunkle

Staff Present: City Manager Katherine Caffrey, Community Development Director Rebecca Deming, Planning & Development Services Manager Laura Techico, Senior Planner Jason Woycke, Land Use Planner I Alicia Jacobs, Land Use Planner II Peyton Murphy, and City Clerk Taria Keane

Council Present: Mayor Yoshiko Grace Matsui, and Deputy Mayor Gene Achziger

AGENDA ITEMS

- Item 1. **Welcome from Mayor Yoshiko Grace Matsui**
- Mayor Yoshiko Grace Matsui provided opening remarks, welcoming the Planning Commission.
- Item 2. **Introduction of Planning Commission and Planning Staff**
- Staff and Commissioners introduced themselves and provided brief background information.
- Item 3. **Selection of Chair and Vice Chair**

- City Clerk Taria Keane called for nominations for Chair.
- Commissioner Chuck Coleman nominated Commissioner Barton DeLacy to serve as Chair for the 2026-2027 term. Commissioner Barton DeLacy accepted the nomination.
- City Clerk Taria Keane asked if there were any other nominations. Seeing none, City Clerk Taria Keane closed nominations and called for the vote.

With a vote of 7-0, Commissioner Barton DeLacy was elected as the Chair for the 2026-2027 term.

- City Clerk Taria Keane called for nominations for Vice Chair. Chair Barton DeLacy nominated Commissioner Colleen Gants to serve as Vice Chair for the 2026-2027 term. Commissioner Colleen Gants accepted the nomination.
- City Clerk Taria Keane asked if there were any other nominations. Seeing none, City Clerk Taria Keane closed nominations and called for the vote.

With a vote of 7-0, Commissioner Colleen Gants was elected as the Vice Chair for the 2026-2027 term.

Item 4. **Future Meeting Date/Times**

- The Commission discussed options for the day the Planning Commission will meet.

Direction/Action

Motion made by Commissioner Traci Buxton to set the regular meeting of the Planning Commission for the first Tuesday of the Month at 6:00 p.m., seconded by Chuck Coleman.

Motion passed 7-0.

Item 5. **Planning Commission Training**

- The Commissioners discussed Planning Commission trainings.

Item 6. **Planning Commission 2026 Workplan**

- The Commissioners discussed the 2026 Planning Commission Workplan

Direction/Action

Motion made by Commissioner Chuck Coleman to approve the 2026 Planning Commission Workplan, seconded by Vice Chair Colleen Gants.

Motion passed 7-0.

Item 7. **Planning Commission Bylaws**

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

- The Commission discussed the bylaws and will bring the item back at the May 5, 2026 meeting.

NEXT MEETING DATE

May 05, 2026

ADJOURNMENT

Direction/Action

Motion made by Commissioner Chuck Coleman to adjourn, seconded by Vice Chair.

Motion passed 7-0.

The meeting adjourned at 7:00 p.m.

**Planning Commission
AGENDA ITEM**

BUSINESS OF THE PLANNING COMMISSION
City of Des Moines, WA

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:

May 5, 2026

DEPT OF ORIGIN:

Community Development

DATE SUBMITTED:

April 27, 2026

CLEARANCES:

Community Development

Purpose and Recommendation

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

Suggested Action:

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

At the April 14, 2026 meeting, the commission discussed the bylaws and determined that the commissioners would continue to review the different bylaw options and return to the May 5th Planning Commission for discussion and possible staff direction for draft bylaws.

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.

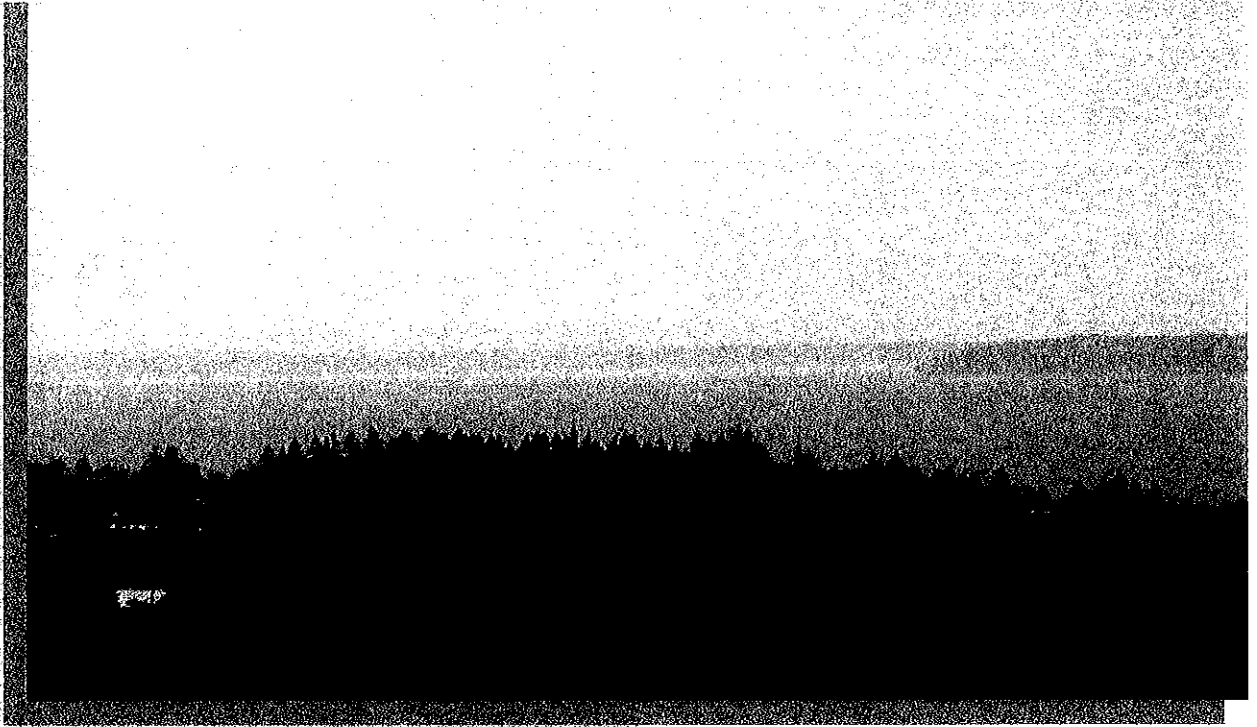
XIII. CITY OF FEDERAL WAY CODE OF ETHICS

- 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
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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.

DES MOINES PLANNING AGENCY RULES OF PROCEDURE

- 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)

DES MOINES PLANNING AGENCY RULES OF PROCEDURE

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.

DES MOINES PLANNING AGENCY RULES OF PROCEDURE

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.

City of Des Moines Planning Commission
Bylaws - 2026

Commissioner Notes for consideration

I. NAME

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

II. MEETINGS

- A. The Commission shall consist of seven members as appointed by the City Council.
- B. A Commissioner must be a resident of the City of Des Moines for 1 year to hold a Commission seat. If a commissioner ceases to be a Des Moines resident, the office must be vacated.)
- C. All meetings will be held at Des Moines 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.
- D. Regular meetings shall be held on the first Tuesday of each month.
- E. All meetings shall convene at 6:00 p.m. and adjourn by 8:00 p.m. Continuation of any meeting past 8:00 will require approval by motion and affirmative majority vote of the commissioners present.
- F. Not less than 24 hours’ notice shall be given for the posting, publication, or cancellation of any meeting of the Commission.
- G. Planning Commission meetings shall be open to the public, consistent with RCW 42.30. Participants shall be given three minutes to speak in accordance with instructions given by the Chair. Public comment may also be provided in writing in accordance with the instructions given by the Chair. Public comment related to an advertised Public Hearing may be provided via Zoom, with advanced notice to the City Clerk.
- H. Regular meetings will be recorded and can be accessed at:
<https://desmoineswa.portal.civicclerk.com/>.
- I. The Commission shall be scheduled least one meeting each month and shall meet no less than four times per year.
- J. Executive sessions may be held only with prior City Council approval, and consistent with RCW 42.30.110 and 42.30.140.
- K. Except as provided by these rules and procedures, Roberts’ Rules of Order (as amended) shall govern the conduct of all commission meetings.
- L. Based on Staff, Commission, and/or public input, the Commission may make recommendations to forward to Council.

III. STUDY SESSIONS

- A. Much of the Planning Commission's work is conducted in an informal Study Session format.
- B. Comments from the public will be permitted as the Chair or majority instructs.
- C. Based on Staff, Commission, and/or public input, the Commission may make recommendations to forward to Council.

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.
- D. The election of Chair and Vice Chair 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.

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 as 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 to perform such duties as incumbent of the position of Chair.

V. CLERK OF THE COMMISSION

- A. The City Manager 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 by the Commission for review.
- B. 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.
- C. If a committee member is absent from more than three duly called meetings in a calendar year, the absences shall be reported to the City Council for potential removal of the 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 (recommend 4 days - Friday before) 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 at a subsequent meeting as directed by the Commission.
- D. The agenda will indicate whether the Commission should take formal action on a particular matter.

IX. PUBLIC MEETING PROCEDURES

- A. Chair calls meetings to order.
- B. Clerk conducts and records roll call.

- C. Chair announces any change in the agenda.
- D. Chair invites Public Comment as appropriate.
- E. Chair asks for approval or amendment of previous meeting minutes.
- F. Commission Conducts Public Hearings (if Applicable).
- G. Commission addresses old business.
- H. Commission addresses new business.
- I. Commission hears administrative comments (both commission and staff).
- J. Chair invites audience comment.
- K. Meeting is adjourned.

X. PUBLIC HEARINGS

- A. Public Hearings will be conducted in accordance with Chapter 42.30 RCW.
- B. Any member subject to Articles XI and XII of these Rules will disclose compliance with these requirements prior opening of the public hearing.
- C. A script will be provided to the Chair by Clerk of the Commission which will include instructions for the public and all participants.
- D. Public Hearing Procedures
 - 1. Chair opens the public hearing.
 - 2. Staff report is provided.
 - 3. Applicant has opportunity to present, if applicable (10 minutes maximum)
 - 4. Public testimony regarding the application is given.
 - 5. Discussion and questions are addressed by the commissioners.
 - 6. Chair asks for final comments.
 - 7. Commission has final discussions.
 - 8. Decision is made by the Commission to approve, disapprove, continue, or return the topic to staff.
 - 9. 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 voting (though they can participate) on the matter at hand. (form provided at the beginning of each calendar year)
- B. No member may participate in 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 Des Moines CODE OF ETHICS

- A. All members of the Commission must abide by the City of Des Moines Code of Ethics approved and published on January 6, 2023

XIV. AMENDMENT

- A. These rules and procedures may be amended at any regular or special meetings 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.

