



Planning Commission

Regular Meeting **AGENDA**

(to be held both at the physical and virtual locations below)

Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482

To participate virtually, go to the following link: <https://us06web.zoom.us/j/91264543193>

To view the meeting (without participating), go to: <http://www.cityofukiah.com/meetings/>

Or you can call in using your telephone only:

- Toll-free 1-669-444-9171
- Enter the Access Code: 912 6454 3193
- Raise hand: After being recognized, Enter *9
- To Speak after being recognized: enter *6 to unmute yourself

February 14, 2024 - 6:00 PM

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **APPROVAL OF MINUTES**

4.a. Approval of the Minutes of January 24, 2024, a Regular Meeting.

Recommended Action: Approve the Minutes of January 24, 2024, a Regular Meeting.

Attachments:

1. January 24, 2024 Minutes

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 appeared and stated 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 February 26, 2024.

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

The Planning Commission welcomes input from the audience that is within the subject matter jurisdiction of the Planning Commission. 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**

10.a. Receive Community Development Director's Report.

Recommended Action: Receive Community Development Director's Report.

Attachments:

1. Planning-Division-Projects-Report-2-2-24

11. **CONSENT CALENDAR**

12. **UNFINISHED BUSINESS**

13. **NEW BUSINESS**

13.a. Discussion and Possible Nomination and Appointment of a Chair and Vice Chair of the Ukiah Planning Commission for the 2024 Calendar Year and Possible Planning Commission Reorganization.

Recommended Action: Discuss, nominate, and appoint a new Chair and Vice Chair of the City of Ukiah Planning Commission for the 2024 calendar year; and, accordingly, reorganize the seating of the Planning Commission per the Procedures of Conduct.

Attachments:

1. Planning Commission Rules of Conduct 4-26-23

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 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: February 6, 2024

Stephanie Abba, Planning Commission Secretary

**CITY OF UKIAH
PLANNING COMMISSION MINUTES
REGULAR MEETING**
Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482
Virtual Meeting Link: <https://zoom.us/j/91264543193>

**January 24, 2024
6:00 p.m.**

1. CALL TO ORDER

The City of Ukiah Planning Commission held a Regular Meeting on January 24, 2024. The meeting was legally noticed on January 16, 2024. The meeting was held in person and at the following virtual link: <https://zoom.us/j/91264543193>. Vice Chair R. Johnson called the meeting to order at 6:07 p.m.

VICE CHAIR R. JOHNSON PRESIDING.

2. ROLL CALL

Roll was taken with the following **Commissioners Present:** Thao Phi, Alex deGrassi, M. Hilliker, and Vice Chair Rick Johnson,. **Commissioners Absent:** None. **Staff Present:** Jesse Davis, Chief 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 Minutes of January 10, 2024, a Regular Meeting.

Motion/Second: A. deGrassi/T. Phi to approve the Minutes of January 10, 2024, a Regular Meeting as submitted. Motion **carried** by the following Roll Call votes: **AYES:** T. Phi, A. deGrassi, Vice Chair R. Johnson. **NOES:** None. **ABSENT:** None. **ABSTAIN:** M. Hilliker.

5. APPEAL PROCESS

Vice Chair Johnson stated that the appeals deadline date is February 5, 2024. No appeals were received.

6. COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

No Comments from Audience

7. SITE VISIT VERIFICATION

Verified by Commissioners

8. VERIFICATION OF NOTICE

Verified by Staff

9. PLANNING COMMISSIONERS REPORTS

Commissioner R. Johnson stated he would be absent for the March 13, 2024, meeting.

10. **DIRECTOR'S REPORT**

Presenter: Jesse Davis, Chief Planning Manager

Jesse Davis, Chief Planning Manager, stated there are no items currently for the February 14, 2024, Planning Commission Meeting.

11. **CONSENT CALENDAR**

No items on the Consent Calendar

12. **UNFINISHED BUSINESS**

No Unfinished Business Agendized.

13. **NEW BUSINESS**

a. **Request to Amend a previously Approved Major Use Permit (File No. 19-4434) to allow for On-Site Consumption of 'Cannabis Products' in a Designated 'Cannabis Consumption Area – Outdoor' on the Premises of an Existing 'Cannabis-Related Business' in Accordance with Ukiah City Code Section 9174.3(c)(5) located at 441 N. State St., APN 002-186-19, File No. 23-8972.**

Presenters: Jesse Davis, Chief Planning Manager

PUBLIC HEARING OPEN: 6:54 p.m.

PUBLIC COMMENT: Elizabeth Kurtz, Senior Compliance Specialist; Ryan Rogers, On-site Manager; Duncan James, Neighbor at 455 N. State St., Owner of Lambs Inn; Kathy James, Owner of Lambs Inn.

PUBLIC HEARING CLOSED: 7:43 p.m.

Motion/Second: A. de Grassi/M Hilliker move to Continue to a Date Uncertain with the Aforementioned Considerations to be detailed by Staff and Presented. (1. Parking Variance and parking signage; 2. Hours of Operation, 3. Revised location of the Cannabis Consumption Area; 4. Landscaping Selections that will be utilized as screening measures; 5. Finding multiple alternatives to the fence mesh, and any Additional Considerations Incorporated into the Project as Conditions of Approval). Motion **carried** by the following Roll Call votes: **AYES:** T. Phi, A. deGrassi, M. Hilliker, and Vice Chair R. Johnson. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None.

14. **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:03 p.m.

Stephanie Abba, Planning Commission Secretary



AGENDA SUMMARY REPORT

SUBJECT: Receive Community Development Director's Report.

DEPARTMENT: Community
Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development
Director

ATTACHMENTS:

1. Planning-Division-Projects-Report-2-2-24

Summary: Planning Commission will receive the Community Development Director's Report.

Background: Director's Reports are bi-monthly oral reports given by the Community Development Director on the status of projects of the Planning Division of the Community Development Department. Updates may include, but are not limited to, application status of major and minor discretionary permits, the implementation status of advanced planning and related 2040 General Plan programs and projects, and updates related to the activities of other divisions of the Department.

Discussion: This report is expected to provide updates in the following areas:

1. February 2024 Planning Division Projects Report (Attachment 1)

This is a monthly report produced on the first of each month. The February 2024 report and previous monthly reports are located on the Planning Division Services webpage, under "Current Planning Reports": <https://cityofukiah.com/community-development/planning-services/>

2. A look at the (calendar) year ahead in the Planning Division

Recommended Action: Receive Community Development Director's Report.



**City of Ukiah
Submitted Planning Applications**

As of 2/2/2024

Permit #	Site Address	Date of Submittal/ Resubmittal	Summary of Project	Status
24-9258	280 E. Standley St.	2/1/24	Major Site Development Permit to allow for renovation of existing parking lot and (9 total) new prefabricated modular units. Modular units are for use of additional counseling space for renting operators. Site upgrades include trash relocation	Application Received 2/1/24
24-9253	734 S. State St.	1/29/24	Minor Site Development Permit to facilitate tenant improvements to a commercial structure associated with an existing gasoline station, implement new landscaping and facilitate site improvements, including signage, fascia, and station upgrades.	Application Received 01/29/24
23-8950	414 E. Perkins St.	10/12/23; 11/28/23	Site Development Permit for remodel of existing building for operation of Redwood Credit Union bank facility within the Urban Center (UC) zoning district of the Downtown Zoning Code	Incomplete 10/25/23; additional information received 11/28/23; Incomplete letter provided on 2/2/24
23-8972	441 N State St.	10/19/23	Major Use Permit for addition of outdoor cannabis consumption lounge at existing Vibe dispensary within the Community Commercial (C1) zoning district	Presented to PC on 01/24/24; Continued to a Date Uncertain with direction provided to Staff.

17-3069	1294 N. State St.	9/13/17; 9/14/21; 9/28/22; 5/12/23; 7/11/23	Resubmitted Major Use Permit and Site Development Permit to allow for construction of two retail suites (including one drive-through), located in the C-1 (Community Commercial) zoning district.	Incomplete 6/2/22; 9/29/22; 5/27/23; Design Review Board Meeting: TBD; Updated Application Materials Received on 1/10/24; Tentatively scheduled for review by DRB on 2/22/2024.
23-9153	1230 Airport Park Blvd. Suite C	12/20/23	Minor Amendment to a Major Use Permit to allow 'Cannabis Distribution' within an existing structure that currently facilitates 'Cannabis Retail' located within the Airport Industrial Park Planned-Development (Light Manufacturing/Mixed-Use) zoning district.	Incomplete 12/26/23; Incomplete letter provided on 2/2/2024

City of Ukiah
Recently (Within Previous 90 Days) Approved Projects



As of 2/2/24

Permit #	Site Address	Approval Date	Summary of Project	Comments
23-8991	108 N. School St.	1/10/24	Major Use Permit for operation of a second hand vintage clothing store within the Urban Center (UC) zoning district of the Downtown Zoning Code	Project referred to departments and agencies 11/1/23; referrals received and analysis completed. Approved by Planning Commission on 1/10/24.
22-7956	162 Talmage Rd.	1/10/24	Major Amendment to Major Site Development Permit for the Splash Express Car Wash (formerly and approved as LUV Car Wash). Includes demolition of the existing structures and redevelopment of a new car wash facility, located within the Heavy Commercial (C2) zoning district.	Approved by Planning Commission on 6/28/23; Project modified and resubmitted by Applicant for 10/18/23 City Council appeal hearing; Major Amendment Approved by Planning Commission on 1/10/24.

**City of Ukiah
Advanced Planning Projects**

As of 2/2/24

Permit #	Site Address	Approved Date	Summary of Project	Comments
N/A	Citywide	N/A	Ordinance Amendment for modifications to Objective Design and Development Standards for New Residential Construction (UCC 9055)	First Reading by City Council on 10/4/23; Second Reading and Adoption by City Council on 10/18/23. Ordinance effective 11/17/23.
N/A	Citywide	N/A	Ordinance Amendment for modifications to UCC 3016 for Demolition Permit procedures	Working with Rincon Consultants, Inc. to update/streamline Demolition Permit procedures. Funded by Local Early Action Planning (LEAP) Grant. Anticipate bringing proposed amendments forward in early 2024.
N/A	Citywide	N/A	2040 General Plan Implementation Programs	Climate Action Plan, Right-to-Farm Ordinance, SB 743 methodology, Update to Demo Permit Procedures in-process
A_2022-02	Unincorporated Western Hills	N/A	Amendment of the Western Hills Annexation Area - Annexation Application.	Annexation application submitted to LAFCo: 6/8/22. Incomplete letter from LAFCo received 6/29/22. Planning Commission hearing for recommendation to City Council: 11/8/23; City Council hearing: 12/6/23. Submit an amended application to LAFCo in early-2024.
N/A	Citywide	N/A	Ordinance Amendment for modifications to Lot Line Adjustment Requirements.	Scheduled for First Reading by City Council on 02/07/2024



AGENDA SUMMARY REPORT

SUBJECT: Discussion and Possible Nomination and Appointment of a Chair and Vice Chair of the Ukiah Planning Commission for the 2024 Calendar Year and Possible Planning Commission Reorganization.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development Director

ATTACHMENTS:

1. Planning Commission Rules of Conduct 4-26-23

Summary: Planning Commission will discuss and possibly nominate a new Chair and Vice Chair of the Planning Commission for the 2024 Calendar Year; and accordingly reorganize the Planning Commission seating per the Procedures of Conduct.

Background: Section 4 of the City of Ukiah Planning Commission Procedures of Conduct (Attachment 1), last updated and adopted by the Planning Commission through Resolution No. 2023-03 on April 26, 2023, directs the Commission to have a Chair and a Vice Chair. Responsibilities of the 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.

At its February 22, 2023, regular meeting, the Commission appointed Mark Hilliker as Chair and Michelle Johnson as Vice Chair. On July 26, 2023, Michelle Johnson resigned from the Planning Commission. A new Vice Chair was not appointed by the Commission. Chair Hilliker has continued in the Chairperson role since the date of his appointment.

Discussion: Staff recommends the Commission discuss the appointment of new officers and possibly nominate a new Chair and Vice Chair for the 2024 calendar year. Staff further recommends that upon appointment of the new officers, the Commission reorganize according to Section 7(l) of the Procedures of Conduct, which directs as follows:

The Planning Commission Chair shall sit in the center chair of the Commission; the next Commissioner in seniority, based upon the time at which the Commissioner was appointed by the City Council, shall sit alternately on the left and right of the Planning Commission Chair. Should the Chair not be present at the meeting, the Vice Chair shall sit in the center chair as presiding officer.

Recommended Action: Discuss, nominate, and appoint a new Chair and Vice Chair of the City of Ukiah Planning Commission for the 2024 calendar year; and, accordingly, reorganize the seating of the Planning Commission per the Procedures of Conduct.

RULES 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 sets 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, to each local newspaper of general circulation, radio and television station requesting a notice in writing. 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 call and notice shall set forth 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 the business to be transacted. A copy of the notice shall also be posted at or near the door to the City Hall Council Chambers. No other business 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, email, 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, with 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. AGENDA

I. Preparation and Posting of Agendas

Except for documents or information prepared by City staff that is not available by 12:00 noon on Wednesday, but in the Community Development Director's judgement should be included with the agenda prior to its delivery to members of the Planning Commission, all reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Commission at a regular meeting, shall be delivered to the Recording Secretary no later than 12:00 noon 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 Community Development 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 Community Development 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 are properly documented on the consent calendar, 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 on agenda and/or non-agenda items 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 distributed to the Commission at a regular, special, or adjourned meeting of the Planning Commission. Correspondence may come in the form of U.S. mail, email, and/or facsimile. Correspondence should not be read aloud at a Planning Commission meeting unless requested by a majority vote of the Commission.

II. Authority of the Community Development Director

The City Community Development 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 ordinances, 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. Sworn Testimony: The presiding officer may require any person addressing the Planning Commission to be sworn as a witness and to testify under oath, and the presiding officer shall so require, if directed to do so, by a majority vote of the Planning Commission.
- D. 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 subject to the privilege of the presiding officer. 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 staff and employees 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 boisterous 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 (Chief of Police or his/her designee) 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 54852 of the Government Code of the State, 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 Penal Code of the State to carry such weapons.
- F. Rules of Decorum/Enforcement: The Chief of Police, or such members of the Police Department as the Chief of Police may designate, shall be sergeant at arms of the Commission and shall carry out all orders given 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 personalities and 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.
- E. Points of Personal Privilege: The right of a Commissioner to address the Commission on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are questioned or where the welfare of the Commission is concerned. A Commissioner raising a point of personal privilege may interrupt another Commissioner who has the floor only if the presiding officer recognized the privilege.
- F.
- 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. Prior to taking a vote, the Commission may engage in discussion and debate. With the consent of the presiding officer, a Commissioner may request specific clarifying information from staff and/or the applicant.

SECTION 7. VOTING RULES

I. Seating Arrangement for Commission

The Planning Commission Chair shall sit in the center chair of the Commission; the next Commissioner in seniority, based upon the time at which the Commissioner was appointed by the City Council ,) shall sit alternately on the left and right of the Planning Commission Chair. Should the Chair not be present at the meeting, the Vice Chair shall sit in the center chair as presiding officer.

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 the presiding officer 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 note 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 Commission.

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. The following is a general summary description of quasi-judicial and legislative hearings. The discussion is not intended to change the general California law governing this subject. 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 appeals from land use decisions by Planning Commission to the Ukiah City Council, such as those concerning major use permits, variances, and major site development permits. Generally, a quasi-legislative decision generally is a decision to make or amend rules affecting a whole class or large number of persons. The City Council is required to seriously consider evidence presented during quasi-legislative hearings, but it is not legally required to base its decision exclusively on the evidence presented. Examples of quasi-legislative decisions include the adoption or amendment of zoning ordinances, general plan amendments, and other ordinances.

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 excluding written comments submitted on a particular agenda item by the public, 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 Community Development Director. The Recording Secretary shall retain the original and include it in the hearing record, which the Recording Secretary shall compile and maintain.

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 quasi-legislative public hearings involving specific property, any Commissioner may, but 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 decisions, and to determine whether the decision is based on lawful principles. Where possible, the staff report the Planning Commission shall include proposed findings for Planning Commission consideration.

In quasi-legislative hearings, the Planning Commission shall seriously consider all documents submitted in compliance with this rule and testimony and oral argument presented during the hearing. The motion deciding the matter need not include specific legal requirements applicable to the particular matter.

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. Spokesmen 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 spokesman 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 Commissioner 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.