

JUNCTION CITY PLANNING COMMISSION

AGENDA ITEM SUMMARY



Amendment to Planning Commission By-Laws

Meeting Date: January 20th, 2015
Department: Planning
www.junctioncityoregon.gov

Agenda Item Number: 5d
Staff Contact: Jordan Cogburn
Contact Telephone Number: 541-682-6571

ISSUE STATEMENT

This item is in response to the Planning Commission's discussion regarding options for altering the standing Planning Commission meeting date and a proposed Amendment to the Planning Commission By-Laws as a result.

BACKGROUND

At the October 21st Planning Commission meeting, Chair Thiesfeld stated the standing meeting date for the Planning Commission, the third Tuesday of each month, conflicted with another obligation he held. He asked the Commission for their thoughts about changing the meeting date. The Commission held a short discussion about moving the standing Planning Commission meeting date. Staff was directed to bring back possible alternatives for a Planning Commission standing meeting date to the November meeting.

At the November 18th Planning Commission meeting, Staff presented date options regarding changing the standing date of the Planning Commission meetings. The Planning Commission By-Laws spoke to amendment of those by-laws. An amendment was permitted provided notice of the proposed amendment was given at a preceding meeting.

Alternative dates discussed for the standing Planning Commission meeting were the second or third Monday or the second or third Wednesday of each month. Commissioner Haag said he preferred Wednesdays. Commissioners Hukill and Holderby were also available Wednesday evenings. The Commissioners were in general agreement to move the standing meeting date to the third Wednesday of each month.

Notice of a possible amendment to the By-Laws was on the agenda for the November 18, 2014 meeting. A vote to change the meeting date could then take place at the December Planning Commission meeting.

The December standing Planning Commission meeting was canceled by the Commission Chair.

The item is appearing on this January 20, 2015 agenda for a vote. If passed, the change in Planning Commission By-Laws and standing meeting date would take effect as of February 17, 2015.

RELATED CITY POLICIES

Planning Commission Bylaws

ARTICLE V: MEETINGS

Section 1. Regular meetings of the commission shall be held the third Tuesday of each month at 6:30 p.m. in the Council Chambers. Special meetings can be called by the chair or vice chair with 24 hours notice.

ARTICLE X: AMENDMENT TO BYLAWS

These bylaws may be amended by an affirmative vote of a majority of members present at any regular meeting, providing notice of such amendment is given at a preceding regular meeting.

PLANNING COMMISSION OPTIONS

1. Take a vote to change the Planning Commission By-Laws, altering the standing meeting date of the third Tuesday of each month to the third Wednesday of each month at 6:30 p.m. in the Council Chambers.
2. Table the item, direct Staff to provide more information and return to the next available meeting.
3. Review the item and provide feedback to Staff.

PLANNING STAFF RECOMMENDATION

Staff recommends that the Planning Commission take a vote on the item and provide direction.

SUGGESTED MOTION

“I move that we to change the Planning Commission By-Laws, altering the standing meeting date of the third Tuesday of each month to the third Wednesday of each month at 6:30 p.m. in the Council Chambers.”

ATTACHMENTS

- A. Proposed Planning Commission By-Law Amendment

FOR MORE INFORMATION

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PROCEDURES AND BY-LAWS
OF THE
JUNCTION CITY PLANNING COMMISSION
Adopted by the Planning Commission December 1989
Amended September 21, 1999, October 21, 2009
October 18, 2011 and June 17, 2014

ARTICLE I: ESTABLISHMENT

The Junction City Planning Commission was established in 1939 (Ordinance No. 220 as amended) and is appointed by the Mayor with Council approval in conformance with ORS 227.010 through 227.300, which sets forth the state requirements for establishing city planning commissions.

ARTICLE II: PURPOSE AND OBJECTIVES

- a. To keep current the Junction City Comprehensive Plan, functional plans and refinement plans for the City adopted by the Council as official guides to public and private uses of land.
- b. To prepare city legislation that will implement the purposes of the Junction City Comprehensive Plan.
- c. To keep current zoning, subdivision and sign code ordinances and to make amendments consistent with required findings and the purposes of the Junction City Comprehensive Plan.
- d. To hold hearings pertaining to minor partitions, major partitions, and subdivisions, and to approve or deny them on the basis of their consistency with the provisions set forth in the Junction City Subdivision Ordinance.
- e. To recommend and make suggestions to the council and to all other public authorities concerning laying out, widening, extending and locating of streets and parking areas, sidewalks, bikeways and boulevards, and for relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones or districts limiting use, height, area and bulk of buildings and structures (ORS 227.090).
- f. To recommend to the council and all other public authorities plans for regulation of the future growth, development, and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities and transportation facilities (ORS 227.090).
- g. To study and propose in general such measures as may be advisable for promotion of environmental quality as well as the public interest, health, morals, safety, comfort, convenience, and welfare of the city and of the area of influence (ORS 227.090).

ARTICLE III: OFFICERS

Section 1. The officers of this commission shall consist of a chair and vice chair.

Section 2. The chair and vice chair shall be elected from the voting membership of the commission at its first regular meeting in October of each year. The term of office shall be one year. In case of vacancy of chair or vice chair occurring in any office, the commission may fill the same by an election at its earliest opportunity.

Section 3. It shall be the duty of the chair to preside at all meetings of the commission; to enforce observance of the rules of procedure; to sign necessary Planning Commission correspondence and business; to decide all questions of order; offer for consideration all motions regularly made; apportion duties of the members of the commission; call special meetings; appoint all necessary committees; appoint advisory committees with the consent of the commission; and perform such other duties as the Chair's office may require. The chair shall make no motion or amendment.

Section 4. In the absence of the chair the vice chair shall perform the duties of the chair.

Section 5. In the absence of the chair and the vice chair, the commission shall elect a chair Pro Tem for the particular meeting in question.

Section 6. The commission may employ a Secretary of the Planning Commission. The secretary shall be responsible for keeping the records of the commission, arranging for meetings, preparing agendas, and performing such other services for the commission as are customary in that role.

ARTICLE IV: MEMBERSHIP AND VOTING

Section 1. The planning commission shall consist of the mayor and City building official, both of whom shall serve as ex officio nonvoting members; seven other members who shall be appointed by the mayor with the approval of the council, and two alternate members who shall sit as voting members only when there are absent members at a meeting of the commission. At least three of the seven members appointed by the mayor shall reside inside the city limits; an additional two members may reside anywhere in the urban growth boundary, and the remaining two members may reside anywhere in the area defined by the 97448 zip code. These restrictions apply only to the composition of the planning commission as appointed by the mayor; they are not intended to apply to the voting membership in attendance at a given meeting.

Section 2. No more than two members shall be engaged principally in buying, selling, or developing of real estate for a profit as individuals or be members of any partnership, or officers

or employees of any corporation that is engaged principally in buying, selling, or developing real estate for a profit. No more than two members shall be engaged in the same kind of business, trade or profession (ORS 227.030).

Section 3. Members shall be appointed for 4-year terms, renewable upon appointment by the Mayor and with the approval by the council.

Section 4. The Planning Commission shall review applications for membership to the commission and make recommendations concerning the filling of vacancies on the commission to the mayor and city council. Any vacancy shall be filled upon appointment by the Mayor for the unexpired term of the predecessor in office.

Section 5. Each member of the commission shall be entitled to vote at all regular and special meeting of the commission, except that a member shall not vote or take part in discussion as a member when there is a conflict of interest; i.e., when the action to be taken can confer a significant economic benefit or impose a significant economic loss on the individual member. For example, a member of the commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law, and business in which he or she is then serving or has served within the previous two years, or any business with which he or she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at each meeting of the commission where the action is being taken (ORS 244.135).

Section 6. If a member wishes to abstain in a situation where there is no direct pecuniary conflict of interest, but where the public might construe that such a conflict exists, or if a member has a conflict deriving from a relationship with the person involved or an extreme bias, the member may request the commission to allow that member to abstain. If the commission says "no," the member must vote. This provision is intended to relate to close relatives and to professional relationships, as well as to friendships.

Section 7. Any time a member present at a meeting does not record his vote, it is automatically recorded as a vote with the majority; and abstention must be entered as such in the minutes, with the reason recorded.

Section 8. Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses.

Section 9. Any member who misses more than three consecutive regular meetings without having been given a leave of absence by the commission shall be notified by registered mail of possible removal from the commission for further consecutive unexcused absences. Upon the fourth consecutive unexcused absence the commission shall recommend the removal of the absent member to the city council. The city council shall appoint another member to complete the unexpired term of any removed member.

Section 10. Alternate members shall sit as voting members only when there are absent members at a meeting of the commission. If members of the commission are late, alternates shall sit as voting members for the duration of the meeting.

ARTICLE V: MEETINGS

Section 1. Regular meetings of the commission shall be held the third ~~Tuesday~~ [Wednesday] of each month at 6:30 p.m. in the Council Chambers. Special meetings can be called by the chair or vice chair with 24 hours notice.

Section 2. A majority of the members of the commission, excluding vacant positions, shall constitute a quorum. Except as otherwise provided by law, all actions of the Commission shall require the vote of the majority of those members present not abstaining.

Section 3. An abstention is not considered a position for the purposes of determining a majority vote.

Section 4. If a member of the commission is unable to attend a meeting, said member is expected to notify the chair and/or the secretary to the commission.

Section 5. Commissioners shall prepare for participation at a meeting by fully reviewing the staff report and materials provided by the Director. If a Commissioner is unable to attend a hearing on an application that is continued to another hearing, the Commissioner shall not take part in the continuance hearing unless the Commissioner:

1. Reviews the staff report and materials provided by the Director as well as:
 - a. all materials submitted at the hearing, and
 - b. any additional materials prepared by the planning staff applicable to the application, and
 - c. Listen/view the audio/video recording of the hearing and review the draft minutes of the hearing.
2. Declares on the record at the continuance hearing that they are prepared to participate.

Section 6. All commission members shall be sent advance written notice of regular meetings or special meetings where action is to be taken. Notification for study sessions may be made at regular meetings or by telephone at least 24 hours in advance of the meeting time. The place and/or hour of any meeting may be changed by affirmative vote of the commission, and the hour of meeting may be changed by the chair; if adequate notice can be given to the public and all interested parties (ORS 192.640).

Section 7. Action may be postponed at the first hearing on any land use application where the applicant (or appellant) or a representative is not present. A written explanation for absence, coupled with a request that action not be delayed, may be honored, if the commission has sufficient information to proceed. If the commission agrees to postpone the application to a subsequent hearing date, at the request of the applicant, the applicant may be responsible for additional costs incurred by the city in meeting public notice requirements. It is the duty of the City Recorder, or such other Person designated by the City, to notify applicants at the time of initial application that they may be responsible for these additional costs.

Section 8. All meetings shall adjourn by 9:00 p.m. unless the commission, by majority vote, decides to extend business beyond that or continue the discussion to a later date. No new public hearing agenda item shall be considered for decision after 9:00 p.m.

Section 9. Public hearings shall begin at 6:30 p.m. in their order of public notice.

Section 10. Except as otherwise provided by the chair, Robert's Rules of Order shall apply to the procedures of all commission meetings. However, the commission has an obligation to be as clear and simple in its procedures as possible, and therefore should avoid the finer points of parliamentary rules, which may only obscure the issues.

Section 11. A planning commission member who attends a meeting of the city council as a representative of the commission should follow the following guidelines:

- a. The representative should answer questions about commission actions if these are addressed to him or her by the council.
- b. The representative should state the commission's majority report and should not present his/her own point of view nor that of the minority, unless specifically asked.

Section 12. The planning commission may hold executive sessions subject to the requirements of ORS 192.610 to 192.690.

ARTICLE VI: PUBLIC HEARINGS

Section 1. The commission may retain a hearings officer to prepare staff reports, conduct public hearings and to create findings of fact documents. All staff reports furnished to the commission shall be considered as part of the record at the meeting and incorporated in the minutes thereto as if actually included. All staff reports shall be made available to applicants prior to the public hearing.

Section 2. The secretary to the commission shall tape record all public hearings and meetings and retain these records for a period of time not less than two years from the date of that hearing.

Section 3. In the interest of avoiding the appearance of bias, no individual planning commission member will discuss (ex parte contact) with the applicant for a specific land use, or others interested in the application, any request that is to be heard by the commission and on which he or she will vote, except that answering questions relating to time, place, and commission procedures will not be considered as violations of this rule. Any such ex parte contact shall be divulged on the record, by the affected commission member, at the beginning of the public hearing to which the contact pertains. The commission member shall state the name of the party or parties with which he or she had the contact, explain the nature of the pre-hearing discussion and state whether that contact has caused the commission member to become biased in voting upon the matter. A request for abstention shall be determined by the procedures set out in Section 6 of ARTICLE IV of these bylaws.

Section 4. Any interested parties may appear for themselves or be represented by a person of their choosing. Any persons speaking at a public hearing shall first identify themselves by name and address, and, if appearing in a representative capacity, identify whom they represent.

Section 5. Procedure for all matters considered by the commission shall be as follows:

- a. The chair or hearings officer will present the matter, action and considerations required of the commission by law, and any other information deemed necessary to establish appropriate consideration prior to public discussion or hearing.
- b. The chair or hearings officer shall ask for a declaration of ex parte contacts and potential conflicts of interest. Members who are excused from voting because of an ex parte contact or potential or actual conflict of interest shall remove themselves from the dais and refrain from participating as a member of the commission during the public hearing.
- c. The chair or hearings officer shall provide the audience an opportunity to challenge the jurisdiction of the Planning Commission and/or the impartiality of any commission member.

- d. (Open public hearing, if applicable) The proponents of the matter shall, before the commission, present their case.
- e. Opponents of the matter shall present their case.
- f. Proponents shall then have an opportunity to rebut any new matters presented by the opponents.
- g. Staff members and representatives of other public agencies shall, subject to the public's right of rebuttal, be afforded an opportunity to make presentations, furnish information and comment on implications of suggested actions prior to the close of the hearing.
- h. Planning Commission discussion and action.
- i. Persons with lengthy testimony are encouraged to submit it in advance of the public meeting.
- j. The chair or hearings officer may limit testimony to a specific amount of time in order to hear all persons desiring to testify.
- k. Continuance of applications pursued with due course to a later date should be made when:
 - 1. Further deliberation on the item may be necessary, including the request for new information by the commission, or
 - 2. Newly submitted evidence dictates further technical review and analysis, or
 - 3. Preliminary to commission action, staff preparation and review of findings and conditions are necessary.
- l. Relevant pertinent information to a commission member should be introduced through the staff or during the testimony portion of the public hearing. All information thus presented is available for rebuttal.

Section 6. Following the rendering of a decision the chair or hearings officer shall advise interested parties as to their appeal rights under the Junction City Zoning Ordinance (Ordinance No. 950).

Section 7. No quasi-judicial decision of the planning commission shall be final until the adoption of supporting findings of fact.

ARTICLE VII: SPECIAL RECORDS

Section 1. Special Reports: All reports made by the hearings officer, the planning staff, planning commission, committees of the commission, individual staff or commission members, or other interested parties, shall be filed and made available to the public.

Section 2. Policy Statements: All policy statements of the commission shall be recorded and shall be made available to the public.

Section 3. Planning Commission Interpretations: When the Planning Commission is required or requested to make a policy interpretation concerning any ordinance, either text or map, such interpretation shall be reduced to writing and placed in a special file entitled "Ordinance Text and Map Interpretations" and shall be made available to the commission at all meetings and to the public. In the case of map interpretations, the official zoning maps shall be changed to reflect such interpretations.

Section 4. All public documents of the commission shall be located in City Hall and shall be available to the public during normal business hours.

ARTICLE VIII: SUBCOMMITTEES

Section 1. The Chair shall appoint subcommittees as needed.

Section 2. The Chair may appoint a chairperson for each subcommittee or may serve in this capacity.

Section 3. The Chair is an ex officio member of all subcommittees.

ARTICLE IX: ADVISORY COMMITTEES

Advisory committees to the commission may be appointed by the chair with the concurrence of the commission members.

ARTICLE X: AMENDMENT TO BYLAWS

These bylaws may be amended by an affirmative vote of a majority of members present at any regular meeting, providing notice of such amendment is given at a preceding regular meeting.

Proposed