

## Chapter 3.64

### PLANNING COMMISSION

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#### **3.64.010 Planning commission established.**

There shall be a planning commission of the city of Bellevue.

- A. *Membership and Appointment.* The planning commission shall consist of seven members appointed by the mayor following the consent of a majority of the city council. Commission members shall be appointed without respect to political affiliation and shall serve without compensation. The council liaison may recommend appointment of a nonvoting ex-officio member.
- B. *Eligibility.* Members of the planning commission must be residents of the city of Bellevue.
- C. *Terms of Office.* The term for all positions on the commission shall be four years. Each position shall expire on May 31st of the last year of the term. The expiration date of the terms of the positions on the commission shall be staggered so that no more than four positions expire in the same year.
- No person shall serve more than two consecutive terms; provided, that a person appointed to fill an unexpired term of less than two years is eligible to serve two successive four-year terms, and provided further, a person who is ineligible to serve for having served two consecutive terms may again serve after two years have elapsed from the end of the second such term.
- D. *Vacancies, Removal of Commission Members, and Filling of Unexpired Terms.*
1. The position of a member of the planning commission shall become vacant upon such member ceasing to be a resident of the city.

2. Members of the commission may be removed at any time by the mayor, upon approval of a majority of the city council, for neglect of duty, conflict of interest, unexcused absence from three consecutive regular meetings of the commission, or for any reason deemed sufficient by a majority of the council. The decision of the council shall be final and there shall be no appeal.

3. Vacancies occurring for reasons other than the expiration of a term shall be filled for the unexpired portion of the term by appointment by the mayor upon approval of a majority of the council.

E. *Ethical Standards.* Commission members shall be held to high ethical standards and shall at all times comply with the provisions of Chapter [3.92](#) BCC, as they exist now or may be hereafter amended. (Ord. 6242 § 2, 2015.)

### **3.64.020 Officers.**

A chair, vice chair and other officers as the commission deems necessary shall be elected annually from its members. The chair shall preside at meetings; the vice chair shall preside at meetings in the absence of the chair. (Ord. 6242 § 2, 2015.)

### **3.64.030 Meetings.**

A. The commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the commission may recess for either the month of August or December.

B. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter [42.30](#) RCW, and the Public Records Act, Chapter [42.56](#) RCW, as they exist now or may be hereafter amended.

C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.

D. Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

E. *Remote Participation.*

1. Commission members are encouraged to attend meetings in person when practicable. A member may participate remotely using approved teleconferencing equipment. Any member who wishes to participate in a meeting remotely must notify the presiding officer and the staff liaison of their intent no later than 12:00 p.m. the day prior to the meeting. If more than three members provide timely notice of their intent to participate remotely, the staff liaison will determine who may participate remotely and who may not, and will notify the members.

2. The presiding officer must be physically present for a meeting. If the presiding officer is unable to be physically present, the presiding officer must pass the presiding officer role to a board member who is physically present at the meeting.
3. No more than three members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

F. *Public Participation.*

1. Public comment shall be limited to matters relating to city of Bellevue government and to subject matters encompassed within the power and duties of the commission.
2. Public comment may not be used for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition.
3. Persons participating in commission meetings must not engage in speech or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting. Disruptions may include and are not limited to:
  - a. Addressing the commission while the commission is in session without the permission of the presiding officer;
  - b. Failure of a speaker to comply with the allotted time established for that speaker's public comments or to speak on topic during a comment period that is limited to a topic;
  - c. Failure of a speaker to comply with the rules in this code or in the commission's bylaws concerning public comment;
  - d. Using an allotted comment period for purposeful delay, including remaining silent or engaging in other activity without conveying a discernible message;
  - e. Whistling, hand clapping, stomping of feet, shouting or other outbursts from members of the public who have not been recognized by the presiding officer for public comment or testimony;
  - f. Speech or other expression by an individual who has not been recognized by the presiding officer for public comment who is expressing themselves in a volume louder than a low, conversational level appropriate for communication between persons seated next to each other in the commission meeting room, or whose speech or other expressions are audible by others;
  - g. Standing in a location that obstructs the view of meeting attendees, unless speaking as recognized by the presiding officer;
  - h. Approaching commission members or city employees who are staffing the meeting while the commission meeting is in progress, unless permitted to do so by the presiding officer; and

- i. Affixing a banner or sign to walls or structures in the commission meeting room or holding or placing a sign in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending a commission meeting.
4. Persons participating in commission meetings must also not engage in the following conduct, which may subject them to criminal sanctions in addition to the enforcement of these requirements:
  - a. True threats of violence, that purposefully or recklessly place a person in fear of bodily harm, death, or other violence;
  - b. Use of obscene language or gestures; or
  - c. Assault or attempted assault.
5. *Ejection From Meeting.* Where speech or conduct results in actual disruption of the commission meeting, or is in violation of subsection (F)(4) of this section, the presiding officer may issue a verbal warning to the person and/or may (a) terminate the person's individual comment period and direct their microphone be turned off; (b) direct security personnel to assist the person to the person's seat; or (c) order the person to leave the meeting room for the remainder of the meeting and have the person removed from the meeting room by security personnel if the person does not leave.
6. *Exclusion From Future Meetings.*
  - a. Repeated disruptions, or violations of subsection (F)(4) of this section, may result in the person being excluded from participating in public comment or from attendance at one or more future commission meetings.
  - b. In deciding whether to issue a notice of exclusion and the terms and length of the exclusion, the presiding officer shall consider the seriousness and number of the disruptions or violations, their impact on the orderly conduct of commission meetings, whether the conduct threatens public safety, and the person's record of conduct at meetings. The presiding officer may issue an exclusion from participating in public comment, or from attendance, at future commission meetings for up to 60 calendar days.
  - c. If the presiding officer issues an exclusion to any person for future meetings, the exclusion shall be in writing and shall inform the person of the specific reasons for the exclusion and the specific terms and length of the exclusion. The written notice shall advise that if the person desires to address the commission during the period of exclusion, they may submit written comments which will be received by the staff liaison and provided to each of the commission members.
  - d. The notice shall be filed with the city clerk, who shall mail it to the person's last known address, if any, or to the person's email address if the city clerk has an email address but does not have a mailing address. The city clerk shall also post the notice on the door of Room 1E-113 in City Hall and on the commission's web page and provide a copy of the notice to all commission members and city council members. The notice is effective when posted on the door of Room 1E-113 and shall remain posted during commission meetings for the duration of the exclusion period.

7. The decision of the presiding officer to eject a person from public comment or attendance at a commission meeting may be overruled by a majority vote of those commission members in attendance at the meeting from which the person was ejected. If the presiding officer issues an exclusion from public comment or attendance at future meetings, that decision may be overruled by a majority vote of those commission members in attendance at the next regular commission meeting following the filing and posting of the exclusion notice or by a majority vote of the city council at the next regular council meeting following the filing and posting of the exclusion notice.

8. Any person excluded from participation in future public comment periods or from attendance at future commission meetings may appeal the exclusion by submitting a written appeal stating the bases for the appeal to the city clerk within six business days after notice of the exclusion is posted on the door of Room 1E-113. Upon receipt of a written appeal, the city council shall consider the appeal at its next regularly scheduled open public meeting. The person's exclusion from public comment periods or from attendance at commission meetings shall remain in effect during the council's consideration of the appeal. (Ord. 6752 § 6, 2023; Ord. 6662 § 6, 2022; Ord. 6516 § 6, 2020; Ord. 6242 § 2, 2015.)

### **3.64.040 Council communications.**

Formal communications with, or feedback to, the council shall represent the official majority and/or minority opinions of the commission, and not those of individual commission members. Commission members wishing to express an individual opinion shall provide their comments at the public comment opportunities on the meeting agenda. (Ord. 6242 § 2, 2015.)

### **3.64.050 Bylaws and procedures.**

The commission shall adopt bylaws and procedures not inconsistent with any requirements established in the Bellevue City Code or Land Use Code for the conduct of its meetings and hearings, setting of times of hearings, and giving of notice to the public and to property owners whose property rights or privileges may be altered by such action. (Ord. 6242 § 2, 2015.)

### **3.64.060 Staff support.**

The community development department shall provide technical and clerical support for the commission. (Ord. 6420 § 4, 2018; Ord. 6242 § 2, 2015.)

### **3.64.070 Powers and duties.**

The commission shall act in a policy advisory capacity to the city council. The commission may hold public hearings and shall conduct studies, perform analyses, and prepare reports requested by the city council, and shall review, advise and make recommendations to the council. The commission shall:

- A. Review, consider amendments, and make recommendations to the city council on the comprehensive plan and other planning documents of the city to determine if the city's plans, goals, policies and land use ordinances and regulations implement the state Growth Management Act (Chapter [36.70A](#) RCW) and promote orderly and coordinated development within the city. The commission may initiate amendments to the comprehensive plan map or text in order to make technical corrections (LUC [20.30I.130](#)). The commission may recommend that the city council initiate amendments to the comprehensive plan (LUC 20.30I.130(B)(2)).
- B. Review land use ordinances and regulations of the city and make recommendations regarding them to the city council. Such ordinances and regulations shall be consistent with and implement the comprehensive plan. The planning commission may initiate an amendment to the text of the land use code, as provided in LUC [20.30J.125](#).
- C. Recommend, establish priorities for, and review studies of geographic subareas in the city.
- D. Review and make recommendations regarding regulations related to critical areas and other land use issues.
- E. Be encouraged to maintain a liaison with the planning agencies of other Eastside municipalities and regional planning agencies.
- F. Have such other duties and powers as heretofore have been or hereafter may be conferred upon the commission by city ordinances or as directed by the city council.

In addition, the commission:

- G. May provide the public with opportunities for involvement in the commission's activities.
- H. May recommend particular concepts for inclusion in the city's vision, subject to approval by council.
- I. May research and provide suggestions on new matters or initiatives that council may wish to consider.
- J. Shall provide at least quarterly communications to the council highlighting major activities, future work plans, changes in work plans, and any policy direction requested.
- K. Shall perform other duties as may be directed by the city council.

All other city boards, committees, and commissions shall coordinate their planning activities, as they relate to land use or the city comprehensive plan, with the planning commission. (Ord. 6242 § 2, 2015.)

### **3.64.080 Comprehensive plan – Responsibilities.**

As noted in BCC [3.64.070\(A\)](#), where development or absence of development indicates a condition, a problem, a new element of expansion, unforeseen and not anticipated by the plan, the commission shall notify the city council and, at the direction of a majority of the city council, shall study the subject; and if the commission determines that an amendment, refinement or clarification of the plan is advisable, a public hearing shall be held, with notice of the time, place and subject and published in the manner provided by law. Following the hearing the commission may, at a regular meeting, recommend an amendment of the plan to the council. (Ord. 6242 § 2, 2015.)

### **3.64.090 Limitations.**

The commission shall have no powers or duties related to the following activities:

- A. Advocacy on behalf of the city or the commission without express council permission;
- B. Supervision of staff, administrative operations, or maintenance; and
- C. Regional issues not specifically assigned to the commission by the city council. (Ord. 6242 § 2, 2015.)

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**The Bellevue City Code is current through Ordinance 6758, passed October 16, 2023.**

Disclaimer: The city clerk's office has the official version of the Bellevue City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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