



# **AGENDA**

## **Lynnwood Planning Commission**

### **Meeting**

**Thursday, January 14, 2021 — 6:30 pm**  
Online via Zoom

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**A. CALL TO ORDER – ROLL CALL**

**B. APPROVAL OF MINUTES**

**C. PUBLIC COMMENTS** – (on matters not scheduled for discussion or public hearing on tonight's agenda) Note: Individuals wishing to offer a comment on a non-hearing agenda item, at the discretion of the Chair, may be invited to speak later in the agenda, during the Commission's discussion of the matter. Individuals wishing to comment on the record on matters scheduled for a public hearing will be invited to do so during the hearing.

**D. PUBLIC HEARINGS**

**E. WORK SESSION TOPICS**

**F. OTHER BUSINESS**

1. 2020 Planning Commission Annual Report
2. Planning Commission Rules and Scope Updates

**G. COUNCIL LIAISON REPORT**

**H. PLANNING MANAGER'S REPORT**

**I. COMMISSIONERS' COMMENTS**

**J. ADJOURNMENT**

*The public is invited to attend and participate in this public meeting. Parking and meeting rooms are accessible to persons with disabilities. Upon reasonable notice to the City Clerk's office (425) 670-5161, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.*

## Joining Planning Commission via Zoom

### How the Meeting Will Work

Virtual Planning Commission Meetings will be held via Zoom Webinar. The Community Development Department is hosting the meeting, the Lynnwood Planning Commission are the Panelists, and Lynnwood residents and members of the public – as well as City staff or guest presenters – are attendees. Webinar attendees do not interact with one another; they join in listen-only mode, and the host can unmute one or more attendees as needed.

### Meeting Links and Numbers

- **Join from a PC, Mac, iPad, iPhone or Android device:**
  - Download the Zoom Client at: <https://zoom.us/download>.
  - Use Zoom Version 5.0.4 (25694.0524) or later.
  - Please click this URL to join: <https://lynnwoodwa.zoom.us/j/86845449811>
- **Or join by phone:** +1 253 215 8782  
Webinar ID: 868 4544 9811

### How to Provide Public Comments

The Community Development Department is accepting public comments on behalf of the Planning Commission via Email.

- **Email:** Please add the Planning Commission meeting date in the subject line or in body of the text message such as in the examples below.
  - Send Email to: [planning@LynnwoodWA.gov](mailto:planning@LynnwoodWA.gov)
  - Subject Line: Public Comment for the 6/25/20 Planning Commission Meeting
- **Live Public Comment:** If you are unable to provide a written comment, you may join the webinar as an attendee to comment during the public comment period. Public participation guidelines are provided at the bottom of this page.

### Participation Guidelines

Below are recommendations for attendees in meetings conducted via Zoom Webinar.

- **Identification:** Upon entering the webinar, please enter your name or other preferred identifier, so that the host can call on you during the public comment period.
- **Raise Hand (see link below for instructions):** You have the ability to virtually raise your hand for the duration of the webinar, but you will not be acknowledged and your mic will remain muted until you are called on during the public comment period.  
<https://www.lynnwoodwa.gov/files/sharedassets/public/city-council/business-meeting-agendas/raising-hand-in-zoom.pdf>
- **Public Comment Period:** Use “Raise Hand” to be called upon by the host. The host will unmute your mic and you will have the ability to share your comment. Each speaker is allowed up to five (5) minutes.
- **Use headphones/mic** for better sound quality and less background noise.

# 2020 Annual Report of the **Lynnwood Planning Commission**

## **Introduction**

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This Annual Report provides a summary of the Planning Commission's work during 2020, including significant discussion issues, actions, and recommendations. This is a report to the Mayor and City Council but may also be of interest to others. LMC 2.24.020 provides that each of Lynnwood's boards and commissions prepare an annual report.

The Lynnwood Planning Commission operates under the authority specified by Chapter 35A.63 RCW. Chapter 2.29 LMC outlines the general organization and procedural provisions for the Commission.

The Commission provides a forum (public meetings, work sessions and hearings) for public comment and discussion of growth, development, land use and urban design matters. Its work also supports implementation of the City's Comprehensive Plan. Section 3 of the Planning Commission's Scope & Rules includes the following description of the work of the Commission:

The Planning Commission shall serve as an 'advisory body' to the City of Lynnwood and may act as the research and fact-finding agency for the municipality. To that end it may make such surveys, analyses, research and reports as are generally authorized or requested by its Mayor or City Council, or by the State of Washington with the approval of the City Council.

The Planning Commission shall undertake the following:

- A. Annually review the Comprehensive Plan of the City as specified by the Growth Management Act of the State of Washington and suggest plan amendments, as appropriate.
- B. Annually, review all applications and suggestions for plan amendments to the Comprehensive Plan and Zoning Map.
- C. Annually, review its portion of the City budget and suggest desired amendments, as relates to comprehensive plan, capital facilities plan, and policy matters.
- D. Review and perform extraterritorial planning for Urban Growth Areas as defined by Snohomish County and for annexation areas under consideration by the City.
- E. Conduct neighborhood and community hearings and meetings, both formal and informal in nature, regarding its studies, recommendations, and proposals.
- F. Participate in preparing an annual report showing achievement toward fulfilling goals, policies and objectives of the Planning Commission.
- G. Prepare an annual work plan for the ensuing year.
- H. Present major policy advisories to the Mayor and City Council.

- I. Meet with the Mayor, City Council and the Hearing Examiner, on an annual basis and other advisory boards, as required.
- J. Examine and respond to referrals from the City Council, Mayor or staff, including public meetings or formal hearings.
- K. Perform other advisory duties as may be provided by ordinance or as may be assigned to it by the City Council or Mayor.

The Community Development Department provides administrative and technical support to the Commission. Other City departments provide support to the Commission on an as-needed basis. In most cases, the Commission's work culminates in recommendations for final action by the City Council.

**Regular Commission Meetings:**

- 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of each month

## **Major Projects of 2020**

In 2020, the Planning Commission reviewed a number of topics. Below are the major projects brought to the Planning Commission in 2020.

<b>Name</b>	<b>Summary Description</b>	<b>Outcome</b>
Housing Action Plan	Create a Housing Action Plan (HAP) consistent with RCW 36.70A.600(2): The goal of any such housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market.	In progress
Title 21.29 Development Agreement Code Updates	This Code Amendment expanded flexibility through Development Agreements citywide (except for single-family zones).	Approved by City Council
Covid-19 Land Use Decision Extension Ordinance	This extension permits an additional year extension to land use applications in response to delays created by Covid-19.	In progress
South Lynnwood Neighborhood Plan	This Neighborhood Subarea Planning project aims to engage South Lynnwood's organizations and residents to establish a vision for the community; identify projects and policies to stabilize housing for all families; provide opportunities for various land uses; improve access to busses and non-motorized transportation; and be a model for other neighborhood improvements throughout the city.	In progress

## Officers for 2020

The following officers were elected to terms for 2020:

- Chair – Chad Braithwaite
- 1<sup>st</sup> Vice Chair – Chris Eck
- 2<sup>nd</sup> Vice Chair – Layla Bush

## Membership Changes in 2020

Commissioners Robinson and Bush joined the Planning Commission in early 2020 to fill previously vacated seats.

Commissioner Wojack and Commissioner Braithwaite's appointments ended on December 31, 2020 due to term limits.

## Attendance in 2020

Planning Commission was unable to meet from March to early June due to stay-at-home orders related to Covid-19. Starting in June meetings reconvened using Zoom.

	Position 1	Position 2	Position 3	Position 4	Position 5	Position 6	Position 7
Date	Wojack	Eck	Lum	Segalla	Robinson	Bush	Braithwaite
Jan 9							
Jan 23	✓	✓	absent	✓	✓	✓	✓
Feb 12	✓	✓	absent	✓	✓	✓	absent
Feb 27	✓	✓	absent	✓	✓	✓	✓
Mar 12							
Mar 26							
Apr 9	<b>COVID CANCELLATION</b>						
Apr 23							
May 14							
May 28							
Jun 11							
Jun 25	absent	✓	✓	✓	✓	✓	✓
Jul 9	✓	✓	✓	✓	absent	✓	✓
Jul 23							
Aug 13	✓	✓	✓	✓	✓	✓	✓
Aug 27	absent	✓	absent	✓	✓	✓	✓
Sep 10							
Sep 24	✓	✓	✓	✓	✓	✓	✓
Oct 8							
Oct 22	✓	absent	✓	✓	✓	✓	✓
Nov 12	✓	✓	✓	✓	✓	✓	✓
Nov 26							
Dec 10	✓	✓	✓	✓	✓	✓	✓
Dec 24							
Percent	81%	91%	63%	100%	91%	100%	91%

Respectfully submitted,

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**Chris Eck**, 2020 Vice-Chair

**Topic: Planning Commission Rules and Scope**

- ☐ Public Hearing
- ☐ Work Session
- ☒ Other Business
- ☐ Information
- ☐ Miscellaneous

Staff Contact: Ashley Winchell, Planning Manager, Community Development

**Summary**

The Community Development Department was combined with the Economic Development Department and the Development Engineering Division of Public Works through the budget process. On December 14, 2020 City Council approved an ordinance combining those groups to create the Development and Business Services Department. This requires changes to the Rules and Scope of the Planning Commission to replace Community Development Department with Development and Business Services throughout the document.

Additionally, staff has identified some other potential changes for consideration:

- General suggestion: Some sections of the Rules and Scope are duplicative of sections of the Lynnwood Municipal Code (LMC). References to the LMC were added to prevent potential contradictions.
- Article III, Section 1: The City no longer maintains a PO Box. The PO Box address should be removed.
- Article III, Section 1: A line was added allowing the ability for the Planning Commission to meet outside of Council Chambers with at least 24 hours notice posted on the City website.
- Article IV, Section 2: Conversations are taking place at the Council level of whether Board and Commission members should be registered voters. Requiring candidates to be registered voters prevents individuals without citizenship status from participating on a board or commission – this includes Lawful Permanent Residents (green card holders).

In 2019 29% of Lynnwood residents were foreign-born. Staff does not have numbers on how many of those residents are U.S. Citizens. Removing the registered voter requirement will allow a more representative population to participate in local government.

In regard to boards and commissions, the LMC defines resident as “a registered voter of the city of Lynnwood or a registered voter of an area that is within Lynnwood’s municipal urban growth area as designated by the city’s comprehensive plan.” By replacing “registered voter” with “resident” the Rules and Scope will defer to whatever the definition of “resident” is in the LMC.

- Article V, Section 1: When regular meetings fall on holidays they are required to be held the following Thursday. This is not the current practice. By changing

wording from “shall” to “may” the Planning Commission may choose to hold the meeting the following week but is not required to.

- Article V, Section 1: The current Rules and Scope do not require posting of a Special Meeting in City Hall. Staff recommends adding this requirement.
- Article V, Section 6: Staff recommends changing references from “citizen” to “community member.” This term is more inclusive to the entirety of Lynnwood which includes residents, social service providers, people who work in Lynnwood, business owners, and others who are connected to Lynnwood.

Additionally, while the intent of the word “citizen” in this document is assumed to mean resident, the word can have negative connotations with individuals who are not citizens of the United States. To be welcoming and inclusive “community member” is recommended.

- Article VI, Section 4: The City does not have a “Planning Department.” Changing to “Executive Secretary” allows for staff to change without a need to change the Rules and Scope.

### **Planning Commission Options**

1. Adopt the changes to the Planning Commission Rules and Scope
2. Adopt the Planning Commission Rules and Scope with revisions
3. Reject the Planning Commission Rules and Scope

### **Attachments**

1. Proposed Planning Commission Rules and Scope with marked changes
2. Proposed Planning Commission Rules and Scope without marked changes

# **Lynnwood Planning Commission SCOPE AND RULES**

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**Including the Planning Commission Statement of Purpose  
and Function, Scope of Work, Rules of Procedure,  
and Operational Guidelines.**

**Adopted by Planning Commission - June 12, 1997**

**Amended - Jan. 10, 2002**

**Amended - Feb. 10, 2011**

**Amended - ~~December 10, 2020~~ January 14, 2021**

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### **ARTICLE VIII: AMENDMENTS**

## ARTICLE I: NAME

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### Section 1. Name

The official name of this organization shall be the Planning Commission of the City of Lynnwood (commonly referred to as the “Lynnwood Planning Commission”) as stated in LMC 2.29.010.

## ARTICLE II: OFFICIAL SEAT

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### Section 1. Official Seat

The official seat of the Lynnwood Planning Commission shall be the Lynnwood Civic Center Council Chambers, 19100 44th Avenue West, ~~P.O. Box 5008~~, Lynnwood, Washington 98046-5008.

The Planning Commission reserves the ability to meet in alternative locations or online with at least 24 hours notice posted on the City Website.

## ARTICLE III: AUTHORITY

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### Section 1: Historical Background

The Planning Commission was established under the authority of the Revised Code of Washington, RCW 35.63, “Planning Commission”, Laws of 1935. LMC 18.16 established at the municipal level the Commission’s powers, duties and many of its procedures. In 1971, the City changed its type of city classification under state law, becoming an Optional Municipal Code city. This action allowed the City to utilize the state regulations contained in RCW Title 35A. RCW 35A.63 allows a city to be much more flexible with the make-up and duties of a planning commission.

On January 13, 1997, the Lynnwood City Council adopted Ordinance No.#2121 adding Chapter 2.24 LMC providing general organizational and procedural provisions applying to all City advisory bodies. Ordinance No. #2121 also amended Title 18, Chapter 18.16 of the Lynnwood Municipal Code pertaining to the Planning Commission and renumbered it to LMC Chapter 2.29.

### Section 2: Powers ~~And~~and Duties

The Planning Commission shall have all the powers and perform each and all of the duties specified for a planning agency by RCW 35A.63, together with any other duties of authority which may hereafter be conferred upon them by the laws of the State of Washington. The performance of such duties and the exercise of such authority shall be subject to each and all the limitations expressed in legislative enactment or enactments.

### Section 3: Annual Scope of Work

The Planning Commission shall serve as an “advisory body” to the City of Lynnwood and may act as the research and fact finding agency for the municipality. To that end it may make such surveys, analyses, research and reports as are generally authorized or requested by its Mayor or City Council, or by the State of Washington with the approval of the City Council.

The Planning Commission shall undertake the following:

- A. Annually review the Comprehensive Plan of the City as specified by the Growth Management Act of the State of Washington and suggest plan amendments, as appropriate.
- B. Annually, review all applications and suggestions for plan amendments to the Comprehensive Plan and official zoning map.
- C. Annually, review its portion of the City budget and suggest desired amendments, as relates to comprehensive plan, capital facilities plan, and policy matters.
- D. Review and perform extraterritorial planning for Urban Growth Areas as defined by Snohomish County and for annexation areas under consideration by the City.
- E. Conduct neighborhood and community hearings and meetings, both formal and informal in nature, regarding its studies, recommendations and proposals.
- F. Participate in preparing an annual report showing achievement toward fulfilling goals, policies and objectives of the Planning Commission.
- G. Prepare an annual work plan for the ensuing year.
- H. Present major policy advisories to the Mayor and City Council.
- I. Meet with the Mayor, City Council and the Hearing Examiner, on an annual basis and other advisory boards, as required.
- J. Examine and respond to referrals from the City Council, Mayor or staff, including public meetings or formal hearings.
- K. Perform other advisory duties as may be provided by ordinance or as may be assigned to it by the City Council or Mayor.

## ARTICLE IV: MEMBERS AND OFFICERS

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### Section 1: Members

The Planning Commission for the City of Lynnwood shall consist of seven (7) members who shall be appointed by the Mayor and confirmed by the City Council as stated in LMC 2.29.020. Members shall be selected without respect to political affiliations.

### Section 2: Residency Requirement

At the time of nomination and continuing uninterrupted thereafter while serving on the Planning Commission, the Planning Commissioner shall be a resident of the City of Lynnwood as defined in LMC 2.24.010. ~~—A resident means a registered voter resident of the City of Lynnwood or a registered voter resident of an area that has successfully~~

~~petitioned or voted to annex to the city where an annexation ordinance has been adopted by the City Council.~~

### Section 3: Officers

The elected officers of the Planning Commission shall include a Chair, First Vice-Chair and Second Vice-Chair.

### Section 4: Nominations ~~And~~ and Elections ~~Of~~ of Officers

Elections of officers shall take place annually at the first regular meeting of the Planning Commission. Nominations shall be made from the floor. The election shall follow immediately thereafter. Nominee receiving a majority vote of those present shall be declared elected.

### Section 5: Term of Office

The elected officers shall immediately assume their positions at the conclusion of the elections and shall serve one (1) year.

### Section 6: Vacancies ~~in~~ In Offices

Vacancies in elective offices shall be filled immediately by regular election procedure for the unexpired portion of the term.

### Section 7: Resignation ~~Or~~ or Removal of Planning Commission Member

In the event that a Planning Commissioner can no longer fulfill his or her responsibilities, or is no longer a full-time resident of the City of Lynnwood or misses twenty-five percent (25%) or more of the Commission's regularly scheduled meetings within a twelve (12) month period (unless excused by the Commission) as stated in LMC 2.29.030, ~~it~~ it may be appropriate that the Commissioner resign or be removed from the Commission. The procedures for resignation or removal are outlined as follows:

#### A. Resignation

Whenever a Planning Commissioner is no longer qualified to serve, or is unable to fulfill the responsibilities of a Commissioner and desires to resign, then a resignation may be tendered in writing to the Mayor and the Chair.

#### B. Removal

1. The Planning Commission may recommend to the Mayor and City Council the removal of any Planning Commissioner who misses twenty-five percent (25%) or more of the regularly scheduled meetings within any twelve (12) month period without being excused by the Chair, or in the opinion of the Commission, is unable to fulfill the duties of a Commissioner.
2. Recommendations for removal must be recommended by at least four (4) members of the Planning Commission.
3. A Planning Commissioner may be removed, after public hearing, by the Mayor, with the approval of the City Council for inefficiency, neglect of duty or malfeasance in office.

## **Section 8: Duties of Officers**

### **A. Chair**

The Chair shall preside over the Planning Commission and exercise all the powers incidental to the office, retaining however, the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions. The Chair may call special meeting of the Planning Commission in accordance with the Scope and Rules, sign documents and see to it that all actions of the Commission are properly taken.

### **B. First Vice-Chair**

During the absence, disability or disqualification of the Chair, the First Vice-Chair shall assume the duties and powers of the Chair during this period. The First Vice-Chair shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions.

### **C. Second Vice-Chair**

During the absence, disability or disqualification of the Chair and the First Vice-Chair, the Second Vice-Chair shall assume the duties and powers of the Chair during this period. The Second Vice-Chair shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions.

### **D. Chair Pro-Tempore**

During the absence, disability or disqualification of the Chair, First Vice-Chair and the Second Vice-Chair, the most senior member of the Planning Commission shall chair the meeting. The Chair Pro-Tempore shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions.

### **E. Executive Secretary**

The Director of ~~Community Development~~Development and Business Services shall serve as Executive Secretary of the Planning Commission. The Director may designate a staff member to perform any of the duties of the Executive Secretary and shall provide other staff services necessary to carry out the work the Planning Commission.

## **ARTICLE V: MEETINGS**

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### **Section 1: Meetings**

## Lynnwood Planning Commission Scope ~~And~~ and Rules

The regular meetings of the Commission shall be held on the second and fourth Thursday of every calendar month at a time set in advance by the Planning Commission so as to ensure reasonable public participation, provided:

- A. If the regular meeting falls on a legal holiday, that meeting ~~shall~~ may be held on the following Thursday unless the Commission, by formal action, sets a special meeting day.
- B. A quorum 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 a special meeting day.
- C. If, for any reason, the business to be considered at a regular or special meeting day cannot be then completed, the Commission may at such meeting recess and designate the time to reconvene to consider the uncompleted matter, provided that such action shall be publicly announced at the meeting. Notice thereof shall be posted in a conspicuous place in the Lynnwood City Hall. Provided further that if such reconvened meeting is not held on a regular meeting day, notice thereof shall be given in the manner provided for notice of a special meeting day.
- D. Special meetings may be called at any time by the Chair or, in the Chair's absence, by the Vice-Chair(s), or by at least four (4) members of the Commission, by delivering personally, electronically, or by mail, written notice to each member of the Commission; and to each local newspaper of general circulation, and to each local radio or television station which has on file with the Commission a written request to be notified of such special meeting or of all special meetings. Notice thereof shall be posted in a conspicuous place in the Lynnwood City Hall. - Such notice must be delivered personally, electronically or by mail at least seventy-two (72) hours before the time of such meetings as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the Commission. Such written notice may be dispensed with as to any member who at or prior to the time and meeting convenes files with the Executive Secretary of the Planning Commission a written waiver of notice. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.
- E. All regular and special meetings of the Planning Commission shall be open and the public shall be permitted to attend.

### Section 2: Agenda and Staff Reports for Regular and Special Meetings

A copy of the agenda for every regular and special meeting of the Lynnwood Planning Commission shall be provided each member not less than six (6) days prior to the date of the meeting at which such agenda is to be considered.

The Executive Secretary of the Lynnwood Planning Commission, in consultation with the 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 Lynnwood ~~Department of Community Development~~ Development and Business Services.

as hereafter provided, or which was not initiated by motion of the Lynnwood Planning Commission or City Council. The Chair may, however, place housekeeping and non-action items on the agenda.

Where any matters filed with the Department of ~~Community Development~~Development and Business Services for consideration and action by the Planning Commission, which matter is deemed by the Director of ~~Community Development~~Development and Business Services to be of concern to other departments of the City and other public agencies, the Department shall notify each such interested department or agency of the impending matter and request a report or recommendation, if any, on the matter. The notification to the other departments or agencies 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 departmental or agency reports and recommendations shall be considered by the Planning Commission at the time the matter is before it.

The Lynnwood ~~Community Development~~Development and Business Services staff shall review the items on the agenda and submit the staff's recommendations and findings to the Planning Commission prior to a regular meeting.

### Section 3: Minutes ~~And~~ and Records

A record of proceedings of all official meetings shall be recorded and the ~~file~~stapes 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 attendance, shall constitute the record of proceedings.

A copy of the records of proceedings taken at any meeting shall be provided by ~~the Lynnwood Community Development~~ the Development and Business Services Dept. staff to anyone on request, at costs as established by the City of Lynnwood.

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 case file number.

All actions of the Planning Commission, whether by motion or resolution, shall be considered conclusive as to general import as of the date of such action, provided the Chair has authority to modify non-substantive items.

### Section 4: Public Hearings ~~And~~ and Meetings

Public Hearings and meetings conducted by the Planning Commission shall conform to the provisions of law in the matter of public notice, time, number and reporting.

In all cases where it shall appear any notice of publication or posting or communication may be defective, any member, after hearing the statement of the defect, can rise to a point of order and request that the issue of notice be tabled and that the matter proceed, reserving to any aggrieved person the right to appeal to the Planning Commission and, upon a vote by the majority, the issue of notice shall become moot as to the Planning Commission. The tabling of an issue of notice shall not prejudice the rights of any

aggrieved party to full consideration of the apparent defect at a subsequent review phase.

### **Section 5: Order of Business**

The regular order of business at regular meetings of the Lynnwood Planning Commission shall be:

- A. Call to Order / Roll Call
- B. Approval or Corrections of previous Meeting Minutes
- C. Public Comments (on matters not scheduled for a public hearing on tonight's agenda)
- D. Public Hearing(s)
- E. Work Session(s)
- F. Other Business
- G. Council Liaison Report
- H. Director's Report & Informational Item(s)
- I. Adjournment

### **Section 6: Conduct of Public Hearings**

- A. The Chair opens the Public Hearing and orally summarizes the application before the Lynnwood Planning Commission.
- B. The ~~Community Development~~ Development and Business Services Director, or designated staff, provides background information, technical analysis, review planning considerations and policy, and summarizes the Department's findings and recommendation to the Planning Commission. Copies of staff testimony and reports should be submitted in writing to made part of the record.
- C. Upon recognition by the Chair, a Planning Commissioner may ask relevant questions on the application to staff.
- D. The Chair opens the public hearing portion of the deliberation.
- E. The applicant or designated representative is invited to speak on behalf of the application. Upon recognition of the Chair, a Planning Commissioner may ask relevant questions to the applicant, applicant's designated representative or to the planning staff.
- F. The public is invited to speak for or against this application. In event that there are large numbers of individuals seeking to speak on the issue, the Chair may limit the time that each individual may speak on the issue. The Chair should alternate between proponents and opponents when possible to provide for a balance discussion of the application. Upon recognition of the Chair, a Planning Commissioner may ask relevant questions of the individual testifying.
- G. After the general public have commented on the application, the applicant is invited to speak in rebuttal or to answer questions that may have arisen.
- H. The general public is given another opportunity to rebut comments by the applicant.

- I. The Chair calls a third time for public testimony, upon hearing none the public testimony portion of the public hearing is officially closed.
- J. The Chair now opens the session for Planning Commissioner deliberations and action. Upon recognition by the Chair, a Planning Commissioner may direct specific questions to staff, applicant, applicant's representative, citizen-community member or fellow Planning Commissioner to clarify issues, comments or technical questions that may not have been directly addressed during the public testimony portion of the public hearing.
- K. After reasonable time, the Chair closes further discussions and entertains a motion from the Planning Commission. The Planning Commission may approve, modify, reject or continue the item until another Planning Commission meeting date certain.
- L. After a motion is made and seconded, the Chair entertains additional discussion on the motion. Upon recognition of the Chair, a Planning Commissioner may exercise further parliamentary actions on the original motion.
- M. Upon hearing no further deliberation, the Chair takes a vote on the motion or any subsidiary motions and directs the Executive Secretary to record the formal action as required by these Scope and Rules-.

## **Section 7: Conduct of Public Meetings**

Under the Growth Management Act of the State of Washington, a single level of formal legislative review must be adopted by each jurisdiction. The City Council has reserved this legislative review on certain planning issues requiring a quasi-judicial determination. The Planning Commission may conduct public meetings to assist an applicant with the development of his or her application. These public meetings will be conducted on an informal basis to provide guidance to the applicant in advance of formal City Council consideration.

These public meetings shall be generally conducted in the following manner:

- A. Open the meeting and review the meeting procedures (Chair).
- B. Summarize the application (Staff).
- C. Describe the review process and "record-to-date" (Staff).
- D. Present proposal (applicant).
- E. Receive and discuss public comments (Planning Commission & public).
- F. Report and recommendation:
  - 1. Summarize highlights of the meeting (Chair).
  - 2. Make recommendation (Planning Commission).
  - 3. Draft meeting report (Staff).
- G. Report to the City Council (Staff).

## **Section 8: Special Meetings**

Special meetings and work sessions may be called:

- A. By the request of the Chair, or in the Chair's absence by the acting Chair as set forth in the provisions under Article IV, Section 8.
- B. By the written request of four (4) or more members of the Planning Commission.
- C. By sustained motion of the Planning Commission.

Written notice of all study sessions and special meetings shall be provided to all members of the Planning Commission and public in accordance with all applicable rule for public notice.

### **Section 9: Quorum**

Four (4) members of the Lynnwood Planning Commission shall constitute a quorum as outlined in LMC 2.29.050. All actions of the Lynnwood Planning Commission shall be determined by a minimum of four (4) affirmative votes of the total Commission.

### **Section 10: Rules of Procedures**

All meetings of the Planning Commission shall be conducted in accordance with Robert's Rules of Orders (Latest Edition), unless specifically provided otherwise by these Scope and Rules-, applicable City Ordinance or State Statute.

### **Section 11: Time and Length of Meetings**

Planning Commission meetings shall begin at 7:00 p.m. and continue until 11:00 p.m. unless adjourned. After 11:00 p.m., the Planning Commission shall hear no new subjects, unless a majority of the Planning Commissioners present should decide otherwise. Meetings may begin earlier by prior determination of the Planning Commission. Public notifications of such meetings shall place a special emphasis on the earlier start time.

### **Section 12: Motions and Voting**

Unless waived, motions shall be restated by the Chair before a vote is taken. The names of the maker and second shall be recorded in the minutes of the meeting.

### **Section 13. Conduct of Work Sessions**

Work Sessions are intended to provide the opportunity for the Commission to discuss matters with staff that are not ready for action. Items to be discussed in the Work Session shall be listed on the meeting Agenda. At the appropriate time, the Chair shall announce the item and ask staff for a report on the matter. Following the staff report, the Commission will discuss the matter with staff and may provide comments or preliminary direction on the matter, as may be appropriate. However, the Commission may not take final action on any work session item. Public comment shall not be taken during a work session item, except at the initiation of the Chair and with the concurrency of the members of the Commission. Public comments on a work session item may be during the Public Comment portion of the Agenda.

### **Section 14. Public Comment**

All regular meeting of the Planning Commission shall provide a time on the Agenda for the public to make comments to the Commission. At this part of the Agenda, the Chair

shall invite members of the public to make comments to the Planning Commission on any matter, whether on that meeting's Agenda or not, except items scheduled on that meeting's Agenda for a Public Hearing. The Chair shall ask a speaker to keep their comments brief; generally, the duration of a speaker's comments should not exceed 3-5 minutes, and the Chair is authorized to ask a speaker to conclude his/her comments if he/she exceeds this duration. A summary of the comments shall be included in the Minutes of the meeting.

## **ARTICLE VI: COMMITTEES**

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### **Section 1: Establishment of Committees**

The Chair may from time to time establish a committee of the Planning Commission to carry out certain specific duties or functions as the Planning Commission deems advisable. The Chair may appoint or recommend Commission members to outside committees.

### **Section 2: Appointment and Terms of Committee Members**

The Chair of the Planning Commission shall appoint the members of each committee, not to exceed three (3) members. The committee shall name the Chair of each committee.

### **Section 3: Duration of the Committee**

The committee shall complete its assigned tasks expeditiously and report its findings, in writing, to the entire Planning Commission.

### **Section 4: Limited Powers**

No standing or special committee shall have the power to commit the Planning Commission to the endorsement of any action, plan or program without its submission to the body of the Planning Commission.

## **ARTICLE VII: PLANNING COMMISSIONER CONDUCT**

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### **Section 1: Public Statements**

While any Planning Commissioner 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 Lynnwood Planning Commission or committees thereof shall not be made in advance of the Lynnwood Planning Commission's final determination of the matter, except as directed or authorized by a majority of the entire Lynnwood Planning Commission at any special or regular meeting or public hearing. The Lynnwood Planning Commission shall appoint one of its members to issue such statements as the Lynnwood Planning Commission deems

necessary. This shall not prejudice the right of any dissenting members to express their minority position.

Lobbying efforts by any Advisory Bodies on legislative, or political, matters should first be checked for consistency with existing City policy by contacting the Mayor's office. In the event a position is taken that differs from that of the City's policy, an Advisory Body cannot represent that position before another body, e.g., the State Legislature of the County Council. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that the member is not speaking as a representative of the City, or as a member of an Advisory Body.

## **Section 2: Ex-Parte Contacts ~~A~~and Sharing ~~Of~~of Information**

It is in the public interest that, to the greatest extent possible, all members of the Planning 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 either a quasi-judicial or legislative matter has been introduced and is still before the Planning Commission for a decision. Examples of legislative issues on which the Planning Commission deliberates and makes recommendations include comprehensive plan amendments, code amendments, and other policy recommendations.

With respect to matters of a quasi-judicial nature, members shall abide by the provisions of the Appearance of Fairness Doctrine of the State of Washington, as codified at RCW 42.36; as adopted or subsequently amended. Examples of quasi-judicial land use matters are those which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceedings. Ex-parte communications during the pendency of any quasi-judicial proceeding are prohibited unless the member engaged in such communications: 1) places on the record the substance of any written or oral ex-parte communications concerning the decision of action; and 2) provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered.

## **Section 3: Conflict ~~Of~~of Interest ~~Or~~or Appearance ~~Of~~of Fairness**

If it shall appear to any member at any time that a conflict of interest or an appearance of fairness problem exists with respect to a matter pending before the Lynnwood Planning Commission, it shall be the member's duty to openly state the nature of such conflict, and shall then refrain from participating in any subsequent deliberation of the Lynnwood Planning Commission and the decision-making process with respect to the matter.

## **Section 4: Attendance**

Regular attendance of Planning Commission at regularly scheduled or special meetings is important and critical to the operation of this advisory body. Each Planning Commissioner is responsible for notifying the Chair and ~~Planning Department~~Planning Commission Liaison~~Executive Secretary or their designee~~ when a scheduling conflict arises that prevents a Commissioner from attending of a scheduled meeting.

In the event that a Planning Commissioner cannot actively participate in regularly scheduled or special meetings, the Planning Commissioner should consult with the

Chair and the Executive Secretary to determine if his or her absence can be accommodated. If the scheduled absence proves disruptive, the Planning Commissioner should consider resigning his or her Planning Commission position. Removal or resignation of a Planning Commissioner shall comply with Article IV Section 7 of this document.

### **Section 5: Conduct ~~Of~~ Business**

The Chair shall direct the conduct of meetings. A Planning Commissioner should seek recognition of the Chair before speaking.

### **Section 6: Decision ~~Of~~ of The Commission**

The Lynnwood Planning Commission's goal is to provide a consensus recommendation to the Mayor and City Council on matters referred to the Planning Commission for action after full and complete discussion with all members in attendance. Each Planning Commission member should strive to fulfill this goal by attending as many Commission meetings as possible and by expressing his or her views.

When, despite the best efforts of each member, a consensus cannot be reached, minority reports may be prepared and forwarded to the Mayor and City Council. When a decision is reached, a member not voting with the majority may prepare a minority report. When the minority is comprised of more than one individual, and if requested, the minority report may be prepared by Community Development~~Development and Business Services Department~~ staff.

A minority report, or request for preparation of a minority report, shall be made within seven (7) calendar days of the date of majority action, or the right to transmit such report shall be deemed to have been waived. All minority reports shall be signed by the members who prepare, or request preparation, of the report and shall be forwarded to the Mayor and City Council by the Chair. Minority reports will be transmitted by the Chair at the same time as the majority recommendation is transmitted, with copies distributed to all members.

In every case where the action of the Planning Commission is overruled, reversed or not adopted by the City Council, the Executive Secretary will make available to the Lynnwood Planning Commission, at its next regular meeting, the findings, conclusions and decision of the City Council.

## **ARTICLE VIII: AMENDMENTS**

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These Scope and Rules may be amended at any regular meeting by the affirmative vote of four (4) members of the Planning Commission; provided that the proposed amendments together with the precise wording of such changes has been presented at the previous meeting.

**Lynnwood  
Planning Commission  
SCOPE AND RULES**

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**Including the Planning Commission Statement of Purpose  
and Function, Scope of Work, Rules of Procedure,  
and Operational Guidelines.**

**Adopted by Planning Commission - June 12, 1997  
Amended - Jan. 10, 2002  
Amended - Feb. 10, 2011  
Amended - January 14, 2021**

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### **ARTICLE VIII: AMENDMENTS**

## **ARTICLE I: NAME**

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### **Section 1. Name**

The official name of this organization shall be the Planning Commission of the City of Lynnwood (commonly referred to as the “Lynnwood Planning Commission”) as stated in LMC 2.29.010.

## **ARTICLE II: OFFICIAL SEAT**

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### **Section 1. Official Seat**

The official seat of the Lynnwood Planning Commission shall be the Lynnwood Civic Center Council Chambers, 19100 44th Avenue West, Lynnwood, Washington 98046-5008.

The Planning Commission reserves the ability to meet in alternative locations or online with at least 24 hours notice posted on the City Website.

## **ARTICLE III: AUTHORITY**

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### **Section 1: Historical Background**

The Planning Commission was established under the authority of the Revised Code of Washington, RCW 35.63, “Planning Commission”, Laws of 1935. LMC 18.16 established at the municipal level the Commission’s powers, duties and many of its procedures. In 1971, the City changed its type of city classification under state law, becoming an Optional Municipal Code city. This action allowed the City to utilize the state regulations contained in RCW Title 35A. RCW 35A.63 allows a city to be much more flexible with the make-up and duties of a planning commission.

On January 13, 1997, the Lynnwood City Council adopted Ordinance No.2121 adding Chapter 2.24 LMC providing general organizational and procedural provisions applying to all City advisory bodies. Ordinance No. 2121 also amended Title 18, Chapter 18.16 of the Lynnwood Municipal Code pertaining to the Planning Commission and renumbered it to LMC Chapter 2.29.

### **Section 2: Powers and Duties**

The Planning Commission shall have all the powers and perform each and all of the duties specified for a planning agency by RCW 35A.63, together with any other duties of authority which may hereafter be conferred upon them by the laws of the State of Washington. The performance of such duties and the exercise of such authority shall be subject to each and all the limitations expressed in legislative enactment or enactments.

### **Section 3: Annual Scope of Work**

## **Lynnwood Planning Commission Scope and Rules**

The Planning Commission shall serve as an “advisory body” to the City of Lynnwood and may act as the research and fact finding agency for the municipality. To that end it may make such surveys, analyses, research and reports as are generally authorized or requested by its Mayor or City Council, or by the State of Washington with the approval of the City Council.

The Planning Commission shall undertake the following:

- A. Annually review the Comprehensive Plan of the City as specified by the Growth Management Act of the State of Washington and suggest plan amendments, as appropriate.
- B. Annually, review all applications and suggestions for plan amendments to the Comprehensive Plan and official zoning map.
- C. Annually, review its portion of the City budget and suggest desired amendments, as relates to comprehensive plan, capital facilities plan, and policy matters.
- D. Review and perform extraterritorial planning for Urban Growth Areas as defined by Snohomish County and for annexation areas under consideration by the City.
- E. Conduct neighborhood and community hearings and meetings, both formal and informal in nature, regarding its studies, recommendations and proposals.
- F. Participate in preparing an annual report showing achievement toward fulfilling goals, policies and objectives of the Planning Commission.
- G. Prepare an annual work plan for the ensuing year.
- H. Present major policy advisories to the Mayor and City Council.
- I. Meet with the Mayor, City Council and the Hearing Examiner, on an annual basis and other advisory boards, as required.
- J. Examine and respond to referrals from the City Council, Mayor or staff, including public meetings or formal hearings.
- K. Perform other advisory duties as may be provided by ordinance or as may be assigned to it by the City Council or Mayor.

## **ARTICLE IV: MEMBERS AND OFFICERS**

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### **Section 1: Members**

The Planning Commission for the City of Lynnwood shall consist of seven (7) members who shall be appointed by the Mayor and confirmed by the City Council as stated in LMC 2.29.020. Members shall be selected without respect to political affiliations.

### **Section 2: Residency Requirement**

At the time of nomination and continuing uninterrupted thereafter while serving on the Planning Commission, the Planning Commissioner shall be a resident of the City of Lynnwood as defined in LMC 2.24.010.

**Section 3: Officers**

The elected officers of the Planning Commission shall include a Chair, First Vice-Chair and Second Vice-Chair.

**Section 4: Nominations and Elections of Officers**

Elections of officers shall take place annually at the first regular meeting of the Planning Commission. Nominations shall be made from the floor. The election shall follow immediately thereafter. Nominee receiving a majority vote of those present shall be declared elected.

**Section 5: Term of Office**

The elected officers shall immediately assume their positions at the conclusion of the elections and shall serve one (1) year.

**Section 6: Vacancies in Offices**

Vacancies in elective offices shall be filled immediately by regular election procedure for the unexpired portion of the term.

**Section 7: Resignation or Removal of Planning Commission Member**

In the event that a Planning Commissioner can no longer fulfill his or her responsibilities, or is no longer a full-time resident of the City of Lynnwood or misses twenty-five percent (25%) or more of the Commission's regularly scheduled meetings within a twelve (12) month period (unless excused by the Commission) as stated in LMC 2.29.030. It may be appropriate that the Commissioner resign or be removed from the Commission. The procedures for resignation or removal are outlined as follows:

**A. Resignation**

Whenever a Planning Commissioner is no longer qualified to serve, or is unable to fulfill the responsibilities of a Commissioner and desires to resign, then a resignation may be tendered in writing to the Mayor and the Chair.

**B. Removal**

1. The Planning Commission may recommend to the Mayor and City Council the removal of any Planning Commissioner who misses twenty-five percent (25%) or more of the regularly scheduled meetings within any twelve (12) month period without being excused by the Chair, or in the opinion of the Commission, is unable to fulfill the duties of a Commissioner.
2. Recommendations for removal must be recommended by at least four (4) members of the Planning Commission.
3. A Planning Commissioner may be removed, after public hearing, by the Mayor, with the approval of the City Council for inefficiency, neglect of duty or malfeasance in office.

**Section 8: Duties of Officers**

**A. Chair**

## **Lynnwood Planning Commission Scope and Rules**

The Chair shall preside over the Planning Commission and exercise all the powers incidental to the office, retaining however, the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions. The Chair may call special meeting of the Planning Commission in accordance with the Scope and Rules, sign documents and see to it that all actions of the Commission are properly taken.

### **B. First Vice-Chair**

During the absence, disability or disqualification of the Chair, the First Vice-Chair shall assume the duties and powers of the Chair during this period. The First Vice-Chair shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions.

### **C. Second Vice-Chair**

During the absence, disability or disqualification of the Chair and the First Vice-Chair, the Second Vice-Chair shall assume the duties and powers of the Chair during this period. The Second Vice-Chair shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions.

### **D. Chair Pro-Tempore**

During the absence, disability or disqualification of the Chair, First Vice-Chair and the Second Vice-Chair, the most senior member of the Planning Commission shall chair the meeting. The Chair Pro-Tempore shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions.

### **E. Executive Secretary**

The Director of Development and Business Services shall serve as Executive Secretary of the Planning Commission. The Director may designate a staff member to perform any of the duties of the Executive Secretary and shall provide other staff services necessary to carry out the work the Planning Commission.

## **ARTICLE V: MEETINGS**

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### **Section 1: Meetings**

The regular meetings of the Commission shall be held on the second and fourth Thursday of every calendar month at a time set in advance by the Planning Commission so as to ensure reasonable public participation, provided:

- A. If the regular meeting falls on a legal holiday, that meeting may be held on the following Thursday unless the Commission, by formal action, sets a special meeting day.

## **Lynnwood Planning Commission Scope and Rules**

- B. A quorum 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 a special meeting day.
- C. If, for any reason, the business to be considered at a regular or special meeting day cannot be then completed, the Commission may at such meeting recess and designate the time to reconvene to consider the uncompleted matter, provided that such action shall be publicly announced at the meeting. Notice thereof shall be posted in a conspicuous place in the Lynnwood City Hall. Provided further that if such reconvened meeting is not held on a regular meeting day, notice thereof shall be given in the manner provided for notice of a special meeting day.
- D. Special meetings may be called at any time by the Chair or, in the Chair's absence, by the Vice-Chair(s), or by at least four (4) members of the Commission, by delivering personally, electronically, or by mail, written notice to each member of the Commission; and to each local newspaper of general circulation, and to each local radio or television station which has on file with the Commission a written request to be notified of such special meeting or of all special meetings. Notice thereof shall be posted in a conspicuous place in the Lynnwood City Hall. Such notice must be delivered personally, electronically or by mail at least seventy-two (72) hours before the time of such meetings as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the Commission. Such written notice may be dispensed with as to any member who at or prior to the time and meeting convenes files with the Executive Secretary of the Planning Commission a written waiver of notice. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.
- E. All regular and special meetings of the Planning Commission shall be open and the public shall be permitted to attend.

### **Section 2: Agenda and Staff Reports for Regular and Special Meetings**

A copy of the agenda for every regular and special meeting of the Lynnwood Planning Commission shall be provided each member not less than six (6) days prior to the date of the meeting at which such agenda is to be considered.

The Executive Secretary of the Lynnwood Planning Commission, in consultation with the 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 Lynnwood Development and Business Services, as hereafter provided, or which was not initiated by motion of the Lynnwood Planning Commission or City Council. The Chair may, however, place housekeeping and non-action items on the agenda.

Where any matters filed with the Department of Development and Business Services for consideration and action by the Planning Commission, which matter is deemed by the Director of Development and Business Services to be of concern to other departments of the City and other public agencies, the Department shall notify each such interested

## **Lynnwood Planning Commission Scope and Rules**

department or agency of the impending matter and request a report or recommendation, if any, on the matter. The notification to the other departments or agencies 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 departmental or agency reports and recommendations shall be considered by the Planning Commission at the time the matter is before it.

The Lynnwood Development and Business Services staff shall review the items on the agenda and submit the staff's recommendations and findings to the Planning Commission prior to a regular meeting.

### **Section 3: Minutes and Records**

A record of proceedings of all official meetings shall be recorded and the files 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 attendance, shall constitute the record of proceedings.

A copy of the records of proceedings taken at any meeting shall be provided by the Development and Business Services staff to anyone on request, at costs as established by the City of Lynnwood.

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 case file number.

All actions of the Planning Commission, whether by motion or resolution, shall be considered conclusive as to general import as of the date of such action, provided the Chair has authority to modify non-substantive items.

### **Section 4: Public Hearings and Meetings**

Public Hearings and meetings conducted by the Planning Commission shall conform to the provisions of law in the matter of public notice, time, number and reporting.

In all cases where it shall appear any notice of publication or posting or communication may be defective, any member, after hearing the statement of the defect, can rise to a point of order and request that the issue of notice be tabled and that the matter proceed, reserving to any aggrieved person the right to appeal to the Planning Commission and, upon a vote by the majority, the issue of notice shall become moot as to the Planning Commission. The tabling of an issue of notice shall not prejudice the rights of any aggrieved party to full consideration of the apparent defect at a subsequent review phase.

### **Section 5: Order of Business**

The regular order of business at regular meetings of the Lynnwood Planning Commission shall be:

- A. Call to Order / Roll Call
- B. Approval or Corrections of previous Meeting Minutes

## **Lynnwood Planning Commission Scope and Rules**

- C. Public Comments (on matters not scheduled for a public hearing on tonight's agenda)
- D. Public Hearing(s)
- E. Work Session(s)
- F. Other Business
- G. Council Liaison Report
- H. Director's Report & Informational Item(s)
- I. Adjournment

### **Section 6: Conduct of Public Hearings**

- A. The Chair opens the Public Hearing and orally summarizes the application before the Lynnwood Planning Commission.
- B. The Development and Business Services Director, or designated staff, provides background information, technical analysis, review planning considerations and policy, and summarizes the Department's findings and recommendation to the Planning Commission. Copies of staff testimony and reports should be submitted in writing to made part of the record.
- C. Upon recognition by the Chair, a Planning Commissioner may ask relevant questions on the application to staff.
- D. The Chair opens the public hearing portion of the deliberation.
- E. The applicant or designated representative is invited to speak on behalf of the application. Upon recognition of the Chair, a Planning Commissioner may ask relevant questions to the applicant, applicant's designated representative or to the planning staff.
- F. The public is invited to speak for or against this application. In event that there are large numbers of individuals seeking to speak on the issue, the Chair may limit the time that each individual may speak on the issue. The Chair should alternate between proponents and opponents when possible to provide for a balance discussion of the application. Upon recognition of the Chair, a Planning Commissioner may ask relevant questions of the individual testifying.
- G. After the general public have commented on the application, the applicant is invited to speak in rebuttal or to answer questions that may have arisen.
- H. The general public is given another opportunity to rebut comments by the applicant.
- I. The Chair calls a third time for public testimony, upon hearing none the public testimony portion of the pubic hearing is officially closed.
- J. The Chair now opens the session for Planning Commissioner deliberations and action. Upon recognition by the Chair, a Planning Commissioner may direct specific questions to staff, applicant, applicant's representative, community member or fellow Planning Commissioner to clarify issues, comments or technical questions that may not have been directly addressed during the public testimony portion of the public hearing.

## **Lynnwood Planning Commission Scope and Rules**

- K. After reasonable time, the Chair closes further discussions and entertains a motion from the Planning Commission. The Planning Commission may approve, modify, reject or continue the item until another Planning Commission meeting date certain.
- L. After a motion is made and seconded, the Chair entertains additional discussion on the motion. Upon recognition of the Chair, a Planning Commissioner may exercise further parliamentary actions on the original motion.
- M. Upon hearing no further deliberation, the Chair takes a vote on the motion or any subsidiary motions and directs the Executive Secretary to record the formal action as required by these Scope and Rules.

### **Section 7: Conduct of Public Meetings**

Under the Growth Management Act of the State of Washington, a single level of formal legislative review must be adopted by each jurisdiction. The City Council has reserved this legislative review on certain planning issues requiring a quasi-judicial determination. The Planning Commission may conduct public meetings to assist an applicant with the development of his or her application. These public meetings will be conducted on an informal basis to provide guidance to the applicant in advance of formal City Council consideration.

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- A. By the request of the Chair, or in the Chair’s absence by the acting Chair as set forth in the provisions under Article IV, Section 8.
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- C. By sustained motion of the Planning Commission.

Written notice of all study sessions and special meetings shall be provided to all members of the Planning Commission and public in accordance with all applicable rule for public notice.

### **Section 9: Quorum**

## **Lynnwood Planning Commission Scope and Rules**

Four (4) members of the Lynnwood Planning Commission shall constitute a quorum as outlined in LMC 2.29.050. All actions of the Lynnwood Planning Commission shall be determined by a minimum of four (4) affirmative votes of the total Commission.

### **Section 10: Rules of Procedures**

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## **ARTICLE VI: COMMITTEES**

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### **Section 1: Establishment of Committees**

The Chair may from time to time establish a committee of the Planning Commission to carry out certain specific duties or functions as the Planning Commission deems advisable. The Chair may appoint or recommend Commission members to outside committees.

### **Section 2: Appointment and Terms of Committee Members**

The Chair of the Planning Commission shall appoint the members of each committee, not to exceed three (3) members. The committee shall name the Chair of each committee.

### **Section 3: Duration of the Committee**

The committee shall complete its assigned tasks expeditiously and report its findings, in writing, to the entire Planning Commission.

### **Section 4: Limited Powers**

No standing or special committee shall have the power to commit the Planning Commission to the endorsement of any action, plan or program without its submission to the body of the Planning Commission.

## **ARTICLE VII: PLANNING COMMISSIONER CONDUCT**

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### **Section 1: Public Statements**

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

Lobbying efforts by any Advisory Bodies on legislative, or political, matters should first be checked for consistency with existing City policy by contacting the Mayor's office. In the event a position is taken that differs from that of the City's policy, an Advisory Body cannot represent that position before another body, e.g., the State Legislature of the County Council. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that the member is not speaking as a representative of the City, or as a member of an Advisory Body.

## **Section 2: Ex-Parte Contacts and Sharing of Information**

It is in the public interest that, to the greatest extent possible, all members of the Planning 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 either a quasi-judicial or legislative matter has been introduced and is still before the Planning Commission for a decision. Examples of legislative issues on which the Planning Commission deliberates and makes recommendations include comprehensive plan amendments, code amendments, and other policy recommendations.

With respect to matters of a quasi-judicial nature, members shall abide by the provisions of the Appearance of Fairness Doctrine of the State of Washington, as codified at RCW 42.36; as adopted or subsequently amended. Examples of quasi-judicial land use matters are those which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceedings. Ex-parte communications during the pendency of any quasi-judicial proceeding are prohibited unless the member engaged in such communications: 1) places on the record the substance of any written or oral ex-parte communications concerning the decision of action; and 2) provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered.

## **Section 3: Conflict of Interest or Appearance of Fairness**

If it shall appear to any member at any time that a conflict of interest or an appearance of fairness problem exists with respect to a matter pending before the Lynnwood Planning Commission, it shall be the member's duty to openly state the nature of such conflict, and shall then refrain from participating in any subsequent deliberation of the Lynnwood Planning Commission and the decision-making process with respect to the matter.

## **Section 4: Attendance**

Regular attendance of Planning Commission at regularly scheduled or special meetings is important and critical to the operation of this advisory body. Each Planning Commissioner is responsible for notifying the Chair and Executive Secretary or their designee when a scheduling conflict arises that prevents a Commissioner from attending of a scheduled meeting.

In the event that a Planning Commissioner cannot actively participate in regularly scheduled or special meetings, the Planning Commissioner should consult with the Chair and the Executive Secretary to determine if his or her absence can be accommodated. If the scheduled absence proves disruptive, the Planning Commissioner should consider resigning his or her Planning Commission position. Removal or resignation of a Planning Commissioner shall comply with Article IV Section 7 of this document.

## **Section 5: Conduct of Business**

The Chair shall direct the conduct of meetings. A Planning Commissioner should seek recognition of the Chair before speaking.

## **Section 6: Decision of The Commission**

The Lynnwood Planning Commission's goal is to provide a consensus recommendation to the Mayor and City Council on matters referred to the Planning Commission for action after full and complete discussion with all members in attendance. Each Planning Commission member should strive to fulfill this goal by attending as many Commission meetings as possible and by expressing his or her views.

When, despite the best efforts of each member, a consensus cannot be reached, minority reports may be prepared and forwarded to the Mayor and City Council. When a decision is reached, a member not voting with the majority may prepare a minority report. When the minority is comprised of more than one individual, and if requested, the minority report may be prepared by Development and Business Services staff.

A minority report, or request for preparation of a minority report, shall be made within seven (7) calendar days of the date of majority action, or the right to transmit such report shall be deemed to have been waived. All minority reports shall be signed by the members who prepare, or request preparation, of the report and shall be forwarded to the Mayor and City Council by the Chair. Minority reports will be transmitted by the Chair at the same time as the majority recommendation is transmitted, with copies distributed to all members.

In every case where the action of the Planning Commission is overruled, reversed or not adopted by the City Council, the Executive Secretary will make available to the Lynnwood Planning Commission, at its next regular meeting, the findings, conclusions and decision of the City Council.

## **ARTICLE VIII: AMENDMENTS**

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These Scope and Rules may be amended at any regular meeting by the affirmative vote of four (4) members of the Planning Commission; provided that the proposed amendments together with the precise wording of such changes has been presented at the previous meeting.

**TO:** Planning Commission

**FROM:** David Kleitsch, Development and Business Services Director  
Ashley Winchell, Community Planning Manager

**DATE:** January 14, 2021

**SUBJECT:** Director and Planning Manager's Report

### **Comprehensive Plan Update**

The City of Lynnwood is required to update its Comprehensive Plan by June 2024. The City has entered into a contract with Otak to assist with updates to the plan. The contract includes the following tasks:

- **Task 1: Comprehensive Plan Audit and Formatting.** This task focuses on creating a more user-friendly document. This includes creating a document format that creates cohesion, consistency across elements, and prioritization of high-level policies. The audit will also identify needed policy additions and plan elements not currently addressed, including more emphasis on race and social equity, community health and services, liveability and sustainability, orientation to transit, and other relevant topics to better support the City Vision and Regional Growth Center needs.
- **Task 2: Comprehensive Plan Guidance Document.** This task will create materials to guide departments in updating and expanding draft plan elements to encompass more pertinent topics and needs relevant to the City's changing socioeconomics and demographics, as well as important values and characteristics that can support a thriving community as it grows rapidly.
- **Task 3: Comprehensive Plan Branding and Template Documents.** This task will create a brand for the document which reflects Lynnwood's character, values, and identity. Easy to populate templates will be created for City use.
- **Task 4: Draft Work Plan:** The Contractor will review and update the work plan developed by City staff for the 2024 Comprehensive Plan, making recommendations for the process of developing the plan including inter-departmental coordination and delivery steps, as well as the process for review and integrating public and stakeholder engagement and input at key milestones.
- **Task 4: Public and Stakeholder Engagement Plan:** Engagement of the full community and diverse stakeholders will be critical to the development of a successful comprehensive plan. The Contractor and City will work together to define the best

process for engagement as part of plan development, integrating equitable engagement opportunities and providing meaningful ways to involve the public and stakeholders throughout the entire process.

### **Development and Business Services**

On December 14, 2020 City Council approved an ordinance for adoption formalizing the creation of the Development and Business Services Department. On that date City Council appointed David Kleitsch as the Development and Business Services Director.

### **Planning Commission Vacancies**

Positions #1 and #7 were vacated on December 31, 2020 due to term limits. Candidates for those positions will be interviewed by City Council on January 19, 2021.

Commissioner Eck's term expired on December 31, 2020. City Council reappointed her to position #2.

### **Q1 2021 Planning Commission Schedule**

Election of Officers	Work Session	January 28, 2021
Housing Action Plan Briefing	Work Session	January 28, 2021
Housing Action Plan Briefing	Work Session	February 11, 2021
Housing Action Plan Adoption	Public Hearing	February 25, 2021