

## **Chapter 4.43 PLANNING COMMISSION**

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#### **4.43.010 Purpose.**

The Planning Commission, hereinafter called the Commission, is hereby created to involve residents of the City in advising the City Council on matters of community development. (Ord. 2588 § 2 (part), 2011).

#### **4.43.020 Authority and duties.**

The Commission may make recommendations to the City Council based on its findings and conclusions and on those of its committees. It shall recommend updates to the elements of the Redmond Comprehensive Plan and Redmond Zoning Code for adoption or modification, advise the Council regarding special area concerns and functional plans, investigate and make recommendations on matters suggested by the Council, the Mayor, Redmond citizens, or upon its own initiative. Ad hoc committees may be created for special studies. The Commission and its committees are not delegated any executive or legislative power, authority or responsibility. The Commission shall monitor the growth and development of the City and the areas surrounding the City and shall regularly evaluate and recommend revisions to the Redmond Comprehensive Plan and Redmond Zoning Code. The Commission may stay informed of the decisions of the Hearing Examiner in order to stay abreast of development activities and the concerns of the public. (Ord. 2588 § 2 (part), 2011).

#### **4.43.030 Composition.**

The Commission shall be composed of seven to nine members, provided, that membership may be temporarily expanded to up to nine members if necessary to accommodate a Planning Commission member's return to the Commission after serving on the Code

Rewrite Commission formed to conduct the 2009-2011 Code Rewrite. Membership shall only exceed seven if a Planning Commissioner returns to the Commission after serving on the Code Rewrite Commission. In the event of such temporary expansion, vacancies shall not be filled except to maintain a total membership of seven. (Ord. 2588 § 2 (part), 2011).

#### **4.43.040 Public hearings.**

The Commission shall hold public hearings as required in RZC Chapter 21.76, Review Procedures. The Commission may hold additional hearings and meetings as it sees fit to conduct its business. (Ord. 2588 § 2 (part), 2011).

#### **4.43.050 Appointments and qualifications.**

Members of the Commission shall be appointed by the Mayor and confirmed by a majority vote of the City Council. Appointments to available positions shall be made in the following manner: a media release or other form of notice of the availability of the position shall be published in a local newspaper of general circulation and posted on the City's website no later than 30 days after the effective date of the availability or vacancy of the position. Interested persons may apply for the position by submitting their application and qualifications to the Mayor's office. Applications shall be accepted for a period of 30 days after the date of publication, provided, that this period may be extended by the Mayor if deemed necessary to obtain sufficient qualified candidates for appointment. Positions may be filled from the list of applicants. In the event there are no applicants or there are an insufficient number of applicants for the positions available, the Mayor may appoint persons to positions who are not otherwise on the list of applicants. Applicants shall be residents of the City during their tenures of office, and shall not hold any other City office or position. Consideration should be given to appointments that result in a broad geographic and demographic representation of interested and knowledgeable people. (Ord. 2588 § 2 (part), 2011).

#### **4.43.060 Term of office.**

(A) The regular term of office for Commission positions shall be for four years, staggered terms. Terms shall commence on April 1st and end on March 31st four years later. Members appointed to fill a vacancy shall serve for the duration of the unexpired term. No member shall serve more than two consecutive terms. An appointment to serve an unexpired term of two years or less shall not count towards the two consecutive terms limit. A member may hold office until a successor is appointed and confirmed even if after the end of the term.

(B) Planning Commission members who suspended service on the Planning Commission to serve on the Code Rewrite Commission per former RCDG [20F.50.40-070](#) may elect to resume service on the Planning Commission. The date of expiration of such Commissioners' Planning Commission term shall not change, nor shall they serve another term if they have already served two. If a Commissioner's term expired during his or her

service on the Code Rewrite Commission, the Commissioner may request reappointment to the Planning Commission consistent with the term of office restrictions described above. (Ord. 2588 § 2 (part), 2011).

#### **4.43.070 Vacancies.**

Vacancies shall be filled in the same manner as initial appointments, and members appointed to fill a vacancy shall serve for the duration of the unexpired term. (Ord. 2588 § 2 (part), 2011).

#### **4.43.080 Removal.**

Any member of the Commission may be removed for inefficiency, neglect of duty, or malfeasance in office. Removal proceedings may be initiated by the Mayor or the City Council and notice of any proposed removal shall be given to the Commission member at least ten days prior to any City Council vote upon the removal. Within ten days of receipt of a notice of intended removal, the Commissioner may request a public hearing on the removal before the City Council. The Council shall conduct a public hearing, if requested. Upon completion of the hearing, or following the expiration of ten days from the notice date if no hearing is requested, the Council may take action on the removal. A two-thirds vote of the Council is required for removal. Notwithstanding the above, when a member misses three consecutive regular business meetings without being excused by majority vote of the Planning Commission, the member's position shall automatically become vacant and a successor shall be appointed. (Ord. 2588 § 2 (part), 2011).

#### **4.43.090 Rules.**

The Commission shall adopt rules for the transaction of its business. The rules shall provide, but not be limited to, the date, time, place and format of regular meetings and hearings; a record of proceedings, reports, studies, findings, conclusions and recommendations; election of a Commission Chair and Vice Chair to a one-year term each; and a procedure for handling citizen proposals and requests for plan preparation or modification. The rules of the Planning Commission shall be approved by the City Council and kept on file with the Planning Department. (Ord. 2588 § 2 (part), 2011).

#### **4.43.100 Staff services.**

The Director of Planning and Community Development shall be responsible for the general administration of the Commission and may request staff services from the other City departments. (Ord. 2588 § 2 (part), 2011).

#### **4.43.110 Conflict of interest.**

Members of the Commission shall be disqualified from involvement in Commission actions in which they have a financial interest. A financial interest shall be deemed to include, but not be limited to, the member's own interest or the interest of a client or employer. When the Commission acts in a quasi-judicial capacity, members shall also be disqualified when the

appearance of fairness doctrine as codified in Chapter 42.36 RCW requires disqualification. (Ord. 2588 § 2 (part), 2011).

**4.43.120 Quorum and voting.**

(A) A majority of the appointed and qualified members shall constitute a quorum for the transaction of business, provided that at least four shall be required to constitute a quorum, excluding any disqualifications.

(B) Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting of the Commission, shall be deemed and taken as the action of the Commission.

(C) Any number less than a quorum shall be authorized to convene a meeting at the time set and to adjourn, recess or continue a regular meeting, a special meeting, or a public hearing to a date and time certain. As soon as possible, the date, time, and place of the continued meeting shall be posted on the meeting room door. An agenda or notice with the date, time, and place of the continued meeting shall be mailed to representatives of the news media and any person who requested notice of the Planning Commission meetings. (Ord. 2588 § 2 (part), 2011).

# Planning Commission Rules

## I. General Procedures.

A. Chair. The Chair will: 1) conduct the meetings, 2) set up special meetings, 3) control and conduct the public hearings as scheduled, and work with staff to prepare for the meeting. The term of the chair will be one year, and he or she will be elected at the first regular meeting after March 1st.

B. Vice Chair. The Vice Chair will assume the duties of the Chair in his or her absence. The term of the Vice Chair will be one year to be elected at the same time as the Chair.

C. Absence of Chair/Vice Chair. If neither the Chair nor the Vice Chair is able to preside at a meeting, the Chair shall designate the presiding officer for that meeting. If the Chair is unable to designate the presiding officer, then the Vice Chair shall do so. In the absence of the Chairman and Vice Chairman, the remaining members shall select an acting Chairman.

D. Vacancy of Chair/ Vice Chair. In the event the Chair or Vice Chair leaves office before their terms expire, the Planning Commission shall vote to determine the Chair and/or Vice Chair to fill the position for the remainder of the previous incumbent's term.

E. Agenda. The Planning Commission will use the same agenda format used by the City Council. The item titled "Items from the Audience", will be an appropriate time

1 to hear citizen proposals related to the Zoning Code or other planning issues. Speakers on  
2 any one item, or the amount of time allocated for testimony may be limited to a specified  
3 amount of time at the discretion of the Chair.

4 F. Relationship with City Council. The Planning Commission may occasionally  
5 attend the regularly scheduled meetings of the City Council and Council committees.  
6 Members may attend on a rotating basis and will report to the Planning Commission at  
7 their next regular meeting. In addition, the Planning Commission will meet with the City  
8 Council on an annual basis with a report of activities and progress.

9 G. Relationship with Hearing Examiner. The Planning Commission should stay  
10 informed of issues brought to the Hearing Examiner.

11 H. Time and Length of Meetings. Planning Commission meetings will begin at  
12 7:00 p.m. and continue until 10:00 p.m. unless adjourned earlier. Continuation of  
13 meetings past 10:00 p.m. will require approval of a motion by a majority of the members.

14 I. Regular Meeting Date. The Planning Commission will have regular business  
15 meetings on the second and fourth Wednesday of each month and on other dates as  
16 deemed necessary. Special meetings and study meetings may be held at any time and  
17 location indicated in the public notices. The meetings will be held in the City Council  
18 Chambers at the Redmond City Hall unless public notice is given that the meeting  
19 location will be changed.

20 **II. Public Hearings.**

1 The format for public hearings conducted by the Planning Commission should be as  
2 follows:

3 A. The Chair or a staff member should read or paraphrase the purpose of the  
4 hearing and advise the Commission of the applicable criteria that it must consider in the  
5 course of its review. The purpose of this is to advise the Commission before it receives  
6 testimony of the particular items it should be considering during the course of the  
7 hearing.

8 B. The hearing should begin with a staff report to the Planning Commission  
9 which may include the staff's recommendation.

10 C. Commissioners should direct any questions they have at that time to the  
11 staff.

12 D. The hearing should then be opened to permit the applicant to make a  
13 presentation to the Planning Commission.

14 E. Questions from the Planning Commission should be directed to the  
15 applicant.

16 F. At this time, the hearing should be opened to the audience as a whole. A sign  
17 up list will be circulated before the meeting to determine the number of persons desiring  
18 to speak, which may be weighed against the amount of time available for the public  
19 hearing. A stated amount of time may be allocated to the hearing, and each person who  
20 has signed up given an equal amount of time to speak, as determined by the Chair.

1 Persons who have signed up may waive their opportunity to speak to leave time for those  
2 who wish additional time to speak. If the time allocated for the hearing is exhausted, the  
3 hearing may be continued to another date if necessary. The sign up list shall provide the  
4 name and address of speakers for the Secretary who is taking the minutes for the hearing.  
5 In addition, it provides an orderly process for the calling of speakers and assures that each  
6 person is given an opportunity to speak before those who have already spoken are  
7 recognized again.

8 G. Each person speaking, whether it is the applicant or a member of the  
9 audience, shall speak from the podium. Before speaking they should state their full name  
10 and address. When all of the persons on the list have been called and have either waived  
11 the opportunity to speak or have spoken, the Chair shall ask if there are any other persons  
12 who desire to speak. If there are any, those persons should be allocated the same amount  
13 of time as previous speakers if possible.

14 H. When everyone who wishes to speak has had an opportunity, the Chair may  
15 ask if any persons who have already spoken desire to speak again if there is time  
16 remaining.

17 I. Each person who speaks a second time or who responds to a question should  
18 come to the podium and again re-identify themselves by name; however, restatement of  
19 addresses is not necessary.

20 J. If, at the conclusion of the hearing the Chair determines that there may still  
21 be additional persons wishing to speak or who may provide information, then the hearing

1 time for oral testimony or written testimony or both may be continued to a date certain in  
2 the future. When members of the public have completed their testimony, and before  
3 closing the hearing, the applicant or his/her representative should be given a brief  
4 opportunity for rebuttal. If, upon conclusion of the rebuttal, the Chair determines that  
5 there are no more questions for any member of the audience or the applicant, the hearing  
6 may be closed or continued until after deliberation.

7 K. Any questions by Commission members to any member of the audience or  
8 the applicant should be asked prior to the closing of the hearing. Once the hearing is  
9 closed on a quasi-judicial matter, no additional testimony may be taken, and the Planning  
10 Commission will be limited to questions to the staff only.

11 L. It should also be noted that proponents or opponents do have a right to  
12 question persons who have given testimony at the hearing on a quasi-judicial matter.  
13 These questions shall be directed to the Chair of the meeting and not directly to the  
14 person who gave testimony. The Chair shall direct that person to come to the podium,  
15 identify himself and give a response. At the conclusion of the response, any additional  
16 questions from that person or other persons should be handled in the same manner. One  
17 question at a time should be channeled through the Chair to the person whose response is  
18 requested. Questions shall be limited to topics that are relevant to the issues in the quasi-  
19 judicial proceeding. The Chair shall determine the relevance of all questions and may  
20 order the termination of any discussion that is deemed irrelevant.

21 M. As photographs, maps, slides, letters, invoices, memorandums, petitions or  
22 any other documents of any nature are presented to the Commission in connection with

1 the hearing, staff shall obtain a copy of each for the official record of the proceedings.

2 N. Commission members should be recognized by the Chair before asking  
3 questions or providing other information. This allows for the Chair to specifically  
4 recognize the Commission member by name who is about to speak, so that the record  
5 accurately reflects who has spoken.

6 O. Commission members should avoid whispered conversations between  
7 themselves during the course of the hearing. These conversations may not be audible on  
8 the tape recording and may jeopardize the record of the hearing since they cannot be  
9 interpreted. No use of e-mail or other social media communications between  
10 Commissioners and/or Commissioners and others shall be allowed during the hearing.

11 P. During the course of deliberation following conclusion of the public hearing,  
12 the Planning Commission should thoroughly discuss the pros and cons of the proposal  
13 particularly in relation to the criteria to be applied, as defined by the Redmond  
14 Comprehensive Plan, the Redmond Zoning Code or other guidelines as identified in the  
15 Technical Committee Report.

16 Q. At the conclusion of deliberation, the Planning Commission should bring a  
17 motion to the floor. If the motion is seconded, concluding discussion should follow.  
18 The Chair may call upon each member to state his/her reasons for or against the  
19 particular motion. At the conclusion of the discussion, the Chair should call for a vote  
20 upon the motion.

1           R. At the conclusion of the vote and the announcement of the decision, the  
2 Chair should close the hearing if not closed previously and should at the time advise the  
3 audience that the recommendation will be submitted to the City Council, and further  
4 public comment, either written or oral, will be governed by the Council's rules and  
5 procedures. Once a motion has been made for a recommendation to be transmitted to the  
6 City Council, any written materials received by the Planning Commission will be  
7 disclosed at the next public meeting but will not be considered as part of the public record  
8 on a quasi-judicial matter.