



WHATCOM COUNTY PLANNING COMMISSION

5280 Northwest Drive
Bellingham WA 98226

AGENDA February 9, 2023

The Whatcom County Planning Commission will hold a **hybrid** meeting at 6:30 p.m., with the option to attend remotely or in person at 5280 Northwest Drive, Bellingham.

- Call to Order
- Roll Call
- Flag Salute
- Department Update
- Open Session for Public Comment
- Commissioner Comments
- Approval of Minutes of: January 26, 2023
- Annual Business Meeting
 - Election of Officers
 - Review of Business Rules
 - Other Comments or Concerns
- Unfinished Business
- Adjournment

NOTE: For information on how to watch and participate in the meeting in real time, please visit the following web page: [Participate in Virtual Planning Commission Meeting](#)

Individuals who require special assistance to participate in the meetings are asked to contact "PDS_Planning_Commission@co.whatcom.wa.us" at least 96 hours in advance.

Upcoming Meeting Topics

- Wind Energy Systems
- Lake Whatcom Watershed Seasonal Closure Exemption

Pending Items Commissioners would like to address
Code related implications of climate modeling

There are nine members on the Whatcom County Planning Commission. If you will be giving written information to the Commissioners, please give a copy to the Coordinator for our office files.

*For more information please contact Tammy Axlund at (360)778-5935 or PDS_Planning_Commission@co.whatcom.wa.us
5280 Northwest Drive, Bellingham WA 98226*



RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
January 26, 2023

Regular Meeting

1

1 **Call to Order**

2 The meeting was called to order by Whatcom County Planning Commission Chair,
3 Kelvin Barton at 6:32 p.m.

4 **Roll Call**

5 **Present:** Robert Bartel, Kelvin Barton, Atul Deshmane, Jim Hansen, Stephen Jackson,
6 Julie Jefferson, Dominic Mocerri, Scott Van Dalen

7 **Absent:** Kimberley Lund

8 **Staff Present:** Steve Roberge and Tammy Axlund

9 **Department Update**

10 Steve Roberge, Assistant Director of Planning and Development Services (PDS),
11 outlined the schedule of upcoming agenda items for the Planning Commission. Our
12 next meeting is the annual business meeting where we will review the Business Rules.
13 The following meeting, we will discuss Wind Energy Systems,

14 **Open Session Public Comment**

15 There was no public comment.

16 **Commissioner Comments**

17 The Chair announced that this will be Commissioner Bartel's last meeting as a member
18 of the Planning Commission, and shared his appreciation for Rob and the work he's
19 done.

20 Mr. Roberge presented Commissioner Bartel with a certificate of appreciation and
21 thanked him for his service the community during his time on the Planning
22 Commission.

23 Various Commissioners expressed their appreciation for Commissioner Bartel's
24 contributions to the Planning Commission. He expressed his thanks.

25 **Approval of Meeting Minutes**

26 **Timestamp:**

27 **Commissioner Bartel moved** to approve the meeting minutes from December 8,
28 2022.

29 **Commissioner Mocerri seconded.**

30 **Roll Call Vote: Ayes-Bartel, Barton, Hansen, Jefferson, Mocerri, Van Dalen;**
31 **Abstain-Deshmane, Jackson (Ayes-6; Nays-0; Abstain-2). The motion carried.**

32 **GMA Overview & Comprehensive Plan Update Process**

33 **Timestamp:**

34 Lexine Long, Senior Planner, Growth Management Services, Washington Department of
35 Commerce provided a presentation outlining some of the underlying basics and the
36 most important elements of the periodic update process. She discussed the Growth



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
January 26, 2023**

Regular Meeting

2

1 Management Act roles and responsibilities in local planning, the comprehensive plan,
2 the periodic update process, new housing element requirements, and then responded
3 to Commissioner's questions. A pdf of the presentation is attached and includes links to
4 resources.

5 Mr. Roberge, described a general timeline of process.

6 Commissioners Hanson and Deshmane requested a flow chart or Gantt chart for the
7 Commission and for the community, so people will know early on at what stages to
8 engage if they want to help shape policies.

9 **Adjournment**

10 The meeting was adjourned at 7:50 p.m.

11 Minutes prepared by Tammy Axlund.

12 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

13 _____
14 Kelvin Barton, Chair

Tammy Axlund, Secretary

DRAFT

BUSINESS RULES
PLANNING COMMISSION OF WHATCOM COUNTY, WASHINGTON

Article I. Planning Commission of Whatcom County.

1.1 Creation, Name, and Purpose

- A. The Planning Commission of Whatcom County, Washington, was constituted by resolution of the Board of County Commissioners, adopted February 21, 1961, pursuant to Chapter 36.70, Revised Code of Washington.
- B. The Whatcom County Planning Commission, may be referred to as the "Commission" or the "Planning Commission."
- C. The purpose of the Planning Commission is to provide citizen review and recommendations on planning related matters to the county council.
- D. The Planning Commission shall assist the Planning and Development Services Department in carrying out its duties as stated in Whatcom County Coded 2.31.025.

1.2 Regular Meetings.

- A. The Planning Commission meets bi-weekly, except in August, November, and December; and shall provide for additional meetings by motion.
- B. In accordance with the priorities of the Planning Department and the County Council, Planning Department staff shall set agendas for Planning Commission meetings.

1.3 Special Meetings.

Special meetings may be called by order of the Chair, or in his/her absence by the Vice-Chair; or by written request of three members of the Commission.

1.4 Quorum.

- A. Five members shall constitute a quorum, and a quorum is required, for the transaction of business.
- B. At any meeting where there is less than a quorum, the members present shall have authority to establish a date for an adjourned meeting.

1.5 Voting.

- A. The Planning Commission requires a simple majority of those present for approval.
- B. An affirmative five votes is statutorily required on comprehensive plan and official controls
- C. A roll call vote is required on matters which require a public hearing and on matters referred by the County Council, or upon request of any member.
 - i. The preferred roll call procedure is to rotate through the alphabetical list of Commissioners and start each new roll call vote with the next name on the list, carrying the next starting position over to the following meeting.

1.6 Conflict of Interest

In addition to complying with State law, the following guidelines shall be followed:

- A. A member experiencing a conflict of interest shall abstain from voting on the matter, keep out of any deliberations on the matter, and leave any chamber in which such deliberations are to take place. He/she shall not discuss

the matter privately with any fellow officials. The reasons for his/her abstention from voting, for good and sufficient reasons, shall be announced to the Commission upon call of any members.

- B. An individual Commission member should use discretion in discussing with the applicant for a specific land use, or others interested in the application, any request before the Commission on which he/she will vote, and should avoid committing to any specific course of action regarding the outcome of the hearing. Answering questions relating to time, place, and Commission procedures and policies is permissible.
- C. If a Commission member personally receives written information from a citizen or group regarding an upcoming agenda item, they shall immediately deliver that item, or a complete copy thereof, to the Planning and Development Services Department for inclusion into the record of public testimony.

1.7 Vacancies.

A member selected to fill a vacancy shall serve for the un-expired term of the predecessor for that position.

1.8 Excessive Absences.

Four consecutive absences per year may be grounds for recommending removal of a Board Member to the County Council.

1.9 Compensation.

Members shall not receive any salaries for their services.

Article II. Members and Officers

2.1 Number of Members, Tenure, and Qualification.

- A. The Planning Commission shall consist of at least nine members who are residents of the county.
- B. Members shall be appointed and confirmed by a majority of the county council.
- C. The term of office for the members appointed by the county council shall be four years; except. Terms will be in accordance with WCC 2.03.030 unless no one else applies.
- D. The Commission shall be representative of the county with no more than two members from each council district.

2.2 Officers.

The officers of the Planning Commission are: Chairperson and Vice-chairperson. The Planning and Development Services Coordinator will act as Secretary to the Commission.

2.3 Elections

- A. Officers shall be elected annually by the Planning Commission at its first meeting in February.
- B. In the event of a vacancy in the office of Chair, the Vice-Chair automatically succeeds to the chair.
- C. An acting Chair may be elected by the members present, to serve during the absence of the officers from any meeting.

2.4 Removal.

- A. Any officer may be removed by the Commission whenever in its judgement the best interests of the department would be served. A majority vote of current members shall be required to remove any officer.
- B. A vacancy in the officers automatically occurs upon the third consecutive absence of an officer from the regular monthly meetings without leave from the Commission.

2.5 Chairperson.

- A. The Chair is the chief executive of the Commission, has all the powers and duties usually incidental to such office, and is responsible to appoint committees and to conduct the business of the Commission between regular meetings.
- B. The Chair shall discharge all duties incident to the office of Chairperson and as prescribed by the County Council or the Planning Commission; the Chairperson shall preside at all meetings of the Commission.

2.6 Vice-Chairperson.

- A. The Vice-chairperson shall assist the Chairperson in the discharge of the Chairperson's duties as the Chairperson may direct and shall perform such other duties as may be assigned by the Chairperson or by the Planning Commission.
- B. The Vice-Chair assumes the responsibilities of the Chair in his/her absence or disability with all the power of, and subject to all restrictions upon, the Chairperson.
- C. A vacancy occurring in the office of Vice-Chair is filled by election of a replacement to serve for the un-expired portion of the term.

2.7 Secretary

The Secretary is responsible to keep a public record of all transactions, findings, and determinations of the Commission; prepare the agenda of each meeting; provide notice of meetings to the members; arrange proper and legal notice of hearings; attend to the correspondence of the Commission and to such other duties as are normally carried out by a Secretary.

Article III. Meeting Process

3.1 Notice – Agenda

The Secretary will mail or deliver a copy of the agenda to each member on or before the Thursday preceding the regular meeting day. Notice of the time, place, and agenda for continued or special meetings shall be given as far as possible in advance, provided that notice by telephone shall suffice in the event of an emergency.

3.2 Order of Business

The regular order of business is as follows:

- | | |
|------------------------------------|---------------------------|
| a) Call to Order | g) Commissioner Comments |
| b) Roll Call | h) Disposition of Minutes |
| c) Determination of Quorum | i) Public Hearings |
| d) Flag Salute | j) Unfinished Business |
| e) Department Update | k) New Business |
| f) Open Session for Public Comment | l) Adjournment |

3.3 Open Session for Public Comment

- A. The public may speak to the Planning Commission for three minutes on any topic, except items that are scheduled on the agenda for a public hearing that same day.
- B. The time limit of three minutes may be extended to five minutes at discretion of Chair.

3.4 Parliamentary Procedure

- A. Matters of procedure shall be governed by applicable County and State statutes and these Business Rules, or Roberts Rules of Order. The Commission has an obligation to be as clear and simple in its procedure as possible, and therefore, may avoid the finer points of parliamentary rules.

- B. The Commission may by majority vote on a yearly basis elect a parliamentarian to advise the Commission about correct procedure

Article IV. Order of Business - Hearing and Work Session Procedure

All hearings are to be open to the public and shall meet legal requirements as to publication, posting, timing, and number of public notices. Hearing procedures shall be generally as follows:

- A. Chair makes a statement about hearing before the Commission, opening the hearing.
- B. Chair polls Commissioners to determine conflict of interest.
- C. The Planning and Development Services Director or his/her designee shall present a summary introduction (staff report) of the factual background of the subject for the information of the members. This presentation shall be limited to 15 minutes, which includes rebuttal time.
- D. After the staff report, the Chair, at his/her discretion, may invite the proponent of a land use application, or their designee, to make a brief presentation regarding their application. This presentation shall be limited to 15 minutes, which includes rebuttal time.
- E. Chair outlines rules for the presentation of public testimony, including:
 - i. At the Chair's discretion, the following shall be requested of each testifier:
 - a) Is testimony fact or opinion?
 - b) Is the testimony in written form which can be provided to the Commission? Can the speaker provide a concise overview of the written version in order to save hearing time?
 - c) If the testimony to be presented has been given by someone else and the speaker agrees with the previous speaker, please so state that agreement and yield the floor to the next speaker.
 - ii. At the Chair's discretion, or when requested by a majority of the members present, speakers shall be allowed no more than 3 minutes to make their points. Exceptions shall be for the proponents to make a 15 minute initial presentation and the opponents an equal amount of time if there is an organized opposition. The Chair at his/her discretion, may poll the attending public to determine if there is a generally agreed upon "opposition spokesperson". If so, the spokesperson will be allowed 15 minutes to make their presentation. After the attending public who have preregistered or used the sign-up sheet have spoken, the Chair may also, at his/her discretion, poll the remaining public to estimate the number of persons who also wish to speak. This poll may result in a more restrictive time limit for the remaining speakers. Commissioners may pose questions, through the Chair, at the close of each presentation. The Commissioners shall limit their questions to clarification of factual testimony given, while refraining from arguing with the public, expressing Commissioner opinion before the close of the hearing, or asking questions of a personal nature with no explanation as to their relevance to the matters at hand. After all public testimony is received, the Chair will call upon staff, the proponent and finally the opponent to respond or rebut the testimony that was given (rebuttal only, no new testimony). Each of these responses will be limited to 3 minutes if time was reserved for rebuttal.
 - iii. The Chair will recognize the approach, at any time, of the Commission's legal counsel to comment on legal or procedural issues, without the above limitations.
 - iv. The ideal Commission hearing will proceed as follows:

Staff Presentation	15 Minutes
Proponent Presentation	15 Minutes
Opposition Spokesperson	15 Minutes (optional)
Public Testimony	3 Minutes (each)
Staff Response/Rebuttal	3 Minutes (if previously reserved)

Proponent Response/Rebuttal	3 Minutes (if previously reserved)
Opposition Spokesperson	3 Minutes (if previously reserved)

The Chair will communicate with Planning Staff at the start of each hearing and announce the assignment of timekeeping duties to a staff member.

- v. Members of the public (audience) shall not cat call or intimidate or show group support for any speaker or speaker's position as it could tend to limit valuable input by others. Time limitation is intended to allow all persons an opportunity to be heard and make their points and for the hearing to be completed in a timely manner.
 - vi. The Chair shall ask speakers to keep to the current subject.
- F. The Hearing will then be closed by the Chair who will indicate to the public the procedure to be followed by the Planning Commission. In no case shall a decision be reached by the Commission before a hearing is closed. If for any reason, a hearing cannot be completed at a single session, the adoption of a motion to continue the Hearing to another time shall be deemed sufficient legal notice to all parties who may be affected.
- G. Following the close of the Hearing, the Commission may seek to discuss the testimony of the Hearing through work sessions. Such work sessions that do not follow immediately at the close of the Hearing shall have public notice as required by law.
- H. During work sessions, input from the public shall only be allowed in response to direct questions from Commission members. New testimony is not to be received. The Chair should ensure that each member has the opportunity to state his/her opinions at least once before the discussion is closed.
- I. A work session is completed with either a vote on a particular motion regarding the matter at hand, or a majority vote for the continuation of the subject to another meeting. A motion for continuation should include a time and date for discussion of the subject.
- J. At the discretion of the Commission, if it is determined that there is high interest in an issue and therefore a hearing is expected to have high attendance, the following alternative may be used instead of a signup sheet for speakers:
- i. No more than one-half hour before the announced start of the meeting in which the hearing will be held, the Commission shall make available random numbers that may be drawn by members of the public who wish to speak in person at the hearing.
 - ii. The method of random numbers shall be slips of paper numbered 1-100, or similar method.
 - iii. Individuals may only draw one number, but may freely trade or give away their number to someone else.
 - iv. The public attending in-person will be called in number order to speak at the hearing. Those attending remotely will be called in the order they raise their hand.
 - v. For the record, speakers will print their name on a speaker list when they approach the podium to speak.
 - vi. Once all speakers with numbers who wish to speak have spoken, the chair may allow additional people to speak.

Article V. Reporting

5.1 Reporting to County Council

The Planning and Development Services Director, or his/her designee, shall report the majority-voted recommendations of the Planning Commission to the County Council or appropriate Council Committee.

5.2 Member Representation to County Council

It is assumed that the Planning Commission meeting minutes, as well as the recorded findings of fact, will sufficiently speak

for the Commission's recommendations to the County Council. A Planning Commission member may volunteer to represent the Commission in front of the County Council or a Council Committee regarding a particular matter for clarification of the Commission's deliberations; however, the Commission member must first inform the Commission Chair as to his/her intention to be a Commission representative, and the reason they wish to fulfill that role. The Commission Chair may then approve such representation.

5.3 Addressing County Council

- A. Any Commission member voting in the minority on an issue may write a "Minority Opinion", labeled as such, to be included in the documentation going to the County Council for their deliberations on the Planning Commission recommendation. The correspondence should be in the form of a letter to the Council, and may be signed by those voting in the minority. This effort may only be expended by individual members without the assistance of the Planning and Development Services staff.
- B. Any Commission member may address the County Council on any issue. The Commission member must state clearly whether he/she is speaking as a citizen or speaking to reflect the majority or minority opinion of the Planning Commission on the issue before Council.

Article VI. Other Advisory Board Procedures.

6.1 Amendments to Rules.

These rules may be amended by majority vote during the Business Meeting. They may also be amended at any regular meeting with four days written notice.

6.2 Records.

- A. Actions of the Commission requiring written execution, such as formal resolutions, may be drawn up by the Secretary after the action has been taken; and the signatures of the Chairman and Secretary shall be sufficient to validate such resolutions or document.
- B. Minutes shall contain a complete record of motions, resolutions, findings of fact, and other determinations of the Commission; and shall also contain the usual details of time, place, type of meeting, members and officers present, speakers and their addresses, records or roll call votes and other information deemed appropriate. Minutes shall be signed by the Secretary when prepared and validated by the signature of the Chair after approval by the Commission.
- C. Maps, reports and other documents constituting an integral part of the minutes may be identified by reference, provided such exhibits are properly numbered and filed for the public record.
- D. The Secretary is responsible for sending each member a copy of the minutes in a timely manner with ensuing agenda.
- E. The Planning Commission shall keep, at the Planning Department, minutes of the proceedings of meetings and a record with the names and addresses of members. All Planning Commission records are subject to the Open Public Records Act (RCW 42.17).

By majority vote on February 9, 2023, the Planning Commission of Whatcom County, adopted these rules with all amendments consolidated to date

Kelvin Barton, Chair

Tammy Axlund, Secretary

BUSINESS RULES
PLANNING COMMISSION OF WHATCOM COUNTY, WASHINGTON

The Planning Commission of Whatcom County, Washington, being constituted by resolution of the Board of County Commissioners, adopted February 21, 1961, pursuant to Chapter 36.70, *Revised Code of Washington*, does hereby adopt the following rules for the transaction of its business:

1. NAME

The official name is "Whatcom County Planning Commission," hereinafter referred to as the "Commission" or the "Planning Commission"

2. OFFICERS - ELECTION

~~The elective officers of the Commission consist of a Chair and Vice-Chair. The Planning and Development Services Coordinator will act as Secretary to the Commission.~~

~~The officers are shall be~~ elected at the annual meeting in February, ~~and immediately take office for a term of one year, or until their successors are elected. Nominations are from the floor. Officers shall be selected by a majority of the commissioners present.~~

In the event of a vacancy in the office of Chair, the Vice-Chair automatically succeeds to the chair. A vacancy occurring in the office of Vice-Chair, ~~for any reason including succession,~~ is filled by election of a replacement to serve for the un-expired portion of the term.

~~Any officer may be removed by the Commission whenever in its judgement the best interests of the department would be served. A majority vote of current members shall be required to remove any officer.~~ A vacancy in the officers automatically occurs upon the third consecutive absence of an officer from the regular monthly meetings without leave from the Commission, ~~or upon a motion for removal being carried by a majority of the total membership.~~

An acting Chair may be elected by the members present, to serve during the absence of the officers from any meeting.

3. OFFICERS - DUTIES

The Chair is the chief executive of the Commission, ~~and~~ has all the powers and duties usually incidental to such office, and is responsible to appoint committees and to conduct the business of the Commission between regular meetings. ~~The Chair shall retain the full right and responsibility of participating in all deliberations and voting thereon, maintaining the right to abstain from voting for good and sufficient reason; however, the Chair does not have the right of casting an additional deciding vote.~~

The Chair shall discharge all duties incident to the office of Chairperson and as prescribed by the County Council or the Planning Commission; the Chairperson shall preside at all meetings of the Commission.

The Vice-Chair assumes the responsibilities of the Chair in his/her absence or disability.

The Vice-Chair assumes the responsibilities of the Chair in his/her absence or disability with all the power of, and subject to all restrictions upon, the Chairperson.

A vacancy occurring in the office of Vice-Chair is filled by election of a replacement to serve for the un-expired portion of the term.

The Secretary is responsible ~~for to~~ keeping a public record of all transactions, findings, and determinations of the Commission; ~~It is his/her duty to~~ prepare ~~with the chair's concurrence,~~ the agenda of each meeting; provide notice of meetings to the members; arrange proper and legal notice of hearings; attend to the correspondence of the Commission and to such other duties as are normally carried out by a Secretary.

In accordance with the priorities of the Planning Department and the County Council, Planning Department staff shall set agendas for Planning Commission meetings.

4. MEETINGS

~~The established time and location for regular meetings will stand unless reassigned by majority vote of all members at the annual meeting, with the exception of the following situations. A regular meeting which falls on a legal holiday is ordinarily held on the next Thursday, which is not a holiday. If the business at a regular meeting cannot be completed, the Commission may designate a special meeting date for a continuation or may hold the business over to the next regular meeting. Work sessions and public hearings are held at the Planning Offices or in the County Council Chambers. However, the Commission or Planning staff may substitute another day, time, or place for the meeting.~~

Special meetings may be called by formal action of the Commission by order of the Chair, or in his/her absence by the Vice-Chair; or by written request of three members of the Commission.

The annual meeting of the Commission is the first regular meeting in February.

All meetings and hearings shall be open to the public.

5. ATTENDANCE

Four consecutive absences per year may be grounds for recommending removal of a Board Member to the County Council

~~It is the duty of the Secretary to advise the Chair upon the fourth consecutive absence of any member from the scheduled meetings without leave from the Commission. Upon receipt of such advice, the Commission shall consider a recommendation to the County Council for replacement of that member.~~

6. QUORUM - VOTING

Five members shall constitute a quorum, and a quorum is required, for the transaction of business. A majority of the entire membership constitutes a quorum for the conducting of regular business (attendance of five members).

The Planning Commission requires a simple majority of those present for approval.

~~An affirmative vote of five members is required for transaction of business when nine members are present and a simple majority when attendance is fewer; provided that, statutory requirements for a larger majority on comprehensive plan and official controls shall be complied with, namely an affirmative five votes.~~

An affirmative five votes is statutorily required on comprehensive plan and official controls.

A roll call vote is required on matters which require a public hearing and on matters referred by the County Council, or upon request of any member.

The preferred roll call procedure is to rotate through the alphabetical list of Commissioners and start each new roll call vote with the next name on the list, carrying the next starting position over to the following meeting.

~~If allowed by law, roll call votes may be waived by consensus of the Commission. A roll call vote is required on matters which require a public hearing and on matters referred by the County Council. Also, a roll call vote shall be required upon request of any member. The preferred roll call procedure is to rotate through the alphabetical list of Commissioners and start each new roll call vote with the next name on the list, carrying the next starting position over to the following meeting.~~

At any meeting where there is less than a quorum, the members present shall have authority to establish a date for an adjourned meeting.

7. CONFLICT OF INTEREST AND APPEARANCE OF FAIRNESS

In addition to complying with State law, the following guidelines shall be followed:

A member experiencing a conflict of interest shall abstain from voting on the matter, keep out of any deliberations on the matter, and leave any chamber in which such deliberations are to take place. He/she shall not discuss the matter privately with any fellow officials. The reasons for his/her abstention from voting, for good and sufficient reasons, shall be announced to the Commission upon call of any members.

~~In the interest of avoiding bias, or appearance of bias, An individual Commission member should use discretion in discussing with the applicant for a specific land use, or others interested in the application, any request before the Commission on which he/she will vote. In any discussion with the applicant, or other interested party, of a land use request to be heard by the Commission, an individual member and~~ should avoid committing to any specific course of action regarding the outcome of the hearing. ~~However, a~~ Answering questions relating to time, place, and commission procedures and policies ~~would be~~is permissible.

If a Commission member personally receives written information from a citizen or group regarding an upcoming agenda item, they shall immediately mail, fax or in some other manner deliver that item, or a complete copy thereof, to the Planning and Development Services Department for inclusion into the record of public testimony.

8. ORDER OF BUSINESS

The regular order of business is as follows:

- | | |
|------------------------------------|-------------------------------------|
| a) Call to Order | i) Public Hearings |
| b) Roll Call | j) Petitions from Public |
| c) Determination of Quorum | k) Unfinished Business |
| d) Flag Salute | l) Committee Reports |
| e) Department Update | m) New Business |
| f) Open Session for Public Comment | n) Staff Reports |
| g) Commissioner Comments | o) Adjournment |
| h) Disposition of Minutes | |

9. OPEN SESSION FOR PUBLIC COMMENT

The Open Session for Public Comment provides an opportunity for any member of the public to speak to the Planning Commission for three minutes on any topic, except items that are scheduled on the agenda for a public hearing that same day.

The time limit of 3 minutes may be extended to 5 minutes at discretion of the Chair.

~~During virtual meetings, a 3 minute timer will be displayed on screen. When the onscreen timer is not available, the person speaking will be notified when they have 30 seconds left to speak.~~

10. ORDER OF BUSINESS - HEARING AND WORK SESSION PROCEDURE

All hearings are to be open to the public and shall meet legal requirements as to publication, posting, timing, and number of public notices. Hearing procedures shall be generally as follows:

- a. Chair makes a statement about hearing before the Commission, opening the hearing. ~~;~~ ~~thus, all that occurs after this point will be part of the official public record.~~
- b. Chair polls Commissioners to determine conflict of interest.
- c. The Planning and Development Services Director or his/her designee shall present a summary introduction (staff report) of the factual background of the subject for the information of the members. This presentation shall be limited to 15 minutes, which includes rebuttal time.
- d. After the staff report, the Chair, at his/her discretion, may invite the proponent of a land use application, or their designee, to make a brief presentation regarding their application. This presentation shall be limited to 15 minutes, which includes rebuttal time.
- e. Chair outlines rules for the presentation of public testimony, including:
 - I. At the Chair's discretion, the following shall be requested of each testifier:
 - i. Is testimony fact or opinion?
 - ii. Is the testimony in written form which can be provided to the Commission? Can the speaker provide a concise overview of the written version in order to save hearing time?
 - iii. If the testimony to be presented has been given by someone else and the speaker agrees with the previous speaker, please so state that agreement and yield the floor to the next speaker.
 - II. At the Chair's discretion, or when requested by a majority of the members present, speakers shall be allowed no more than 3 minutes to make their points. Exceptions shall be for the proponents to make a 15 minute initial presentation and the opponents an equal amount of time if there is an organized opposition. The Chair at his/her discretion, may poll the attending public to determine if there is a generally agreed upon "opposition spokesperson". If so, the spokesperson will be allowed 15 minutes to make their presentation. After the attending public who have preregistered or used the sign-up sheet have spoken, the Chair may also, at his/her discretion, poll the remaining public to estimate the number of persons who also wish to speak. This poll may result in a more restrictive time limit for the remaining speakers. Commissioners may pose questions, through the Chair, at the close of each presentation. The Commissioners shall limit their questions to clarification of factual testimony given, while refraining from arguing with the public,

expressing Commissioner opinion before the close of the hearing, or asking questions of a personal nature with no explanation as to their relevance to the matters at hand. After all public testimony is received, the Chair will call upon staff, the proponent and finally the opponent to respond or rebut the testimony that was given (rebuttal only, no new testimony). Each of these responses will be limited to 3 minutes if time was reserved for rebuttal.

III. The Chair will recognize the approach, at any time, of the Commission's legal counsel to comment on legal or procedural issues, without the above limitations.

IV. The ideal Commission hearing will proceed as follows:

Staff Presentation	15 Minutes
Proponent Presentation	15 Minutes
Opposition Spokesperson	15 Minutes (optional)
Public Testimony	3 Minutes (each)
Staff Response/Rebuttal	3 Minutes (if previously reserved)
Proponent Response/Rebuttal	3 Minutes (if previously reserved)
Opposition Spokesperson	3 Minutes (if previously reserved)

The Chair will communicate with Planning Staff at the start of each hearing and announce the assignment of timekeeping duties to a staff member.

V. Members of the public (audience) shall not cat call or intimidate or show group support for any speaker or speaker's position as it could tend to limit valuable input by others. Time limitation is intended to allow all persons an opportunity to be heard and make their points and for the hearing to be completed in a timely manner.

VI. The Chair shall ask speakers to keep to the current subject.

~~VII. The person speaking will be notified when they have 30 seconds left to speak.~~

- f. The Hearing will then be closed by the Chair who will indicate to the public the procedure to be followed by the Planning Commission. In no case shall a decision be reached by the Commission before a hearing is closed. If for any reason, a hearing cannot be completed at a single session, the adoption of a motion to continue the Hearing to another time shall be deemed sufficient legal notice to all parties who may be affected.
- g. Following the close of the Hearing, the Commission may seek to discuss the testimony of the Hearing through work sessions. Such work sessions that do not follow immediately at the close of the Hearing shall have public notice as required by law.
- h. During work sessions, input from the public shall only be allowed in response to direct questions from Commission members. New testimony is not to be received. The Chair should ensure that each member has the opportunity to state his/her opinions at least once before the discussion is closed.
- i. A work session is completed with either a vote on a particular motion regarding the matter at hand, or a majority vote for the continuation of the subject to another meeting. A motion for continuation should include a time and date for discussion of the subject.
- j. At the discretion of the Commission, if it is determined that there is high interest in an issue and therefore a hearing is expected to have high attendance, the following alternative may be used instead of a sign-up sheet for speakers:

- I. No more than one-half hour before the announced start of the meeting in which the hearing will be held, the Commission shall make available random numbers that may be drawn by members of the public who wish to speak in person at the hearing.
- II. The method of random numbers shall be slips of paper numbered 1-100, or similar method.
- III. Individuals may only draw one number, but may freely trade or give away their number to someone else.
- IV. The public attending in-person will be called in number order to speak at the hearing. Those attending remotely will be called in the order they raise their hand.
- V. For the record, sSpeakers will ~~also~~ print their name on a speaker list when they approach the podium to speak, ~~for a record of speakers' names for the minutes.~~
- VI. Once all speakers with numbers who wish to speak have spoken, the chair may allow additional people to speak.

11. REPORTING TO THE WHATCOM COUNTY COUNCIL

- a. The Planning and Development Services Director, or his/her designee, shall report the majority-voted recommendations of the Planning Commission to the County Council or appropriate Council Committee.
- b. It is assumed that the Planning Commission meeting minutes, as well as the recorded findings of fact, will sufficiently speak for the Commission's recommendations to the County Council. A Planning Commission member may volunteer to represent the Commission in front of the County Council or a Council Committee regarding a particular matter for clarification of the Commission's deliberations; however, the Commission member must first inform the Commission Chair as to his/her intention to be a Commission representative, and the reason they wish to fulfill that role. The Commission Chair may then approve such representation.
- c. Any Commission member voting in the minority on an issue may write a "Minority Opinion", labeled as such, to be included in the documentation going to the County Council for their deliberations on the Planning Commission recommendation. The correspondence should be in the form of a letter to the Council, and may be signed by those voting in the minority. This effort may only be expended by individual members without the assistance of the Planning and Development Services staff.
- d. Any Commission member may address the County Council on any issue. The Commission member must state clearly whether he/she is speaking as a citizen or speaking to reflect the majority or minority opinion of the Planning Commission on the issue before Council.

12. MINUTES AND RECORDS

- a. Actions of the Commission requiring written execution, such as formal resolutions, may be drawn up by the Secretary after the action has been taken; and the signatures of the Chairman and Secretary shall be sufficient to validate such resolutions or document.

- b. Minutes shall contain a complete record of motions, resolutions, findings of fact, and other determinations of the Commission; and shall also contain the usual details of time, place, type of meeting, members and officers present, speakers and their addresses, records or roll call votes and other information deemed appropriate. Minutes shall be signed by the Secretary when prepared and validated by the signature of the Chair after approval by the Commission.
- c. Maps, reports and other documents constituting an integral part of the minutes may be identified by reference, provided such exhibits are properly numbered and filed for the public record.
- d. The Secretary is responsible for sending each member a copy of the minutes in a timely manner with ensuing agenda.

13. NOTICE - AGENDA

It is the duty of the Secretary to mail or deliver a copy of the agenda to each member on or before the Thursday preceding the regular meeting day. Notice of the time, place, and agenda for continued or special meetings shall be given as far as possible in advance, provided that notice by telephone shall suffice in the event of an emergency.

~~Matters which require a public hearing, or which in the opinion of the Secretary require design study or referral to other agencies or departments shall not be placed on the agenda after the first Tuesday of the month in which the matter is to be considered.~~

14. STAFF

Where provided for by the budget, the County Executive, with approval from the County Council, shall appoint a Director of Planning and Development Services to serve in a professional capacity as its technical advisor and administrative officer. The Director of Planning and Development Services shall have authority to appoint and remove such employees as are necessary to perform the duties assigned to him/her and to incur necessary expenses within the limitations of the budget. The Planning and Development Services Coordinator will act as Secretary to the Commission.

15. PARLIAMENTARY PROCEDURE

~~Matters of procedure shall be governed by applicable County and State statutes and these rules, or *Roberts Rules of Order*. The rules contained in *Robert's Rules of Order* (current edition) shall govern the Planning Commission in all cases where they are not superseded by the bylaws or special rules of order.~~ The Commission has an obligation to be as clear and simple in its procedure as possible, and therefore, may avoid the finer points of parliamentary rules.

The Commission may, at its discretion, elect a parliamentarian by majority vote on a yearly basis. The parliamentarian would advise the Commission about correct procedure at appropriate times.

16. AMENDMENT

These rules may be amended by majority vote during the Business Meeting. They may also be amended at any regular meeting with four days written notice.

By majority vote on February 9, 2023, the Planning Commission of Whatcom County, adopted these rules with all amendments consolidated to date

~~Kelvin Barton, Chair~~

~~Tammy Axlund, Secretary~~

~~RE-ADOPTED WITH ALL AMENDMENTS CONSOLIDATED TO DATE~~

~~Amended this 9th day of June 2022~~

~~1 _____ 6 _____
_____ Robert Bartel _____ Julie Jefferson~~

~~2 _____ 7 _____
_____ Kelvin Barton _____ Kimberley Lund~~

~~3 _____ 8 _____
_____ Atul Deshmane _____ Dominic Mocerì~~

~~4 _____ 9 _____
_____ Jim Hansen _____ Scott VanDalen~~

~~5 _____
_____ Stephen Jackson~~

~~MEMBERS OF THE WHATCOM COUNTY PLANNING COMMISSION~~