

**BYLAWS OF THE PLANNING COMMISSION
OF
THE CITY OF MILL CREEK**

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ARTICLE I

DUTIES AND RESPONSIBILITIES

The City of Mill Creek **Planning Commission** conducts public hearings on all proposed regulations concerning land use in the City or amendments to existing land use regulations and makes recommendations for appropriate action to the City Council. Along with City staff, the Planning Commission prepares a Comprehensive Plan for anticipating and influencing the orderly and coordinated development of land and building uses of the city and its environs. The Planning Commission has all the powers to perform each and all of the duties specified by [RCW Chapter 35A.63](#), along with other duties or authority that may be conferred upon it by the laws of the State of Washington. The Planning Commission abides by the terms set forth in the [Mill Creek Municipal Code Chapter 4.02 and 4.10 \(Planning Commission\)](#).

ARTICLE II

ORGANIZATION OF THE COMMISSION

1. The numbers of members and qualifications for appointment to the Commission by the City Council are set forth in Mill Creek Municipal Code (MCMC), Chapter 4.10.010.
2. The powers and duties of the Planning Commission are set forth in MCMC 4.10.030.
3. Commission members shall exercise their duties and responsibilities with integrity, collegiality and care. Members should come prepared to contribute to the discussion of issues and business to be addressed. Members should respect the opinions of other members of the Commission and be receptive to diverse viewpoints in Commission discussions. Members should represent the Commission and the City in a positive and supportive manner through appearance, conduct, and attitude.
4. A Chair and Vice-Chair shall be elected by the Commissioners at the first regular meeting each year, or as soon thereafter as feasible. Elected officers shall serve for a term of one year, or until a successor is elected.
5. In the absence, disability, or disqualification of the Chair, the Vice Chair shall exercise all the duties and be subject to all the responsibilities of the Chair.

6. In the event of the resignation of the Chair or Vice-Chair, the Commission shall expeditiously elect a new officer to fill the vacancy.
7. The Chair shall preside at all Commission meetings and have the powers generally assigned to such office in conducting the meetings. It shall be the Chair's duty to see that the transaction of Commission business is in accord with law and with these Bylaws.
8. The Chair may appoint standing committees or special sub-committees and assign one or more members to such sub-committees.
9. The Chair shall:
 - a. Preside at all meetings of the Planning Commission;
 - b. Call meetings of the Planning Commissions;
 - c. Sign documents on behalf of the Planning Commission after Committee approval;
 - d. Act as a liaison between the Planning Commission and other City entities;
 - e. If requested by the City Council, appoint Planning Commission members to serve on other City committees, advisory groups, and task forces;
 - f. May meet quarterly (or as needed) with the Mayor and Mayor Pro Tem;
 - g. May provide the Council with quarterly updates of the Commission to be added to agenda packets via routing to the Commission's Council liaison and City Clerk;
 - h. Engage other community stakeholders to encourage participation on the work of the Commission;
 - i. Make every effort to facilitate the orderly discussion of the Planning Commission, encourage and facilitate public participation, and guide the Commission in providing direction to staff and making recommendations to the City Council.
10. The Vice Chair shall exercise all the duties and be subject to all of the responsibilities of the Chair during the absence, disability, or disqualification of the Chair, or upon the request of the Chair. The Vice Chair shall also maintain any other responsibilities that are assigned to them by the Chair.
11. The Community Development and Planning Department provides administrative support to the Planning Commission. The Community Development and Planning Director, or a designee, serves as the lead staff liaison to the Commission. The staff liaison shall act as Clerk for the Commission and shall provide guidance in developing the Commission's extended agendas, coordinate with the Chair on individual meeting agenda items, provide information and respond to questions on agenda items during meetings.
12. Toward this purpose, the following protocol should be observed by the staff liaison:

- a. Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and the Public Records Act (PRA), including the adherence to the legal noticing requirements;
- b. Maintaining a current roster of all members;
- c. Providing professional guidance, issue analysis, and recommendations (upon request); and
- d. Assisting with research, report preparations, and correspondence.

In addition, in their role as the Commission Clerk, the staff liaison shall:

- a. Maintain an accurate and permanent record of all proceedings conducted before the Commission;
- b. Prepare the agenda and minutes and video recordings for all Commission meetings;
- c. Give all notices as required by law;
- d. Inform the Commission of correspondence relating to Commission business and conduct all correspondence of the Commission;
- e. Be responsible for meeting logistics; and
- f. Perform such other duties of the Commission as are customary in that role to support the duties of a well-functioning Commission.

13. Separately, pursuant to the City of Mill Creek Governance Manual, the City Council shall appoint a Council liaison to the Commission. A Council liaison is responsible for ensuring there is communication, collaboration, and coordination with the Commission, and for regular reporting and accountability to the Council. The Council liaison is not a member of the Planning Commission. Limitations on the conduct of Council liaison before the Commission should be voluntarily undertaken in order to assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence. Toward this purpose, the following protocol should be observed:

The Council liaison responsibilities include (but are not limited to):

- a. Attend Commission meetings
- b. Confer with Commission members
- c. Keep Council informed of the Commission's work
- d. Encourage Commission reports to Council
- e. Report any inappropriate conduct by Commission members to Council leadership and City Manager

- f. Refrain from actively participating in the Commission meetings or deliberations
- g. Refrain from directing the work of the Commission
- h. Refrain from directing the work of the City staff
- i. Refrain from stating or implying that their position or opinion is that of the City Council

ARTICLE III

MEETINGS

1. Regular meetings shall be held on the third Thursday of each month. Meetings shall be held in the City Hall South building's Council Chambers, located at 15728 Main Street, Mill Creek, WA, and shall begin at 6:00 PM unless otherwise noticed as a special meeting. Meetings are currently hybrid with a Zoom option for those who wish to attend virtually. Commissioners are predominantly in-person for ease-of-communication and maximum collaboration.
 - a. To continue past the time of adjournment stated in the agenda, a majority of the Commission members present must concur and memorialize via a motion to extend.
 - b. When a regularly scheduled meeting falls on a holiday, the meeting shall be held on the next business day as a regular meeting (per RCW 42.30) or may be canceled with the appropriate notice to all parties and the public and informing the City Clerk's Office.
 - c. At regular meetings, the Commission may consider all matters that may be properly brought before the Commission without prior notice being given to the members. However, action on matters, not having prior notice given to the members, may be taken only with a unanimous vote of those Commission members present.
2. Special meetings of the Commission may be called by the Chair or a quorum of the Planning Commission members together with the support of the staff liaison to prepare logistically. Written notice of such a meeting and its purpose shall be delivered personally or via email to all members not less than twenty-four hours in advance thereof. The same notice shall be posted in City Hall by the City Clerk's

Office and posted on the City website and social media accounts by the City's Communications and Marketing team. The notice shall specify the time and place of the meeting and the business to be transacted. All meetings shall be held in accordance with applicable state laws and City ordinances, and in particular, the state's [Open Public Meetings Act, RCW Chapter 42.30](#).

3. Any regular meeting may be recessed to a definite time and place by a majority vote of the Planning Commission members present at the meeting.
4. A quorum shall consist of a majority of the members of the Commission appointed and confirmed pursuant to MCMC 4.02.060, and no action can be taken in the absence of a quorum. In the case where the appointed and confirmed membership is an even number, half of the appointed and confirmed membership plus one member shall constitute a quorum.
5. To provide a fair and efficient forum for the conducting of business at Planning Commission meetings, meetings will be conducted in accordance with Robert's Rules of Order Newly Revised 12th edition, and shall include the following rules:
 - a. No person shall address the Commission without first obtaining recognition from the Chair.
 - b. The order of business shall be prescribed on the agenda; changes to the agenda order shall be approved by general consensus of the Commissioners.
 - c. In instances where a written staff report has been prepared, the staff representative, upon recognition by the Chair, shall present the report for the record.
 - d. Following the presentation of the staff report, the Commission shall be afforded the opportunity to question the staff regarding the material in the report.
 - e. After questioning of the staff is completed, the Chair may recognize the applicant or proponent of that item of business to speak. Following the proponent's remarks, any other person wishing to speak on the matter may be recognized by the Chair.
 - f. Once any person has spoken in regard to a specific matter before the Commission, he/she shall not be recognized to speak again until all persons wishing to speak have been given the first opportunity to do so.
 - g. Following the presentation by each speaker, the Planning Commission shall be afforded the opportunity to question the speaker regarding the information presented by the speaker.

ARTICLE IV

VOTING AND ACTIONS OF COMMISSION

1. At all meetings of the Commission, each member shall have one vote on each motion. The Chair shall have one vote and shall enjoy the same opportunity to vote as afforded to all other Commission members. The affirmative vote of at least a majority of the members present shall be necessary for the adoption of any motion or other voting matter, unless otherwise specified in these Bylaws. There shall be no voting by proxy. No matter shall be voted on unless:
 - a. The matter has been discussed at a previous meeting of the Commission, or
 - b. The matter has been placed on the agenda prior to the meeting by any member of the Commission or Community Development and Planning Director, or
 - c. The matter is considered by majority vote of the Commission to constitute an emergency and thus warrant immediate decision.
2. Each formal action of the Commission shall be embodied in a formal motion which will be entered verbatim in the Minutes. The Chair shall, at the Chair's discretion or at the request of any Commission member, read the motion before being voted on, as provided for in Section 1 above.
3. Each Commissioner should vote on all questions put to the Planning Commission unless a conflict of interest or an appearance of fairness question under state law is present. Yes, no, and abstention votes will be recorded as such. For abstentions, the Chair can ask the voting member for their reason, which will be recorded in the minutes.

ARTICLE V

ORDER OF BUSINESS

The order of business of Planning Commissions shall be:

1. Call to Order
2. Roll Call
3. Approval of minutes
4. Hearing
5. Briefing/Discussion
6. Audience Communications (3 minutes each)
7. For the Good of the Order
8. Adjournment

Upon approval of a majority of the Planning Commissioners present at a meeting, the above order of business may be changed to accommodate issues, speakers, etc.

ARTICLE VI

PUBLIC HEARINGS

1. All Public Communications and Public Hearings of the Commission shall be held in substantial conformance with the procedures set forth in City Council Resolution 2021-604. Public hearings shall be conducted under the following procedure:
 - a. Chair calls for a motion to open the Public Hearing. To the maximum extent possible copies of all testimony and reports shall be submitted in writing to be made a part of the hearing record.
 - b. The staff shall present technical analysis, review planning considerations and policy, cite possible alternatives and may make recommendations.
 - c. Spokesperson for the applicant may speak in favor of the application.
 - d. Rebuttal for proponents and opponents will be heard. Commissioners shall voice other significant considerations and pose any relevant questions through the Chair.
 - e. All interested parties shall be given a reasonable time to comment or make inquiries.

- f. Information submitted shall be factual, relevant and not merely duplication of previous presentations. Each person speaking shall give his/her name, address (optional), organization, and nature of interest in the matter before the Commission. Individuals should limit comments to three minutes and representations of organizations or groups for five minutes. Written comments submitted for Planning Commission consideration should be submitted to the Clerk for inclusion in the record and distribution to the Commissioners.
- g. If necessary, the Commission may continue the Public Hearing to such time and place as the Commission may deem appropriate.
- h. After all interested persons have had an opportunity to speak, the Chair shall call for a motion to close the Public Hearing.
- i. The Commission shall discuss the issue in order to ensure that all relevant points are considered. Deliberation shall include the information submitted; the written comments received; any presentation and discussion made at the hearing; and the staff report. Action will then be taken following the introduction of a formal motion with appropriate discussion prior to a vote.

ARTICLE VII

COMMITTEES

The Planning Commission may establish from time to time such standing or special committees as it deems advisable and assign each committee specific duties or functions. Each standing committee shall consist of a maximum of three members, and minutes are not required. No standing or special committee shall have the power to commit the Planning Commission to the endorsement of any plan or program without its submission to, and the consensus of, the body of the Commission.

ARTICLE VIII

CONFLICTS OF INTEREST

No member of the Planning Commission should participate in any Planning Commission discussion or vote on any matter in which the member has a personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend, or an employer. Any disqualified member must leave the room when the matter is presented. The minutes shall show that the member left the room.

The prohibition on Commissioners participating in a vote in which they have a personal interest is called the Appearance of Fairness doctrine and it applies to quasi-judicial matters and not to legislative or policy-making decisions. It is codified in [RCW Chapter 42.36](#). As indicated in this section of the bylaws, if a decision maker has (or appears to have) a conflict of interest, they are disqualified from participating in the decision unless their absence would cause a lack of quorum or result in a failure to obtain a majority vote. In those circumstances, the challenged official shall publicly disclose the basis for disqualification prior to rendering a vote in the matter.

ARTICLE IX

ABSENCES

Pursuant to MCMC 4.02.040, “In addition to removal by the city council, a position shall be deemed vacant if the member or commissioner holding such position is not in attendance at three or more consecutive regular meetings. Absences may be excused and not counted if such absence is for reasons that are: (1) work related, or (2) due to illness, or (3) family commitment or family emergency and the absence is approved by a vote of the board or commission. The Commission’s Clerk or designee shall maintain an attendance record that shall be recorded in the minutes. (Ord. 2023-894 § 2; Ord. 2006-640 § 2).”

ARTICLE X

VACANCIES

Should any vacancy occur among the membership of the Planning Commission by reason of death, resignation, disability, or otherwise, the City Clerk shall be immediately notified. If a member resigns, the member shall tender their resignation in writing to the staff liaison and the City Clerk. The Chair of the Planning Commission shall request that the Mayor and City Council consider an appointment to the vacancy on the Planning Commission at the earliest possible time. The City Clerk will forward the resignation email via BCC to the Council for their knowledge.

ARTICLE XI

AMENDMENTS

These Bylaws may be amended, from time to time, at any meeting of the Commission provided that notice of said proposed amendment, together with precise wording of such changes, shall be given to each member, in writing, at least five (5) days prior to said meeting. The affirmative vote of at least four (4) members shall be required to adopt any changes to these Bylaws. All amendments to the Bylaws shall be submitted to the City Council for approval.

CERTIFICATION

The undersigned _____ does hereby certify that the above and foregoing Bylaws have been duly adopted on April 17, 2025 and last amended _____ by the members of said Commission as the Bylaws of said Commission, and approved by the Mill Creek City Council on April 22, 2025.

Dod W. Amick

Planning Commission Chair

Jennifer Schutte

Planning Commission Vice Chair