

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 175**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON,
APPROVING THE BYLAWS OF THE CITY PLANNING COMMISSION.**

WHEREAS, the Planning Commission of the City of Liberty Lake, as set forth in City Ordinance 75, shall adopt such rules and regulations as are necessary for the conduct of business; and

WHEREAS, a proposed draft set of bylaws has been reviewed by the Planning Commission; and

WHEREAS, the draft bylaws incorporate the requirements of City Ordinance 75 and City Code and establish the rules and regulations for code of conduct, electing the Chair / Vice-Chair, issuing agendas and notices, conducting meetings, workshops, hearings, and field trips, accepting public comment, establishing the reasons for decisions / recommendations, the process for written decisions / recommendations, duties of subcommittees, outlining staff support, and amendment of the bylaws.

NOW THEREFORE the City Council of the City of Liberty Lake does ordain as follows:

Section 1. City of Liberty Lake Planning Commission Bylaws (2009).

The proposed Bylaws of the City of Liberty Lake Planning Commission, a copy of which is attached and made an integral and continuing part of this ordinance, be accepted and approved.

Section 2. Severability.

If any section, sentence, clause or phrase of this ordinance and the attachments hereto shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. In the event there is a conflict between the provisions of this Ordinance and Ordinance 75, establishing the Planning Commission, Ordinance 75 shall prevail.

Section 3. Administration and Enforcement.

- A. Administration. Planning & Building Services shall be responsible for the administration of this ordinance.
- B. Enforcement. Projects / proposals that are subject to the provisions of this Ordinance and do not comply with the standards of this ordinance shall be subject to the enforcement provisions of the Liberty Lake Municipal Code and City Development Code.

Section 4. Effective Date.

This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 7th day of April, 2009.

Wendy VanOrman
Mayor, Wendy Van Orman

ATTEST:

Ann Swenson
Ann Swenson, Deputy City Clerk

Approved As To Form:

Sean Boutz
City Attorney, Sean Boutz

Date of Publication: 4-16-09

Effective Date: 4-21-09

CERTIFICATION

I, the undersigned Deputy City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 175 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at the regular meeting placed thereof on April 7, 2009 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote: 5-0.

AYES, and in favor thereof, Council Member(s): Schuler, Olander, Crump, Langford, and Jenkins

NAYS, Council Member(s):

ABSENT, Council Member(s): Mayor Pro Tem Sayrs, Council Member Owens

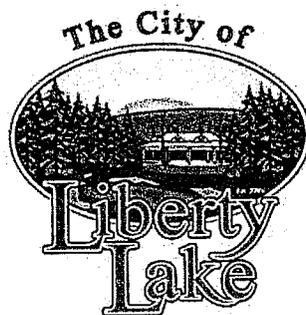
ASTAINED, Council Member(s):

CITY OF LIBERTY LAKE



DEPUTY CITY CLERK

**CITY OF LIBERTY LAKE
PLANNING COMMISSION
BYLAWS**



**ADOPTED
APRIL 7, 2009**

A. NAME

The name of the group shall be the City of Liberty Lake Planning Commission.

B. PURPOSE (as set forth in Ordinance No. 75 & City Code)

As set forth in the City of Liberty Lake Ordinance No. 75, an ordinance of the City of Liberty Lake, Spokane County, Washington, creating a Planning Commission and establishing the duties thereof, the purpose of the Planning Commission is to study and make recommendations to the Mayor and City Council for Liberty Lake's future growth through continued review of the City's Comprehensive Land Use Plan, zoning code (or development regulations), shoreline management, environmental protection, transportation system, capital improvements and other matters as directed by the City Council.

C. MEMBERSHIP (as set forth in Ordinance No. 75 & City Code)

1. **Qualifications:** The membership of the Planning Commission shall consist of individuals who have an interest in planning, land use, transportation, capital infrastructure and building and landscape design as evidenced by training, experience or interest in the City.
2. **Appointments:** Members of the Planning Commission shall be nominated by the Mayor and confirmed by a majority vote of at least four (4) members of the City Council. Planning Commissioners shall be selected without respect to political affiliations and shall serve without compensation.
3. **Number Of Members; Terms:**
 - a. **Regular Members:** The Planning Commission shall consist of seven (7) members. At least five (5) members shall reside within the City. The terms for the initial commissioners shall be two (2) 1-year terms, two (2) 2-year terms and three (3) 3-year terms. The initial members and their terms shall be decided by the Mayor and confirmed by the City Council. Subsequent terms shall be for a three (3) year period. Terms shall expire on December 31st.
 - b. **Adjunct Members:** Adjunct members may be brought in to serve as additions to the required seven (7) members. The adjunct members must reside within the City and shall be appointed in the same manner as set above. Adjunct members may participate in meetings, workshops, hearings, and workgroups but they are not permitted to participate in voting. Adjunct members may become full time voting members if a vacancy occurs on the Planning Commission and they are appointed to the position.
 - c. **Removal of Members:** Members of the Commission may be removed by the Mayor, 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 three (3) consecutive regular meetings. Failure to qualify as to residency shall constitute a forfeiture of office.

The decision of the City Council regarding membership on the Planning Commission shall be final and without appeal.

- d. Vacancies: Vacancies occurring other than through the expiration of terms shall be filled for the unexpired term in the same manner as for appointments.
- e. Conflicts Of Interest: Members of the Planning Commission shall fully comply with code of ethics for municipal officers (RCW 42.23), appearance of fairness (RCW 42.36), 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. No elected official or City employee may be a member of the Planning Commission.
 - i. Code of Conduct
 1. It is the constant duty of each Commission member to maintain respect for each other, the staff, and the public. Likewise, the Commission shall require corresponding respectful behavior from all persons who attend a meeting.
 2. It shall be the obligation of every Commission member forming Planning Commission recommendations to be familiar with the facts in order to reach an informed and independent judgment. To discuss or vote on a matter heard at a meeting from which a member was absent, said member shall have familiarized himself with the subject matter, using the file of record or the tape of the hearing. Such familiarization shall be confined to the official files and referenced documents.
 3. Except at public meetings of the Commission, its members do not discuss the resolution of specific cases scheduled or likely to come before the Commission with applicants, their representatives, proponents or opponents, or other public with direct interest, unless directed by the Chair to meet with an applicant in a committee forum which is also open to the public to discuss making modifications to an amendment. Questions of fact or clarification concerning these cases prior to hearing are normally to be addressed to the City Community Development Director or designee rather than to Commission members.
 4. While any member has a right to express personal views and opinions pursuant to our Constitutional guarantees of freedom of speech, statements purporting to represent the view or pronouncements of the Commission or

committees thereof shall not be made in advance of the Commission's final determination of the matter, except as directed or authorized by a majority of the entire Commission at any special or regular meeting or public hearing. The Commission shall appoint one of its members to issue such statements as the Commission deems necessary. This shall not prejudice the right of any dissenting members to express their minority position.

5. Commission members may speak as an individual member – reflect and inform about Commission positions and activities and on their own position - as long as it is clear whether such position is or is not a Commission position and clearly specifying they are speaking as an individual, or as an individual Planning Commissioner articulating their own views and concerns.
6. Planning Commission members may attend meetings held by applicants with adjacent property owners, however only in the capacity of an observer. If a Planning Commission member does decide to take part in discussions at said meeting, he/she shall disclose the nature of their participation to the Planning Commission prior to participating in a hearing or deliberations on a request.
7. Each Commission member decides which invitations to public and private functions can appropriately be accepted as a member of the Commission. A member must differentiate whether a stated action or comment is solely the member's or represents the official position of the Commission.
8. Commission members shall not engage in any profitable employment or in any personal business transaction in which the fact of membership on the Commission or any knowledge of its actions unique to membership would be a qualification for such employment or a significant reason for the personal business transaction. Commission members shall not benefit in any financial way due to their Commission participation or confidential knowledge.
9. Commission members shall not accept gifts from applicants, their representative, or other persons and institutions concerned with matters which have been or might come before the Commission. Well intended

acceptance of such gifts could lead to misconceptions by prospective donors or the public.

10. When a commission member concludes a matter before the commission involves a conflict of interest on the commissioner's part he/she should request permission to step down before the matter is heard, which request shall be granted by the Chair and recorded by the City Community Development Director or designee. Where the Chair considers a conflict of interest to exist, before the matter is heard, a commission member may be asked to request disqualification. If the commission member declines, the Chair will request that the member confer with legal counsel from the City legal staff or this matter may be decided by a majority vote of the members, other than said commission member. In cases where no conflict of interest exists, a commission member may occasionally choose to abstain from voting in accordance with the member's best judgment.
11. A Commission member shall disqualify him(her)self from participating in a hearing whenever bias, interest, or other influences will prevent or appear to prevent him or her from exercising fair-minded, independent judgment on the facts and established policy.
12. Disqualifying influences include prejudgment of the issues that cannot be swayed by the facts in evidence, a partiality or personal bias for or against a party, and a personal pecuniary interest in the subject matter. Examples of disqualifying bias include a close personal, family or business relationship with a party, ownership of property the value of which might be affected by the decision, and a business or personal financial situation that might be affected by the decision.
13. Should a Commission member be aware of circumstances which might appear to disqualify him or her, he or she can either disqualify him(her)self or explain the circumstances before the hearing and let the rest of the Commission, by majority vote, decide whether he or she participates. Should the Commission be aware of circumstances which might appear to disqualify a member, the Commission, may, by majority vote, disqualify the member.
14. It is in the public interest that, to the greatest extent possible, all members of the Commission should have an opportunity to be aware of and act upon the information

that is available to other members. Therefore, all members are encouraged to place upon the record of the Planning Commission the substance of all ex-parte contacts that have occurred during the time that a legislative matter has been introduced and is still before the Planning Commission for a decision.

15. Except for submitting a written dissenting opinion as provided under these rules of procedure, no Commission member shall work for the frustration or the overturn of any decision made by a majority of the Commission outside the framework of the Commission.
16. Except for submitting a written dissenting opinion as provided under these rules of procedure, no Commission member shall lobby City Council members for votes or actions that undermine the decisions of the Planning Commission.

D. MEETINGS & RULES (as set forth in Ordinance No. 75 & City Code)

1. The Planning Commission shall every second year organize and elect from its members a Chair, who shall preside at all meetings of the Commission and perform such other functions as determined by rule. A Vice Chair shall be elected to preside in the absence of the 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.
 - a. Nominations for Chair shall be made in writing to the Community Development Director or designee and circulated to all Commission members via email at least 24 hours prior to the Commission meeting where the voting will occur. Commission members may nominate themselves. Candidates have the opportunity at the meeting to give a short speech prior to the vote. Voting shall be through secret ballot and the candidate receiving the majority vote of a quorum of the Commission shall be declared elected Chair. The candidate who receives the second most votes of a quorum of the Commission shall be declared elected Vice-Chair. In the event of a tie, another secret ballot vote shall occur to break the tie or one of the candidates may choose to accept the Vice-Chair position.
 - b. When there is no quorum present for a meeting, the Chair or, in the Chairperson's absence, the Vice-Chair or, in the Vice-Chairperson's absence, the Community Development Director or designee may delay the meeting or adjourn the meeting until a quorum can be obtained or may adjourn to the next scheduled Planning Commission meeting. Before such adjournment, to accommodate the public in attendance, the Planning Commission members in attendance may hear testimony on matters advertised for public hearing and cause the same to be

recorded in the minutes to be considered by a quorum of the Planning Commission at the meeting date to which the hearing shall be continued. Agenda items other than hearings may be considered and advisory direction given, subject to ratification by the Commission at its next scheduled meeting when a quorum is present.

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

- a. Meeting Notices

- i. Regular Meetings - The agenda should be posted at least 24 hours prior to the meeting on the City of Liberty Lake website, emailed to the Public Notice Email List, and posted at City Hall and the Liberty Lake Municipal Library, or current venues. Notice of regular meetings should be included in the City Newsletter Calendar and provided to the Liberty Lake Splash for inclusion in the Community Calendar or equivalent column.
 1. A majority vote of the Commission may, at any regular meeting, substitute another day for the regular meeting of the following month and shall cause notice to be given thereof in the manner provided for notice of special meetings.
 - ii. Public Hearings and Workshops shall be published in the official City Newspaper, at least 10 days prior to the workshop, posted on the City of Liberty Lake website, emailed to the Public Notice Email List, and posted at City Hall and the Liberty Lake Municipal Library, or current venues. The process for review of Type IV Projects (i.e. City Comprehensive Plan and Development Code Amendments) shall be as outlined in the City Development Code Article 10-4B for Type IV Projects, and Section 10-4B-5, Type IV Projects.
 - iii. Special meetings may be called at any time by the City Community Development Director or designee, in consultation with the Chair or, in the Chairperson's absence, with the Vice-Chair, or by a majority of the members of the Commission. The City Community Development Director or designee will deliver electronically or by phone, notice to each member of the Commission notifying them of the special meeting date and time. The public shall be notified by posting a notice at least 24 hours prior to the special meeting on the City of Liberty Lake website, emailed to the Public Notice Email List, and posted at City Hall and the Liberty Lake Municipal Library, or current venues. The Commission shall take no final action on matters not included in the special meeting notice.

iv. If, for any reason, the business to be considered at a regular meeting, special meeting, public workshop, or public hearing cannot be then completed, the Commission may at such meetings recess and designate the time to reconvene to consider the uncompleted matter, provided that such action shall be publicly announced at the meeting, and notice thereof shall be posted at least 24 hours prior to the meeting on the City of Liberty Lake website, emailed to the Public Notice Email List, and posted at City Hall and the Liberty Lake Municipal Library, or current venues.

b. Meeting Cancellation

The City Community Development Director or designee, in consultation with the Chair or, in the Chairperson's absence, with the Vice-Chair may cancel a meeting due to lack of agenda items or as deemed necessary. The City Community Development Director or designee will deliver electronically or by phone, notice to each member of the Commission notifying them of the meeting cancellation. The public shall be notified by posting a notice at least 24 hours prior to the scheduled meeting on the City of Liberty Lake website, emailed to the Public Notice Email List, and posted at City Hall and the Liberty Lake Municipal Library, or current venues.

3. The Commission shall adopt such rules and regulations as are necessary for the conduct of business and shall keep a taped record of its proceedings.

a. Duties of the Chair

- i. The Planning Commission Chair or, in the Chairperson's absence, the Vice-Chair shall preside over meetings of the Planning Commission and cause the business of the Commission to be transacted in accordance with these bylaws and see that the purpose and functions of the Commission are progressively achieved in an objective, efficient and expeditious manner. The Chair should be mindful that the meeting is being recorded and shall be responsible for informing speakers that their remarks are to be recorded. The Chair may yield the Chair to a member of the Commission's choice to conduct a portion of a meeting.
- ii. The Chair shall preserve the order and decorum and enforce the rules and regulations of the Commission, including adjournment of any meeting where, in his/her judgment, the order is such as to prevent a proper consideration of business.
- iii. The Chair shall determine all questions of procedure, subject to appeal, but shall liberally grant leave to the City Community Development Director or designee to speak to the question. A ruling of the Chair can be appealed, before the ruling is acted

on, by announcing an appeal and by a second. The Chair shall then state the question in terms of upholding the ruling and may state his or her reasons for the ruling. Then the member appealing has the floor to open debate on the appeal.

- iv. The Chair may make or second any motion, and may present and discuss any matter as a member of the Commission, and shall be entitled to vote on all matters.
- v. The Chair shall sign all official recommendations or documents on behalf of the Commission in accordance with and to report and explain the Commission's findings to the City Council. The Chair shall also represent the Commission in correspondence, meetings, and news releases.

b. Duties of the Vice-Chair

The Vice-Chair shall act in the absence of the Chair. All the duties of the Chair shall be assigned to the Vice-Chair.

c. General Order of Business for Regular Meetings

i. Call to Order

- 1. Conducted by the Chair or, in the Chairperson's absence, the Vice-Chair.

ii. Roll Call

- 1. Conducted by the Chair or, in the Chairperson's absence, the Vice-Chair and confirmed by the City Community Development Director or designee. Commissioners are noted as Present, Absent - Excused, or Absent - Unexcused. If a Commissioner is late, they are changed to Present with the minutes late noted as either Absent - Excused or Absent - Unexcused, as applicable. To be classified as Absent - Excused, a Commissioner must notify either the City Community Development Director or designee, or the Planning Commission Chair at least 15 minutes prior to the start of the meeting.

iii. Review of Agenda

- 1. Conducted by the Chair or, in the Chairperson's absence, the Vice-Chair. Additions, deletions, or modifications to the agenda, through a majority vote of the Planning Commission, are permitted at regularly scheduled meetings.

iv. Citizens Comments

1. Limited to three (3) minutes per person, per topic that is not included under Action Items / Discussions / Presentations. The citizen must state their name and address for the record prior to providing comment.

v. Unfinished / New Business

1. Conducted by the Chair or, in the Chairperson's absence, the Vice-Chair and directed to City Staff and Planning Commissioners.

vi. Planning Commissioner Reports

1. Limited to three (3) minutes per Commissioner and based on a topic relevant to the Planning Commission. Shall not include topics included under Action Items / Discussions / Presentations.

vii. Action Items / Discussions / Presentations

viii. Adjournment

1. Conducted by the Chair or, in the Chairperson's absence, the Vice-Chair. Any meeting may be adjourned by majority vote or declaration by the Chair, to a specific place and time. Unless otherwise specified in the motion, the meeting will be adjourned to the place and time of the next regular meeting. In the event any meeting is adjourned, all matters on the agenda not disposed of, or deferred to a specific meeting date, shall be continued to the next regular meeting.

d. Robert's Rules of Order

Matters of procedure not otherwise provided for herein shall, insofar as practical, be determined by reference to the most recent Robert's Rules of Order.

e. Procedure Suspension or Amendment

Matters of procedure provided for herein may be temporarily suspended or amended by a majority vote of the Planning Commission.

f. Agendas

- i. Planning Commission Agendas are provided to Planning Commissioner's and available to the public at least 1 day prior to a scheduled meeting.
- ii. The City Community Development Director or designee, in consultation with the Chair or, in the Chairperson's absence, with the Vice-Chair, shall set the agenda for any given meeting.

No subject matter shall be placed on the agenda for action at any given meeting which was not formally filed with the City Community Development Director or designee, as hereafter provided, or which was not initiated by motion of the Planning Commission. City Staff or the Chair may, however, place housekeeping and non-action items on the agenda.

g. City Section and/or Agency Notification

Where any matters filed with the City Community Development Director or designee for consideration and action by the Planning Commission, which matter is deemed by the City Community Development Director or designee to be of concern to other City sections and/or other public agencies in Spokane County, the City Community Development Director or designee shall notify each such interested City section and/or other public agency of the impending matter and request a report or recommendation, if any, on the matter. The notification shall include any pertinent information, maps, or other material and data as will clearly indicate the type of action under consideration. Information resulting from the City Staff Reports and recommendations shall be considered by the Planning Commission at the time the matter is before it.

h. Minutes & Records

- i. The proceedings of all official meetings shall be recorded and the recordings made a part of a permanent public record along with applications made under provisions of law and the complete files of proceedings and actions taken in connection therewith. The agenda, with a record of action taken and the attendance sheet, shall constitute the record of proceedings. Minutes shall be prepared for all public hearings.
- ii. A copy of the records of proceedings taken at any meeting shall be provided by the City Community Development Director or designee to anyone on request.
- iii. Formal recommendations considered by the Planning Commission shall constitute a part of the public record of the meeting at which such recommendation was considered, provided that the text of any such recommendation may be considered as being contained in the record of proceedings when properly identified as to the agenda item and/or file number.
- iv. All meeting attendees will be encouraged to identify themselves on sign-in sheets.

i. Voting & Consensus

The Planning Commission members should strive to provide a consensus recommendation to the City Council. Where consensus cannot be reached, all seven (7) Planning Commission members shall have one vote on matters coming before the Commission that require a majority recommendation to the City Council. Proxy or absentee voting is not permitted. When an even quorum of four (4) or six (6) members is present and a vote results in a tie, the Commission members shall continue deliberation until a majority vote can be reached. Voting shall be by ayes and nays and is called for by the Chair. The Chair shall declare whether the motion is carried or failed and what the vote count was. Any Commission member may explain the reasons for his/her vote as a matter of privilege and the Commission shall endeavor to give explanations of their reasons for support and non-support of an action during their discussion of the item or as part of the motion thereon. At public hearings, the minutes shall record the number of members for and against and the names of any members abstaining. The City Community Development Director or designee records the specific wording of the motion in the minutes as it was proposed before the vote.

j. Field Trips

The Planning Commission may conduct field trips in order to make more fully informed recommendations. The City Community Development Director or designee shall prepare a tentative agenda and release notices prior to the trip. Interested persons may follow along and observe field trips when practical. The Commission does not discuss the merits of public hearing items with citizens during field trips. No Commission action is taken on any item requiring public hearing or testimony during field trips. Commission members are encouraged to attend field trips as part of their meeting responsibility although no quorum is required to proceed. Minutes need not be taken during field trips. The Chair or, in the Chairperson's absence, the Vice-Chair may order a record of some discussion be entered in the record of the meeting with which the field trip corresponds with or the meeting following the field trip.

k. Speaking During Commission Meetings

- i. No one may speak without first being recognized for that purpose by the Chair.
- ii. Each person speaking shall print his or her name and address on the sign-in sheet provided, and verbally identify him/herself by name, address and, if appropriate, representative capacity.

- iii. A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.
- iv. Each speaker shall follow all instructions from the Chair so that his/her remarks may be heard, understood, and recorded.
- v. In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression not provided by these rules, such as demonstrations, banners, applause and the like will be permitted. In the event such disorders persist, the Chair may require the removal of the instigator(s), recess, or adjourn the meeting.
- vi. Following an assessment by the Chair of factors such as complexity of issue, apparent number of people indicating a wish to testify, and the quantity of business on the agenda, the Chair shall, in the absence of objection by the majority of the Commission present, impose reasonable time limits for staff reports and designate representatives of proponents and opponents and impose reasonable procedural time limitations for the same. Any other person, who wishes to speak for either side, shall be granted not less than three (3) minutes each.
- vii. In the event there appears to be more than two groups wishing to advocate distinct, different positions on a specific issue, the Chair may grant the same procedural and time allowances to each group or groups.

I. Public Workshops

Formal presentations by the Planning Commission members or City Staff or their designee on the topic or issue may occur at the beginning of the workshop(s). Discussions or question and answer sessions may occur at any time during the public workshop(s). Written public comment on the topic or issue may also be accepted. At the conclusion of the workshop(s), City Staff or their designee may summarize workshop comments and distribute these summaries to the Planning Commission members.

m. Public Hearings

- i. Hearings are initiated by a request in writing to the Commission, called by motion of the Commission, or scheduled by the City Community Development Director or designee. Written requests may be filled with the City Community Development Director or designee.

- ii. After receiving the request for public hearing, the City Community Development Director or designee shall arrange a tentative hearing date and provide notice, pursuant to these bylaws and City Code.
- iii. If a hearing is continued to a specified date, time, and place, no further notice of the continued hearing is required. If continued indefinitely and without a specified date, notice of the continued hearing date, when set, shall be sent to the parties of record at the prior hearing and to the parties who have requested notice.
- iv. A motion on a hearing item is made after the close of testimony and Commission discussion. If the motion is to continue the hearing or action to a later date, the interested parties present shall be given opportunity to speak to the matter of the continued date. Motions to continue shall clearly state whether continued with or without further public testimony, otherwise a continuation of a hearing shall be interpreted as reopening public testimony on the matter.

n. Conducting a Public Hearing

- i. The Chair opens the public hearing, reviews the agenda, and explains the process.
- ii. Following an assessment by the Chair of factors such as complexity of issue, apparent number of people indicating a wish to testify, and the quantity of business on the agenda, the Chair shall, in the absence of objection by the majority of the Commission present, impose reasonable time limits for staff reports and designate representatives of proponents and opponents and impose reasonable procedural time limitations for the same. Any other person, who wishes to speak for either side, shall be granted not less than three (3) minutes each.
- iii. The City Community Development Director or designee describes the matter under consideration, a Staff Report is presented, and staff answers any questions the Commission may have.
- iv. The Chair invites the applicant, proponents, opponents, and the public to offer testimony and evidence on the pending matter. The Commission may ask questions of any person at conclusion of their testimony but shall refrain from debating with the public or each other while testimony is being taken.
 - 1. All speakers must come to the podium, speak into the microphone, and give their name and address;
 - 2. No comments shall be made from any other location and anyone making "out of order" comments shall be subject to removal from the hearing;

3. All comments should be relevant to the application, and should not be of a personal nature;
 4. Repetitive comments should be avoided;
 5. Unruly behavior, such as clapping, booing, hissing or harassing remarks, is prohibited and persons conducting this behavior shall be subject to removal from the hearing;
 6. The rules contained in these bylaws are intended to promote an orderly public hearing system and provide the public an opportunity to be heard while ensuring that individuals are not embarrassed by exercising their right of free speech.
 7. Also see comments section below.
- v. The Chair asks for closing or rebuttal comments from the applicant.
 - vi. The Chair asks for additional City Staff comments.
 - vii. The Chair closes the public hearing for deliberation or makes a motion to continue the meeting to a set date & time for decision only.
 - viii. The Chair inquires if there is a motion by any Commission member and a second. Following the motion and its second, discussion occurs among commission members.
 - ix. The Chair inquires if there is any further discussion by the Commission members.
 - x. The Chair inquires if there are any final comments or recommendations from City Staff.
 - xi. The Chair calls for the vote. The motion, discussion, and vote are repeated as necessary.

o. Comments

- i. All comments to the Planning Commission shall be directed to the City Community Development Director or designee to be appropriately entered into the public record. This includes oral, written, and email comments.
- ii. The Planning Commission shall accept comments as part of the public hearing up to the date and time of the public hearing.
- iii. Comments should be dated, signed, and contain the correspondents printed name, address, and email.

- iv. If a commission member personally receives written (including email comments) information from a citizen or group regarding an upcoming agenda item, they shall immediately deliver that item, or a complete copy thereof, to the City Community Development Director or designee for inclusion into the record of public testimony.
- v. At the conclusion of a public hearing the Planning Commission may pass a motion to keep the record open for public comment until a specified date and time.

p. Reasons for Decision / Recommendation

- i. As a matter of policy, the Commission shall endeavor to have explanations of reasons occur during the discussions or debate prior to voting. When the matter is one for which a report has been made containing an explanation of reasons for recommended action, or when the motion includes a statement of reasons, it will be presumed that those members voting to recommend approval of matters set forth in the report or for the motion agree with and adopt the stated reasons in the absence of further explanation. When the motion is to recommend adoption of a formal written document that will be either a resolution or an ordinance, the motion includes any statement of findings, policy, and reasons embodied within the document unless the document is amended. The Commission shall refrain from making changes to any proposed City Comprehensive Plan or Development Code Amendments not initiated by the City, unless the proposed changes have been discussed prior to the public hearing (i.e. during a workshop, sub-committee meeting, or other meeting format) with the applicant. Prior discussion with the applicant is not required if the proposed change only corrects typographical errors, corrects cross references, makes address or name changes, or clarifies language without changing its effect;
- ii. It shall be the obligation of every Commission member participating in a hearing to be familiar with the facts in order to reach an informed, independent judgment. When a member discussing or voting on a matter was not present at the hearing, that member will have become familiarized with the report and record using the recording of the hearing.

q. Written Decision / Recommendation

- i. At the conclusion of a meeting or hearing where the Commission has voted upon a recommendation to the City Council, the Commission shall authorize the Chair to prepare and sign on the Commission's behalf a written decision that shall set forth the Commission's findings, conclusions and

recommendations on the matter. Any dissenting Commission member may prepare a dissenting decision individually or together with other dissenting Commission members. The City Community Development Director or designee shall assist in the preparation of the Commission's written decision.

- ii. The City Community Development Director or designee shall distribute copies of the written decision together with any dissenting decisions to the City Council, Commission members, and interested parties.

r. Sub-Committees

Special committees or subgroups may be created by majority vote of the Planning Commission to handle issues such as individual comprehensive plan elements, zoning code sections, etc. and which may be charged with such duties as examination, investigation, and inquiry into one or more subjects of interest to the Commission.

- i. Members of the Commission wishing to serve on a special committee shall be appointed as members of said committee; however no committee may contain less than two (2) members or more than three (3) members. The Chair may appoint or the Commission may recommend its members to outside committees.
- ii. As outlined in the City's GMA Public Participation Program Handbook, working subgroup meetings may deviate from notification techniques due to the unique circumstances associated with their function. These include the rapid, high volume, recurring meetings of technical committees, subcommittees, or work groups which focus their efforts on specific issues or limited supporting tasks (as opposed to meetings of a quorum of the Planning Commission in which complete draft plans, regulations, or amendment proposals meant to result in a formal recommendation or official decision are considered).
- iii. Committees should analyze issues, receive briefings, and formulate motions and/or recommendations for the full Planning Commission to consider.
- iv. Final decisions on recommendations are made by the Planning Commission.
- v. No temporary committee shall have the power to bind the Commission to the endorsement of any Plan or program.
- vi. Design Review Subcommittee -

1. City Comprehensive Plan Policy LU.2.4: Establish a design review authority consisting of five members. Two (2) positions shall be filled by City staff members and three (3) positions shall be filled by members of the Planning Commission. Except as otherwise provided, one (1) of the Planning Commission member positions may be filled by a Design Professional.
2. City Comprehensive Plan Policy LU.2.5: Design review shall be required for the following developments:
 - a. Developments within designated mixed-use areas
 - b. Planned unit developments and large scale residential developments
 - c. Government buildings
 - d. Aesthetic corridors & boulevards, and adjacent development
 - e. Commercial and industrial developments
 - f. Developments adjacent to natural areas, critical areas, or shorelines
 - g. All non-residential buildings that are visible from a public street.

E. STAFF SUPPORT (as set forth in Ordinance No. 75 & City Code)

Administrative staff support to the Planning Commission shall be provided by the City Community Development Director or designee. In addition, the Commission, through its Chair, may request formal opinions or memorandums from the City Attorney or Community Development Director on any pending matter.

1. The City Community Development Director or designee shall serve as staff support to the Planning Commission. The staff support duties shall be as follows:
 - a. To perform the duties required by law and these rules, and all duties properly devolved or as may be assigned by the Chair or the Commission.
 - b. To attend all meetings of the Commission and meetings of its sub-committees when required.
 - c. To act as the professional advisor to the Commission on all Planning matters and functions of the Commission, and participate in discussion of actions and motions before the Commission.
 - d. Assure that the Comprehensive Plan and reports bearing the Commission's name are prepared in accordance with these bylaws and City Code.

- e. Direct staff to provide technical and administrative assistance to the Commission.
- f. To keep a true and accurate record in substance of the proceedings of the Commission, and to have charge and be custodian of all Commission books, documents, records, minutes, and papers.
- g. To handle correspondence of the Commission, including responses to inquiries, providing notices of meetings, and reporting findings of the Commission.
- h. To assist the Chair in any duties that she/he require and to act for the Chair when the Chair or Vice-Chair are absent or unavailable.
- i. To prepare agenda, schedule business, and distribute notices, as required by state law and City Code.

F. DUTIES AND RESPONSIBILITIES (as set forth in Ordinance No. 75 & City Code)

The Planning Commission, as an advisory body to the City Council, shall perform and have the following duties and responsibilities:

1. Assist in the preparation of a Comprehensive Plan and Development Regulations in compliance with RCW 36.70A and 35A.63 including the establishment of procedures for early and continuous public participation in the development and amendment of the Comprehensive Plan and the Development Regulations;
2. Review plans and regulations related to land use management, shoreline management, environmental policy, transportation systems and capital infrastructure planning and development;
3. Upon request from the Mayor or City Council, review potential annexations to the City;
4. Where design review is required by land use ordinances of the City, perform such design review unless that review is delegated to some other appointed body or City staff;
5. Identify issues and recommend priorities for geographic subareas including park and open space areas in the City;
6. Meet and confer with the Hearing Examiner to review the administration of land use policies and ordinances to enhance the planning and permitting process;
7. Make monthly written and oral reports to the City Council setting forth the progress in completing work;
8. Hold public hearings in the exercise of duties and responsibilities;
9. Perform such other duties and powers as may be conferred by ordinance, resolution or motion of the City Council.

Unless otherwise assumed by the City Council, the Planning Commission shall hold 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, shoreline management, environmental regulations and other land use ordinances of the City.

G. AMENDMENTS

These Bylaws may be amended, repealed, or altered in whole or in part by the City of Liberty Lake City Council in consultation with the Planning Commission.

H. SEVERABILITY

If any section, sentence, clause or phrase of these bylaws shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of these bylaws. In the event there is a conflict between the provisions of these bylaws and Ordinance 75, establishing the Planning Commission, Ordinance 75 shall prevail.