



Planning Commission Staff Report

Meeting Date: October 3, 2017

Subject: Revised Planning Commission Rules, Policies and Procedures
Applicant: Planning and Building Division
Agenda Item Number: 10A
Project Summary: Action to review revised Planning Commission Rules, Policies and Procedures
Recommendation: Review, discuss and provide direction to staff on the revised Rules, Policies and Procedures
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Description

For possible action and discussion to provide direction to staff on the proposed revised Rules, Policies and Procedures (RPPs) for the Planning Commission regarding the conduct of meetings, hearings, and appeals to the Board of County Commissioners, and governance matters such as quorum, voting, record keeping, and the duties, responsibilities, and ethical rules for Planning Commission members. Staff will incorporate any provided direction into the proposed revised RPPs and bring the RPPs back to the Planning Commission at their November 7, 2017 meeting for review and possible adoption. Direction can include amendments resulting in a full overhaul of the RPPs in order to streamline them and shorten them to coincide with the structure of the RPP amendments by the Board of Adjustment in 2016.

Rules, Policies and Procedures

The Washoe County Planning Commission adopts a standard set of rules, policies and procedures to guide the Planning Commission, and individual Members, in the discharge of their duties. The rules, policies and procedures provide continuity and consistency between the regulations and administrative functions necessary for the Planning Commission to execute its obligations. The Planning Commission is regulated through Nevada Revised Statute (NRS) and Washoe County Code.

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Staff Report Attachments

Proposed Rules, Policies and Procedures (current) Attachment A

Draft Proposed Rules, Policies and Procedures (annotated)..... Attachment B

Draft Proposed Rules, Policies and Procedures (clean) Attachment C

Background

At the Planning Commission meeting on August 1, 2017, staff was directed to overhaul the Planning Commission’s Rules, Policies and Procedures (RPPs). Also, at the same meeting, the Planning Commission approved the removal of the five minute time limit for speakers representing a group or organization from the agenda and from the RPPs. The time limit has been removed from the agendas and from the RPPs (see Attachment A for the current RPPs).

At the August 1st meeting, staff presented a proposal to revise the RPPs, which have not been revised since March 4, 2014. In the past, sections of the RPP’s have been revised to address new procedures or laws that had been enacted or other minor amendments. These revisions over time have created RPPs that are lengthy, complex, and redundant. Legal staff has expressed a concern that the current RPPs could result in the possibility of increased legal challenges based not on the decisions of the Planning Commission, but on the failure to follow one aspect of the RPPs. Legal counsel recommends that the revisions to the RPPs create a document which is concise, and simple to follow and interpret. The Board of Adjustment’s RPPs were revised in 2016 to address these same concerns.

The Planning Commission directed staff to prepare a draft of changes to the RPPs, following the model of the Board of Adjustment RPPs with a goal to make the RPPs concise and simple to follow. The draft RPPs will be presented at a future Planning Commission meeting for discussion and direction to staff on any changes. The RPPs will then return to the Planning Commission at a second meeting for possible adoption.

Staff has removed sections within the RPPs that are no longer necessary because of procedure or requirement changes. Other sections have been re-written to make the language more precise, and easier to understand and interpret (See Attachment B for an annotated version of the revised RPPs). Legal counsel reviewed the revised RPPs to ensure that state laws are met and possible legal challenges are addressed. The Planning Commission RPPs are modeled similar to the Board of Adjustment RPPs. The proposed revised RPPs will be a better functioning document, containing rules, policies and procedures that are current, concise and will be more useable for Planning Commission in the future (See Attachment C for a clean copy of the revised RPPs).

Recommendation

Staff recommends that the Planning Commission review and discuss the revised Rules, Policies and Procedures (Attachments B and C) and provide direction as needed to staff on the proposed changes. Staff will incorporate any direction into the revised RPPs and return to the November 7, 2017 meeting with the revised RPPs for possible adoption. The following motion is provided for your consideration:

Motion

I move to provide the following direction to staff concerning the Planning Commission's revised Rules, Policies and Procedures as shown in Attachments B and C (insert direction). I further move to direct staff to incorporate the direction into the revised RPPs and to bring the RPPs back to this Commission at the November 7, 2017 meeting for review and possible adoption.



Washoe County Planning Commission ***RULES, POLICIES AND PROCEDURES***

Adopted August 1, 2017

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Article 1 DEFINITIONS AND GENERAL POLICIES

1.01 Definitions. The following words have the following meanings for purposes of these rules, policies and procedures:

- a. **Adjudicative matter** means deciding or recommending how legislative policies (such as master plans, zoning regulations and provisions in the Development Code) would apply to individual properties usually upon application by property owners. Examples of adjudicative matters include applications by landowners for special use permits, administrative permits, variances, parcel or subdivision maps, development agreements, and Master Plan amendments or re-zoning requests for an individual property or project.
- b. **Department** means the Planning and Development Division of the Community Services Department or the department designated by the Washoe County Commission to administer the regulations of land use and zoning.
- c. **Development Code** means the Development Code of Washoe County, WCC Chapter 110.
- d. **Director** means the chief executive or director of the Department, or his/her designee.
- e. **General Business matter** includes taking action on general business items and procedural matters such as election of officers, appointment of committees, ceremonial or administrative resolutions, and amendments to these rules.
- f. **Legislative matter** includes establishing overall land use policies or designations involving a large area consisting of multiple properties in disparate ownership, including adoption or amendment of the master plan or regulatory zoning regulations as they would generally apply to multiple properties of diverse ownership, or amendments to

the Development Code. However, an application for a master plan amendment or regulatory zoning classification for the benefit of a particular property or project is considered as an adjudicative matter.

1.02 Commission Determines Rules, Policies and Procedures. The Washoe County Planning Commission, under State statute and by Washoe County code, has the responsibility for adopting long-range plans; recommending development code amendments; and approving, when authorized, development applications for the unincorporated portions of the County. In the furtherance of these responsibilities, the Planning Commission adopts the following rules, policies and procedures and from time to time may amend said rules, policies and procedures.

1.03 Duties and Responsibilities.

a. POLICY

- i Members of the Commission shall keep themselves informed on planning laws, policies, procedures and trends in planning practice, and ethics laws of Nevada.
- ii The seven Commission members shall represent the best interests of unincorporated Washoe County.
- iii Commissioners shall endeavor to provide questions on agenda items to the Planning Managers or staff of the Department a minimum of 24 hours prior to the meeting on which the agenda item is scheduled.

b. RULE

- i Members shall be prompt and diligent in attendance.
- ii Failure of a member to attend 3 successive regular meetings, or miss more than 25% of scheduled meetings annually, will be reported to the Board of County Commissioners and said absences may be considered justifiable cause for replacement.

1.04 Communications outside of public hearings or meetings.

a. POLICY. General: Except for legislative and general business matters, Commissioners should avoid ex parte communications (i.e., private communications outside a public meeting with interested parties) regarding matters coming before the Commission.

- i. Legislative and General Business matters. With respect to such actions:
 - a) When being approached or when discussing such matters, there are no policy or legal restrictions, or disclosure requirements. Commissioners are urged to be discreet and not form or communicate any prehearing bias.
 - b) Commissioners are authorized and encouraged in NRS 278.190 to promote public interest in land use plans and policies. Such encouragement includes consulting with public officials and agencies; with public utility companies, civic, educational, professional and other organizations; and, with citizens generally in relation to the carrying out of such legislative and policy matters.

- ii. Adjudicative matters. With respect to such actions:
 - a) Commissioners should avoid ex parte communications with parties who have an interest in the matter. Parties should be encouraged to discuss their comments with staff or at the public hearing rather than privately with individual Commissioners.
 - b) Unsolicited correspondence, emails or phone messages should be preserved so they may be put in the record.
 - c) Commissioners must disclose all ex parte communications. If during any such contacts, a Commissioner obtains information that he/she might consider as important when deciding an adjudicative matter, the Commissioner must assure that the information is:
 - already public knowledge;
 - has been included in the reports or presentations; or,
 - is disclosed or otherwise brought out at the public hearing so that interested parties may have an opportunity to comment on it.
 - d) Commissioners must keep an open mind and not form or communicate any preferences or thoughts that may be perceived as prehearing bias.
- iii. Site Visits. Commissioners are authorized in NRS 278.190 (3) to enter and examine any land in the performance of their functions, and site visits may be important to gain a better understanding of the proposed actions and their impact on surrounding lands.
 - a) Ex parte contact may be unavoidable during site visits and should be limited to the extent practicable. If ex parte contact occurs, it must be disclosed as provided above. It is advisable to have a staff member or another person participate in the site visit and any discussions at the site.
 - b) Commissioners must disclose that they conducted a site visit and do not need to describe what they saw if it is in plain public view. Any information gained during a site visit that is significant in forming a conclusion must be disclosed at the public hearing, if the information has not otherwise been disclosed in the reports and presentations.
- iv. Attorney Communications. Communications with the attorney assigned by the District Attorney's Office or any other attorney appointed or retained to represent or advise the Commission are confidential and privileged attorney-client communications and are not subject to disclosure.

b. RULE

- i. Ex parte contact with respect to legislative and general business matters need not be disclosed and do not disqualify a contacted Commissioner from discussion and voting on the item under consideration by the Commission. Ex parte contact with respect to an adjudicative matter does not disqualify a Commissioner from voting on the matter if disclosure is made and that information derived from the contact(s) that is being considered by the Commissioner is either public knowledge, has been included in the reports or presentations, or is otherwise brought out at the public hearing so that interested parties may have an opportunity to comment on it.

- ii. Commissioners shall not solicit, offer, or accept any offer for any business relationship or arrangement with any interested party. Any preexisting, ongoing or expected business relationship with any interested party must be disclosed and may be grounds for abstention under NRS Chapter 281A.

1.05 Ethical Principles for Planning; Disclosures and Abstentions.

a. POLICY

- i. The Commission adopts the American Planning Association's Ethical Principles in Planning (Appendix A of the Rules, Policies and Procedures) as the guiding principles for the conduct of Commission members. The Commission, however, is governed by Nevada's ethics laws, including NRS Chapter 281A, and to the extent there is a conflict between state law and the APA's Ethical Principles in Planning, state law governs. Additionally, if there is a conflict between these rules, policies and procedures and the APA's Ethical Principles in Planning, these rules, policies and procedures will be followed.

b. RULE

- i. Potential Conflicts of Interest. In connection with matters coming before the Commission, NRS 281A.420 discusses three circumstances where disclosure and abstention may be required. These three circumstances include when a Commissioner
 - has accepted a gift or loan,
 - has a significant pecuniary interest, or
 - would reasonably be affected by the Commissioner's commitment in a private capacity to the interests of another person in connection with the matter.

In any of those circumstances, the Commissioner should check current statutes and rulings of the Nevada Commission on Ethics to determine what disclosures should be made and when abstention is warranted. If disclosure is required, it should be made before the matter is discussed by the Commission, and at that time the Commissioner must also discuss whether or not he/she is abstaining, and why. If abstaining, it is not necessary to leave the room during deliberation and vote, but the Commissioner should leave his/her seat on the Commission until after the vote.

- a) If a Commissioner has an ownership interest in property or a project being considered individually for a master plan amendment, re-zoning, special use permit, variance, tentative map or an entitlement, the Commissioner must abstain but may address the Commission to discuss facts about the property, the project or the proceeding but must not ask, advocate or give any reasons for or against a vote.
- b) If a Commissioner has an ownership interest in land or a project that is being considered with other parcels of land for a master plan amendment, or rezoning and shares benefit or detriment no greater than other owners of properties also being considered, while disclosure is necessary, abstention is not required unless otherwise indicated by the Nevada Ethics Commission rulings.

Article 2 QUORUM AND VOTING

2.01 Number of Commissioners Required to Conduct Business.

- a. For general matters of business a quorum of the Commission shall be four members.
- b. For a matter requiring a two-thirds vote of the total membership as required by state statute, specifically Master Plan amendments, the following rules apply:
 - i. Total membership means the number of commissioners appointed and serving on the Commission. An unfilled vacancy does not count as part of the total membership. If seven members of the Commission are appointed and serving on the Commission, in such matters, not less than five Commissioners must be in attendance and vote to approve the action on said motion. The term "in attendance" means physically present at the meeting or attending the meeting through a telephone or video conference.
 - ii. In the event that the minimum required members of the Commission are not present, the item shall be scheduled for the next appropriate regular meeting.

2.02 Voting.

- a. Unless otherwise provided by code or statute, all matters and motions may be resolved by a majority of votes of those present at the meeting. Washoe County Code provides for differing voting requirements based on the type of application before the Planning Commission. The present code requirements are listed below. In the event of a conflict between the code section and these rules, the code section prevails.
 - i. Types of actions which must be passed by an affirmative vote of no less than two-thirds (2/3) of the Commission's full membership:
 - o Master plan amendment. Affirmative vote of not less than two-thirds (2/3) of the Commission's total membership to adopt by resolution. [WCC Section 110.820.15 (c); NRS 278.210 (3)]
 - ii. Types of actions which must be passed by an affirmative vote of a majority of the Commission's full membership:
 - o Regulatory zone amendment: Affirmative vote by a simple majority of the Commission's membership to adopt, adopt with modification (both of which may include conditions), or deny. [WCC Section 110.821.15 (c)]
 - o Tentative subdivision map: Affirmative vote of the majority of the Planning Commission's full membership to approve, conditionally approve, or deny. [WCC Section 110.608.15 (c)]
 - iii. Types of actions which must be passed by an affirmative vote of a majority of Commissioners present at a meeting (assuming a quorum present at the meeting):
 - o Boundary line adjustment: To approve, conditionally approve, or deny. [WCC Section 110.618.16 (c)]

- o Development code amendment: Simple majority vote of the quorum present at the meeting to recommend approval by resolution. [WCC Section 110.818.15 (d)]
 - o Major subdivision map amendment: To file and record. [WCC Section 110.616.30 (b)]
 - o Project of regional significance: In addition to any review as a special use permit and/or a tentative subdivision map, to approve or provisionally approve. [WCC Section 110.812.25 (c)]
 - o Special use permit: To approve, approve with conditions, modify, modify with conditions, or deny. [WCC Section 110.812.20 (e)]
 - o Vacation or abandonment of easements: To order with or without conditions. [WCC Section 110.806.15 (d)]
 - o Variance: To approve, approve with conditions, modify, modify with conditions, or deny. [WCC Section 110.804.15 (e)]
- b. The Chair shall be a voting member.
- c. The Chair may call for, or a Commissioner may request, a roll call vote on any issue.
- d. An abstention shall be a non-considered vote.
- i. If a Commissioner abstains under NRS 281A.420(5), the necessary quorum and the number of votes necessary to act upon the matter are reduced as though the member abstaining was not a member of the Commission.
 - ii. If a Commissioner abstains for any other reason, the necessary quorum or number of votes necessary for action is not reduced.
- e. A tie vote means the motion does not pass. If, however, one or more Commissioners are absent or abstain from the vote and a tie vote occurs, any Commissioner, and/or the applicant in an adjudicative matter, may ask for and shall be granted a continuance to the next meeting of the Commission.

2.03 Motions to reconsider. A motion to reconsider any action taken by the Commission may be made only during the meeting at which the action was taken or at the next regularly scheduled meeting. A motion to reconsider must be made by a Commissioner who voted on the prevailing side of the motion being reconsidered, but a motion to reconsider may be seconded by any member of the Commission. A previous motion failing by virtue of a tie vote may be reconsidered upon motion of any Commissioner. If a motion for reconsideration relates to an item requiring legal notice, only the motion itself shall be debated and, if passed, reconsideration of the item continued to a future date to allow for the provision of legal notice.

Article 3 MEETINGS

3.01 Notice and Agenda.

- a. The Commission is a public body and must comply with the laws of Nevada regarding public and open meetings, including NRS Chapter 241 (the “open meeting law”). Written notice of all meetings will be given in the time and manner specified in the open meeting law. In addition to disclosures required by the open meeting law, the notice and agenda may refer to, describe or implement these rules, including, but not limited to, statements about public comment time limits, meeting decorum,

hearing procedures, commissioner and participant conduct, voting procedures and appeals.

- b. All meetings of the Commission will be held in accordance with the open meeting law.
- c. Robert's Rules of Order, as amended, may be used for guidance for Commission meeting procedures when a question or controversy arises. Alternatively, the Chair may employ other procedures or techniques in an effort to provide for deliberation, an opportunity for the public and Commissioners to be heard, and for the Commission to reach a consensus and/or decision.
- d. In order to maximize public participation in a meeting, Commission meetings should not extend beyond 11 p.m. and the Chair is authorized to continue items that would start after that time.

3.02 Regular Meetings.

- a. The first Tuesday of each month is the regular meeting day.
 - i. Should the first Tuesday of the month fall on a holiday, or interfere with a special event using the meeting facilities of the County complex, the meeting shall be held on an alternate date and/or at an alternate meeting facility as determined by the Chair or Acting Chair.
 - ii. Should a second monthly meeting be reinstated, the regular meeting day of that meeting would be the third Tuesday of each month.
- b. Order of Business. Regular meetings shall be conducted in the following order¹:
 - 1. *Determination of a Quorum
 - 2. *Pledge of Allegiance
 - 3. *Ethics Law Announcement
 - 4. *Appeal Procedure
 - 5. *Public Comment
 - 6. Approval of Agenda
 - 7. Approval of Minutes
 - 8. Consent Items
 - 9. Planning Items and Public Hearings
 - 10. Chair and Commissioner Announcements
 - 11. *Director's Items
 - 12. *Public Comment
 - 13. Adjournment

3.03 Special Meetings. Special meetings may be held, as required, upon call of the Chair or Acting Chair, or upon the call of not less than three Commission members.

¹ Asterisks (*) are used to denote non-action items. Agenda headings will be modified to correctly indicate whether or not an item is an action (no asterisk) or a non-action action (*).

3.04 Emergencies.

- a. Subject to compliance with the open meeting law, an emergency meeting may be called or an emergency item may be added to any regular or special meeting when unforeseen circumstances require action and include, but are not limited to:
 - i. Disasters caused by fire, flood, earthquake, or other natural causes; or,
 - ii. Any impairment of the health and safety of the public.
- b. Before proceeding with any emergency meeting or considering any emergency item, the Commission must, by the affirmative vote of a majority of the Commissioners present, find that an emergency exists and specify the reasons after receiving advice from the Commission's counsel.

3.05 Continued Items.

- a. The Commission may vote to grant a continuance on an agenda item upon request of a Commissioner, the Applicant or the Applicant's Representative. If the Commission decides to continue an item, the Chair shall first ask if anyone in the audience wishes to testify on the matter even though it may be continued to another date, time and location certain.
- b. Should an item appearing on an agenda be continued to another specified place, date and time, and a Commission member is absent from the first meeting but present for the next meeting for which the item is scheduled, the absent Commission member shall make himself/herself knowledgeable with the minutes and recorded media of the first meeting, and shall declare at the next meeting that he/she has familiarized themselves regarding the case and is prepared to discuss, deliberate and vote on the matter.

3.06 General Expectations of Commissioners During Meetings.

- a. Commissioners shall treat each other and all persons at a meeting with respect before, during and after the meeting. The decorum rules stated below apply to Commissioners as well as members of the public, and a Commissioner may be removed for disruptive conduct except that if a Commissioner is removed for disrupting a meeting, the removal will be only for the agenda item being considered when the disruption occurred.
- b. Commissioners shall be attentive to the proceedings and give their undivided attention to speakers. Engaging in private conversations, performing tasks not associated with the meeting, and displaying obvious boredom are disruptive to the meeting process.
- c. Commissioners shall endeavor to address questions of audience members through the Chair.
- d. Commissioners should be neutral in their response to speaker's opinions through their questions, comments and body language, and should not express an opinion on the agenda item before all public testimony has been provided, although the expression of opinions during public testimony may be appropriate during legislative or general business matters.
- e. Commissioners shall be prepared for each item that is listed on the agenda.

3.07 Meeting Decorum; Removal for Disruptive Conduct.

- a. Meetings of the Planning Commission are limited forums for the governmental purpose of making planning policies and decisions for the community in accordance with its duties under state and local law. That governmental purpose is efficiently accomplished only when the process established by law is followed and all participants in a meeting conduct themselves within the limits established and with decorum, civic responsibility, and mutual respect.
- b. It is the intent of the Commission to maintain the highest level of decorum. The Chair is authorized to take appropriate actions to maintain such decorum to include declaring recesses, admonishing speakers and other remedies set forth below.
- c. The viewpoint of any speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place, and manner of speech at the meeting. Remarks which are irrelevant, impertinent, unduly repetitious, or which contain personal attacks, implied or actual threats, fighting words, or profanity are not consistent with efficiently accomplishing the governmental purpose.
- d. The Chair may remove (with or without warning) any person who willfully makes the kind of remarks described above or engages in other disorderly conduct, if such remarks or conduct makes the orderly conduct of the meeting impractical.
- e. Removal for disruptive conduct will be for the remainder of the meeting.

3.08 Addressing the Commission; Participant Conduct.

- a. Public Comment Period. The following rules apply during the designated “public comment” periods of any meeting where members of the public are permitted to speak on any matter on or off the agenda (as opposed to comments made during public hearings on specific agenda items):
 - i. Unless otherwise specified on the agenda, any person may speak regarding any topic, on or off the agenda. Using public comment time to speak about a topic that is not considered public business (such as advertising of products or services) or over which the Commission has no jurisdiction or control delays the Commission’s ability to conduct its meetings efficiently, and may impair the ability of others to speak on topics over which the Commission has jurisdiction and control, and therefore may be disruptive.
 - ii. No action may be taken on any subject brought up during an “any matter” public comment period until properly agendized and called up for consideration and possible action. [see NRS 241.020(2)(a)(3)]
 - iii. Unless a different time is established by the Chair at the opening of public comment, time limits for speaking will be three minutes per person. Should the Chair establish a different time limit for speaking, then the different time limit will apply to both public comment periods on the meeting’s agenda. Speakers may not reserve time or give time to others. Commissioners may ask questions of the speakers.
 - iv. Individual speaker times may be adjusted by the Chair to accommodate questions by Commissioners.
 - v. Speakers must complete and submit to the Recording Secretary a “Request to Speak” form, and must identify themselves at the beginning of their presentation.

- vi. The Chair shall determine the order of speakers.
- b. Public Hearings or Individual Agenda Items. The following rules apply to persons speaking during public hearings or individual agenda items (as opposed to speaking during public comment periods).
 - i. Public hearings and receiving public input during individual agenda items are part of a governmental planning process and, in order to efficiently pursue that process, persons addressing the Commission during such items are to speak only to the topic being considered. Irrelevant or overly repetitions comments by the same person delays and disrupts the process.
 - ii. Speakers must sign and deliver to the Recording Secretary a “Request to Speak” form. The Chair shall determine the order of speakers.
 - iii. Except as otherwise provided in these Rules or otherwise modified by the Chair or Commission, speakers shall limit their presentation times to three minutes for individual speakers. No speaker may reserve or transfer his/her time to another speaker.
 - iv. The applicant will also be encouraged to limit his/her comments regarding the background of the application. When speakers have exceeded the allotted time, the Chair will endeavor to remind them that they have gone past the recommended time limits and request they conclude their remarks. The Chair may rule the speaker out-of-order should the speaker not obey the Chair’s admonition.
 - v. Alterations to the above time limits may be permitted by the Chair in the following circumstances.
 - a) All Public testimony. The Chair may modify speaker time limits for all public testimony during any item and will announce the modification at the beginning of the agenda item, if possible, or as soon as is practicable during the agenda item. The modified time limits will remain in effect only for that specific agenda item.
 - b) Individual time limits for public speakers. The Chair may adjust individual speaker time limits to accommodate questions by Commissioners
 - c) Applicants, staff, and amicus organizations. Staff, the applicant or his/her representative, or a person representing an amicus group (a group with special knowledge or interest in the agenda item who desires to testify as a friend of the Commission) may notify Department staff 24 hours prior to the start of a noticed meeting at which action may be taken that a longer time is requested to make a presentation. When making the notification, an approximate amount of time needed to make the presentation must be provided. The department will notify the Chair, who has the discretion to grant, modify, or deny such a request at the beginning of the agenda item.
 - d) During individual presentations by staff, the applicant, or amicus organizations, the Chair may adjust the time limit to accommodate questions by Commissioners or if the Chair believes that extra time is essential to a complete presentation of probative and non-repetitive information.

c. Conduct During Meeting.

- i. Persons attending a meeting of the Planning Commission shall respect the Planning Commissioners and participants before, during and after the meeting. The Chair will rule out of order any person that makes personal derogatory or disrespectful comments about the Commissioners, staff or participants.
- ii. Speakers will address questions and comments to the Chair and not to individual Commissioners, staff or audience members.
- iii. Speakers are encouraged to support a previous speaker's comments and not repeat the same point in order that the meeting may be efficiently conducted.
- iv. Audience members are encouraged not to visibly display support or opposition (such as clapping, whistling, etc.) to speaker's points or Commission actions. To the extent such actions make the orderly progress of the meeting impractical, the Chair may order such conduct as disruptive and remove offenders.

3.09 Procedures for Individual Agenda Items.

- a. General Principles. These rules are intended to promote consistency and efficiency, maximize public input, and afford the appropriate amount of due process in the conduct of meetings of the Planning Commission. These rules apply to all proceedings before the Commission.
- b. Consent Agenda.
 - i. The consent agenda may be used for matters which need not be individually discussed and acted on and may be more efficiently handled on a block vote. Examples of items typically handled on the consent agenda are acceptance of dedications, approval of property abandonments, and initiations of amendments which are requested by or for the benefit of the County.
 - ii. Items which require a public hearing shall not be placed on the consent agenda.
 - iii. When announcing the consent agenda, the Chair shall ask for and allow public comments on any item. Any Commissioner may ask for removal of an item from the consent agenda and it shall be removed and handled as a general business item under Rule C(9)(c). Otherwise, consent agenda items may be voted on as a block.
- c. Step by Step Procedures for individual agenda items.

[1] Chair calls on staff to introduce the item. This is only an introduction identifying the parties and the general nature of the proceeding.

[2] Jurisdictional/Procedural Issues.

- a. For items requiring special notice, Chair asks if all notices required by law have been given and if staff has proof of publication and service where required.
- b. Additionally, for adjudicative matters:
 - i. Chair asks if all parties are present and ready to proceed.
 - ii. Chair asks whether there are any objections or special considerations to going forward with the hearing and decision on this matter. Jurisdictional issues shall be decided before proceeding with the public hearing.

- iii. Chair announces that in order to have an appropriate record on appeal or for judicial review, a video recording will be kept of this proceeding and exhibits will be numbered and kept with the Recording Secretary. Any party may be allowed to make recordings or have a court reporter present to record the meeting.
- [3] **Disclosures by Commission Members.** Chair asks for any disclosures and abstentions required by NRS 281A.420 (*Ethics in Government*) and/or any disclosures under Commission Rules regarding ex-parte contacts with the applicant or any interested party.
- [4] **Chair advises audience of general hearing procedures.** If the item has been described as a public hearing item, the Chair will explain that this is a public hearing item and the process and rules to be followed. Public hearing or not, the Chair shall advise that this is an action item under the Nevada open meeting law and that public comment shall be heard before the Commission deliberates toward a decision.
- [5] **Chair may canvas the audience** to determine who is there to hear or speak on the agenda item, who is for or against approval of the item, or to obtain other information useful in managing the hearing and meeting.
- [6] **Chair opens the public hearing** for presentations and public comment.
- [7] **Staff Presentation.**
- a. Staff will be given 15 minutes to present and discuss the item. Commissioners may ask questions.
 - b. The time limit may be adjusted by the Chair to accommodate questions by Commissioners, or if the Chair believes that extra time is essential to a complete presentation of probative and non-repetitive information.
- [8] **Applicant presentation and rebuttals (for Adjudicative matters).**
- a. For adjudicative matters or other matters initiated by an application from someone other than the Department, the Applicant will be given 15 minutes to present and discuss the item. The Applicant may be represented by counsel or any other person or persons. Commissioners may ask questions.
 - b. The time limit may be adjusted by the Chair to accommodate questions by Commissioners, or if the Chair believes that extra time is essential to a complete presentation of probative and non-repetitive information.
 - c. Staff will be offered five minutes of rebuttal time following the Applicant's presentation, and the Applicant will be offered five minutes of rebuttal time following Staff's rebuttal. The time limits may be adjusted by the Chair to accommodate questions by Commissioners, or if the Chair believes that extra time is essential to a complete presentation of probative and non-repetitive information.
- [9] **Public Comment; and rebuttal to public comment in Adjudicative matters.**
- a. Following presentations, the Chair will call for public testimony in accordance with section C(8)(b) of these Rules, Policies and Procedures.
 - b. In adjudicative matters, staff and the Applicant shall be given a reasonable opportunity to comment on any public testimony heard by the Board. The Chair shall decide what is reasonable, and is not required to afford equal time to the applicant for each public testimony.

[10] Commission questions. Commission members may ask questions of staff, the Applicant, or members of the audience. At the discretion of the Chair, a member of the public who previously testified, or staff may be asked to comment on any materials or information presented during the public hearing.

[11] Documents and Evidence.

- a. The staff report and all of its exhibits, and all documents offered by any presenter or speaker, shall be kept with the minutes and are public records. The Chair may direct a numbering or other system to accommodate reference and recordkeeping.
- b. Any party, presenter or speaker may offer additional evidence if it is relevant to the proceeding. If person wants to present documentary evidence to the Commission, ten copies must be prepared and delivered to the Recording Secretary for distribution to the Commission.
- c. Any person may comment on the relevance, authenticity, accuracy or probative value of any evidence even if that person did not object to the admission of the evidence.
- d. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted by the Chair. For adjudicative matters, any relevant evidence is sufficient in itself to support a finding provided that the evidence is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action. In adjudicative matters, the parties or their counsel may, by written stipulation, agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.
- e. Irrelevant, immaterial or unduly repetitious evidence may be excluded by the Chair. The Commission shall observe rules of privilege recognized by law. Notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the specialized knowledge of the Commission.

[12] Questions of presenters, parties and speakers.

- a. Questions to presenters, speakers, or the public must be made through or with the permission of the Chair.
- b. In adjudicative matters, if staff or the applicant needs to ask questions of the parties or members of the audience, the Chair may ask the person to come forward and answer questions posed by the Chair.
- c. The Commission does not have subpoena power and witnesses may not be compelled to speak or be examined or cross examined in a trial like manner.

[13] Chair closes public hearing. When presentations and public comment have been completed, the Chair may close the public hearing. However, the Chair may reopen public hearing at any time to receive new evidence or comments.

[14] Discussion; additional fact finding.

- a. The Chair may call for discussion, or a motion.
- b. At any time during discussion or deliberation on a motion, the Chair may call (without reopening the public hearing) persons forward to answer questions or present information.

- c. The Chair may also reopen the public hearing to hear public testimony.

[15] Motions.

- a. Motions must be seconded before acceptance or debate. If a motion is not seconded, it is considered moot and the Chair may call for further discussion or a new motion. Unless otherwise directed by the Chair, motions may be made and voted upon in accordance with Robert's Rules of Order.
- b. Motions must incorporate all findings of fact required by law.
- c. In adjudicative matters, the motion should do any one or combination of the following:
 - i. Approve the application with or without conditions.
 - ii. Add, remove or adjust individual conditions from the original motion by a motion to amend which shall be voted upon before the original motion is taken up for a vote.
 - iii. Remand the application back to the Department for further review and/or action. The remand must give reasons for the remand, including instructions on actions to be taken by the Director or Department, and should include a suitable time frame for the action. The Board may also provide that the actions taken on remand may be appealed back to the Board.
 - iv. Deny the application with or without prejudice. A denial without prejudice means that the application may be brought back to the Commission at any time. A denial with prejudice means that the application cannot be resubmitted prior to the expiration of a required waiting period as defined in the Development Code.

[16] Deliberation on Motion.

- a. During deliberation on motions, Commission members are encouraged to discuss their views of the evidence and why they are going to vote for or against the motion.
- b. If findings of fact are required for approval of an item, Commissioners are encouraged to individually discuss proposed findings but, as a minimum, each Commissioner must discuss any findings that he/she cannot agree with.
- c. In adjudicative matters, the Commission may continue or postpone a decision on the matter for up to 60 days after the hearing, but a motion to postpone or continue shall specify a date and the conditions under which the matter will be brought up for a decision.

[17] Vote.

- a. The Chair shall call for a vote, and shall announce the results of the vote indicating by name who voted in favor or and who voted against the motion, and any abstentions, which information shall be recorded in the minutes.
- b. Subject to Rule B(2)(e) regarding tie votes, if a motion to approve an adjudicative matter does not receive the required number of affirmative votes, it is deemed denied with prejudice. However, a separate motion may be made and approved to deny without prejudice based on the circumstances outlined in Rule D(2)(a)(ii).

[18] Written Decision; appeal rights.

- a. Within 60 days from the action, an Action Order shall be prepared and filed with the Secretary to the Commission, and a copy will be served on the applicant in an adjudicative matter.

- b. In an adjudicative matter, the Applicant shall have appeal rights as established by ordinance, and time limitations begin with the service of the Action Order.

Article 4 SPECIAL CIRCUMSTANCES

4.01 Request to Withdraw or Continue a Development Application.

- a. **POLICY.** An applicant has the ability to withdraw or continue a development application submitted for consideration by the Commission at any point prior to a motion for action being made by a Commissioner.
- b. **RULE**
 - i. A request for withdrawal or continuance of the application shall be stated by either the applicant(s), the authorized agent with power of attorney to represent all of the interests of the property owners of record party to the application, or by all of the property owners of record who submitted the development application as attested by the signed and notarized affidavits accompanying the original application.
 - ii. After a motion has been made by a Commissioner, followed by a second on the motion and deliberation, the application cannot be withdrawn.
 - iii. If the motion is not seconded, the applicant(s), authorized agent or property owner(s) can request the application be withdrawn prior to any new motions.
 - iv. The request for withdrawal of the application shall be clearly entered into the record, and cannot be construed as a request for deferral or continuation of the application until a future meeting.
 - v. The withdrawal of an application shall terminate any further deliberation, analysis, or consideration of the originally submitted request.
 - vi. A withdrawn application is not a denied application, and therefore is not subject to the "one year wait on denials" provisions of the Development Code for submitting a new development application request.

4.02 Denial Without Prejudice.

- a. **RULE**
 - i. A motion to deny without prejudice (which allows a denied application to be resubmitted prior to the expiration of a required waiting period as defined in the Development Code) can be offered by a Commissioner if the following special circumstances are supported by the public record:
 - a) All the necessary findings for approval of the development application cannot be fully met or supported by the information presented at the time of the Planning Commission action;
 - b) There is sufficient information to demonstrate that all the necessary findings could potentially be met within a one-year period if federal, state or local regulatory programs are changed, or physical conditions on or near the development site change, or that infrastructure availability and capital improvement programs change to allow development as requested in the original application; and

- c) There is sufficient information to demonstrate that the requested development application would clearly support implementation of one or more goals and policies of the Washoe County Master Plan if the findings for approval could have been made at the time of the Planning Commission's action to deny the application.
- ii. If an application is denied because a motion to approve does not receive the required number of approving votes, a subsequent motion may be made to cause the denial to be without prejudice.

Article 5 OFFICERS OF THE COMMISSION

5.01 Titles. The officers of the Commission shall be:

- a. Chair, who shall preside at all meetings, maintain order, call special meetings as they are needed, appoint committees, and generally represent the Commission.
- b. Vice Chair, who will perform all of the Chair's functions in the absence of the Chair.
- c. Secretary (non-voting), who shall be the Director or his/her designee, and who shall maintain the Commission records; Rules, Policies and Procedures; and attachments.

5.02 Election of Officers.

- a. The first Commission meeting in July shall include on the agenda the election of officers, and the election shall be the first order of business under Chair and Commissioners' Items.
- b. The Chair will take office immediately upon election and will officiate over the remainder of the elections and the meeting in progress. All other elected officers shall take office immediately upon election.

5.03 Terms of Office.

- a. Each officer of the Commission shall be elected by the Commission and shall serve for one year or until his successor is elected and takes office. Each officer shall be limited to two consecutive terms.
- b. In the case the Chair does not complete his/her term of office, the Vice Chair who succeeds him/her may serve as Chair for two full terms.

5.04 Authority to Sign.

- a. The Secretary may sign such documents as may require certification on behalf of the Commission. Transmittals of Commission action or intent to the Board of County Commissioners and/or the County Clerk will generally be the responsibility of the Secretary.
- b. The Chair shall sign such documents as required by Nevada Revised Statutes or Washoe County Code.

5.05 Delegation of Authority. The Commission may designate one or more members, or the Secretary, to act for the Commission in the conduct of hearings or the performance of its

duties. The Commission may also delegate to such members, when appropriate and to the extent permitted by law, such authority as may be necessary.

5.06 Committees of the Planning Commission.

- a. Design Review Committee. Pursuant to Washoe County Code Section 110.916.10, the Design Review Committee has been created to fulfill the design review function and to recommend policy considerations to the Washoe County Planning Commission.
 - i. All appointments to the Design Review Committee, other than appointment of the representative of the Board of Adjustment, shall be made by the Chair, who may seek input or consent of the Commission.
 - a) Nominations for the planning, architectural, and landscape architectural disciplines shall be made by or in consultation with the local professional organizations representing these disciplines. If no organization is active, members of the discipline shall be asked to submit letters of interest to the Department.
 - b) Appointment of the members of the Design Review Committee shall be made at a regularly scheduled meeting of the Planning Commission and Board of Adjustment prior to the expiration of the terms of the current members. The appointments shall be for the terms specified in Washoe County Code.
 - ii. Two members of the Planning Commission will be requested to volunteer to serve on the Design Review Committee, one as a primary representative and one as an alternate.
 - a) The Chair may select a person who is not a member of the Commission to represent them for both or either position on the Design Review Committee.
 - b) The appointments shall be for the term specified in Washoe County Code.
- b. The Chair may establish other committees as he/she deems necessary.
- c. All meetings of a Commission appointed committee are subject to the provisions of the Nevada open meeting law.

Article 6 RECORDS AND DOCUMENTS

6.01 Minutes and Audio/Video Tapes.

- a. All approved minutes, including items presented at the meetings as part of public record pertaining to the work of the Commission shall be kept permanently in safe, orderly files maintained under the supervision of the Director. Said records shall be accessible to the members of the Commission and to the public as required by Nevada Revised Statutes and Washoe County's Public Records Policies and Procedures.
- b. All audio and video recordings pertaining to the work of the Commission shall be kept in a safe, orderly location maintained under the supervision of the Director. Said records shall be accessible to the members of the Commission and to the public for one year and then will be destroyed pursuant to Nevada Revised Statutes.
- c. The Director shall provide a Recording Secretary for each meeting who shall be responsible for preparing a written record of the meeting. Said minutes will bear the name of and be executed by the Recording Secretary.

- d. Copies of unapproved minutes of the past regular meeting, or meetings, shall be furnished to the Commission members in advance of a regular meeting. Upon correction and/or approval, the Secretary shall sign a master copy to be a permanent record, noting either:
 - i. Approved by Commission in session on _____, or;

date
 - i. Amended and approved by Commission in session on _____.

date

6.02 Other Documents. Resolutions adopted by the Commission shall carry the signatures of the Chair and the Secretary. Other documents relating to matters upon which the Commission has taken formal action shall be signed by the Commission’s Secretary.

Article 7 REGIONAL PLANNING COMMISSION

7.01 Appointment of Members by BCC. Nevada Revised Statutes requires the Washoe County Commission to appoint three members of the Washoe County Planning Commission as members on the Truckee Meadows Regional Planning Commission. The terms of office for Regional Planning Commission members are established in NRS 278.0262. The number of times an individual Planning Commission member may serve on the Regional Planning Commission are governed by the County Commission’s adopted *Rules and Procedures*.

7.02 Appointment of alternates by PC. The County Commission allows the Planning Commission to select the remaining Planning Commissioners not specifically appointed to the Regional Planning Commission to serve as alternates to the appointed Commission members on the Regional Planning Commission. The alternates’ terms are effective upon the date of appointment of the new Regional Planning Commission member by the Washoe County Commission.

a. RULE

- i. When vacancies on the Regional Planning Commission are filled by the Washoe County Commission, unless otherwise decided by the Planning Commission, previously selected alternates will move up in succession to fill the gap created by the appointment of a Commissioner to the Regional Planning Commission. For example, if the first alternate is appointed to the Regional Planning Commission, then the second alternate moves into the first alternate position, the third alternate into the second alternate position, the fourth alternate into the third alternate position, and the fourth alternate position will be filled by remaining Commissioner.
- ii. If a Commissioner appointed as a member on the Regional Planning Commission member is unable to attend a meeting, the Commissioner shall contact the Director or his/her designee as soon as possible. The Director or his/her designee shall contact the first alternate to serve in the absent Commissioner’s stead. If the first alternate is unable to attend, then the second alternate will be contacted and so forth until an alternate is available to attend the meeting.
- iii. The Secretary to the Planning Commission, or his/her designee, shall transmit the names of the County Commission appointed members and alternates to the Executive Director of the Truckee Meadows Regional Planning Agency. The Secretary, or his/her designee, shall also inform the County Commission of the names of all alternates.

Article 8 AMENDMENT OF RULES, POLICIES AND PROCEDURES

8.01 Amendments. The Rules, Policies and Procedures may be amended or added to by majority vote of the Commissioners present. The proposed amendment or addition shall be placed as an action item on a Commission meeting, and would become effective at the next Commission meeting upon a majority affirmative vote of the full Commission.

- 1st Revision:** *March 3, 1992*
- 2nd Revision:** *March 7, 1995*
- 3rd Revision:** *May 24, 1996*
- 4th Revision:** *January 21, 1997*
- 5th Revision:** *June 15, 1999*
- 6th Revision:** *July 16, 2002*
- 7th Revision:** *May 20, 2003*
- 8th Revision:** *September 25, 2009*
- 9th Revision:** *May 20, 2010*
- 10th Revision:** *February 7, 2012*
- 11th Revision:** *April 3, 2012*
- 12th Revision:** *March 4, 2014*

APPENDIX A Ethical Principles in Planning

American Planning Association
(As Adopted May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

A. The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;

5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

B. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;
7. Serve as advocates only when the client's objectives are legal and consistent with the public interest.
8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;
9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after

verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;

11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

C. APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. Strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;
2. Do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;
3. Participate in continuing professional education;
4. Contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;
5. Accurately represent their qualifications to practice planning as well as their education and affiliations;
6. Accurately represent the qualifications, views, and findings of colleagues;
7. Treat fairly and comment responsibly on the professional views of colleagues and members of other professions;
8. Share the results of experience and research which contribute to the body of planning knowledge;
9. Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;
10. Contribute time and information to the development of students, interns, beginning practitioners and other colleagues;
11. Strive to increase the opportunities for women and members of recognized minorities to become professional planners;
12. Systematically and critically analyze ethical issues in the practice of planning.



Washoe County Planning Commission

RULES, POLICIES AND PROCEDURES

Adopted August 1, 2017

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Article 1 DEFINITIONS AND GENERAL POLICIES

1.01 Definitions. The following words have the following meanings for purposes of these rules, policies and procedures:

- a. **Adjudicative matter** means deciding or recommending how legislative policies (such as master plans, zoning regulations and provisions in the Development Code) would apply to individual properties usually upon application by property owners. Examples of adjudicative matters include applications by landowners for special use permits, administrative permits, variances, parcel or subdivision maps, development agreements, and Master Plan amendments or re-zoning requests for an individual property or project.
- b. **Department** means the Planning and Building Division of the Community Services Department or the department designated by the Washoe County Commission to administer the regulations of land use and zoning.
- c. **Development Code** means the Development Code of Washoe County, WCC Chapter 110.
- d. **Director** means the chief executive or director of the Department, or his/her designee.
- e. **General Business matter** includes taking action on general business items and procedural matters such as election of officers, appointment of committees, ceremonial or administrative resolutions, and amendments to these rules.
- f. **Legislative matter** includes establishing overall land use policies or designations involving a large area consisting of multiple properties in disparate ownership, including adoption or amendment of the master plan or regulatory zoning regulations as they would generally apply to multiple properties of diverse ownership, or amendments to the Development Code. However, an application for a master plan amendment or regulatory zoning classification for the benefit of a particular property or project is considered as an adjudicative matter.

1.02 Commission Determines Rules, Policies and Procedures. The Washoe County Planning Commission, under State statute and by Washoe County code, has the responsibility for adopting long-range plans; recommending development code amendments; and approving, when authorized, development applications for the unincorporated portions of the County. In the furtherance of these responsibilities, the Planning Commission adopts the following rules, policies and procedures and from time to time may amend said rules, policies and procedures. Furthermore, the Commission has all the powers conferred and duties imposed on it by law, including NRS chapter 278 and the Washoe County Development Code. These rules have no effect to the extent of any conflict between any provisions of these rules and any applicable constitutional, statutory, or county code provisions.

1.03 Duties and Responsibilities.

a. POLICY

- i Members of the Commission shall keep themselves informed on planning laws, policies, procedures and trends in planning practice, and ethics laws of Nevada.
- ii The seven Commission members shall represent the best interests of unincorporated Washoe County.
- iii Commissioners shall endeavor to provide questions on agenda items to the Planning Managers or staff of the Department a minimum of 24 hours prior to the meeting on which the agenda item is scheduled.

b. RULE

- i Members shall be prompt and diligent in attendance.
- ii Failure of a member to attend 3 successive regular meetings, or miss more than 25% of scheduled meetings annually, will be reported to the Board of County Commissioners and said absences may be considered justifiable cause for replacement.

1.04 Communications outside of public hearings or meetings.

- a. POLICY. ~~General:~~—Except for legislative and general business matters, Commissioners should avoid ex parte communications (i.e., private communications outside a public meeting with interested parties) regarding matters coming before the Commission.
-

- ii. Adjudicative matters. With respect to such actions, Commissioners must keep an open mind and not form or communicate any preferences or thoughts that may be perceived as prehearing bias.
- iii. Site Visits. Commissioners are authorized in NRS 278.190 (3) to enter and examine any land in the performance of their functions, and site visits may be important to gain a better understanding of the proposed actions and their impact on surrounding lands.

b. RULE

- i. Commissioners shall not solicit, offer, or accept any offer for any business relationship or arrangement with any interested party. Any preexisting, ongoing or expected business relationship with any interested party must be disclosed and may be grounds for abstention under NRS Chapter 281A.

1.05 Ethical Principles for Planning; Disclosures and Abstentions.

~~a. POLICY~~

~~i.~~ The Commission is governed by Nevada's ethics laws, including NRS Chapter 281A. The Commission may also use the American Planning Association's *Ethical Principles in Planning (Appendix A)* as guiding principles for the conduct of Commissioners, provided it does not conflict with any applicable provisions of law.

Article 2 QUORUM AND VOTING

2.01 Number of Commissioners Required to Conduct Business.

- a. For general matters of business a quorum of the Commission shall be four members.
- b. For a matter requiring a two-thirds vote of the total membership as required by state statute, specifically Master Plan amendments, the following rules apply:
 - i. Total membership means the number of commissioners appointed and serving on the Commission. An unfilled vacancy does not count as part of the total membership. If seven members of the Commission are appointed and serving on the Commission, in such matters, not less than five Commissioners must be in attendance and vote to approve the action on said motion. The term "in attendance" means physically present at the meeting or attending the meeting through a telephone or video conference.
 - ii. In the event that the minimum required members of the Commission are not present, the item shall be scheduled for the next appropriate regular meeting.

2.02 Voting.

- a. Unless otherwise required by law, all matters and motions may be resolved by a majority of votes of those present at the meeting. State law and Washoe County Code provide for differing voting requirements based on the type of application before the Planning Commission. The present code requirements are listed below. In the event of a conflict between the code section and these rules, the code section prevails.
 - i. Types of actions which must be passed by an affirmative vote of no less than two-thirds (2/3) of the Commission's full membership:
 - o Master plan amendment. Affirmative vote of not less than two-thirds (2/3) of the Commission's total membership to adopt by resolution. [WCC Section 110.820.15 (c); NRS 278.210 (3)]
 - ii. Types of actions which must be passed by an affirmative vote of a majority of the Commission's full membership:
 - o Regulatory zone amendment: Affirmative vote by a simple majority of the Commission's membership to adopt, adopt with modification (both of which may include conditions), or deny. [WCC Section 110.821.15 (c)]
 - o Tentative subdivision map: Affirmative vote of the majority of the Planning Commission's full membership to approve, conditionally approve, or deny. [WCC Section 110.608.15 (c)]
 - iii. Types of actions which must be passed by an affirmative vote of a majority of Commissioners present at a meeting (assuming a quorum present at the meeting):
 - o Boundary line adjustment: To approve, conditionally approve, or deny. [WCC Section 110.618.16 (c)]
 - o Development code amendment: Simple majority vote of the quorum present at the meeting to recommend approval by resolution. [WCC Section 110.818.15 (d)]
 - o Major subdivision map amendment: To file and record. [WCC Section 110.616.30 (b)]
 - o Project of regional significance: In addition to any review as a special use permit and/or a tentative subdivision map, to approve or provisionally approve. [WCC Section 110.812.25 (c)]
 - o Special use permit: To approve, approve with conditions, modify, modify with conditions, or deny. [WCC Section 110.812.20 (e)]
 - o Vacation or abandonment of easements: To order with or without conditions. [WCC Section 110.806.15 (d)]
 - o Variance: To approve, approve with conditions, modify, modify with conditions, or deny. [WCC Section 110.804.15 (e)]
- b. A tie vote means the motion does not pass.

Article 3 MEETINGS

3.01 Notice and Agenda.

- a. The Commission is a public body and must comply with the laws of Nevada regarding public and open meetings, including NRS Chapter 241 (the “open meeting law”).
- b. All meetings of the Commission will be held in accordance with the open meeting law.
- c. Robert's Rules of Order, as amended, may be used for guidance for Commission meeting procedures when a question or controversy arises. Alternatively, the Chair may employ other procedures or techniques in an effort to provide for deliberation, an opportunity for the public and Commissioners to be heard, and for the Commission to reach a consensus and/or decision.
- d. In order to maximize public participation in a meeting, Commission meetings should not extend beyond 11 p.m. and the Chair is authorized to continue items that would start after that time.

3.02 Regular Meetings.

- a. The first Tuesday of each month is the regular meeting day.
 - i. Should the first Tuesday of the month fall on a holiday, or interfere with a special event using the meeting facilities of the County complex, the meeting shall be held on an alternate date and/or at an alternate meeting facility as determined by the Chair or Acting Chair.
 - ii. Should a second monthly meeting be reinstated, the regular meeting day of that meeting would be the third Tuesday of each month.
- b. Order of Business. Regular meetings shall be conducted in the following order¹:
 1. *Determination of a Quorum
 2. *Pledge of Allegiance
 3. *Ethics Law Announcement
 4. *Appeal Procedure
 5. *Public Comment
 6. Approval of Agenda
 7. Approval of Minutes
 8. Consent Items
 9. Planning Items and Public Hearings
 10. Chair and Commissioner Announcements
 11. *Director's Items
 12. *Public Comment
 13. Adjournment

¹ Asterisks (*) are used to denote non-action items. Agenda headings will be modified to correctly indicate whether or not an item is an action (no asterisk) or a non-action action (*).

3.03 Special Meetings. Special meetings may be held, as required, upon call of the Chair or Acting Chair, or upon the call of not less than three Commission members.

3.0504 Continued Items. ___The Commission may vote to grant a continuance on an agenda item upon request of a Commissioner, the Applicant or the Applicant's Representative. If the Commission decides to continue an item, it may be continued to date, time and location certain. The Commission will not take public comment on any continued item.

3.06-05 General Expectations of Commissioners During Meetings. ___Commissioners shall treat each other and all persons at a meeting with respect before, during and after the meeting. A Commissioner may be removed for disruptive conduct except that if a Commissioner is removed for disrupting a meeting, the removal will be only for the agenda item being considered when the disruption occurred.

3.0706 Meeting Decorum; Removal for Disruptive Conduct.

- a. Meetings of the Planning Commission are limited forums for the governmental purpose of making planning policies and decisions for the community in accordance with its duties under state and local law. That governmental purpose is efficiently accomplished only when the process established by law is followed and all participants in a meeting conduct themselves within the limits established and with decorum, civic responsibility, and mutual respect.
- b. It is the intent of the Commission to maintain the highest level of decorum. The Chair is authorized to take appropriate actions to maintain such decorum to include declaring recesses, admonishing speakers and other remedies set forth below.
- c. The viewpoint of any speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place, and manner of speech at the meeting. Remarks which are irrelevant, impertinent, unduly repetitious, or which contain personal attacks, implied or actual threats, fighting words, or profanity are not consistent with efficiently accomplishing the governmental purpose.
- d. The Chair may remove (with or without warning) any person who willfully makes the kind of remarks described above or engages in other disorderly conduct, if such remarks or conduct makes the orderly conduct of the meeting impractical.
- e. Removal for disruptive conduct will be for the remainder of the meeting.

3.0905 Procedures for Individual Agenda Items. These rules are intended to promote consistency and efficiency, maximize public input, and afford the appropriate amount of due process in the conduct of meetings of the Planning Commission. These rules apply to all proceedings before the Commission.

~~[1]a. Motions.~~—Motions must be seconded before acceptance or debate. If a motion is not seconded, it is considered moot and the Chair may call for further discussion or a

new motion. Unless otherwise directed by the Chair, motions may be made and voted upon in accordance with Robert's Rules of Order.

~~{2} Vote~~b. The Chair shall call for a vote. If no motion is made, if a motion to deny is passed, or if a motion to approve an adjudicative matter does not receive the required number of affirmative votes, it is deemed denied with prejudice unless the motion otherwise specifies. Additionally, a separate motion may be made and approved to deny without prejudice based on ~~the circumstances outlined in Rule 4.02D(2)(a)(ii)~~.

~~{3c}~~ ~~Written Decision; appeal rights~~.—Within 60 days from the action, an Action Order shall be prepared and filed with the Secretary to the Commission, and a copy will be served on the applicant in an adjudicative matter.

Article 4 SPECIAL CIRCUMSTANCES

4.01 Request to Withdraw or Continue a Development Application. An applicant has the ability to withdraw or continue a development application submitted for consideration by the Commission at any point prior to action being taken by the Commission.

~~i.a~~ A withdrawn application is not a denied application, and therefore is not subject to the "one year wait on denials" provisions of the Development Code for submitting a new development application request.

4.02 Denial Without Prejudice. A motion to deny without prejudice (which allows a denied application to be resubmitted prior to the expiration of a required waiting period as defined in the Development Code) can be offered by any Commissioner.

Article 5 OFFICERS OF THE COMMISSION

5.01 Titles. The officers of the Commission shall be:

- a. Chair, who shall preside at all meetings, maintain order, call special meetings as they are needed, appoint committees, and generally represent the Commission.
- b. Vice Chair, who will perform all of the Chair's functions in the absence of the Chair.
- c. Secretary (non-voting), who shall be the Director or his/her designee, and who shall maintain the Commission records; Rules, Policies and Procedures; and attachments.

5.02 Election of Officers.

- a. The first Commission meeting in July shall include on the agenda the election of officers, and the election shall be the first order of business under Chair and Commissioners' Items.

- b. The Chair will take office immediately upon election and will officiate over the remainder of the elections and the meeting in progress. All other elected officers shall take office immediately upon election.

5.03 Terms of Office.

- a. Each officer of the Commission shall be elected by the Commission and shall serve for one year or until his successor is elected and takes office. Each officer shall be limited to two consecutive terms.
- b. In the case the Chair does not complete his/her term of office, the Vice Chair who succeeds him/her may serve as Chair for two full terms.

5.04 Authority to Sign.

- a. The Secretary may sign such documents as may require certification on behalf of the Commission. Transmittals of Commission action or intent to the Board of County Commissioners and/or the County Clerk will generally be the responsibility of the Secretary.
- b. The Chair shall sign such documents as required by Nevada Revised Statutes or Washoe County Code.

5.05 Delegation of Authority. The Commission may designate one or more members, or the Secretary, to act for the Commission in the conduct of hearings or the performance of its duties. The Commission may also delegate to such members, when appropriate and to the extent permitted by law, such authority as may be necessary.

5.06 Committees of the Planning Commission.

- a. Design Review Committee. Pursuant to Washoe County Code Section 110.916.10, the Design Review Committee has been created to fulfill the design review function and to recommend policy considerations to the Washoe County Planning Commission.
 - i. All appointments to the Design Review Committee, other than appointment of the representative of the Board of Adjustment, shall be made by the Chair, who may seek input or consent of the Commission.
 - a) Nominations for the planning, architectural, and landscape architectural disciplines shall be made by or in consultation with the local professional organizations representing these disciplines. If no organization is active, members of the discipline shall be asked to submit letters of interest to the Department.
 - b) Appointment of the members of the Design Review Committee shall be made at a regularly scheduled meeting of the Planning Commission and Board of Adjustment prior to the expiration of the terms of the current members. The appointments shall be for the terms specified in Washoe County Code.
 - ii. Two members of the Planning Commission will be requested to volunteer to serve on the Design Review Committee, one as a primary representative and one as an alternate.

- a) The Chair may select a person who is not a member of the Commission to represent them for both or either position on the Design Review Committee.
- b) The appointments shall be for the term specified in Washoe County Code.
- b. The Chair may establish other committees as he/she deems necessary.
- c. All meetings of a Commission appointed committee are subject to the provisions of the Nevada open meeting law.

Article 6 REGIONAL PLANNING COMMISSION

6.01 Appointment of Members by BCC. Nevada Revised Statutes requires the Washoe County Commission to appoint three members of the Washoe County Planning Commission as members on the Truckee Meadows Regional Planning Commission. The terms of office for Regional Planning Commission members are established in NRS 278.0262. The number of times an individual Planning Commission member may serve on the Regional Planning Commission are governed by the County Commission’s adopted *Rules and Procedures*.

6.02 Appointment of alternates by PC. The County Commission allows the Planning Commission to select the remaining Planning Commissioners not specifically appointed to the Regional Planning Commission to serve as alternates to the appointed Commission members on the Regional Planning Commission. The alternates’ terms are effective upon the date of appointment of the new Regional Planning Commission member by the Washoe County Commission.

~~a. RULE~~

~~ai.~~ When vacancies on the Regional Planning Commission are filled by the Washoe County Commission, unless otherwise decided by the Planning Commission, previously selected alternates will move up in succession to fill the gap created by the appointment of a Commissioner to the Regional Planning Commission. For example, if the first alternate is appointed to the Regional Planning Commission, then the second alternate moves into the first alternate position, the third alternate into the second alternate position, the fourth alternate into the third alternate position, and the fourth alternate position will be filled by remaining Commissioner.

~~ib.~~ If a Commissioner appointed as a member on the Regional Planning Commission member is unable to attend a meeting, the Commissioner shall contact the Director or his/her designee as soon as possible. The Director or his/her designee shall contact the first alternate to serve in the absent Commissioner’s stead. If the first alternate is unable to attend, then the second alternate will be contacted and so forth until an alternate is available to attend the meeting.

~~ic.~~ The Secretary to the Planning Commission, or his/her designee, shall transmit the names of the County Commission appointed members and alternates to the Executive Director of the Truckee Meadows Regional Planning Agency. The Secretary, or his/her designee, shall also inform the County Commission of the names of all alternates.

Article 7 AMENDMENT OF RULES, POLICIES AND PROCEDURES

7.01 Amendments. The Rules, Policies and Procedures may be amended or added to by majority vote of the Commissioners present. The proposed amendment or addition shall be

placed as an action item on a Commission meeting, and would become effective at the next Commission meeting upon a majority affirmative vote of the full Commission.

- 1st Revision:** *March 3, 1992*
- 2nd Revision:** *March 7, 1995*
- 3rd Revision:** *May 24, 1996*
- 4th Revision:** *January 21, 1997*
- 5th Revision:** *June 15, 1999*
- 6th Revision:** *July 16, 2002*
- 7th Revision:** *May 20, 2003*
- 8th Revision:** *September 25, 2009*
- 9th Revision:** *May 20, 2010*
- 10th Revision:** *February 7, 2012*
- 11th Revision:** *April 3, 2012*
- 12th Revision:** *March 4, 2014*
- 13th Revision:** *August 1, 2017*
- 14th Revision:** *November 7, 2017*

APPENDIX A Ethical Principles in Planning

American Planning Association
(As Adopted May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

A. The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;

5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

B. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;
7. Serve as advocates only when the client's objectives are legal and consistent with the public interest.
8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;
9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after

verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;

11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

C. APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. Strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;
2. Do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;
3. Participate in continuing professional education;
4. Contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;
5. Accurately represent their qualifications to practice planning as well as their education and affiliations;
6. Accurately represent the qualifications, views, and findings of colleagues;
7. Treat fairly and comment responsibly on the professional views of colleagues and members of other professions;
8. Share the results of experience and research which contribute to the body of planning knowledge;
9. Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;
10. Contribute time and information to the development of students, interns, beginning practitioners and other colleagues;
11. Strive to increase the opportunities for women and members of recognized minorities to become professional planners;
12. Systematically and critically analyze ethical issues in the practice of planning.



Washoe County Planning Commission

RULES, POLICIES AND PROCEDURES

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Article 1 DEFINITIONS AND GENERAL POLICIES

1.01 Definitions. The following words have the following meanings for purposes of these rules, policies and procedures:

- a. **Adjudicative matter** means deciding or recommending how legislative policies (such as master plans, zoning regulations and provisions in the Development Code) would apply to individual properties usually upon application by property owners. Examples of adjudicative matters include applications by landowners for special use permits, administrative permits, variances, parcel or subdivision maps, development agreements, and Master Plan amendments or re-zoning requests for an individual property or project.
- b. **Department** means the Planning and Building Division of the Community Services Department or the department designated by the Washoe County Commission to administer the regulations of land use and zoning.
- c. **Development Code** means the Development Code of Washoe County, WCC Chapter 110.
- d. **Director** means the chief executive or director of the Department, or his/her designee.
- e. **General Business matter** includes taking action on general business items and procedural matters such as election of officers, appointment of committees, ceremonial or administrative resolutions, and amendments to these rules.
- f. **Legislative matter** includes establishing overall land use policies or designations involving a large area consisting of multiple properties in disparate ownership, including adoption or amendment of the master plan or regulatory zoning regulations as they would generally apply to multiple properties of diverse ownership, or amendments to the Development Code. However, an application for a master plan amendment or regulatory zoning classification for the benefit of a particular property or project is considered as an adjudicative matter.

1.02 Commission Determines Rules, Policies and Procedures. The Washoe County Planning Commission, under State statute and by Washoe County code, has the responsibility for adopting long-range plans; recommending development code amendments; and approving, when authorized, development applications for the unincorporated portions of the County. In the furtherance of these responsibilities, the Planning Commission adopts the following rules, policies and procedures and from time to time may amend said rules, policies and procedures. Furthermore, the Commission has all the powers conferred and duties imposed on it by law, including NRS chapter 278 and the Washoe County Development Code. These rules have no effect to the extent of any conflict between any provisions of these rules and any applicable constitutional, statutory, or county code provisions.

1.03 Duties and Responsibilities.

a. POLICY

- i Members of the Commission shall keep themselves informed on planning laws, policies, procedures and trends in planning practice, and ethics laws of Nevada.
- ii The seven Commission members shall represent the best interests of unincorporated Washoe County.
- iii Commissioners shall endeavor to provide questions on agenda items to the Planning Managers or staff of the Department a minimum of 24 hours prior to the meeting on which the agenda item is scheduled.

b. RULE

- i Members shall be prompt and diligent in attendance.
- ii Failure of a member to attend 3 successive regular meetings, or miss more than 25% of scheduled meetings annually, will be reported to the Board of County Commissioners and said absences may be considered justifiable cause for replacement.

1.04 Communications outside of public hearings or meetings.

- a. POLICY. General: Except for legislative and general business matters, Commissioners should avoid ex parte communications (i.e., private communications outside a public meeting with interested parties) regarding matters coming before the Commission.
 - ii. Adjudicative matters. With respect to such actions:
commissioners must keep an open mind and not form or communicate any preferences or thoughts that may be perceived as prehearing bias.
 - iii. Site Visits. Commissioners are authorized in NRS 278.190 (3) to enter and examine any land in the performance of their functions, and site visits may be important to gain a better understanding of the proposed actions and their impact on surrounding lands.

b. RULE

- i. Commissioners shall not solicit, offer, or accept any offer for any business relationship or arrangement with any interested party. Any preexisting, ongoing or expected business relationship with any interested party must be disclosed and may be grounds for abstention under NRS Chapter 281A.

1.05 Ethical Principles for Planning; Disclosures and Abstentions.

a. POLICY

- i. The Commission is governed by Nevada's ethics laws, including NRS Chapter 281A. The Commission may also use the American Planning Association's *Ethical Principles in Planning (Appendix A)* as guiding principles for the conduct of Commissioners, provided it does not conflict with any applicable provisions of law.

Article 2 QUORUM AND VOTING

2.01 Number of Commissioners Required to Conduct Business.

- a. For general matters of business a quorum of the Commission shall be four members.
- b. For a matter requiring a two-thirds vote of the total membership as required by state statute, specifically Master Plan amendments, the following rules apply:
 - i. Total membership means the number of commissioners appointed and serving on the Commission. An unfilled vacancy does not count as part of the total membership. If seven members of the Commission are appointed and serving on the Commission, in such matters, not less than five Commissioners must be in attendance and vote to approve the action on said motion. The term "in attendance" means physically present at the meeting or attending the meeting through a telephone or video conference.
 - ii. In the event that the minimum required members of the Commission are not present, the item shall be scheduled for the next appropriate regular meeting.

2.02 Voting.

- a. Unless otherwise required by law, all matters and motions may be resolved by a majority of votes of those present at the meeting. State law and Washoe County Code provide for differing voting requirements based on the type of application before the Planning Commission. The present code requirements are listed below. In the event of a conflict between the code section and these rules, the code section prevails.
 - i. Types of actions which must be passed by an affirmative vote of no less than two-thirds (2/3) of the Commission's full membership:
 - o Master plan amendment. Affirmative vote of not less than two-thirds (2/3) of the Commission's total membership to adopt by resolution. [WCC Section 110.820.15 (c); NRS 278.210 (3)]
 - ii. Types of actions which must be passed by an affirmative vote of a majority of the Commission's full membership:

- Regulatory zone amendment: Affirmative vote by a simple majority of the Commission’s membership to adopt, adopt with modification (both of which may include conditions), or deny. [WCC Section 110.821.15 (c)]
 - Tentative subdivision map: Affirmative vote of the majority of the Planning Commission’s full membership to approve, conditionally approve, or deny. [WCC Section 110.608.15 (c)]
- iii. Types of actions which must be passed by an affirmative vote of a majority of Commissioners present at a meeting (assuming a quorum present at the meeting):
- Boundary line adjustment: To approve, conditionally approve, or deny. [WCC Section 110.618.16 (c)]
 - Development code amendment: Simple majority vote of the quorum present at the meeting to recommend approval by resolution. [WCC Section 110.818.15 (d)]
 - Major subdivision map amendment: To file and record. [WCC Section 110.616.30 (b)]
 - Project of regional significance: In addition to any review as a special use permit and/or a tentative subdivision map, to approve or provisionally approve. [WCC Section 110.812.25 (c)]
 - Special use permit: To approve, approve with conditions, modify, modify with conditions, or deny. [WCC Section 110.812.20 (e)]
 - Vacation or abandonment of easements: To order with or without conditions. [WCC Section 110.806.15 (d)]
 - Variance: To approve, approve with conditions, modify, modify with conditions, or deny. [WCC Section 110.804.15 (e)]
- e. A tie vote means the motion does not pass.

Article 3 MEETINGS

3.01 Notice and Agenda.

- a. The Commission is a public body and must comply with the laws of Nevada regarding public and open meetings, including NRS Chapter 241 (the “open meeting law”).
- b. All meetings of the Commission will be held in accordance with the open meeting law.
- c. Robert’s Rules of Order, as amended, may be used for guidance for Commission meeting procedures when a question or controversy arises. Alternatively, the Chair may employ other procedures or techniques in an effort to provide for deliberation, an opportunity for the public and Commissioners to be heard, and for the Commission to reach a consensus and/or decision.
- d. In order to maximize public participation in a meeting, Commission meetings should not extend beyond 11 p.m. and the Chair is authorized to continue items that would start after that time.

3.02 Regular Meetings.

- a. The first Tuesday of each month is the regular meeting day.
 - i. Should the first Tuesday of the month fall on a holiday, or interfere with a special event using the meeting facilities of the County complex, the meeting shall be held on an alternate date and/or at an alternate meeting facility as determined by the Chair or Acting Chair.
 - ii. Should a second monthly meeting be reinstated, the regular meeting day of that meeting would be the third Tuesday of each month.
- b. Order of Business. Regular meetings shall be conducted in the following order¹:
 1. *Determination of a Quorum
 2. *Pledge of Allegiance
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3.03 Special Meetings. Special meetings may be held, as required, upon call of the Chair or Acting Chair, or upon the call of not less than three Commission members.

3.04 Continued Items. The Commission may vote to grant a continuance on an agendized item upon request of a Commissioner, the Applicant or the Applicant's Representative. If the Commission decides to continue an item, the Chair shall first ask if anyone in the audience wishes to testify on the matter even though it may be continued to another date, time and location certain.

3.05 General Expectations of Commissioners During Meetings. Commissioners shall treat each other and all persons at a meeting with respect before, during and after the meeting. The decorum rules stated below apply to Commissioners as well as members of the public, and a Commissioner may be removed for disruptive conduct except that if a Commissioner is removed for disrupting a meeting, the removal will be only for the agenda item being considered when the disruption occurred.

¹ Asterisks (*) are used to denote non-action items. Agenda headings will be modified to correctly indicate whether or not an item is an action (no asterisk) or a non-action action (*).

3.06 Meeting Decorum; Removal for Disruptive Conduct.

- a. Meetings of the Planning Commission are limited forums for the governmental purpose of making planning policies and decisions for the community in accordance with its duties under state and local law. That governmental purpose is efficiently accomplished only when the process established by law is followed and all participants in a meeting conduct themselves within the limits established and with decorum, civic responsibility, and mutual respect.
- b. It is the intent of the Commission to maintain the highest level of decorum. The Chair is authorized to take appropriate actions to maintain such decorum to include declaring recesses, admonishing speakers and other remedies set forth below.
- c. The viewpoint of any speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place, and manner of speech at the meeting. Remarks which are irrelevant, impertinent, unduly repetitious, or which contain personal attacks, implied or actual threats, fighting words, or profanity are not consistent with efficiently accomplishing the governmental purpose.
- d. The Chair may remove (with or without warning) any person who willfully makes the kind of remarks described above or engages in other disorderly conduct, if such remarks or conduct makes the orderly conduct of the meeting impractical.
- e. Removal for disruptive conduct will be for the remainder of the meeting.

3.07 Procedures for Individual Agenda Items. These rules are intended to promote consistency and efficiency, maximize public input, and afford the appropriate amount of due process in the conduct of meetings of the Planning Commission. These rules apply to all proceedings before the Commission.

- a. Motions must be seconded before acceptance or debate. If a motion is not seconded, it is considered moot and the Chair may call for further discussion or a new motion. Unless otherwise directed by the Chair, motions may be made and voted upon in accordance with Robert's Rules of Order.
- b. The Chair shall call for a vote. If no motion is made, if a motion to deny is passed, or if a motion to approve an adjudicative matter does not receive the required number of affirmative votes, it is deemed denied with prejudice unless the motion otherwise specifies. Additionally, a separate motion may be made and approved to deny without prejudice based on Rule 4.02.
- c. Within 60 days from the action, an Action Order shall be prepared and filed with the Secretary to the Commission, and a copy will be served on the applicant in an adjudicative matter.

Article 4 SPECIAL CIRCUMSTANCES

4.01 Request to Withdraw or Continue a Development Application.

- a. An applicant has the ability to withdraw or continue a development application submitted for consideration by the Commission at any point prior to action being taken by the Commission.
 - i. A withdrawn application is not a denied application, and therefore is not subject to the "one year wait on denials" provisions of the Development Code for submitting a new development application request.

4.02 Denial Without Prejudice. A motion to deny without prejudice (which allows a denied application to be resubmitted prior to the expiration of a required waiting period as defined in the Development Code) can be offered by any Commissioner.

Article 5 OFFICERS OF THE COMMISSION

5.01 Titles. The officers of the Commission shall be:

- a. Chair, who shall preside at all meetings, maintain order, call special meetings as they are needed, appoint committees, and generally represent the Commission.
- b. Vice Chair, who will perform all of the Chair's functions in the absence of the Chair.
- c. Secretary (non-voting), who shall be the Director or his/her designee, and who shall maintain the Commission records; Rules, Policies and Procedures; and attachments.

5.02 Election of Officers.

- a. The first Commission meeting in July shall include on the agenda the election of officers, and the election shall be the first order of business under Chair and Commissioners' Items.
- b. The Chair will take office immediately upon election and will officiate over the remainder of the elections and the meeting in progress. All other elected officers shall take office immediately upon election.

5.03 Terms of Office.

- a. Each officer of the Commission shall be elected by the Commission and shall serve for one year or until his successor is elected and takes office. Each officer shall be limited to two consecutive terms.
- b. In the case the Chair does not complete his/her term of office, the Vice Chair who succeeds him/her may serve as Chair for two full terms.

5.04 Authority to Sign.

- a. The Secretary may sign such documents as may require certification on behalf of the Commission. Transmittals of Commission action or intent to the Board of County Commissioners and/or the County Clerk will generally be the responsibility of the Secretary.
- b. The Chair shall sign such documents as required by Nevada Revised Statutes or Washoe County Code.

5.05 Delegation of Authority. The Commission may designate one or more members, or the Secretary, to act for the Commission in the conduct of hearings or the performance of its duties. The Commission may also delegate to such members, when appropriate and to the extent permitted by law, such authority as may be necessary.

5.06 Committees of the Planning Commission.

- a. Design Review Committee. Pursuant to Washoe County Code Section 110.916.10, the Design Review Committee has been created to fulfill the design review function and to recommend policy considerations to the Washoe County Planning Commission.
 - i. All appointments to the Design Review Committee, other than appointment of the representative of the Board of Adjustment, shall be made by the Chair, who may seek input or consent of the Commission.
 - a) Nominations for the planning, architectural, and landscape architectural disciplines shall be made by or in consultation with the local professional organizations representing these disciplines. If no organization is active, members of the discipline shall be asked to submit letters of interest to the Department.
 - b) Appointment of the members of the Design Review Committee shall be made at a regularly scheduled meeting of the Planning Commission and Board of Adjustment prior to the expiration of the terms of the current members. The appointments shall be for the terms specified in Washoe County Code.
 - ii. Two members of the Planning Commission will be requested to volunteer to serve on the Design Review Committee, one as a primary representative and one as an alternate.
 - a) The Chair may select a person who is not a member of the Commission to represent them for both or either position on the Design Review Committee.
 - b) The appointments shall be for the term specified in Washoe County Code.
- b. The Chair may establish other committees as he/she deems necessary.
- c. All meetings of a Commission appointed committee are subject to the provisions of the Nevada open meeting law.

Article 6 REGIONAL PLANNING COMMISSION

6.01 Appointment of Members by BCC. Nevada Revised Statutes requires the Washoe County Commission to appoint three members of the Washoe County Planning Commission as members on the Truckee Meadows Regional Planning Commission. The terms of office for Regional Planning Commission members are established in NRS 278.0262. The number of times an individual Planning Commission member may serve on the Regional Planning Commission are governed by the County Commission's adopted *Rules and Procedures*.

6.02 Appointment of alternates by PC. The County Commission allows the Planning Commission to select the remaining Planning Commissioners not specifically appointed to the Regional Planning Commission to serve as alternates to the appointed Commission members on the Regional Planning Commission. The alternates' terms are effective upon the date of

appointment of the new Regional Planning Commission member by the Washoe County Commission.

a. RULE

- i. When vacancies on the Regional Planning Commission are filled by the Washoe County Commission, unless otherwise decided by the Planning Commission, previously selected alternates will move up in succession to fill the gap created by the appointment of a Commissioner to the Regional Planning Commission. For example, if the first alternate is appointed to the Regional Planning Commission, then the second alternate moves into the first alternate position, the third alternate into the second alternate position, the fourth alternate into the third alternate position, and the fourth alternate position will be filled by remaining Commissioner.
- ii. If a Commissioner appointed as a member on the Regional Planning Commission member is unable to attend a meeting, the Commissioner shall contact the Director or his/her designee as soon as possible. The Director or his/her designee shall contact the first alternate to serve in the absent Commissioner's stead. If the first alternate is unable to attend, then the second alternate will be contacted and so forth until an alternate is available to attend the meeting.
- iii. The Secretary to the Planning Commission, or his/her designee, shall transmit the names of the County Commission appointed members and alternates to the Executive Director of the Truckee Meadows Regional Planning Agency. The Secretary, or his/her designee, shall also inform the County Commission of the names of all alternates.

Article 7 AMENDMENT OF RULES, POLICIES AND PROCEDURES

7.01 Amendments. The Rules, Policies and Procedures may be amended or added to by majority vote of the Commissioners present. The proposed amendment or addition shall be placed as an action item on a Commission meeting, and would become effective at the next Commission meeting upon a majority affirmative vote of the full Commission.

- 1st Revision:** *March 3, 1992*
- 2nd Revision:** *March 7, 1995*
- 3rd Revision:** *May 24, 1996*
- 4th Revision:** *January 21, 1997*
- 5th Revision:** *June 15, 1999*
- 6th Revision:** *July 16, 2002*
- 7th Revision:** *May 20, 2003*
- 8th Revision:** *September 25, 2009*
- 9th Revision:** *May 20, 2010*
- 10th Revision:** *February 7, 2012*
- 11th Revision:** *April 3, 2012*
- 12th Revision:** *March 4, 2014*
- 13th Revision:** *August 1, 2017*
- 14th Revision:** *November 7, 2017*

APPENDIX A Ethical Principles in Planning

American Planning Association
(As Adopted May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

A. The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;

5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

B. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;
7. Serve as advocates only when the client's objectives are legal and consistent with the public interest.
8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;
9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after

verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;

11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

C. APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. Strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;
2. Do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;
3. Participate in continuing professional education;
4. Contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;
5. Accurately represent their qualifications to practice planning as well as their education and affiliations;
6. Accurately represent the qualifications, views, and findings of colleagues;
7. Treat fairly and comment responsibly on the professional views of colleagues and members of other professions;
8. Share the results of experience and research which contribute to the body of planning knowledge;
9. Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;
10. Contribute time and information to the development of students, interns, beginning practitioners and other colleagues;
11. Strive to increase the opportunities for women and members of recognized minorities to become professional planners;
12. Systematically and critically analyze ethical issues in the practice of planning.