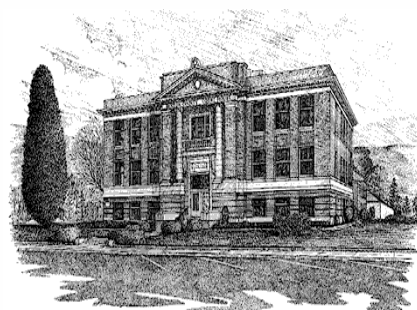


Benton County Planning Department

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509-786-5612 or 509-736-3086, Fax: 509-786-5629



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BENTON COUNTY PLANNING COMMISSION RULES OF PROCEDURE

We, the members of the Benton County Planning Commission, State of Washington, do hereby adopt and declare the following rules of procedure:

1. NAME

The official name shall be "Benton County Planning Commission".

2. MEMBERSHIP

The Benton County Planning Commission shall be composed of seven members who shall be residents of the County. Although Commissioners should exhibit a variety of interest, professional experience, and opinions, they should act as individuals and represent the County and it's citizens as opposed to any special interest group. The Commission shall include two members from each of the three County Commissioner Districts and one member "at large" from any one of the three Districts.

3. OFFICERS

The officers of the commission shall consist of a chairman, vice-chairman, and such other officers as the commission may, by majority vote, approve and appoint.

The officers shall serve for a period of one year computed from the date of their elections. However, any officer or employee may be removed at any time by a vote of the majority of the commission entered on record. The election of officers shall take place once a year on the occasion of the first meeting of the year.

Chairman

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The chairman shall preside over the meetings of the commission and may exercise all powers usually incident to the office, including the full rights as a member of the planning commission (including, but not limited to, voting, seconding motions, making motions, discussions.)

The chairman shall have full power to create standing committees or temporary committees of one or more members, charged with such duties, examinations, investigations, and inquiries relative to subjects of interest to planning commission, as it may by motion or resolution determine. No standing or temporary committee shall have the power to commit the commission to the endorsement of any plan or program without its submission to and adoption by the commission.

Vice Chairman

The vice-chairman shall, in the absence of the chairman, perform all duties incumbent upon the chairman.

Chairman Pro-tem

If the chairman and vice-chairman are both absent from a meeting, the members of the commission shall elect a temporary chairman who shall have full powers of the chairman for the duration of that meeting.

Secretary

The planning director or his designated representative shall be the secretary to the planning commission. The duties of the Secretary shall be:

- a. Take roll at regular, special, and public hearing meetings.
- b. Keep a record of all correspondence.
- c. Preserve all manuscripts and records.
- d. Keep a current roster of all members
- e. Prepare and circulate all agendas and staff reports regarding commission business.
- f. Prepare the minutes of all meetings of the commission.
- g. Record all meetings and, if necessary, have a verbatim transcript of a meeting prepared.
- h. Prepare the Recommendation, Conclusions, and Findings of the Commission for signature by the Planning Commission Chairman.

i. Forward the Planning Commission's record and Recommendation, Conclusions and Findings to the Board of County Commissioners.

j. The secretary shall keep a record of all meetings of the commission and the committees when requested to do so, and these records shall remain the property of the commission and be retained at the office of the Benton County Planning Department.

k. The secretary shall keep a record of all recommendations of the commission forwarded to the Board of County Commissioners for their action, and a similar file of reports of the action taken by the Board of Commissioners on these recommendations. The secretary shall notify the commission of actions taken by the Board of County Commissioners that are not in agreement with the recommendation of the commission.

l. The secretary shall prepare and distribute notices of meetings to the members of the planning commission, the county engineer, the Board of County Commissioners, and to the appropriate city agencies within the county.

4. QUORUM

A majority of the membership of the commission, being not less than four (4) in number, shall constitute a quorum for the transaction of business. Any action taken by a majority of those present, when those present constitute a quorum, shall be deemed to be the action of the commission, except in matters relating to comprehensive plan changes, zone changes, and subdivision approvals. Comprehensive Plan changes; zone changes, and subdivision approvals shall be by the affirmative vote of not less than a majority of the total members of the planning commission. (RCW 36.70.600)

5. ABSENCE OF MEMBERS

Members unable to attend a regularly scheduled meeting of the commission shall so notify the secretary in advance. Three consecutive unexcused absences shall be construed as a neglect of duty. The position may be declared vacant, the member so notified, and the Board of County Commissioners called upon for action.

6. APPLICATIONS AND PETITION

Petitions and applications will be accepted by the planning commission only when properly filed with the secretary on forms furnished by the secretary. The applications reviewable by the Planning Commission include but are not limited to the following:

A. Comprehensive Plan Change.

B. Zone Change.

C.Subdivision

D.Planned Developments

E.Planning determination (zoning ordinance interpretations.)

In order to properly review applications to subdivided land and lessen the chances of confusion and conflicts, the planning commission will not consider any preliminary plat resubmittals on the same property until any other pending subdivision application or approved preliminary plat for the same land has been withdrawn through a written request by the original applicant.

7. AGENDA

An agenda shall be prepared for each regular meeting, consisting of the following order of business:

- A. Call meeting to order.
- B. Roll call and declaration of quorum.
- C. Approval of minutes of previous meeting.
- D. Consent Agenda
- E. Unfinished Business (tabled or continued items)
- F. New Business (newly scheduled public hearings, etc.).
- G. Planning department reports and discussion.
- H. Unscheduled visitors.
- I. Adjournment.
- J. Workshops.

The Chairman may, with the approval of a majority of the Planning Commission members present, allow Unscheduled Visitors to be moved forward on the agenda.

An agenda shall be prepared for each special meeting consisting of the following order of business:

- A. Roll Call
- B. Special business for which meeting is called.
- C. Adjournment.

8. MEETINGS

The Planning Commission shall hold it's regular meetings on the third Tuesday of each month, commencing at 7:00 p.m. or at any other places, dates and times as indicated in the

public notice. Continuation of meetings past 10:00 p.m. will require approval of a motion by a majority of the members present. Special meetings may be held at any time and location as indicated in the public notice. Where the Benton County Planning Commission Rules of Procedure do not state otherwise, the parliamentary rules and procedures contained in the current edition of *Robert's Rules of Order* shall apply. The meetings of the planning commission shall be open to the public.

To conduct official Planning Commission business, a quorum must be present. If no quorum exists due to members leaving the meeting, no official action can be taken. See Section 4 regarding what constitutes a quorum.

9. PUBLIC HEARINGS

To provide a fair and efficient forum for the conduct of business at Planning Commission meetings, the following rules of decorum shall be observed. If audience dialogue becomes disruptive, the chairperson may recess the meeting or request that the meeting be adjourned.

There are two types of public hearings, legislative and quasi-judicial. The purpose of a legislative public hearing is to obtain public input on legislative decisions on matters of policy. Quasi-judicial public hearings, unlike a legislative one, involve the legal rights of specific parties, and the decision made as a result of such hearings must be based upon and supported by the testimony presented by witnesses at the hearing and all documents or exhibits that have been submitted in connection with the matter being considered. All documents, including maps, drawings, and staff reports, will be admitted as numbered exhibits during the public hearing. Testimony at a quasi-judicial hearing will be taken under oath given by the Secretary of the Planning Commission. It is not necessary that individual oaths be taken; a group oath is sufficient so long as each witness is present for the group oath.

The chairman or acting chairman will call the meeting to order and request the secretary to call the roll and declare if there is a quorum.

The chair will request a motion to approve the minutes of the previous meeting as written or if necessary, make amendments to the minutes for corrections. The chair will then sign the approved copy of said minutes.

The Chair will then ask if there are any items on the consent agenda that a member wishes to be moved to the regular agenda for discussion before a decision is made. The chair will then ask for a motion on the consent agenda.

The chair shall then ask if there is any unfinished business; i.e., items which have been previously tabled or continued from the previous meeting. If there are said items, the hearing shall be conducted in the following manner.

- A. The chair declares the continued hearing open and takes new testimony only.
- B. The Secretary gives an oath to those wishing to testify.
- C. If the public hearing had been closed from the previous meeting, NO NEW TESTIMONY WILL BE TAKEN. The planning commission will discuss the item and if the members need additional information they can request members of the audience to provide them with the required information.
- D. If the commission members feel they have all the information they need for their recommendation, they will then complete the Findings of Fact.
- E. After the completion of the Findings of Fact, the commission members are now ready for a motion.
- F. The motion for recommendation of approval, denial, tabling, or continuance must be made and seconded. Any motion must state specific reasons for approval, denial, tabling or continuance.
- G. The vote is then recorded in the minutes.

Following action on the tabled or continued items, the chair shall then consider any new business. New business shall include any new applications submitted to the secretary for public hearing before the planning commission.

In reviewing applications which have been submitted to the planning commission, the chairman shall adhere to the following outline while presiding over the public hearing and reviewing the application.

- A. Chairman declares public hearing open. At the direction of the Planning Commission, the secretary shall announce the ground rules; i.e., time limits for speaking, sign up sheets, submitting exhibits if any, for the hearing. The secretary shall ask the members of the hearing body the following:

Does anyone have an interest in the property or the application at issue, or do they own property in close proximity of the property subject to the application?

Does anyone stand to gain or lose any financial benefit as a result of the outcome of the hearing?

Can the members hear and consider the application in a fair and objective manner?

Has anyone engaged in any ex-parte communications with either proponents or

opponents of the application? If so, please place on the record the substance of any such communications so that interested parties have the opportunity to rebut the communications.

Does anyone in the audience wish to challenge on appearance of fairness grounds participation in the matter by any member of the hearing body, please include the reasons for the request.

Any member disqualified based on appearance of fairness grounds must leave the hearing room and must not participate further concerning the application.

B. Review of application by planning staff.

C. The secretary gives an oath to those wishing to testify.

D. Applicant's testimony.

E. Testimony from agencies or individuals requested to be at the hearing.

F. Proponent's testimony.

G. Opponent's testimony.

H. Applicant's rebuttal.

I. Clarification of public statements.

J. Planning commission discussion of evidence presented and the application (Among planning commission members only). Members may ask questions to members in the audience to obtain additional information, but members may not provide factual information. Evidence must be provided by persons other than the members.

K. If the Planning Commission determines they have all the information they need for their decision, they will then close the public hearing to further public testimony. They may then complete the Findings of Fact or continue the meeting to a later date for a decision. If the Planning Commission at this time determines they need additional information, then they may by motion continue the public hearing to another date, time, and place.

L. Approve, deny or modify a proposal, a motion must be made and seconded. Any such motion must state the specific reasons for approval, denial, or tabling.

M. The vote is then recorded in the minutes.

After the public hearings have been completed, the chairman shall ask if there are any reports from the planning department on any other matters that require discussion.

Following the planning department reports and discussion, the chair will ask if there are any visitors who are not part of the regular agenda. If so, the chair will recognize the visitors and discuss the subject matter.

If there is no further business, the chair may entertain a motion for adjournment.

10. AMENDMENT

These Rules of Procedure may be amended in the following manner: The secretary shall send a copy of the proposed change(s) to all members of the commission in a reasonable time prior to the meeting. The majority of the total membership must approve the amendments at a regular meeting of the Planning Commission.

DATED THIS 18th DAY OF NOVEMBER, 2003.

BENTON COUNTY PLANNING COMMISSION


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***THIS PAGE CONTINUOUSLY UPDATED
ADDRESS QUESTIONS OR COMMENTS TO
[Donna Hutchinson, Office Assistant](#)***