



Memorandum

DATE: July 14, 2011

TO: Shoreline Planning Commission

FROM: Steve Cohn, Senior Planner
Jessica Smith, Planning Commission Clerk

RE: Follow-up from the 2011 Planning Commission Retreat and Potential Amendments to the Bylaws

Introduction & Background

The Commission held its 2011 retreat on May 19 to focus on developing a more efficient and effective Planning Commission by discussing meeting process and interactions among Commissioners, with the public, and with staff. Since the retreat, the Commission has held a number of meetings, which included conducting a complex public hearing, and has tried to implement many of the concepts discussed at the retreat. Staff would like to check in to see if the Commission believes that their meetings and decision-making process has improved, and to identify areas to further work on.

Discussion

The Commission spent a good portion of its retreat discussing strategies to keep a meeting moving along as well as interactions with staff and with each other. Among the suggested improvements were: highlighting the background and identifying critical issues and pros and cons of a topic, and visually depicting discrete choices for Commission when it is formulating its recommendation. There was agreement that receiving the staff report two weeks ahead of the public hearing date would allow Commissioners more time for a thoughtful review of the material and to send questions and concerns in to staff prior to the meeting.

In terms of Commissioner's responsibilities, it was discussed that each member has the duty to keep on track and it is appropriate that other Commissioners step in with a friendly reminder for the group when it is veering off-track. It was noted that, as part of developing the public record, it is important for Commissioners to state (during deliberations) their reasoning for voting in favor or against something. The Commission

also agreed that it is helpful for the Chair to summarize discussion and motions to help keep everyone on the same page and the group moving along.

Another topic discussed at the retreat was interaction with the public. There was agreement to refrain from asking open ended questions after they've given public comment/testimony and to try out adding one more minute to the time limit for public comment, making it a total of three minutes.

The Commission discussed the use of Robert's Rules during its meetings and decided the group wanted additional training. Staff has looked into training offered from a local professional and is scheduling training for Commissioners on September 15.

Staff would like to get your feedback as to what "new ideas" worked (or didn't work) for you during the Town Center process. Did staff do a better job of providing its analysis and basis for recommendation? Was it helpful when Commissioners sent their comments in ahead of time and have staff include them in the proposal? Did the color coding of amendments help with making your way through the document? Was there sufficient summarization of discussion and motions? Are there areas that you want to focus on with Robert's Rules? Would the Commission like to formalize the three minute comment time limit?

Next Steps

Based on the outcome of discussion at the retreat and at your July 21st meeting, there could be amendments to the Planning Commission Bylaws. As a starting point for discussion, staff would like to review possible amendments with you and then come back at a later meeting to take action.

Attachments

1. Retreat Notes
2. Potential Bylaw Amendments
3. SMC 2.20 – Planning Commission



Shoreline Planning Commission Retreat
Conference Room 301 (North), Shoreline City Hall
Thursday, May 19, 2011 – 7:00 p.m.

Retreat Notes

Commissioners Present

Chair Wagner
 Vice Chair Perkowski
 Commissioner Behrens
 Commissioner Broili
 Commissioner Esselman
 Commissioner Kaje
 Commissioner Moss

Staff Present

Joe Tovar, Director Planning & Development Services
 Steve Cohn, Senior Planner, Planning & Development Services
 Jessica Simulcik Smith, Planning Commission Clerk

Around 7:10 p.m., Planning Director Joe Tovar welcomed Planning Commissioners to their 2011 Retreat. He explained that the purpose of the retreat was to develop a more functional Planning Commission by focusing on meeting process, as well as interactions among Commissioners, with the public, and staff. The group then participated in an icebreaker that provided a window into individual thought process and values.

The first topic covered by the Commission was meeting process and group interaction. Commissioners identified the meetings they thought went well and those that did not, and explained their reasoning. Reasons identified for meetings that went well were when the applicant came prepared, all meeting materials were well prepped, Commissioners had their questions answered prior to the meeting, and when staff had worked out compromises in advance for the areas that were troublesome. Reasons identified for meetings that did not go well were when there was general confusion of the facts, and when a project was being pushed through due to time sensitivity which made Commissioners feel they couldn't take their time in making a thoughtful recommendation.

Commissioners then spent time talking about the public hearing record, and the process of deliberations and each Commissioner's role in gathering information and building the record. They discussed the usefulness of Robert's Rules to move deliberations along, the pros and cons of consensus, and how to make Planning Commission recruitment and turnover more seamless while in the middle of a project.

Commissioners agreed that each person is responsible for verbalizing what their issues with a proposal are and why they will vote in favor or against. There was agreement that the Chair or someone else should at times summarize where the Commission is (during deliberations) and what still needs to be done in order to help keep the group moving along. And for sure, the Chair should summarize a motion and the main points that led the Commission to it prior to taking the vote. This is to make sure Commissioners are all on the same page.

The group then moved to a discussion on public interaction. They talked about when and how questions should be asked to those giving oral comment/testimony at a meeting. There was consensus that it's okay to ask clarifying questions but not open ended ones. They talked about whether allowing two minutes was enough time for people to give comment and agreed to allow a default of three minutes unless the maximum time allowed for comment/testimony was exceeded. If someone has additional comments after their time is up, the Chair will ask them to put them in writing. There was also concurrence to try Council's approach of putting the public comment for non-hearing items at the beginning of the meeting. In all cases, the Commission appreciates it when members of the public take time out from their evening to come to a meeting and the Commission always wants to acknowledge and thank people for their comments.

Staff asked Commissioners what they can do better to support the Commission. It was brought up that having more time to review public hearing materials would be helpful and it was suggested that they be sent out two weeks prior to the hearing, instead of one. Another suggestion was to add to the public hearing template a category for technical comments that would come from other departments (Public Works, Police, Parks, etc). They would like to see other departments are involved in the review.

The group then reviewed a number of basic motions including how and when to use them. There was general agreement from the Commission to use Robert's Rules more often, especially when beginning deliberations and when making amendments to a main motion. The group discussed the myth of "friendly amendments". Several Commissioners expressed interest in receiving additional training.

A number of the items the Commission discussed at the retreat could be formalized into the Planning Commission Bylaws. Staff had previously prepared a document showing potential amendments (as well as including ideas to think about) for the Bylaws. They were passed out and since there was not enough time to discuss them at the retreat there was agreement to pick up the conversation at an upcoming regular meeting.

The Retreat was adjourned at 9:45 p.m.



PLANNING COMMISSION BYLAWS

Adopted: February 15, 1996
Revised: November 6, 1997
Revised: October 15, 1998
Revised: January 18, 2001
Revised: April 5, 2001
Revised: April 3, 2003
Revised: April 7, 2005
Revised: March 16, 2006
Revised: May 1, 2008
Revised: October 1, 2009
Revised: March 18, 2010

ARTICLE I – OBJECT

The object of the Planning Commission is as stated in City of Shoreline Municipal Code 2.20.10 Created – Purpose.

ARTICLE II - MEMBERSHIP

The Shoreline Planning Commission shall consist of seven (7) members, appointed by majority vote of the City Council but a fewer number, not less than four (4), shall constitute a lawful Commission.

Membership of the Planning Commission shall be limited to residents or owners of property within in the City. No member shall serve longer than two consecutive terms.

New Planning Commissioners shall be sworn in by the Mayor or Deputy Mayor.

Any Commissioner desiring to resign from the Planning Commission shall submit his/her resignation in writing to the Planning Commission Clerk, who will present it to the Chair.

Vacancies occurring other than through the expiration of terms shall be filled for the unexpired terms in the same manner as for appointments as provided in Shoreline Municipal Code 20.20.020(C).

Comment [j1]: SMC is not specific to the requirements of the recruitment process.

ARTICLE III - DUTIES OF THE COMMISSION, OFFICERS AND DUTIES CLERK

SECTION 1: DUTIES OF THE COMMISSION

As stated in City of Shoreline Municipal Code 2.20.020, the Commission shall undertake the duties and responsibilities defined in 2.20.060 in accordance with the purpose stated in 2.20.010.

SECTION 2: OFFICERS

Officers shall be a Chair and a Vice-Chair; both elected members of the Commission. In absence of both the chair and vice chair, members shall elect a Chair *pro tem*.

SECTION 3: DUTIES OF THE OFFICERS

CHAIR: The Chair shall preside at all meetings and public hearings and shall call special meetings when necessary. The Chair shall be a full voting member of the Commission. The Chair shall sign minutes and official papers, appoint all committees and their respective Chairs, and act as an *ex-officio* member of each, but without voting privileges. The Chair may delegate duties to other Commissioners with the consent of the Commission. The Chair shall speak on behalf of the Commission before the City Council, the public and City staff.

A term of Office shall be defined as one year. A Commissioner may serve as Chair for no more than two consecutive terms.

VICE CHAIR: The Vice Chair shall perform the duties of the Chair in the absence of the same. The Vice Chair may also serve as convener of special committees. The Vice Chair shall speak on behalf of the Commission before the City Council, the public and City staff when the Chair is not available to speak.

A term of Office shall be defined as one year. A Commissioner may serve as Vice Chair for no more than two consecutive terms.

SECTION 4: DUTIES OF THE CLERK OF THE COMMISSION

CLERK OF THE COMMISSION: The Clerk shall record and retain, by electronic means, each meeting for the official record and shall prepare summary minutes for the Commission, maintain official records and post agendas.

ARTICLE ~~III~~IV - ELECTIONS

The Commission shall elect a Chair and a Vice Chair each year. Generally, officers shall be elected and take office annually at the first regular public meeting of the Commission in April. Such election shall take place as the first item of new business of that meeting, and elected officers shall assume their duties at the close of elections.

The election of Chair will be conducted by the Planning Commission Clerk. No one Commissioner may nominate more than one person for a given office until every member

wishing to nominate a candidate has an opportunity to do so. Nominations do not require a second. The Clerk will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nomination, the Clerk will ask again for further nominations and if there are none, the Clerk will declare the nominations closed. A motion to close the nominations is not necessary.

After nominations have been closed, voting for the Chair takes place in the order nominations were made. Commissioners will be asked to vote by a raise of hands. As soon as one of the nominees receives a majority vote (four votes), the Clerk will declare him/her elected. No votes will be taken on the remaining nominees. A tie vote results in a failed nomination. If none of the nominees receives a majority vote, the Clerk will call for nominations again and repeat the process until a single candidate receives a majority vote. Upon election, the Chair conducts the election for Vice Chair following the same process.

Should the Chair be vacated prior to the completion of the Term, the Vice-Chair shall assume the duties and responsibilities of the Chair for the remainder of the said Term. The Chair shall then conduct elections for a new Vice-Chair.

Should the Vice-Chair be vacated prior to the completion of the Term, the Chair shall conduct elections for a new Vice-Chair to serve out the remainder of the Term.

Time spent fulfilling a vacated Term shall not count towards the two consecutive Term limit for Chair and for Vice-Chair.

ARTICLE IV – MEETINGS

All Planning Commission meetings shall comply with the requirements of the Open Meetings Act (RCW Section 42.30). All meetings shall be noticed and open to the public.

SECTION 1: SCHEDULE

The Planning Commission shall hold regular meetings according to the following schedule:

First and Third Thursday of each month. The meetings shall begin at 7:00 p.m. ~~and end at 9:30 p.m.~~ unless modified. Should a regular meeting day be a legal holiday, the scheduled meeting shall be postponed to the succeeding Thursday, unless a majority of the Commission votes to select another day or to cancel the meeting.

Special meetings may be held by the Commission subject to notice requirements prescribed by State law. Special meetings may be called by the Chair of the Commission, the City Council or Mayor, City Manager or designee, or by the written request of any three (3) Commissioners by written notice emailed or delivered to each member of the Commission at least 24 hours before the time specified for the proposed meeting.

Any Planning Commission meeting may be canceled by a majority vote or consensus of the Commission. The Chair or Vice Chair may cancel a Planning Commission meeting for lack of agenda items.

Comment [j2]: Should we make mention of dinner meetings falling under the category of special meeting?

SECTION 2: PURPOSE OF SPECIAL MEETINGS

Special meetings called in accordance with Section 1 of this article shall state the subjects to be considered, and no subject other than those specified in the notice shall be considered. No special meetings shall be scheduled between December 15th and the end of the year. The agenda for a special meeting need not conform to that specified in Section 3 of this Article.

SECTION 3: ORDER OF BUSINESS

The order of business for each regular meeting of the Commission shall be as follows:

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. DIRECTOR’S COMMENTS
5. APPROVAL OF MINUTES
6. GENERAL PUBLIC COMMENT
7. ~~STAFF REPORTS~~ STUDY ITEMS/PUBLIC HEARINGS
 - ~~Staff Presentation~~
 - ~~Public Comment~~
8. PUBLIC COMMENT
9. DIRECTOR’S REPORT
10. UNFINISHED BUSINESS
11. NEW BUSINESS
12. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS
13. AGENDA FOR NEXT MEETING
14. ADJOURNMENT

Comment [j3]: It would make more sense to only have an order of business list for regular meetings since the Planning Commission does not differentiate between study meetings and business meetings.

Comment [j4]: Moving public comment under each study session will eliminate making the public wait until the end of the meeting to speak on a topic. The other option would be to allow comment on ANY topic during item 6 (currently General Public Comment).

The order of business for each meeting that includes a **Public Hearing** shall be as follows:

- ~~1. CALL TO ORDER~~
- ~~2. ROLL CALL~~
- ~~3. APPROVAL OF AGENDA~~
- ~~4. DIRECTOR’S COMMENTS~~
- ~~5. APPROVAL OF MINUTES~~
- ~~6. GENERAL PUBLIC COMMENT~~
- ~~7. PUBLIC HEARING~~
- ~~8. DIRECTOR’S REPORT~~
- ~~9. UNFINISHED BUSINESS~~
- ~~10. NEW BUSINESS~~
- ~~11. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS~~
- ~~12. AGENDA FOR NEXT MEETING~~
- ~~13. ADJOURNMENT~~

SECTION 4: PUBLIC COMMENT

Planning Commission meetings allow the public to express its views. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Each speaker must

begin by clearly stating their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak.

During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to ~~two-three~~ minutes. However, Item 6 (the General Public Comment period) will generally be limited to twenty minutes. Each member of the public may also comment for up to two minutes on action items after each staff report has been presented.

Comment [j5]: The City Council allows for 3 minutes per person, depending on the number of people signed up to speak.

Comment [j6]: Right now the order of business for regular meetings has an item for public comment after staff reports, but the order of business for public hearings does not have a comment period after study session items (which get inserted under new business). We propose just having one order of business list.

We should discuss the advantages/disadvantages of combining general public comment with comment on agenda items as well as when comment periods should be inserted on the agenda (before staff presentations or after).

When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation.

During Public Hearings, ~~the public testimony or comment~~ follows the Staff Report. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.

Comment [j7]: Should there be an opportunity for the public to submit written testimony during a public hearing? If so, we need to come up with procedures on handling the testimony and allowing additional time to review it.

ARTICLE VI - RULES OF MEETINGS

SECTION 1: ABSENCES

~~Unexcused~~ Absence from more than three (3) consecutive meetings shall be cause for removal. Members shall communicate with the Chair of the Commission or the Vice Chair or the Planning & Development Services Director ~~prior to the meeting~~ with requests for excused absences in the event they will miss three or more consecutive meetings. Emergency requests may be considered. The Chair of the Commission may approve the ~~excused~~ absence.

Comment [j8]: Current practice is that a Commissioner notifies the Clerk when they will miss a meeting and the Chair has not officially excused their absence.

Should the rules be changed to make it necessary to request an excused absence ONLY when three or more consecutive meetings will be missed? All other occasional absences will be just an absence.

The other option would be to have a Commissioner contact the Chair and then have the Chair inform the Commission of the absence following roll call and inquire if there is a motion to excuse the member.

SECTION 2: QUORUM

The presence of four (4) members constitutes a quorum, and is required for the Commission to take any action other than to adjourn.

SECTION 3: RULES OF PROCEDURE

The current edition of Robert's Rules of Order shall provide the basis for meeting structure and official decisions shall be made by motion and vote of the Commission.

SECTION 4: VOTING

In instances where a vote is called for or required, the present majority is sufficient to act (providing a quorum is present). Each member shall have one vote and no proxies shall be allowed. Present members may abstain for cause. The Chair may vote on any issue, and shall vote in the event of a tie. No action is taken if the Chair votes and the tie continues. A majority vote shall carry, and minority opinions shall be formally registered in the summary minutes and reported to the City Council.

SECTION 5: RECESSES / CONTINUATIONS

Meetings shall be adjourned by ~~a majority vote~~ the Chair.

Continuations of meetings shall be to a definite time and place, by majority vote of present members.

ARTICLE VII – COMMITTEES

Committees may be appointed by the Commission Chair. Standing committees shall serve at the pleasure of the Commission and special committees shall also serve for such purposes and terms as the Commission approves. Committees shall establish their own meeting schedule, and the deliberations thereof shall take the form of written reports, submitted to the entire Commission.

NEW ARTICLE

Planning Commissioners who meet with, speak to, or otherwise appear before a community group or another governmental agency or representative must clearly state if his or her statement reflects their personal opinion or if it is the official stance of the Planning Commission, or if this is the majority or minority opinion of the Commission.

Comment [j9]: There was past discussion on how a Commissioner should handle their personal opinions when it goes against the official recommendation of the Commission. This language does not completely address it, but it's a start. Does the Commission see value in adding something like this?

As a matter of courtesy, communication that do not express the majority opinion of the Planning Commission shall be presented to the full Planning Commission so they may be made aware of it.

ARTICLE VIII - CONFLICT OF INTEREST

The Chair shall routinely ask members if they have a conflict of interest with any quasi-judicial item on the agenda. Such conflict(s) must be publicly announced at the earliest possible opportunity, and the member shall step down during the particular case(s), neither deliberating nor voting on same.

ARTICLE ~~VIII~~ IX - APPEARANCE OF FAIRNESS

The members of the Planning Commission in considering quasi-judicial matters, shall maintain the appearance of fairness as required by law.

Comment [j10]: Combine these two Articles?

ARTICLE IX - AMENDMENTS

These Bylaws may be amended or repealed and new Bylaws may be adopted at any regular meeting or special meeting by a majority vote of the membership. A copy of the proposed Bylaws, or amendments thereto, shall be furnished to each member at least three (3) days prior to the date of the meeting. All amendments to the Bylaws shall be submitted to the Mayor and City Council for their information.

It is hereby understood that the undersigned Clerk of the Planning Commission does hereby certify that the above and foregoing Bylaws were duly adopted by the members of the Commission as the Bylaws of the Commission on the 18th day of March 2010, and that they do now constitute the Bylaws of the City of Shoreline Planning Commission.

Jessica Simulcik Smith
Clerk, Planning Commission

SIGNED BY:

Michelle Linders Wagner
Chair, Planning Commission

Joseph W. Tovar
Planning & Development Services Director

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Chapter 2.20 PLANNING COMMISSION*

Sections:

- [2.20.010](#) Created – Purpose.
- [2.20.020](#) Membership.
- [2.20.030](#) Meetings – Rules.
- [2.20.040](#) Staff support.
- [2.20.050](#) Rezone hearings.
- [2.20.060](#) Duties – Responsibilities.

*See also SMC Title [16](#), Land use and development.

2.20.010 Created – Purpose.

There is created the planning commission. The purpose of the planning policy commission is to provide guidance and direction for Shoreline's future growth through continued review and improvement to the city's comprehensive land use plan, zoning code, shoreline management, environmental protection and related land use documents. [Ord. 36 § 1, 1995]

2.20.020 Membership.

A. Qualifications. Members of the planning commission shall be selected from individuals who have an interest in environmental affairs, planning, land use, and residential and commercial development as evidenced by training, experience or actions. An intent of the selection process shall be to evenly represent the areas of interest as stated herein. Membership in the planning commission shall be limited to residents or owners of property within the city. No member shall serve longer than two consecutive terms.

B. Number of Members – Terms. The planning commission shall consist of seven members, each of whom shall be appointed for a term of four years. Terms shall expire March 31st in even-numbered years with three members appointed in 2010 and four members appointed in 2012.

C. Appointment. Members of the planning commission shall be appointed by majority vote of the city council subject to an open recruitment process. Commissioners shall be selected without respect to political affiliations and shall serve without compensation.

D. Removal. Members of the commission may be removed by the city manager, with the concurrence of the city council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absence from more than three consecutive regular meetings. Failure to either reside or own property in the city shall constitute a forfeiture of office. The decision of the city council regarding membership on the planning commission shall be final and there shall be no appeal therefrom. Members finding themselves unable to attend regular meetings are expected to tender their resignation.

E. Vacancies. Vacancies occurring other than through the expiration of terms shall be filled for the unexpired terms in the same manner as for appointments as provided in this chapter.

F. Conflicts of Interests. Members of the planning commission shall fully comply with Chapter 42.23 RCW, Code of ethics for municipal officers, Chapter 42.36 RCW, Appearance of fairness, and such other rules and regulations as may be adopted from time to time by the city council regulating the conduct of any person holding appointive office within the city. [Ord. 572 § 1, 2010; Ord. 36 § 2, 1995]

2.20.030 Meetings – Rules.

A. The planning commission shall organize and elect from its members a chair, who shall preside at all meetings of the commission, and a vice-chair. A majority of the commission members shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to carry any proposition.

B. The commission shall determine a regular meeting schedule (time, place and frequency), as necessary, but no less frequent than once every two months. All meetings shall be open to the public.

C. The commission shall adopt such rules and regulations as are necessary for the conduct of its business and shall keep a taped record of its proceedings and such written notes as the commission may from time to time direct. The taped record and any written notes shall be a public record. [Ord. 36 § 3, 1995]

2.20.040 Staff support.

Administrative staff support to the planning commission shall be provided by the city manager or designee. [Ord. 36 § 4, 1995]

2.20.050 Rezone hearings.

The planning commission shall conduct public hearings and make a recommendation to the council on rezones in the city of Shoreline. [Ord. 36 § 5, 1995]

2.20.060 Duties – Responsibilities.

A. The planning commission shall direct the preparation of a comprehensive plan and development regulations in compliance with Chapter 36.70A RCW. This includes establishing procedures providing for early and continuous public participation in the development and amendment of the comprehensive land use plan for the city and the development regulations implementing the plan and make recommendations concerning these matters to the city council.

B. The planning commission shall review land use management, shoreline management and environmental protection ordinances and regulations of the city and make recommendations regarding them to the city council.

C. The planning commission shall review potential annexations to the city as requested by the city council, and make recommendations concerning them.

D. Where design review is required by land use ordinances of the city, the planning commission shall perform such design review unless that review is delegated to some other appointed body or city staff.

E. The planning commission shall recommend, establish priorities for, and review studies of geographic subareas in the city.

F. The planning commission shall submit written periodic reports annually to the city council setting forth its progress in completing its work program for the current fiscal year.

G. The planning commission shall be encouraged to maintain liaison with the planning staff of the city.

H. The planning commission may hold public hearings in the exercise of its duties and responsibilities as it deems necessary.

I. The planning commission shall make recommendations to the city council regarding the subdivision of land pursuant to RCW 58.17.100 and in conformity with other ordinances of the city.

J. The planning commission shall have such other duties and powers as may be conferred upon the commission from time to time by ordinance, resolution or motion of the city council.

K. Unless otherwise assigned by ordinance to another body, all public hearings required to be held in the course of adoption or amendment to the comprehensive plan, the zoning code, adoption or amendment of the zoning map, or adoption or amendment of regulations for the subdivision of land, shorelines management and environmental protection regulations shall be heard by the planning commission. [Ord. 36 § 6, 1995]