



**\*\* SPECIAL \*\***

## **Planning and Economic Development Committee Agenda**

July 16, 2019  
5:30 p.m.  
SeaTac City Hall  
City Council Chambers

***NOTE: This will be a joint meeting  
with the Planning Commission***

*Councilmembers:*  
Joel Wachtel, Chair  
Peter Kwon  
Stanley Tombs

A quorum of the Council may be present.

Staff Coordinator: Steve Pilcher, CED Director

<b>ITEM</b>	<b>TOPIC</b>	<b>PROCESS</b>	<b>WHO</b>	<b>TIME</b>
1	Call to Order		Chair	5:30
2	Public Comment	Please raise your hand if you would like to speak. Public comments are limited to 10 minutes total and three minutes per individual speaker. Time may be reduced for each speaker to stay within the 10-minute time limit.	Chair	5:30 (10 min)
3	Discussion of Amendments to Planning Commission By-Laws and Roles	Discussion	All	5:40 (50 min)
4	Adjourn			6:30



## MEMORANDUM COMMUNITY & ECONOMIC DEVELOPMENT

Date: July 11, 2019

To: Planning & Economic Development Committee  
Planning Commission

From: Steve Pilcher, CED Director  
Jennifer Kester, Planning Manager

Re: Planning Commission Bylaws

At the June 18, 2019 Planning Commission meeting, the Commission approved amendments to its Bylaws (see attached). These changes were proposed by staff in order to update the Bylaws to be consistent with both State law and the Municipal Code and to recognize minor meeting procedural changes. After the revisions were adopted, several audience members spoke and expressed concern that the Council should maintain oversight of the Commission. A major point of contention was the removal of the requirement for Council to approve the Commission's Bylaws.

On July 3<sup>rd</sup>, Planning Manager Jennifer Kester transmitted the amended Bylaws to the City Council, per section 14.1.

Subsequently, staff suggested bringing the Bylaws before the full Council for its consideration at its July 23<sup>rd</sup> meeting. However, at the July 9<sup>th</sup> City Council meeting, and concern was raised by Councilmember Forschler and the matter was referred to the Planning and Economic Development (PED) Committee for further discussion, with a request that the PED Committee hold a special meeting prior to July 23<sup>rd</sup>. A special Committee meeting has been established to be held in conjunction with the regularly scheduled Planning Commission meeting of July 16<sup>th</sup>, so the two bodies may discuss the Bylaws, their recent amendment and any other matter of concern.

The Bylaws' primary purpose concerns the functioning of the Planning Commission, its officers, how it conducts its meetings, etc. They do not address any issues of land use policy or other issues that the Commission may be concerned with as part of its overall purview per State law and the Municipal Code (see SMC 2.15.200). The amendments to the Bylaws do not affect the relationship between the Commission and the Council: the Commission remains a body that provides advice and recommendations on legislative matters; the Council is the final decision-making authority.

The Bylaws also do not address the manner in which the professional planning staff of the City performs its duties. Several public comments made at Commission meetings and in email communications appear to be more focused on the individuals' displeasure with former City staff, who last worked here over 8 years ago. Although comments were made regarding the need for

adequate oversight of the Commission by the Council, no examples were offered of any improper behavior or actions taken by any member of or the Commission as a whole. Instead, the voiced and written concerns focus on prior staff, not on the Commission, whose Bylaws are now under consideration.

As noted above, the Commission's role is to make recommendations to the Council. It does not have the final decision-making authority on any matter that comes before it. In terms of oversight, not only does the Council retain the final decision-making authority on any issue forwarded to it by the Planning Commission, all matters are fully vetted at the PED Committee prior to full Council action. In addition, some Councilmembers frequently attend Commission meetings, to not only listen in, but also to provide thoughts, comments and at times, public testimony as part of a public hearing.

Planning staff, in consultation with the City Attorney's office, determined that per State law (RCW 35.63.040) and the Municipal Code (SMC 2.15.030) the Commission has the authority to adopt and amend its Bylaws. When the Council adopted Ordinance 17-1010, it essentially made the decision that it did not need to retain oversight of the Commission (or any other board or committee) establishing rules of procedure for how to conduct its meetings.

Staff encourages the Planning Commission and PED Committee to have a full and frank discussion about the Bylaws and their respective roles and relationships.

References:

**RCW 35.63.040**

***Commissions—Organization—Meeting—Rules.***

*The commission shall elect its own chair and create and fill such other offices as it may determine it requires. The commission shall hold at least one regular meeting in each month for not less than nine months in each year. It shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations which record shall be a public record.*

**SMC 2.15.030 Chairperson, Vice-Chairperson and rules of procedure.**

*Each Citizen Advisory Committee, Board, or Commission shall elect its own Chairperson and Vice-Chairperson, unless otherwise specified in this chapter or by law, and may establish bylaws or rules of procedures as long as they do not conflict with this chapter or any applicable law.*

**2.15.200 Planning Commission.**

*A. Duties and Responsibilities. The Planning Commission acts in an advisory capacity to the City Council with the following purposes:*

- 1. In order to maintain and achieve the highest level of the City's attributes so that all SeaTac residents and businesses can enjoy and be proud to reside in this community, study and make recommendations to the City Council for adoption of long range comprehensive plans, policies, programs, services related to land use, transportation and community*

*facilities, and development regulations which shall be consistent with and implement the Comprehensive Plan.*

*2. Recommend to the City Council such development regulations which may be deemed necessary, but which shall be consistent with and shall implement the Comprehensive Plan, to include the following:*

- a. Subdivision Code, SMC Title [14](#);*
- b. Zoning Code, SMC Title [15](#), including the Official Zoning Map;*
- c. Development Review Code, SMC Title [16A](#);*
- d. Crime Prevention Through Environmental Design Code, SMC Title [17](#); and*
- e. Shoreline Management Code, SMC Title [18](#).*

*3. Conduct public hearings as required, review individual or City-wide rezones initiated by the City, and such other actions as may be requested by the City Council.*

*4. Research and fact finding, which may include undertaking such surveys, analyses, research, and reports in order to fulfill the purposes set forth in this section. The Planning Commission is specifically authorized to join with and cooperate with the planning agencies of other cities and counties, to include regional planning agencies, in furtherance of such research and planning.*

*5. Annually, by July 15th of each calendar year, to coincide with the City's preliminary budget or mid-year biennial review process, submit to the City Council a work plan for the ensuing calendar year, together with a report on progress made in implementing the goals and requirements of State law and on the status of land use policies and procedures within the City, for the purpose of assisting the Council in establishing a budget to support the Commission. The work plan may include:*

- a. A description of all anticipated amendments to the Comprehensive Plan;*
- b. Anticipated preparation of subarea plans;*
- c. Anticipated area rezones;*
- d. Anticipated amendments of development regulations;*
- e. Any other studies and projects reasonably expected to be undertaken; and*
- f. Any estimated direct expenses.*

*B. Membership. The Planning Commission shall consist of seven (7) members that are composed of:*

- 1. Four (4) members who are residents of the City; and*
- 2. Three (3) members who shall own, operate or be employed by business entities located within the City, but if such candidates cannot be found, then these positions shall be residents of the City.*

# **BYLAWS OF THE PLANNING COMMISSION OF THE CITY OF SEATAC**

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

## **ARTICLE 1 – NAME**

### Section 1.1

The official name of the commission is the "Planning Commission of the City of SeaTac" per ~~SMC 2.15.010~~.

### Section 1.2

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

## **ARTICLE 2 – JURISDICTION**

### Section 2.1

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

## **ARTICLE 3 – RELATIONS TO CITY STAFF**

### Section 3.1

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

## **ARTICLE 4 – FUNCTIONS AND DUTIES**

The Commission, pursuant to ~~SMC 2.15.200(A) 2.15.110 through 2.15.140~~, shall have the following major functions:

Section 4.1

Serves as an advisor to the SeaTac City Council in order to promote the orderly physical development and growth of the City;

Section 4.2

Prepare a comprehensive plan for the City, in accordance with state law, and recommend not more than once a year to City Council such changes, amendments or additions to the comprehensive plan as may be deemed desirable for the physical, social and economic development of the City;

Section 4.3

Recommend, or prepare and recommend, for the adoption by Council, regulations, amendments, extensions or additions to such regulations or plans for the physical development of the City in the interests of health, safety or general welfare;

Section 4.4

Review and make recommendations to the Council on such development regulations which may be deemed necessary and which shall be consistent with and shall implement the comprehensive plan;

Section 4.5

Act as a research and fact finding agency of the City, with the assistance of the Director of Community and Economic Development, in regard to growth management/annexation, land use, transportation, environmental management, parks/recreation/open space, housing, utilities, historic resources, community quality/design, economic development and capital facilities. The Commission, with the assistance of the Director of Community and Economic Development, shall conduct such surveys, analysis, studies and reports as are generally authorized or requested by the City Council;

Section 4.6

Conduct advanced planning for public works programs and the long-range capital budget;

Section 4.7

Establish such other work project priorities as the City Council may direct;

Section 4.8

Review, discuss and analyze work products, projects and recommendations of other City commissions that may relate to the functions and duties of the Commission, and when appropriate, actions of Hearing Examiner, which may indicate the need for amendments to the Municipal Code;

Section 4.9

Review, discuss and analyze work products and projects as may be referred to the Commission by the Council or Staff, and when appropriate, solicit and consider input from other Boards or Commissions which may have an interest in the subject mater;

Section 4.10

With City Council approval, to study specific problems or projects which may arise from time to time. This may include, but is not limited to, forming ad hoc committees from within as well as outside its membership.

Section 4.11

Hold public hearings or public meetings, as required by the SeaTac Municipal Code or State law, or as requested by the City Council.

**ARTICLE 5 – MEMBERSHIP**

Section 5.1

The Commission shall be composed of ~~five (5)~~seven (7) members that shall include ~~three (3)~~four (4) members that are residents of the City and ~~two (2)~~three (3) members shall own, operate or be employed by business entities located within the City, but if such candidates cannot be found, then ~~the fourth and/or fifth member~~these positions shall be residents of the City.

Section 5.2

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

Section 5.3

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

#### Section 5.4

If a member of the Planning Commission shall be absent, without prior notification and excuse, from three (3) consecutive regularly scheduled meetings of the Commission, the Chairperson shall report that fact and circumstances to the Mayor, who may declare the position held by that member vacant and a new member may be appointed in the manner set forth above.

#### Section 5.5

Absences from six (6) convened meetings by any Commission member, excused or unexcused, occurring within a twelve-month period, may likewise be grounds for removal.

### ARTICLE 6 – MEETINGS

#### Section 6.1

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

#### Section 6.2

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

~~The Planning Commission shall provide to the City Council a written summary of every public hearing held by the Commission at a following study session or regular meeting of the City Council but not less than two weeks prior to the Council's action on the subject of the public hearing. If deemed necessary by the Planning Commission due to time factors, an oral summary report on a public hearing may be given within said two week time period to the City Council by a Planning Commission member or the Director of Community and Economic Development.~~

#### Section 6.3

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

#### Section 6.4

Special meetings may be called by the Chairperson as needed and formal action may be taken. Agendas are issued and the proceedings of the meetings are recorded and published

in the form of adopted meeting minutes. Notice of any special meeting shall be issued as required by state law.

#### Section 6.5

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

#### Section 6.6

All meetings shall be held in the Council Chamber or Riverton Room, SeaTac City Hall starting at 5:30 p.m., unless otherwise directed by the Chairperson.

#### Section 6.7

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

### ARTICLE 7 – OFFICERS

#### Section 7.1

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

#### Section 7.2

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

#### Section 7.3

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

## ARTICLE 8 – DUTIES OF OFFICERS

### Section 8.1

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

### Section 8.2

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

### Section 8.3

~~Secretary – The Secretary, a designated city staff member, shall keep a record of all meetings of the Commission and those records will be retained at such office as the Commission may direct. The Secretary shall also perform such other ministerial functions relating to the position of Secretary as directed, including to facilitate communication by the City Council.~~

## ARTICLE 9 – QUORUM

### Section 9.1

~~Three (3)~~Four (4) members of the Commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting shall be deemed as the action of the Commission.

## ARTICLE 10 – AGENDA/RULES OF ORDER

### Section 10.1

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

- Call to Order/Roll Call
- Approval of Minutes
- Public Comment on non-agenda items
- ~~Public Hearing (if applicable), Including an Explanation of Public Hearing Procedures and a Staff Presentation~~
- Old Business Items, including any public hearings

- ~~New Business~~
- ~~City Council Committee Liaison Report(s)~~
- CED Director/Staff Report
- Commission Comments
- Adjournment

#### Section 10.2

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

### ARTICLE 11 – PUBLIC HEARINGS

#### Section 11.1

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

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

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

### ARTICLE 12 – COMPENSATION/EXPENSES

#### Section 12.1

The members of the Planning Commission shall serve without compensation.

#### Section 12.2

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

## ARTICLE 13 – CONFLICTS OF INTEREST

### Section 13.1

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

## ARTICLE 14 – AMENDMENT

### Section 14.1

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