PLANNING COMMISSION HANDBOOK

FOR KITSAP COUNTY



October 2026

Table of Contents

Kitsap County Board of Commissioners Mission and Vision **3**
Planning Commission Overview **4**
About the Planning Commission 4
Background 5
Role and Scope of Planning Commission **6**
Core Duties 6
General Actions 6
Additional Briefings 6
Process Following Planning Commission Recommendations 6
Findings of Fact 6
Board of County Commissioners' Process 7
Planning Commission Meeting Timeline 7
Board of County Commissioner Meeting Timeline 7
Policy Framework Role 7
Procedural Laws Overview **8**
Code of Ethics for Municipal Officers (RCW 42.23) 8
Open Public Meeting Act (RCW 42.30) 8
Public Records Act (RCW 42.56) 13
Public Records Retention (RCW 40.14) 13
Appearance of Fairness Doctrine (RCW 42.36) 13
Conflict of Interest 17
Ethical Principles in Planning 20
Growth Management Act and Land Use **24**
Overview 24
What is the Growth Management Act (GMA)? 24
Who plans under the GMA? 24
Growth Management Act Goals 25
GMA Hierarchy 25
Kitsap County Planning Commission Rules of Procedure **26**
Planning Commission Frequently Asked Questions (FAQs) **37**
Additional Resources **39**
Kitsap County Resources 39
Other Resources 39

Kitsap County Board of Commissioners Mission and Vision



Planning Commission Overview

About the Planning Commission

The Kitsap County Planning Commission is an advisory body responsible for:

- Assisting the Planning Department, within the Department of Community Development (DCD), in carrying out its responsibilities, including:
    - Assistance in the preparation and execution of the comprehensive plan
    - Recommendations to the DCD for the adoption of official controls and/or amendments (RCW 36.70.040; Kitsap County Resolution 60-1961, Sec 2)
- Conducting hearings
- Making findings of fact and conclusions (KC Resolution 60-1961, Sec 3)

Regular meetings and public hearings are held on the first and third Tuesday of every month at 5:30 pm. If needed, a special meeting can be scheduled at other times and locations.

Methods for the Planning Commission, staff, interested parties, and the public to participate in the meeting:

In Person	Kitsap County Administration Building Commissioners' Chambers 619 Division Street, Port Orchard, WA
Virtual	Zoom (see relevant meeting agenda)
Dial in	253-215-8782
View only	https://bremerton.vod.castus.tv/vod/?live=ch1&nav=live

For accessibility accommodations, contact Kitsap1 at 360.337.5777 or help@kitsap1.com. When possible, please make requests at least two weeks before the event where services will be needed.

Background

In 2010, via Ordinance 458-2010, the Board of County Commissioners (Board) re-established the Kitsap County Planning Commission (Planning Commission) and codified the duties of DCD and the Planning Commission. The key chapter in Kitsap County Code (KCC) for the Planning Commission (KCC 2.56.010) was also amended. The governing state statute is RCW 36.70.

DCD oversees the Planning Commission.

Under KCC 2.56.010(2) DCD serves the function of the planning department.

Creation of commission to assist the department is outlined in RCW 36.70.040.

The Planning Commission assists DCD.

Under RCW 36.70.040, the County is required to establish a planning commission that will assist the Department in carrying out its duties, and together they serve as the "planning agency."

Planning agency is defined in RCW 36.70.020(13). The statute provides framework for creating a planning commission, and Kitsap County exercises **RCW 36.70.040**:

- **The planning commission assists the planning department.**
  The planning agency is organized and functions as any other department in the county together with its planning commission.

KCC 2.56.035(2) details the general duties for the Kitsap County Planning Commission. Specific duties of the planning commission are also detailed in KCC 2.56.035(10).

Role and Scope of Planning Commission

Core Duties

The Planning Commission primarily works with DCD to guide long term county planning and regulations. Its key responsibilities include:

- Follow established rules of procedure (KCC 2.56.040)
- Review and provide recommendations on:
  - Development Regulations (KCC 21.08.050)
  - Comprehensive Plan (KCC 21.08.050)
  - Land Use Planning (Open Space Applications)
  - Shoreline Master Program (KCC 22.500.105(I))

General Actions

Most amendments to Development Regulations and the Comprehensive Plan follow a structured meeting process:

- Briefing
- Work Study
- Public Hearing
- Deliberations
- Findings of Fact

These steps usually occur across multiple meetings but may be combined.

Additional Briefings

The Planning Commission may also receive briefings on other planning topics or educational trainings. These do not require a full formal review process.

Process Following Planning Commission Recommendations

After the Planning Commission review is complete and recommendation is provided:

- Findings of Fact are sent to DCD
- DCD forwards Findings of Fact to BOCC

The package may include:

- DCD recommendations. These may differ from Planning Commission recommendations.
- Minority reports from Planning Commissioners.

Findings of Fact, Conclusions and Recommendations

Findings of Fact must:

- Be based on evidence in the record or reasonable inferences
- Be supported by a preponderance of evidence
- Show conclusions

Findings of Fact do not include opinions.

Board of County Commissioners' Process

The Board of County Commissioners then:

- Has one or more Work Study(ies)
- Holds a public hearing
- Conduct deliberations
- Makes a final adoption decision

Planning Commission Meeting Timeline

Development Regulations and Comprehensive Plan Projects will follow this timeline. Note that some meetings may include more than one component to code or legislative recommendations.



Board of County Commissioner Meeting Timeline

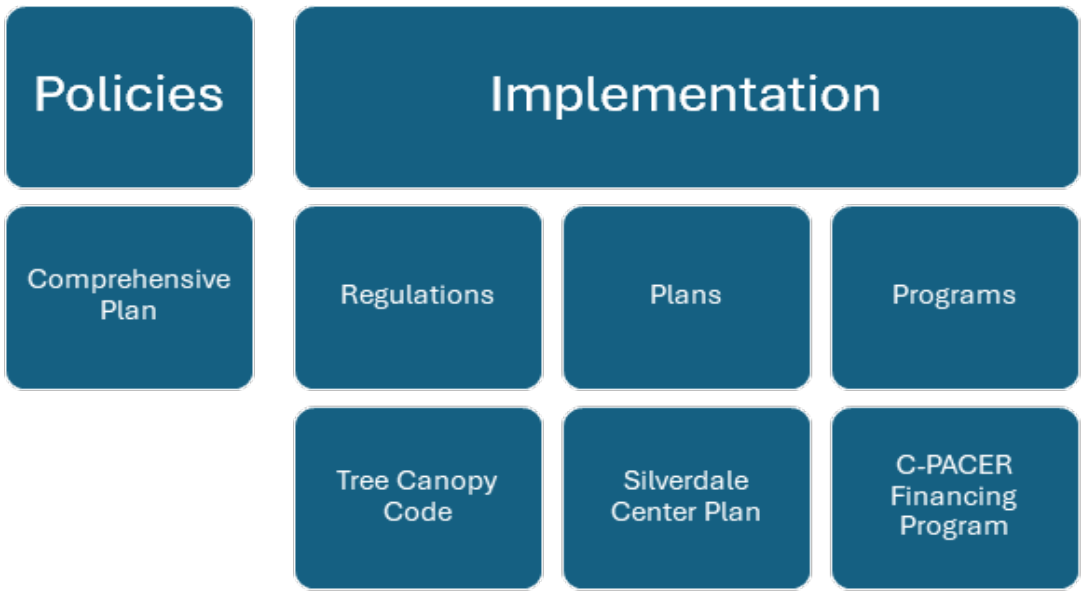
Development Regulations and Comprehensive Plan projects will follow this timeline. Note that some meetings may include more than one component to code or legislative adoptions.



Policy Framework Role

The Planning Commission is involved in most areas of County planning policies.

For reference, the general policy framework for County planning is included in the chart below. The Planning Commission frequently plays a direct role in all of the areas below except for "programs."



Procedural Laws Overview

The following section provides an overview of procedural laws that guide Planning Commission members, including Revised Code of Washington (RCW).

Code of Ethics for Municipal Officers (RCW 42.23)

No person may:

- Use their position to secure special privileges or exemptions for themselves or others
- Give, receive, or agree to any compensation, gift, reward, or gratuity from any source outside the county if it is connected or related to Planning Commission duties
- Disclose any confidential information gained as a Planning Commission member or engage in any business or activity where disclosure may be "reasonably expected"

Open Public Meeting Act (RCW 42.30)

In 1971, the state legislature enacted the Open Public Meetings Act (OPMA) to make the conduct of government more accessible and open to the public. The Act begins with a strongly worded statement of purpose:

> The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.
>
> The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

The basic mandate of the OPMA in RCW 42.30.030 is as follows:

> All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

The OPMA applies to "meetings" of a "governing body" of a "public agency." In RCW 42.30.020 a "public agency" is defined as including a city, county, and special purpose district and a "governing body" is defined as follows:

> "Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

In short, the act requires, basically, that all "meetings" of such bodies be open to the public and all "action" taken by such bodies be done at meetings that are open to the public. The terms "meetings" and "action" are defined broadly in the Act and, consequently, the Act can have daily significance for counties, even when no formal meetings are being conducted.

A meeting generally includes any situation in which a majority of a city council, board of county commissioners, or other governing bodies (including certain kinds of committees) meets and discusses the business of that body. To be valid, ordinances, resolutions, rules, regulations, orders, and directives must be adopted at public meetings. The Act contains specific provisions regarding regular and special meetings; executive sessions; types of notice that must be given for meetings; conduct of meetings; and penalties and remedies for violation of the Act, some of which are discussed below.

All meetings are to be open to the public, including:

- Briefings
- Work Studies
- Public Hearings
- Deliberations
- Findings of Fact

What is a Meeting?

In general, there must be a "meeting" of a governing body for which transaction of official business is taken for the OPMA to apply. These include:

- Public testimony
- Deliberations
- Discussions
- Considerations
- Reviews
- Evaluations
- Final actions

A governing body can only transact business, including briefings and work studies, when a quorum (majority) of its total membership is present.

Serial Meetings and Electronic/Telephonic Communication

Members of a governing body must avoid communicating with each other in a way that eventually turns into a majority of the body collectively taking action, even if the majority is never part of any one communication or are not in the physical presence of one another.

This includes discussing county business together in a series of:

- In-person meetings
- Phone calls
- Emails
- Text messages
- Electronic chat
- Social media posts and/or comments
- Shared documents

These types of meetings are referred to as "serial" or "rolling" meetings and violate the OPMA when they involve a majority of members having the collective intent to take action.

They are a violation because the public could not, as a practical matter, attend these "serial" or "rolling" meetings.

Per the Washington State Supreme Court for a serial meeting to occur in violation of the OPMA, there must be a "collective intent to take action."

It is not an illegal serial meeting if one member communicates with the other members merely for the purpose of providing relevant information to them — "passively receiving" the information and no email or other type of discussion regarding that information takes place.

More information about electronic communications and serial meetings can be found at https://mrsc.org/stay-informed/mrsc-insight/november-2020-1/what-is-a-serial-meeting-under-the-opma

MRSC guidance on Electronic Communications

The Municipal Research and Services Center of Washington (MRSC) has developed electronic communications tips for local governments which can be found in the following insert or by visiting https://mrsc.org.

OPMA – ELECTRONIC COMMUNICATIONS

Practice Tips FOR LOCAL GOVERNMENTS

These practice tips are intended to provide practical information to local government officials and staff about how electronic communications are treated under the Open Public Meetings Act (OPMA), chapter 42.30 RCW. For more information and resources visit mrsc.org/opma.

ELECTRONIC COMMUNICATIONS CAN CREATE AN ILLEGAL "SERIAL" MEETING

If you, as a member of the governing body (e.g., city council, board of commissioners, planning commission), communicate with other members of the governing body by electronic means (email, chat, text message, or using social media), keep in mind that exchanges involving a majority of members of the governing body can be considered an illegal "meeting" under the OPMA.

What types of electronic exchanges can constitute a meeting?

If a majority of the members of the governing body takes "action" on behalf of the agency through email or other electronic means, that would constitute a meeting under the OPMA. "Action" under the OPMA includes mere discussion of agency business. The participants in the email or other electronic exchange don't have to be participating in that exchange at the same time, because a "serial" or "rolling" meeting happens when a majority of the body are eventually involved in the exchange. However, the participants must collectively intend to meet to conduct agency business.

Tips: As a member of the governing body, consider the following to avoid potential OPMA violations:

- Passive receipt of information is permissible, but discussion of issues by any means by a majority of the governing body can constitute a meeting.
- A message to a majority or more of your colleagues on the governing body is allowed if the message is to provide only documents or factual information, such as emailing a document to all members for their review prior to the next meeting.
- If you want to provide information or documents via email to a majority of members of the governing body, especially regarding a matter that may come before the body for a vote, have the first line of the email clearly state: "For informational purposes only. Do not reply." Consider also using the "BCC:" email line to prevent other members from replying to all recipients.
- Unless for informational purposes only, don't send an email to all or a majority of the governing body, and don't use "reply all" when the recipients are all or a majority of the members of the governing body.
- Have a designated staff member provide documents for meetings electronically or provide hard copies to each member. A staff member can communicate via email with members of the governing body in preparation for a meeting as long as the staff member does not share any replies with the other members of the governing body as part of the exchange.

PHONE CALLS AND VOICE MESSAGES CAN CONSTITUTE A MEETING

If a majority of the members of the governing body takes "action" through a series of phone calls or voice mail exchanges, that would constitute a meeting. Such a "telephone tree" occurs, for example, when members call each other to form a majority decision. These calls and messages can constitute a serial or rolling meeting if the members collectively intend to meet and conduct agency business.



Tip: Be on the look out for mixed media. A conversation need not be held entirely in the same format for a rolling or serial meeting to occur. For example, an in-person conversation might be continued on by email and then transition to text messages or comments on a social media site.

KEY EXCEPTION TO CALLING A SPECIAL MEETING

Under RCW 42.30.080, a special meeting (in contrast to a regular meeting) may be called at any time by the presiding officer of the governing body or by a majority of the members of the governing body. Because the statute says "at any time" we believe a majority of the members of the governing body can confer outside of a public meeting for the sole purpose of discussing whether to call a special meeting. This includes conferring for that purpose via phone or any electronic means.

USE OF SOCIAL MEDIA CAN IMPLICATE THE OPMA

If members of the governing body use social media (e.g., through a Facebook page or Twitter feed) to host a discussion about issues related to the agency and the discussion includes comments from a majority of the members of the governing body, that discussion could constitute a public meeting under the OPMA. There's no authority under the OPMA regarding what would constitute adequate public notice – if that's even possible – for this kind of virtual meeting, so it's best to avoid this type of discussion on social media.



Tip: Social media can be an effective tool to solicit comments from the public, but social media shouldn't be used by your agency's governing body to collectively formulate policy or accept public testimony.

FAILURE TO COMPLY WITH THE OPMA CAN BE COSTLY

Violation of the OPMA can result in personal liability for officials who knowingly violate the OPMA and can invalidate agency actions taken at a meeting at which an OPMA violation occurred. Attorney fees and court costs are awarded to successful OPMA plaintiffs. OPMA violations can also lead to a loss of public trust in the agency's commitment to open government.

DISCLAIMER: These practice tips are meant to provide practical information to local government officials and staff about electronic records and requirements under the OPMA. The tips aren't intended to be regarded as specific legal advice. Consult with your agency's attorney for guidance on specific situations.

Public Records Act (RCW 42.56)

All public records must be available for public inspection and copying. This includes any transmission of County business-related activities or communication that was sent to or came from personal and County-owned electronic devices, such as cell phones and computers.

Public Records Retention (RCW 40.14)

All public records must be retained for a set period, generally a minimum of six years.

Appearance of Fairness Doctrine (RCW 42.36)

Overview

The Appearance of Fairness Doctrine in Washington State is a legal standard designed to ensure that quasi-judicial decisions by local governments are both fair and appear fair to the public. Originating from constitutional due process principles, it has been codified into Washington law under RCW Chapter 42.36.

The doctrine is critical in protecting public confidence in the integrity of governmental decision-making, especially in land use and zoning hearings, by requiring that officials not only act fairly but avoid any appearance of bias or impropriety.

- Procedures must be fair
- If uncertainty exists
    - Submit concerns to the record and invite discussion and a motion
        - If there is objection, a motion must be made and passed
        - If there is no objection, the objection stands

Key Concepts

Quasi-Judicial Proceedings

The Doctrine applies only to quasi-judicial decision-based matters, which typically involve:

- Specific individuals or properties
- A decision based on factual record
- Application of existing laws or policies

Examples:

- Open Space Applications
- Rezoning
- Conditional Use Permits
- Variances
- Subdivisions

It does not apply to legislative actions (e.g. Comprehensive Plan updates, or changes to the Comprehensive Plan Land Use Map via Areawide or Site Specific Amendments to the Comprehensive Plan Land Use Map).

Disqualifying Bias and Prejudgment

Under the Doctrine a decision maker must:

- Be impartial
- Avoid prejudgment of facts
- Not have a personal or financial interest in the outcome

Officials must disqualify themselves if their conduct or associations would lead a reasonable person to question their impartiality. A mere appearance of bias can require disqualification, even without actual actions that would lead to a factual disqualification.

Ex Parte Communications

Under the Doctrine communication between decision-makers and interested parties outside of the official record is prohibited under RCW 42.36.060. If such communication occurs:

- It must be disclosed publicly at the next meeting.
- Parties must be given the opportunity to rebut or respond.
    - Scenario 1: There is a contentious topic in front of the Planning Commission and you as a Planning Commissioner are being approached at the grocery store. The community member/constituent that lives in your district shares their concerns about the topic and you listen.
        - Recommendation: You should invite that member of the public to provide comment on the topic during the public process – the comment period prior to the public hearing or testimony at the public hearing.
    - Scenario 2: There is a contentious topic in front of the Planning Commission. You are particularly interested in this topic and reach out directly to specific stakeholders that either have or have not participated in public comment.
        - Recommendation: This practice is not recommended as it may impede the process because everyone does not have the same information. However, if concerns exist, contact the Planning Commission Clerk before taking action. Promoting the public comment process instead is preferred. This way information is available to all Planning Commissioners as well as the public.

"Legislative" and "Quasi-Judicial" Activities

Legislative recommendations, in local government, are formal proposals put forward by elected officials, staff, or advisory bodies to guide the adoption of ordinances, resolutions, or other legislative actions.

Quasi-judicial refers to actions or bodies that resemble a court of law but are carried out by administrative or executive authorities rather than traditional judges.

Legislative activities involve broad policy decisions that apply community-wide, such as updating the comprehensive plan or amending zoning code text. Quasi-judicial activities involve case-specific decisions, like variances, permits, open space applications, or subdivisions, where the Commission acts like a judge. Quasi-judicial matters must follow the Appearance of Fairness Act, which requires commissioners to avoid ex parte communications and ensure both the process and their conduct appear fair to the public.

Legal Framework and Enforcement

There are several provisions to be mindful of when applying a legal lens to the Doctrine.

RCW 42.36 – Key Provisions:

- RCW 42.36.010: Defines scope and applicability
- RCW 42.36.030: Requires disqualification if fairness is reasonably questioned
- RCW 42.36.060: Addresses ex parte communications
- RCW 42.36.110: Provides that if a violation is found and timely challenged, the decision may be invalidated

Enforcement:

- Courts may overturn decisions when:
    - A party raises a timely valid Appearance of Fairness claim
    - The record shows either actual bias or an appearance thereof
- Violations may lead to:
    - Reversal of decisions
    - Remand to a different decision-making body
    - Public mistrust and legal liability

Practical Implications for Local Officials

- Training: Local officials must be trained to recognize quasi-judicial matters and understand when the doctrine applies.
- Disclosure: All ex parte contacts or potential conflicts should be disclosed on the record.
- Recusal: Officials should err on the side of caution and recuse themselves when impartiality might reasonably be questioned.

- Public Perception: Avoid actions that may create the appearance of bias, even when no legal conflict exists.

Conclusion

The Appearance of Fairness Doctrine is foundational to maintaining trust in local decision-making in Washington. It requires decision-makers to act impartially, disclose potential conflicts, and avoid private communications that could compromise public confidence. Even in the absence of actual bias, an appearance of unfairness can undermine a decision's legitimacy.

Local governments must ensure proper training, transparency, and procedural safeguards to comply with RCW 42.36 and uphold both the reality and perception of fairness in all quasi-judicial proceedings.

Conflict of Interest

Overview

The premise of conflict-of-interest provisions, born from Appearance of Fairness and ethical principles, note that public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of others who have supported them.

Public officials must declare any conflicts of interest at a public meeting. A conflict exists if a recommendation potentially could affect the finances of the Commissioner or the finances of a family member. If a conflict exists or potentially exists, a member must declare or discuss this at the meeting where the related issue is before the Commission. For the Planning Commission, conflict of appearance of conflict requires a recusal from participation and voting, not merely an abstention, and leaving the voting chambers during such discussions and deliberations. Conflict of Interest requirements also limit the receipt of specified gifts and honoraria as discussed in RCW 42.23.070.

The Basic Prohibition

Under the requirements, public officials are disqualified from participating in government decisions in which they have a financial interest. This does not prevent officials from owning or acquiring financial interests that conflict with their official duties nor does the mere possession of such interests require officials to resign from office.

Disqualification of action by a commissioner typically hinges on the effect a decision will have on their financial interests. When a decision is found to have the requisite effect, the official is disqualified from making, participating in making, or using his or her official position to influence the making of that decision at any stage of the decision-making process—resulting in a recusal of participation altogether.

By establishing broad, objective disqualification standards, conflict-of-interest requirements attempt to cover both actual and apparent conflict situations between a public official's private interests and their public duties. It is not necessary to show actual bias on the part of the official and generally it is not even necessary to show that an official's assets or the amount of their income will be affected by a decision in order to trigger disqualification.

Even though there is a broad disqualification requirement discussed here, it is by no means all inclusive. Conflicts arising out of matters other than a financial interest are outside the purview of this discussion, e.g., friendship, blood relationship, or general sympathy for a particular viewpoint.

8 Steps to Identify a Conflict of Interest

1.	Is the individual a public official?
2.	Is the public official making, participating in making, or influencing a governmental decision?
3.	Does the public official have a qualifying economic interest (ie, business investment, business employment or management, real property interest, source of income, gifts, personal financial effect)?
4.	Is the economic interest directly or indirectly involved in the governmental decision?
5.	Will the governmental decision have a material financial effect on the public official's economic interests?
6.	Is it reasonably foreseeable that the economic interest will be materially affected?
7.	Is the potential effect of the governmental decision on the commissioner's economic interests distinguishable from its effect on the general public?
8.	Despite a disqualifying conflict of interest, is the public official's participation legally required?

The answers to these questions will help determine whether a conflict of interest exists. If it does, and no exceptions apply, disqualification/recusal is required.

It should be noted that conflict-of-interest situations are dealt with on a transactional, or case-by-case, basis. This means situations must be assessed for possible conflicts of interest in the light of their individual facts and continual attention is demanded on the part of officials. Commissioners must examine each issue to determine if a conflict of interest exists which triggers the disqualification requirement.

Ethical Principles in Planning

Insert from the American Planning Association and available online at www.planning.org/ethics/ethicalprinciples/



Ethical Principles in Planning

(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.

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;

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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.

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.

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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.

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;

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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.

Growth Management Act and Land Use

Overview

The following section provides an overview of the Growth Management Act. Additional information about the Growth Management Act and how it is applied in Kitsap County can be found on the Kitsap County Comprehensive Plan webpage.

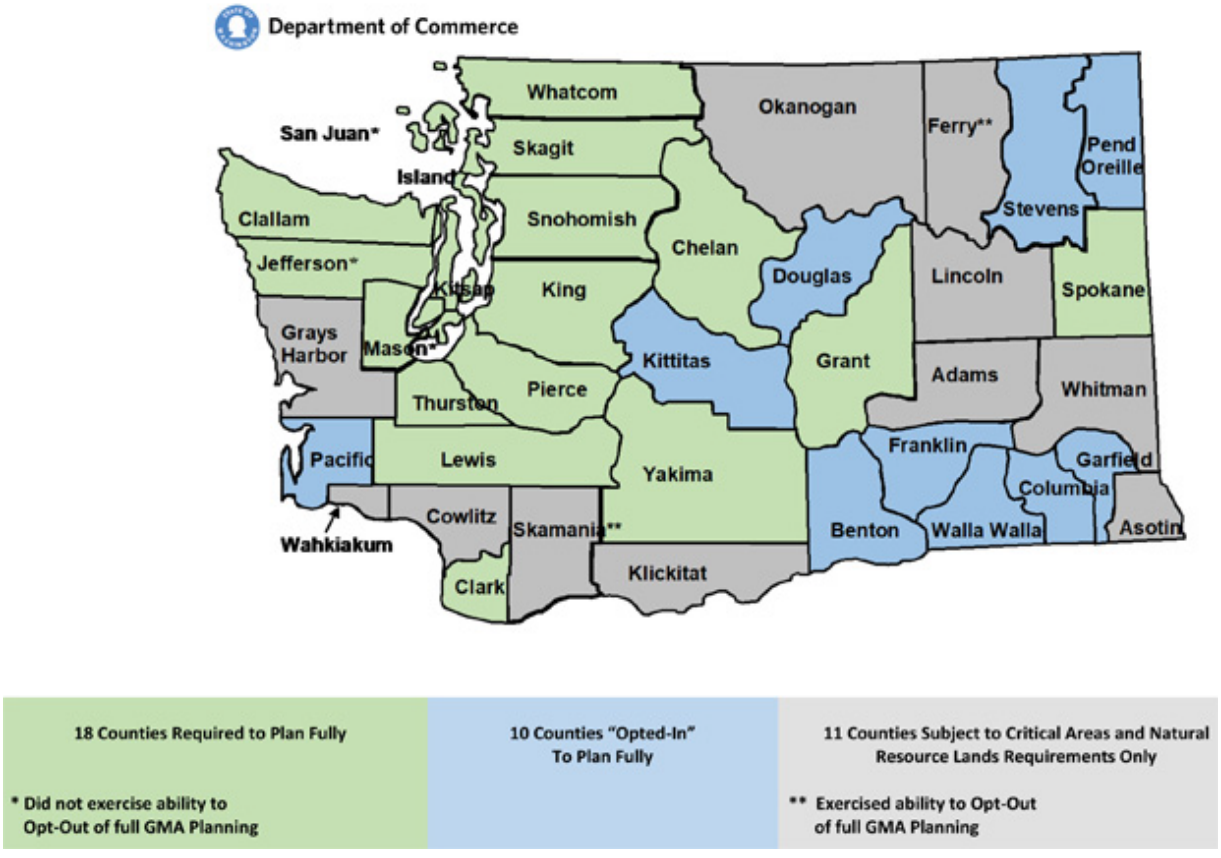
What is the Growth Management Act (GMA)?

In the 1990s, the Washington State legislature enacted the Growth Management Act (GMA), 36.70A Revised Code of Washington (RCW). The purpose of this state mandate was to address concerns over unplanned and uncoordinated growth that led to sprawl or suburban-type development, loss of farmland, natural resource degradation and uncoordinated capital facilities development.

The GMA is also governed by several Washington Administrative Codes (WAC) and case-law interpretations since its enactment. Please visit the Washington State Department of Commerce and Hearings Board webpages for more information.

Who plans under the GMA?

The below map indicates how counties were required to plan under the GMA.



Growth Management Act Goals

The Growth Management Act has 15 goals:

1. Encourage urban growth in urban areas
2. Reduce sprawl into undeveloped land
3. Encourage efficient transportation
4. Plan for and accommodate affordable housing
5. Encourage economic development
6. Protect private property rights
7. Process permits timely and fairly
8. Climate Resiliency
9. Maintain and enhance natural resource-based industries
10. Retain open space and recreational opportunities
11. Protect the environment
12. Encourage citizen participation
13. Ensure adequate public facilities
14. Identify and encourage historic preservation
15. All Shoreline Management Act goals

GMA Hierarchy

Enabling Law

- State Growth Management Act

Regional Coordination

- Multi-County Planning Policies (Vision 2050)
  - Puget Sound Regional Council (PSRC)
- Kitsap Countywide Planning Policies
  - Kitsap Regional Coordinating Council (KRCC)

Local Planning

- Kitsap County Comprehensive Plan

Implementation

- Development Regulations & Programs

Kitsap County Planning Commission Rules of Procedure

Kitsap County Planning Commission Rules of Procedure are outlined in Resolution 071-2017, offered in the following insert.

RESOLUTION NO. 071 -2017

AMENDMENTS TO THE KITSAP COUNTY PLANNING COMMISSION RULES OF PROCEDURE

WHEREAS, the Kitsap County Board of Commissioners advocates public participation and supports and encourages citizen involvement in all matters of County government; and

WHEREAS, the Kitsap County Planning Commission consists of a nine-member board as outlined in RCW 36.70.070; and

WHEREAS, the Kitsap County Planning Commission is governed by Rules of Procedure that were evaluated in late 2016 to clarify the actions, procedures and organization by which the Planning Commission functions; and

WHEREAS, the Planning Commission approved a Findings of Fact and Recommendations to the Board of Commissions April 4, 2017 following a work-study session with Commissioners Feb. 7, 2017 and a public hearing March 7, 2017; and

WHEREAS, the Planning Commission voted unanimously to approve the Rules of Procedure April 4, 2017 and recommends adoption by the Kitsap County Board of Commissioners.

NOW THEREFORE, BE IT RESOLVED BY THE KITSAP COUNTY BOARD OF COMMISSIONERS that the revised Kitsap County Planning Commission Rules of Procedure, as approved and by the Planning Commission, are approved and adopted as attached.

Adopted this 24th day of April 2016

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

BOARD OF COMMISSIONERS STATE OF WASHINGTON KITSAP COUNTY

CHARLOTTE GARRIDO, Chair

ROBERT GELDER, Commissioner

EDWARD E. WOLFE, Commissioner

ATTEST:

Dana Daniels, Clerk of the Board

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KITSAP COUNTY PLANNING COMMISSION
RULES OF PROCEDURE

I. Purpose of the Kitsap County Planning Commission

A. The Kitsap County Planning Commission shall assist the Kitsap County Department of Community Development in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and the adoption of development regulations, as defined in the Kitsap County Code (KCC), Chapter 2.56 and Chapter 36.70 RCW.

II. Meetings and Location

A. The Commission shall convene on the first and third Tuesday of each month in the Board of County Commissioners (Board) Chambers, Kitsap County Administration Building, 619 Division St, Port Orchard, Washington, unless otherwise noticed. Meetings may be held on such other occasions, times and places as the business of the Commission may require.

B. The Commission shall conduct a special meeting at the call of the Chair or upon the written request of a majority of the Commission to the Secretary or Clerk of the Commission, so long as twenty-four hours advance notice to all Commission members has been given. Such notice shall include specific items of business and only those items of business set forth in the notice to the Commissioners shall be in order. Such notice shall be prominently posted on the County website and physically posted outside the entrance to the Board of County Commissioners' Chambers, Kitsap County Administration Building, 619 Division St, Port Orchard, Washington.

III. Officers, Staff and Duties

A. Each member of the Kitsap County Planning Commission shall be appointed and confirmed by the Board of County Commissioners, in accordance with RCW 36.70.080.

B. The officers of the Commission shall consist of a Chair, Vice-Chair and Secretary.

C. The Planning Commission shall, at its first regular meeting of each year, organize itself by electing a chair and vice-chair to serve until the expiration of the calendar year. Elections shall be held by open nomination by way of a main motion, subject to a 'second' to the main motion, and shall be voted in accordance with majority rules. In the case of a declared vacancy or of the resignation of the Chair, the Vice-Chair shall automatically serve the remainder of the Chair's term of office. A special election will be

held at the next regular meeting to elect a second Vice-Chair to serve until the next regular election. If the Vice-Chair position is vacated, the office of Vice-Chair shall be filled via an election at the next regular meeting following the notice of vacancy or resignation.

D. Chair. The Chair shall preside over meetings of the Commission exercising all the powers usually incident to the office. The Chair shall have the full right and obligation to have his/her own vote recorded in all deliberations/recommendations of the Commission.

E. Vice-Chair. The Vice-Chair shall, in the absence of the Chair from any meeting, perform all the duties incumbent upon the Chair.

F. Secretary. The Commission shall appoint a secretary who need not be a member of the Commission. Alternatively, the Commission may delegate the secretary's duties to the Clerk of the Commission.

G. Clerk. The Director of the Department of Community Development shall assign a staff member who shall act as Clerk to the Planning Commission. The duties of the Clerk shall include, but are not limited to, keeping a record of all meetings of the Planning commission; publishing notices for Planning Commission meetings, disseminating information regarding Planning commission meetings to the Commission members and to the public.

H. Removal from Office. Any appointed member of the commission may be removed by the Board of County Commissioners for inefficiency, negligence of duty or malfeasance of office, pursuant to RCW 36.70.110.

IV. Conduct of Meetings and Hearings

A. The powers and duties of the Planning Commission shall be such as are prescribed by Chapter 36.70 RCW, as amended, and other applicable laws of the state; and the Planning Commission shall also perform such other duties as are not inconsistent with the laws of the state, at the direction of the Board of County Commissioners.

B. The Planning Commission shall conduct such hearings as are required by Kitsap County Code and state statutes, and shall make findings of fact and conclusions, which shall be transmitted to the Department of Community Development for transmittal to the Board, along with such comments and recommendations as the Department shall deem necessary. At its discretion, the Board may choose to act directly on specific land-use matters without the input of the Planning Commission, where an emergency exists, or where the matter concerns an issue that was remanded by a court or a state administrative review body.

C. In formulating its recommendations to the Department of Community Development for transmittal to the Board, the Planning Commission may be required to conduct public hearings. All such meetings and hearings of the Planning Commission committees shall be conducted in a manner consistent with the Code of Ethics for Municipal Officers, Chapter 42.23 RCW, the Open Public Meetings Act, Chapter 42.30 RCW, the Appearance of Fairness Doctrine as applicable, Chapter 42.36 RCW, and applicable public participation policies of the county.

D. The Planning Commission shall prepare an annual report that reviews the previous twelve months' activities. Department of Community Development shall assist in scribing the report. The report shall be affirmed by the Planning Commission by majority vote present.

E. The Planning Commission shall meet at least once annually with the Board to, at minimum, review its roles, expectations and performance. The meeting shall be an opportunity to review the latest annual report of the Planning Commission as well as upcoming legislative and work programs.

V. Composition of the Planning Commission.

The Planning Commission shall be composed of nine members, whose members shall be appointed by the Kitsap County Board of Commissioners in accordance with RCW 36.70.080 and KCC 2.56.035. Appointments to the Planning Commission shall be staggered and each member's four-year term shall commence on the first day of January of the year when the term created herein shall expire and the four-year anniversary thereof.

VI. Conduct of Business

A. Parliamentary Procedure. The rules contained in the current edition of 'Robert's Rules of Order Newly Revised' will be followed, except as otherwise amended herein.

B. Quorum. The majority of the appointed membership of the Planning Commission will constitute a quorum for the transaction of all business at meetings. All actions of the Planning Commission shall be determined by a majority vote at a meeting at which a quorum is present. In accordance with Ch. 36.70 RCW, as it now exists or is hereafter amended, the Planning Commission's recommendation regarding the Comprehensive Plan, Comprehensive Plan amendments or development regulations shall be by affirmative vote of not less than a majority of the total members of the Planning Commission.

C. Minutes, Audio Recordings and Findings. Minutes of all meetings shall be prepared for the record. In accordance with "Robert's Rules of Order," minutes shall be succinct and shall record what is done, including motions, recommendations made

and hearings that have been continued. In accordance with "Robert's Rules of Order," minutes are not verbatim records of what is said or of testimony at meetings. Audio recordings of all meetings shall be made available to the public, staff and officials, and shall be posted and kept on the County's website. Minutes and audio recordings shall be 'indexed' in relation to each other according to items on the related agenda. Findings shall not be approved the same day as deliberation and voting without the unanimous consent of the Planning Commission.

D. Minority Reports. A Planning Commissioner whose vote was in the minority may submit a minority report briefly explaining their position to be forwarded to the Kitsap County Board of Commissioners for consideration. Minority reports must be attached to the Findings of the Planning commission as a minority report and signed by the planning commissioners participating in the minority report.

E. Public Spokespersons. Unless otherwise specified by the Chair, the Chair and Vice-Chair will be the only official spokespersons for the Planning Commission.

F. Chair and Vice-Chair Absent. Where the Chair and Vice-Chair are both absent, the members present may elect for the meeting a temporary Chair who shall have full powers of the Chair during the absence of the Chair and Vice-Chair.

G. Email Communication. The Commission shall be mindful of the Open Public Meetings Act when conducting communication via email. If a 'copy' or 'Cc' email address is provided by the department, all communication from Commissioners shall include the specific address as a 'copy' in its distribution. The Commission shall not engage in dialogue or discussion of business via email. Emails sent to one member shall be sent to all members, the Clerk and the departmental 'copy' email address if applicable.

H. Study Session or Workshop. So long as attendance is not a quorum, Planning Commissioners may meet informally in study sessions or participate in workshops on projects such as the development of comprehensive plan, development guidelines, policies and development regulations. Any further action, discussions and conclusions that involve a quorum of members must be open to the public.

I. Performance of Duties. In the performance of its ordinary duties, the Planning Commission shall apply the Code of Ethics for Municipal Officers (Chapter 42.23 RCW), the Open Public Meetings Act (Chapter 42.30 RCW), the Appearance of Fairness Doctrine as applicable (Chapter 42.36) and applicable public participation policies of the county.

VII Reconsideration

A. Reconsideration, if successful, allows a Commission member to bring back for a quorum's further consideration a motion which has already been voted on. The purpose of reconsidering a vote is to permit correction, to take into account added information, or a changed situation that has developed since the taking of the vote. Procedures for reconsideration must be consistent with the following:

1. A motion for reconsideration may be made only at a regular or special meeting by a member who voted on the prevailing side. The reasons to reconsider must be stated in the motion of reconsideration and must be seconded. When a member who cannot move for reconsideration believes there are valid reasons for reconsideration, he/she should, time and opportunity permitting, try to persuade a member who voted on the prevailing side to make such a motion. A second for reconsideration may be made by any member of the Commission.

2. The making of a motion for reconsideration and its second is subject to expiry at the conclusion of the next regularly scheduled meeting following the meeting at which the motion was originally voted upon. If the motion for reconsideration is seconded, and is timely, the reconsideration motion must be heard and voted upon at the same meeting.

VIII. Recommended Amendments to Rules of Procedure

A. The Commission may recommend that the Board consider amendments to the Rules of Procedure. Such recommendations may be made at any regular or special meeting of the Commission, provided that the following conditions have been met:

1. The proposed change has been an item of business at a previous meeting;
2. The proposed change has been communicated to the membership ten (10) days prior to the meeting at which changes shall be voted upon;
3. The proposed change is not in conflict with any state or local regulations; and
4. The proposed change receives a favorable majority vote of a Commission quorum.

IX. Meetings Rules and Procedures

A. Exercising Powers. The general powers of the Commission shall be exercised by a motion adopted by the Commission.

B. Inconsistent Motion. A motion that is inconsistent with Washington law or local regulations has no validity.

C. Intent of Motion. All motions shall express fully and clearly the intent of the mover and should be worded in the affirmative.

D. Motion to be Seconded. A motion is not properly before the Commission and shall not to be considered until it has been seconded.

E. Motion for Discussion. No motion shall be entertained or debated until duly seconded and announced by the Chair.

F. Withdrawing Motion - After a motion has been moved and seconded, it shall not be withdrawn without the consent of the majority of members who are present.

G. Lost Motion. A question or motion shall be declared lost or defeated when it:
1. does not receive a majority vote;
2. does not receive the required number of votes; or
3. receives an equal division of votes; or

H. Debatable Motions. Except as specifically provided elsewhere in these Rules, the following motions are debatable by the Commission:
1. a motion arising out of any matter included on the agenda for the meeting at which it is debated;
2. a motion concerning any question, matter or subject tabled indefinitely from a previous meeting of the Commission at which it was discussed;
3. a motion for concurrence in, rejection or further consideration of a report to the Commission;
4. a motion to receive and file; and
5. such other motions made upon routine proceedings as may be determined necessary by the Commission.

I. Privileged Motion. When a motion has been introduced and is before the Commission, no member shall make any other motion except a motion to:
1. amend the motion;
2. refer the main question to some other person or group for consideration;
3. table the main question; or
4. adjourn the meeting.

J. Motion to Table. A member moving a motion to table any matter, whether the matter is contained in a petition, motion or other matter before the Commission shall include in the tabling motion the time at the present meeting or the date of a future regular meeting to which the matter is to be tabled. A motion to table shall not be debated except as to the time when the Commission will again consider the matter. A matter which has been tabled shall not again be considered by the Commission before the date set, except on a majority vote of all members.

K. Referral Motion. A motion to refer a matter shall not be amended or debated, except with respect to the conditions of the referral or the time required to carry out the review. The substantive issue of the item being referred shall not be debated and a member making a referral motion generally should include in the motion:

1. the terms on which the motion is being referred; and
2. the time when the matter is to be returned.

L. Division of Motion. A motion containing several distinct propositions shall not be out of order for that reason alone and where a member so requires or the Chairperson so orders, the Commission shall vote on each proposition separately.

M. Amendment to Motion. An amendment proposed to a motion shall be relevant to its subject matter and shall not propose a direct negative of the motion.

N. Amendment to Amendment. Only one amendment to a motion shall be before the Commission at any time, but an amendment to the amendment may be before the Commission at the same time. An amendment to an amendment shall be relevant to the amending motion and shall be voted on before the amendment to the main motion.

O. Debate on Amendment. The Commission shall only debate the merits of the amendment and not the merits of the motion it is amending.

P. Majority to Decide. Every disputed question shall be decided by a majority of the votes of the members of the Commission present at the meeting, except in cases where, under this by-law or by any Act of the Legislature, another number of votes is required to decide this matter.

Q. Voting Obligatory. Every member of the Commission present when a question is put to vote shall vote on the question, unless that member has recused him or herself due to a conflict of interest, or is allowed to abstain from voting by this bylaw or any other applicable law.

X. Financial Obligations and Expenditures

A. No financial obligation or expenditure shall be incurred by either the Department of Community Development or the Planning Commission, except as are expressly authorized in advance by the Kitsap County Board of Commissioners as by law provided. Appropriations for the operation of both the Department and Planning Commission shall be separately identified, but office accounting and records shall be kept by the Department of Community Development.

B. Planning Commission members shall receive a stipend as approved by the Board of Commissioners in the Department of Community Development annual budget.

XI. Ground Rules

Ground Rules for regular and special meetings shall be attached to the Planning

Commission Rules of Procedure.

Adopted this 24 day of April, 201_.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

CHARLOTTE GARRIDO, Chair

ROBERT GELDER, Commissioner

EDWARD E. WOLFE, Commissioner

BOARD OF COMMISSIONERS STATE OF WASHINGTON KITSAP COUNTY

ATTEST:

Dana Daniels, Clerk of the Board

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KITSAP COUNTY PLANNING COMMISSION GENERAL GROUND RULES

1. The Planning Commission Chair will conduct meetings according to specific topics and, when possible, timing as outlined in the agenda. Parliamentary procedures as noted in Robert's Rules shall be followed-unless otherwise noted. Meetings will start on a timely basis.

2. Out of respect for Planning Commissioners and members of the public, all cell phones and any other electronic devices must be turned off or muted. To allow for an audible record, conducting conversations with other members of the audience or staff during the meeting shall be avoided:

3. Public testimony shall be advertised and may be made orally or in writing. Testimony from the public may be limited to **three (3) minutes**, or time set at the discretion of the Chair; issues that warrant more time may be continued for future meetings. If testifying in person, names and residential locales shall be noted for the record. Testimony should identify succinct issues and desired actions of the Planning Commission. If written testimony is used, the Secretary or the Clerk of the Planning Commission should receive a copy; if copies are desired for the Planning Commissioners, the Secretary or Clerk will distribute them before the public hearing begins. Any testimony can be submitted in writing in lieu of oral testimony.

4. Meetings may be conducted without a quorum present. However, a quorum will be required for formal recommendations via voting on motions, which will be duly noted for the record by Planning Commission Secretary or Clerk. Five (5) members of the Planning Commission shall constitute a quorum.

5. Any member desiring to speak shall be recognized by the Chair and shall confine his/her remarks solely to the subject under consideration.

6. Summary ground rules are also noted on the last page of Planning Commission agendas. Kitsap County does not discriminate on the basis of disability. Individuals require accommodations at this meeting, or who require this information in a different format, should contact the ADA Coordinator at (360) 337-7181 (voice) or (TDD) (360) 337-7275 or (800) 816-2782. Please provide one week's notice for accommodations, if possible.

Planning Commission Frequently Asked Questions (FAQs)

New to the Planning Commission?

Serving on the Planning Commission can be a rewarding way to serve your community. The Commission helps set the long-term direction for your community. The Commission is an advisory body and holds an important role in local government.

The group advises on issues such as adoption or amendment of the comprehensive plan and zoning and shoreline regulations. Members may review applications for a variety of individual projects or requests. New planning commissioners should be knowledgeable about the structure of local government and the laws and procedures that govern their actions.

Here are a few commonly asked questions to help members conduct public meetings.

Who are the key participants in the planning process?

Groups with key roles include:

- **Board of County Commissioners (Board)**
  - Elected body
  - Appoints Planning Commission members
  - Decision-making authority for Planning Commission recommendations and certain land use planning issues
- **Planning Commission**
  - Appointed by Board
  - Makes policy and planning recommendations to DCD

Who can attend Planning Commission meetings?

Most Planning Commission meetings, including regular meetings, work study sessions, and public hearings, must be open to the public under the Open Public Meetings Act.

What does the Board of County Commissioners do with recommendations?

The Board reviews the Planning Commission's findings and recommendations, along with staff analysis, as part of its decision-making process. The Board may hold additional hearings, make revisions, and ultimately adopt, modify, or reject proposals through formal action. The Planning Commission's role is advisory, but its recommendations help inform the Board's final decisions.

What are the expectations for recordkeeping?

Planning Commission hearings must be recorded well enough to produce a verbatim transcript if a decision is appealed. Minutes alone aren't sufficient. Meetings should be clearly recorded, speakers must identify themselves, exhibits must be labeled, and the Chair should ensure only one person speaks at a time. Kitsap County partners with Bremerton Kitsap Access Television (BKAT) to have Planning Commission meetings recorded and broadcasted. Good recordkeeping ensures the Commission can provide an accurate record and avoids the need to re-hear a case if the audio or documentation is unclear.

How are decisions reached?

After all testimony is heard and closed, the Chair calls for a motion, leads a focused discussion, and then holds a formal vote. Commissioners should base their positions on the relevant code criteria and the evidence presented during the hearing, stating the reasons for their vote for the record. The final vote becomes the basis for the Commission's collective findings and conclusions.

Additional Resources

Kitsap County Resources

1. **Planning Commission Homepage**
   http://www.kitsap.gov/dcd/pages/PlanningCommission.aspx
2. **Board of County Commissioners' Homepage**
   https://www.kitsap.gov/BOC_p/Pages/default.aspx
3. **Department of Community Development Homepage**
   https://www.kitsap.gov/dcd/Pages/default.aspx
4. **Community Planning Homepage**
   https://www.kitsap.gov/dcd/Pages/Community-Long-Range-Planning.aspx

Other Resources

1. **Municipal Research and Service Center (MRSC) Homepage**
   https://mrsc.org/
   - **Public Records Act**
     https://mrsc.org/explore-topics/public-records
   - **Public Meetings and OPMA**
     https://mrsc.org/explore-topics/public-meetings
   - **Planning & Growth Management**
     https://mrsc.org/explore-topics/planning
2. **Washington State Department of Commerce**
   https://www.commerce.wa.gov/
   - **Growth Management**
     https://www.commerce.wa.gov/growth-management/
   - **Short Course on Local Planning**
     https://www.commerce.wa.gov/growth-%20management/education-outreach/short-course/