



Planning Commission

Regular Meeting **AGENDA**

Please click the link below to join the webinar:

<https://zoom.us/j/91264543193>

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Webinar ID: 912 6454 3193

January 12, 2022 - 6:00 PM

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **APPROVAL OF MINUTES**

4.a. December 08, 2021, Regular Meeting Minutes - Draft

Recommended Action: Approve the December 08, 2021, Regular Meeting Minutes - Draft

Attachments:

1. December 8, 2021, PC Regular Meeting Minutes - draft

5. **APPEAL PROCESS**

All determinations of the Planning Commission regarding major discretionary planning permits are final unless a written appeal, stating the reasons for the appeal, is filed with the City Clerk within ten (10) days of the date the decision was made. An interested party may appeal only if he or she appears and states his or her position during the hearing on the decision from which the appeal is taken. For items on this agenda, the appeal must be received by January 24, 2022.

6. **COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**

The Planning Commission welcomes input from the audience. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments.

7. **SITE VISIT VERIFICATION**

8. **VERIFICATION OF NOTICE**

9. **PLANNING COMMISSIONERS REPORT**

10. **DIRECTOR'S REPORT**

11. **CONSENT CALENDAR**

12. **NEW BUSINESS**

13. UNFINISHED BUSINESS

- 13.a. Discuss and possibly make recommendation(s) to City Council regarding Cannabis Ordinance Modifications

Recommended Action: Discuss and possibly make a recommendation(s) to the City Council regarding Cannabis Ordinance modifications.

Attachments: None

- 13.b. Nomination and Appointment of a Chair and Vice-Chair of the Ukiah Planning Commission for the 2022 Calendar Year; and Possible Planning Commission Reorganization.

Recommended Action: Discuss and possibly nominate and appoint a Chair and Vice-Chair of the Ukiah Planning Commission for the 2022 calendar year, and possibly reorganize the Planning Commission to reflect the new appointments.

Attachments:

1. Appointment of Planning Commission Officers for 2022

14. ADJOURNMENT

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available at the Civic Center 300 Seminary Ave. Ukiah, CA 95482; and online at: www.cityofukiah/meetings/ at the end of the next business day.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.

Dated: 1/7/2022

Stephanie Abba

Planning Commission Secretary

CITY OF UKIAH
PLANNING COMMISSION REGULAR MEETING
MINUTES
Virtual Meeting Link
<https://zoom.us/j/91264543193>
Ukiah, CA 95482
November 10, 2021
6:00 p.m.

1. CALL TO ORDER

The City of Ukiah Planning Commission held a Regular Meeting on November 10, 2021. The meeting was legally noticed on November 01, 2021. Chair Christensen called the meeting to Order at 6:00 p.m. on the following virtual link: <https://zoom.us/j/91264543193>

CHAIR CHRISTENSEN PRESIDING.

2. ROLL CALL

Roll was taken with the following **Commissioners Present:** Rick Johnson, Alex de Grassi, Mark Hilliker, and Laura Christensen. **Staff Present:** Craig Schlatter, Community Development Director, Jesse Davis, Planning Manager ; and Stephanie Abba, Planning Commission Secretary.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. APPROVAL OF MINUTES

a. Approval of the Draft Minutes of November 10, 2021.

Motion/Second: de Grassi/Hilliker to approve the Minutes of November 10, 2021, as submitted. Motion **carried** by the following roll call vote: AYES: R. Johnson, M. Johnson, de Grassi, Hilliker, and Chair Christensen. NOES: None. ABSENT: None. ABSTAIN: None.

5. APPEAL PROCESS

No appeals were received.

6. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

No public comment was received

7. SITE VISIT VERIFICATION

Verified by Commissioners

8. VERIFICATION OF NOTICE

Verified by Staff

9. PLANNING COMMISSIONERS' REPORTS

Reports received

10. PLANNING COMMISSION DIRECTOR'S REPORT

Report received

11. CONSENT CALENDAR

No items on the consent calendar.

Commissioner Michelle Johnson has recused herself at 6:29 from the rest of tonight's meeting due to a Conflict of Interest.

12. NEW BUSINESS

a. Review and Consider a Major Site Development Permit to allow for mixed use development of a vacant parcel consisting of a car wash, automobile service/repair, and a one bedroom apartment; 1006 S. State St; APNs 00313074/75; File No. 205427.

Presenters: Jesse Davis, Planning Manager

Public Comment: Randy Figueiredo, Agent; Pinky Kushner

Motion/Second: de Grassi/Hilliker to approve the proposed Major Site Development located at 1006 South State Street; APNs 003-130-74/75., categorically exempt from CEQA as described in CEQA Guidelines Article 19, section 15332, Class 3 based on the Findings and subject to the Conditions included in the Staff Report, dated November 19, 2021 with one correction: The business will be open on Sundays 9:00 a.m. to 4:00 p.m. Motion **carried** by the following roll call vote: AYES: R. Johnson, de Grassi, Hilliker, and Chair Christensen. NOES: None. ABSENT: M. Johnson: ABSTAIN: None.

13. UNFINISHED BUSINESS

No unfinished business was agendized.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 7:50 p.m.

Stephanie Abba, Planning Commission Secretary



AGENDA SUMMARY REPORT

SUBJECT: Discuss and possibly make recommendation(s) to City Council regarding Cannabis Ordinance Modifications

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: _____

ATTACHMENTS:

None

Summary: Discussion with Possible Recommendations to City Council Regarding Cannabis Ordinance Modifications.

Background: On February 15, 2017, the City Council adopted Ordinance No. 1176 for Medical Marijuana Dispensaries, and on November 1, 2017, adopted an amendment to No. 1176 regulating the operation of dispensaries selling marijuana for adult use through Ordinance No. 1182. On December 20, 2017, Council adopted Ordinance No. 1185 regulating personal and commercial cannabis cultivation. Then on January 17, 2018, Council adopted Ordinance No. 1186 for cannabis-related businesses, and on May 2, 2018, adopted Ordinance No. 1188 amending the Ukiah City Code for adult-use cannabis. Finally, on June 6, 2018, Council adopted Ordinance No. 1190 amending the use permit application process to establish operational standards for cannabis-related businesses. Collectively, the six Ordinances comprise the City's Cannabis Ordinance. To review all ordinances, please visit the Documents and Maps webpage of the City's website at: cityofukiah.com/documents-and-maps/.

Since the adoption of the Cannabis Ordinance, Council has requested annual reports from Staff related to applications received, approved, and withdrawn; and an evaluation of Ordinance administration and effectiveness. Annual reports were presented to the Council on December 19, 2018, October 2, 2019, and October 7, 2020.

The 2021 annual report was due to the Council on October 6, 2021. However, with four years of data on the effectiveness of the Cannabis Ordinance in regulating these new (in 2017) types of Ukiah businesses, Staff delayed its 2021 annual report to analyze this data and determine if modifications to the Ordinance were needed.

Discussion: The Cannabis Ordinance was analyzed by Planning Team staff in a series of meetings in October and November 2021 to determine if modifications were needed. Discussed were the regulatory components of the Ordinance that were working and which regulatory components needed improvement. Please see below for a summary of this analysis.

Ukiah Cannabis Ordinance – What is Working

1. Standards within the overall Ordinance, as designed by the cannabis (marijuana) ad hoc committee, Planning Commission, and City Council, are achieving their intended purpose.

2. Discretionary review procedures for both minor and major use permits provide the needed review and oversight. Cost recovery procedures are adequate for the amount of work and staff time for the processing of major use permit applications.
3. Operational cannabis businesses are not causing nuisances and are instead generally positively impacting the safety and cleanliness of the neighborhoods in which they are located.

Ukiah Cannabis Ordinance – What Needs Improvement

1. Given that operational cannabis businesses have positively impacted the safety and cleanliness of the neighborhoods in which they are located, the level of regulatory review for cannabis businesses seems inconsistent with other Ukiah commercial and industrial uses.
2. There is older terminology and language within the 2017 Ordinance that has since been updated by the State. This older terminology can be confusing and should be removed or changed to reflect the current state definitions and terminology.
3. The annual use permit renewal requirement is cumbersome for both operating cannabis businesses and staff and does not provide a tangible benefit. Annual renewals could be done administratively, utilizing objective requirements, or eliminated entirely. Annual renewals of use permits are not required for other Ukiah businesses.
4. Cost recovery procedures are not adequate for the amount of work and staff time for minor use permit applications, including annual renewal applications.
5. Proximity limitation language related to residential uses continues to be challenging for staff and applicants to interpret and understand within the Ordinance.
6. Findings the Ukiah Police Department (UPD) are required to make seem excessive given the limited impact cannabis businesses have had on the demand for UPD's services. Standardized findings could be designed by UPD for all future cannabis business referrals. The Ordinance could also be modified to remove the requirement of these findings in lieu of a "security clearance" or similar UPD approval.
7. The City's approach to Cannabidiol (CBD) should be regulated within the Ordinance.
8. Ordinances should be combined into one overall Ordinance for clarity.

Prior to presenting recommendations to Council and the 2021 annual report, Staff seeks Planning Commission input on the Cannabis Ordinance and/or Staff's analysis. The purpose of this agenda item is for the Planning Commission to discuss the Cannabis Ordinance and Staff's recommendations and provide input for Council consideration.

Recommended Action: Discuss and possibly make a recommendation(s) to the City Council regarding Cannabis Ordinance modifications.

Craig Schlatter, Director of Community Development



AGENDA SUMMARY REPORT

SUBJECT: Nomination and Appointment of a Chair and Vice-Chair of the Ukiah Planning Commission for the 2022 Calendar Year; and Possible Planning Commission Reorganization.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: _____

ATTACHMENTS:

1. Appointment of Planning Commission Officers for 2022

Summary: Discussion and Possible Nomination and Appointment of a Chair and Vice-Chair of the Ukiah Planning Commission for the 2022 Calendar Year; and Possible Planning Commission Reorganization

Background:

Per Section 4 of the City of Ukiah Planning Commission Procedures of Conduct (Attachment 1), updated and adopted November 8, 2017, through Resolution No. 2017-01, the Planning Commission is to have a Chair and Vice-Chair. At its July 25, 2018, regular meeting, the Commission decided that annual elections should occur at the second meeting of each calendar year. Previously, the Commission had decided that the Vice-Chair would be appointed as the Chair the year after serving in the position of Vice-Chair if the Vice-Chair was still interested in this responsibility and the Commission approved this appointment.

On February 4, 2020, the Commission appointed Laura Christensen as Chair and Mark Hilliker as Vice-Chair. In 2021, due to ongoing impacts from the COVID-19 pandemic, staff did not engage with the Commission related to the appointment of officers. Consequently, Chair Christensen and Vice-Chair Hilliker have both served two-year terms.

The responsibilities of Officers of the Planning Commission are outlined in the Procedures of Conduct. The duties and responsibilities of the Chair and Vice-Chair are important for preserving order and decorum, as stated in Section 5 of the Procedures.

Discussion:

A discussion on the appointment of officers for the 2022 calendar was to be due at the second meeting in January. However, because of the expectation of more than one new business item at the January 26, 2022 meeting, the Staff has scheduled a discussion on the item for this evening.

Because both Chair Christensen and Vice-Chair Hilliker have served two-year terms, the staff recommended the Commission discuss and decide how to proceed. Staff additionally recommends the Commission nominate and appoint a Chair and Vice-Chair for the 2022 calendar year; and once these appointments are approved, the Commission (virtually) reorganizes according to Section 7I of the Procedures of Conduct.

Recommended Action: Discuss and possibly nominate and appoint a Chair and Vice-Chair of the Ukiah Planning Commission for the 2022 calendar year, and possibly reorganize the Planning Commission to reflect the new appointments.

Craig Schlatter, Director of Community Development

EXHIBIT "A"

**PROCEDURES OF CONDUCT
OF THE UKIAH PLANNING COMMISSION MEETINGS
FOR THE CITY OF UKIAH**

SECTION 1. UKIAH PLANNING COMMISSION MEETINGS

The Ukiah Planning Commission ("Commission") meets regularly on the second and fourth Wednesday of each month at 6:00 p.m. The Commission meetings are held at the Civic Center Council Chambers, located at 300 Seminary Avenue. The Rules of Conduct set forth procedural guidelines for the conduct of Ukiah Planning Commission meetings as follows:

I. Special Meetings/Time and Place/Notices

Special Planning Commission meetings may be called at any time by the Planning Commission Chair or by three (3) members of the Commission by directing the Recording Secretary to deliver or mail a written notice to each Commissioner and to each local newspaper of general circulation. Such notice shall be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting, as set forth in the notice. The notice shall set forth (1) the time and place of the special meeting, which may be at a time and place different from the regular meeting time or place, and (2) the business to be transacted at the special meeting. A copy of the notice shall also be posted at or near the door to the Civic Center Council Chambers. No other business than what is specified in the notice shall be considered at such meetings. Such written notice may be dispensed with as to any Commissioner who, at or prior to the time the meeting convenes, files with the Planning Commission a written waiver notice. Such waiver may be given by U.S. Mail, e-mail, or facsimile. The written notice may also be dispensed with as to any Commissioner who is actually present at the meeting at the time it convenes.

II. Open to the Public/Exception

All regular and special meetings of the Planning Commission shall be public; provided, however, the Commission may hold a special meeting, pursuant to applicable provisions of state law, including the Ralph M. Brown Act (Government Code Sections 54950 et seq.).

III. Closed sessions/Disclosure of Information

Not applicable.

SECTION 2. AGENDAS**I. Preparation and Posting of Meeting Agendas**

Except for documents or information prepared by City staff that are not available by 12:00 pm on Wednesday, but in the Planning Director's judgment should be included with the meeting agenda prior to its delivery to the members of the Planning Commission, all reports, communications, ordinances, resolutions, contract documents, or other documents regarding matters to be submitted to the Commission at a regular meeting, shall be delivered to the Recording Secretary no later than 12:00 pm on Wednesday, six (6) working days preceding the meeting. The Recording Secretary or City Planning Division staff shall prepare the agenda of all such matters under the direction of the City Planning Director. The agenda and supporting documents shall be delivered to the Planning Commissioners no later than the Friday preceding the Wednesday Planning Commission meeting to which the agenda pertains. The agenda itself shall be posted in a location freely accessible to the public at least 72 hours before each regular meeting or 24 hours before any special meeting of the Planning Commission. The agenda must include a brief description of each item of business to be transacted or discussed at the meeting, as well as the time and location of the meeting. The Planning Director shall review the items to be placed on the agenda and place those items which he or she believes to be of a routine non-controversial nature and that are properly documented, on for adoption by a single motion.

II. Order of Business

The business of the Planning Commission and the order of its agenda shall be in such form, as the Commission may from time to time adopt by resolution.

SECTION 3. PLANNING CORRESPONDENCE

I. Availability to the Public

Correspondence addressed to the Planning Commission and received by the Recording Secretary, Planning Division staff, or any other officer or employee of the City, shall not become a public record until received and filed by the Commission at a regular, special, or adjourned meeting of the Planning Commission. Correspondence should not be read aloud at a Planning Commission meeting unless requested by a majority vote of the Commission.

II. Authority of the Planning Director

The City Planning Director is hereby authorized to open and examine all mail or other written communications addressed to the Planning Commission and to give them immediate attention to this end, that all administrative business referred to in such communications, and not necessarily requiring Commission action, may be acted upon between Commission meetings; provided, however, mail addressed to individual Commissioners shall not be opened without the consent of the Commissioner.

SECTION 4. PRESIDING OFFICER

The Planning Commission Chair shall be the presiding officer at all meetings of the Planning Commission. In the absence of the Planning Commission Chair, the Planning

Commission Vice Chair shall preside. In the absence of both the Chair and Vice Chair, the Recording Secretary shall call the Commission to order, whereupon, a temporary presiding officer or Commissioner shall be elected by the Planning Commissioners present to serve until the arrival of the Planning Commission Chair or Vice Chair or until adjournment. Wherever in this Article the term Chair is used, it shall apply equally to the presiding officer as set forth in this section.

I. Powers and Duties

- A. Participation: The presiding officer may move, second, debate, and vote from the Chair.
- B. Signing of Documents: The presiding officer shall sign all resolutions, contracts, and other documents necessitating his/her signature which were adopted in his/her presence, unless he or she is unavailable, in which case the signature of an alternate presiding officer may be used.
- C. Discussion of and Action on Agenda Items: Under rules, as shall be determined from time to time by the Commission Chair, the public shall be offered an opportunity to address at the meeting, any item included on the agenda. The Planning Commission shall not take action on any item not appearing on the posted agenda unless: 1) a Commission majority determines that an "emergency situation", as defined herein, exists; 2) the Commission determines by a two-thirds (2/3) vote, or by a unanimous vote if less than two-thirds (2/3) of the Planning Commissioners are present, that a need to take immediate action to the item arose subsequent to the posting of the agenda; or 3) the item was included in a properly posted agenda for a prior meeting occurring not more than five (5) days prior to the meeting at which time the action is taken and was continued to the meeting at which time the action is taken

As used in this section "emergency" means an event which will cause a work stoppage, severely impairing public health or safety, or a crippling disaster severely impairing public health or safety.

SECTION 5. RULES OF ORDER

In the event of questions as to procedure not set forth in this article for Planning Commission meetings, the Chair shall be guided by the rules of general parliamentary procedure.

I. Rules of Order/Failure to Observe

Rules adopted to expedite the transaction of the business of the Commission in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe such

rules shall not affect the jurisdiction of the Commission or invalidate any action taken at a meeting, which is otherwise held in conformity with law.

II. Rules of Decorum

- A. Commissioners: While the Commission is in session, the Commissioners shall preserve order and decorum, and a Commissioner shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission, nor disturb any Commissioner while speaking, nor refuse to obey the orders of the presiding officer. Commissioners shall not leave their seats during a meeting without first obtaining the permission of the presiding officer.
- B. Employees: Members of the City staff and employees shall observe rules of order and decorum as are applicable to the Planning Commission. However, members of the City Planning Division staff seated at the Staff table may not leave their seats during a meeting without first obtaining the permission of the presiding officer.
- C. Persons Addressing the Council: Any person making impertinent, slanderous, or profane remarks, or who becomes belligerent while addressing the Commission, shall be called to order by the presiding officer, and if such conduct continues, may, at the discretion of the presiding officer, be ordered barred from further attendance before the Commission during that meeting.
- D. Members of the Audience: Any person in the audience who engages in disorderly conduct, such as clapping of the hands, stamping of the feet, whistling, using profane language, yelling, or similar demonstrations, which disturbs the peace and good order of the meeting, or who refuses to comply with the lawful orders of the presiding officer, is guilty of a misdemeanor under the provisions of State law, and, upon instructions from the presiding officer, it shall be the duty of the sergeant at arms to remove such person from the Council Chamber and to place him or her under arrest.
- E. Dangerous Instruments: No person may enter the chambers of a legislative body, as defined in Section 54952 of the California Government Code, or any place where such legislative body is in session, with any firearm, weapon, or explosive device of any nature. The provisions of this Section shall not apply to authorized peace officers or to those persons authorized by the California Penal Code to carry such weapons.
- F. Rules of Decorum/Enforcement: The Chief of Police, or such members of the Police Department as the Chief of Policy may designate, shall be sergeant at arms of the Commission and shall carry out all orders given by the presiding officer for the purpose of maintaining order and decorum at Commission meetings. Any Commissioner may move to require the

presiding officer to enforce the rules, and the affirmative vote of a majority of the Commission shall require him or her to do so.

II. Rules of Debate

- A. Getting the Floor: Every Commissioner desiring to speak at a Planning Commission meeting shall first address the Chair, gain recognition by the presiding officer, and confine himself/herself to the question under debate, avoiding indecorous language.
- B. Questioning the Staff: Every Commissioner desiring to question the City staff shall, after recognition by the presiding officer, address his or her questions to City staff.
- C. Interruptions: A Commissioner, once recognized, shall not be interrupted when speaking unless called to order by the presiding officer, a point of order or chooses to yield to a question by another Commissioner. If a Commissioner is called to order while speaking, he or she shall cease speaking until the question of order is determined to be in order, then he or she may proceed. Members of the City staff, after recognition by the presiding officer, shall hold the floor until the completion of their remarks or until recognition is withdrawn by the presiding officer.
- D. Points of Order: The presiding officer shall determine all points of order, subject to the right of any Commissioner to appeal to the Council. If an appeal is taken, the question shall be, "*Shall the decision of the presiding officer be sustained*"? A majority vote shall conclusively determine such question of order.
- F. Privilege of Closing Debate: The Commissioner moving the adoption of an ordinance, resolution, or motion shall have the privilege of closing debate.
- G. Limitation of Debate: No Commissioner shall be permitted to speak more than once on any particular subject until every other Commissioner desiring to do so shall have spoken.

SECTION 6. MOTIONS

A motion by any member of the Planning Commission, including the presiding officer, may not be considered by the Commission without receiving a second.

I. After Motions are Made and Hearings are Closed

After a motion has been made or a public hearing has been closed, no member of the public shall address the Commission from the audience on the matter under consideration without first seconding permission to do so by a majority vote of the Commission.

SECTION 7. VOTING RULES

I. Seating Arrangement for Commission

The Planning Commission Chair shall sit in the center chair of the Commission; the next most senior in years served on the Commission Commissioner (and if there is more than one of the same seniority, then by highest vote count at that election) shall sit alternately on the left and right of the Planning Commission Chair.

II. Question to be Stated

Upon moving the question, the presiding officer shall call for the vote which shall be taken first from the least senior member then moving by seniority rank to the most senior member, with Planning Commission Chair voting last.

III. Registration of Votes

Any vote of the Planning Commission, including a roll call vote, may be registered by the members by answering "aye" for an affirmative vote or "no" for a negative note upon the name of the Planning Commissioner.

IV. Voting Procedure/Disqualification

Any Planning Commissioner who is disqualified from voting on a particular matter by reason of a conflict of interest, shall publicly state, or have the presiding officer state, the nature of such disqualification in open meeting. A Commissioner who is disqualified by reason of a conflict of interest in any matter, shall not remain in his or her seat during the debate and vote on such matter, but shall request and be given the permission of the presiding officer to step down from the Council table and leave the Council Chamber. A Commissioner stating such disqualification shall not be counted as a part of a quorum, and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

V. Failure to Vote

Planning Commissioners present at a Planning Commission meeting shall vote unless disqualified by reason of a conflict of interest or where the Commissioner, in good faith, believes that he or she should not vote on a measure for good cause, such as, but not limited to, not having attended a prior meeting essential to an informed vote on the measure. A failure to vote or an abstention shall not be counted. A measure shall pass only if it receives "aye" votes from a majority of the Commissioners present at the meeting, provided a quorum is established. Commissioners abstaining shall be counted in determining whether a quorum is present.

VI. Tie Votes

Tie votes shall be lost motions and may be reconsidered.

VIII. Changing Votes/Abstention

A Planning Commissioner may change his or her vote only if he or she makes a timely request to do so immediately following the announcement of the vote by the Recording Secretary and prior to the time the next item in the order of business is taken up. A Commissioner who publicly announces he or she is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his or her abstention.

SECTION 8. RECONSIDERATION OF ACTIONS

A motion to reconsider any action taken by the Planning Commission may be made only on the day such action was taken. It may be made either immediately during the same session or at recessed or adjourned session thereof. Such motion may be made only by one of the Commissioners who voted with the prevailing side. The provision of this Section shall not be construed to prevent any Commissioner from making or remaking the same or any other motion at a subsequent meeting of the Council.

SECTION 9. PUBLIC HEARINGS

I. Public Hearing Defined

A public hearing is any hearing which is publicly noticed by publication in a newspaper of general circulation, posting on affected property, or mailing to affected parties. Generally, public hearings can be classified as quasi-judicial or quasi-legislative. Generally, a quasi-judicial decision is any decision affecting one, or a limited number of individual applicants, in which the Planning Commission is legally required to make its decision based on the evidence presented during the hearing. Examples of such hearings include, but are not limited to those concerning major use permits, variances, and major site development permits.

II. Submission of Documents

In order to give adequate consideration to written documents, the following rules shall apply:

- A. Time and Submission: Any written document, whether containing factual information or legal or policy arguments exceeding 250 words, must be submitted to the Recording Secretary six (6) calendar days prior to the scheduled hearing date. Photographs or other graphic depictions may be filed at the hearing.
 - 1. If the submission deadline falls on a legal holiday or weekend, the document must be submitted the last working day prior to the submission deadline.
 - 2. The Planning Commission shall exclude from the record and not consider any document submitted after the submission deadline, unless upon a motion by a Commissioner, a majority of the

Commissioners present at the hearing vote to consider the document. A decision to consider a document not timely filed shall be considered automatic grounds to continue the hearing, although a continuance shall require a specific motion adopted by a majority of the Commissioners present at the meeting.

B. Manner of Submission: All documents must be presented to the Recording Secretary for consideration at the hearing. No documents presented to the individual Commissioners prior to the hearing shall be considered as part of the hearing record.

1. To be considered, an original and seven (7) copies must be filed with the Recording Secretary.
2. Upon receipt, the Recording Secretary shall date stamp as Received the original and all copies. Upon request, the Recording Secretary will furnish the proponent of the document with a date stamped copy. The Recording Secretary shall immediately distribute copies of the submitted documents to the individual Commissioners and the Planning Director. The Recording Secretary shall retain the original and include it in the hearing record, which the Recording Secretary shall compile and maintain.

III. Notice of Hearing

Any notice of a public hearing shall include a statement that anyone wishing the Planning Commission to consider a document exceeding 250 words must submit the original document and seven (7) legible copies to the Recording Secretary not less than six (6) calendar days prior to the scheduled meeting date.

IV. Viewing the Site

In quasi-judicial hearings involving specific property, it shall be the duty of Planning Commissioners to view the site prior to the hearing. At the beginning of the hearing the Planning Commission Chair shall poll the Commissioners to establish, on the record, whether they have viewed the site. If any Commissioner indicates that he or she has not viewed the site, the hearing shall be continued to the next regular meeting date. In viewing the site, no Commissioner shall have any discussion with project proponents or opponents.

In quasi-legislative public hearings involving specific property, any Commissioner may, but is not required to, view the site. In such hearings, Commissioners may, but are not required to, reveal on the record whether they have viewed the site.

V. Making a Decision

In quasi-judicial hearings, the Planning Commission shall base its decision exclusively on the record, including documents submitted in accordance with this rule, and testimony and oral argument presented during the hearing. Any motion deciding the matter shall include sufficient findings of fact to inform the parties of the basis on which the Planning Commission made its decision, and to determine whether the decision is based on lawful principles. Where possible, the staff report on the quasi-judicial hearing provided to the Planning Commission shall include proposed findings for Planning Commission consideration.

VI. Conduct of Public Hearing

As presiding officer, the Planning Commission Chair shall conduct the hearing to promote an orderly presentation of the evidence by all parties. Subject to the following guidelines, the Chair shall use his or her discretion in presiding over the hearing:

- A. Order of Proof: Generally, all those supporting an application or measure shall present their evidence and argument first. Those opposing the application or measure shall present their evidence and argument second. Those supporting the measure shall be allowed some additional time for rebuttal. If, during the rebuttal, project proponents present new argument or evidence, project opponents shall be allowed some additional time to rebut that new matter.
- B. Time Limitations: The Planning Commission Chair may impose time limitations on all those wishing to present evidence or argument. The Chair may prevent the presentation of irrelevant, repetitive, or cumulative testimony or argument.
- C. Manner: Each person desiring to address the Planning Commission shall step up to the microphone reserved for that purpose, state his or her name and address for the record, state the subject he or she wishes to discuss, state whom he or she is representing, if he or she represents an organization or other persons, and, unless further time is granted by a majority vote of the Commission, shall limit his or her remarks to three (3) minutes. All remarks shall be addressed to the Commission as a whole and not to any member thereof.
- D. Spokesperson for Groups of Persons: In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Planning Commission on the same subject matter, it shall be proper for the presiding officer to request that spokesperson be chosen by the group to address the Commission, and in the event additional matters are to be presented by any other member of such group, to limit the number of such persons addressing the Commission.

SECTION 10. ORDINANCES/RESOLUTIONS/CONTRACTS

I. Motions

Motions shall be used to express decisions of the Planning Commission on routine questions or matters of temporary importance, or to give instructions to the staff and shall be moved, seconded, and adopted by a voice vote unless a roll call is requested by a Commissioner.

II. Resolutions

Resolutions shall be used to express decisions of the Planning Commission of a permanent or lasting nature and shall be introduced, seconded, and adopted by a roll call vote.

III. Ordinances

Not applicable.

SECTION 11. MINUTES/PREPARATION AND CHANGES

The Recording Secretary shall have the exclusive responsibility for the preparation of the minutes of Planning Commission meetings, and any directions for changes in the minutes shall be made only by a majority action of the Commission.

I. Minutes/Request for Detail

During a Planning Commission meeting any Commissioner may request the Recording Secretary include in the minutes for that meeting a verbatim transcript of any portion of the meeting designated by the Commissioner. If so requested, the Recording Secretary shall include the verbatim transcript of such segment in the draft minutes presented to the Planning Commission for approval, unless the request is rejected by a majority vote of the Commission.

II. Minutes/Reading

Unless the reading of the minutes of a Planning Commission meeting is ordered by a majority vote of the Commission, such minutes may be approved without reading, if the Recording Secretary has previously furnished each Commissioner with a copy.

III. Minutes/Entry of Statements

A Planning Commissioner may request through the presiding officer of a Planning Commission meeting, the privilege of having an abstract of the statement of such Commissioner on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be inserted in the minutes.

SECTION 12. SPECIAL COMMITTEES

All special Planning Commission committees shall be appointed by the presiding officer with a majority consent of the Commission. Such committees shall be temporary in tenure and shall automatically be discharged upon the completion of their charge, or upon an order of the presiding officer or majority of the Commission.