



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday February 9, 2010, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
 - 5.1 Summary: CSU major modification of NCSD administrative offices.
Applicant/Owner: Garry Kryszak/North Clackamas School District
Address: 4444 SE Lake Rd
File: CSU-09-11 *continued from 1/12/10*
Staff Person: Ryan Marquardt
Hearing will be continued to a date uncertain.
- 6.0 Worksession Items**
 - 6.1 Summary: Planning Commission Bylaws review
Staff Person: Katie Mangle
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - February 23, 2010 1. Public Hearing: VR-10-01 Harmony Rd Ministorage substantial construction variance
 - March 9, 2010 1. Worksession: Joint Session with DLC - Light Rail briefing

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Jeff Klein, Chair
Dick Newman, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill
Chris Wilson
Nick Harris

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelter, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Stoutenburg, Administrative Specialist II
Paula Pinyerd, Hearings Reporter



To: Planning Commission
Through: Katie Mangle, Planning Director
From: Ryan Marquardt, Associate Planner
Date: February 2, 2010 for February 9, 2010 Hearing
Subject: Land Use File #CSU-09-11 Continuation

ACTION REQUESTED

Open the public hearing on Land Use File #CSU-09-11 and continue the hearing to a date uncertain.

BACKGROUND INFORMATION

On November 24, 2009, the Planning Commission held a hearing on the North Clackamas School District's (NCSD) application to expand the space on their property at 4444 SE Lake Road by adding two modular buildings. The Planning Commission moved to continue the hearing to January 12, 2010 to allow NCSD to prepare additional information for the application.

The applicant submitted new materials for staff's review on January 11, 2010 and planned to have the new materials considered at the February 9, 2010 Planning Commission meeting. On February 1, 2010, the applicant indicated to staff that they wish to postpone the consideration of the application and be removed from the February 9, 2010 Planning Commission agenda.

The applicant has submitted a brief letter to staff and an indication that they will extend the waiver of the 120-day clock (see Attachment 1). They have not identified a future date at which they would like to be on the Planning Commission agenda. New notice will be provided when a hearing date is set, and will include a mailing to surrounding properties, notice in the newspaper, and a sign posting at the site.

Staff will contact the interested parties that have been involved with the application up to this point to notify them of the change in the agenda.

ATTACHMENT

1. NCSD request for continuance, received February 1, 2010

From: Bill Weston [bweston@jjhenri.com]

Sent: Monday, February 01, 2010 2:02 PM

To: Marquardt, Ryan

Subject: Administration Building Postponement

Ryan, As we discussed earlier today the District would like to postpone the February 9th continuation hearing for the Administration Building until further notice. I will send you an official letter and 120 day waiver a little later.

Thanks,

Bill Weston

J.J. Henri Co., Inc.

Email: bweston@jjhenri.com

Cell: 503-913-8641

Main Office:

19801 SW 72nd Ave, Suite 110

Tualatin, OR 97062

Phone: 503-624-9422

Fax: 503-624-9312

North Clackamas School District Office:

12451 SE Fuller Road

Milwaukie, OR 97222

Phone: 503-353-6079 Ext 2

Fax: 503-353-6065



To: Planning Commission

From: Katie Mangle, Planning Director
Bill Monahan, City Attorney

Date: February 1, 2010, for February 9, 2010 Meeting

Subject: Approval of Revised Bylaws

ACTION REQUESTED

Motion to approve the revised Planning Commission Bylaws and forward them to City Council for adoption by resolution.

BACKGROUND INFORMATION

Over the past year, the Planning Commission has undertaken a review of the Planning Commission Bylaws that were adopted in June 1998. Milwaukie Municipal Code (MMC) section 2.10.050 A provides that the Council shall adopt bylaws for each City board, committee, or commission that will guide the conduct of "meetings and the performance of its duties." The code specifies that bylaws shall be reviewed and updated annually with revisions reviewed and accepted by the City Council.

A. History of Prior Actions and Discussions

- **November 2009:** Commission reviewed a draft and discussed further revisions to the bylaws.
- **April 2009:** Commission reviewed the City Attorney's memorandum on suggested revisions to the bylaws and provided direction for the preparation of amendments.
- **1998:** Planning Commission and City Council adopted the current version of the commission's bylaws.

B. Draft Revised Bylaws

Attached to this memorandum is a redline version (Attachment 1) and clean copy (Attachment 2) of the bylaws, reflecting the changes accepted by the Commission at its meeting in November. The following is a list of the substantive changes made to the bylaws. In addition to these changes, a number of editorial changes were made to provide for consistency or to correct errors that existed in earlier drafts. Only the substantive changes are mentioned below.

Article II. Purpose, Authority, and Objective

D. Open Meetings. This section was added to note that all Commission meetings are open to the public and the Commission has the right to go into executive session if needed.

Article III. Membership

A. Appointment. There is some inconsistency between sections of the MMC whether appointments to boards, commissions and committees are made by the Mayor with the consent of the Council, or by the City Council. MMC 2.10.030 G. states that the Mayor with consent of Council appoints Commission members, so the Commission bylaws now state the connection to the code.

B. Term of Office. The language has been revised to be consistent with code language that applies to all City boards, commissions and committees (MMC 2.10.030 D. and G.).

Article IV. Officers and Staffing

B. Chair. Language has been added to show that the Chair is responsible for signing Commission documents.

Article V. Organizational Procedures

A. Meetings. The Commission desired to specify a target time for the meetings to conclude and the process to use to extend a meeting beyond that time. The new language provides for a target ending time of 10:30 p.m., and the process to extend a meeting.

B. Quorum. The new language provides a process to follow when the Director knows ahead of time that a meeting must be cancelled because a quorum cannot be made. In addition, there is language added to state options for when a tie vote occurs.

C. Order of Business. The 1998 bylaws do not specify an order of business but the Commission has routinely followed a workable pattern. New language was added to identify the order of agenda items.

D. Voting. Language was added to clarify that the presiding officer cannot make a motion. The new language would require that a member who abstains from voting cite the reason. The voting order will vary through a rotation system with the Chair always voting last.

E. Reconsideration of Actions Taken. Language was added to provide for how a vote can be reconsidered at the same meeting where the vote took place.

F. Minutes. The typical method used to record minutes has been stated. This is an addition to make the bylaws more complete.

G. Repeal or Amendments. Language was added to conform to the Municipal Code section that requires an annual review of the Commission's bylaws.

E. Parliamentary Authority. The bylaws replace "Roberts Rules of Order Revised" as the parliamentary authority applicable to the commission "unless superseded by these bylaws or local, state, or federal law." The City Attorney advised the Commission that the old language potential to create problems since it was not clear where the conflicts between local bylaws and Roberts Rules exist. We recommend that the Commission periodically review the bylaws as the Commission's "Rules of Procedure" to assure that they are as complete as possible. The use of Roberts Rules is more appropriate in large legislative bodies rather than smaller settings such as the Commission.

G. Duties of Members. This section has been deleted with some of the language added into section Article V. A. Meetings.

Article VI. Duties of Officers

A. Duties of the Chair. The duties have been revised to reflect present practice.

Article VII. Duties of the Commission

C. Site Visits. This section has been revised to add language to require that a Commissioner who visits a site report any observations gained from the visit that he or she plans to take into consideration that are in addition to or inconsistent with the packet materials. This is required in order that all Commission members and parties to the proceeding are aware of what a Commissioner observed during a site visit. This will allow hearing participants to question or refute the observations.

D. Method of Handling Conflicts by Members. Language has been added to reflect the obligation that a Commissioner has under ORS 244.135 regarding conflicts of interest. This section of the statute details the method of handling conflicts by Planning Commission members.

E. Meeting Preparation. The new language provides direction how a Commissioner must prepare in order to participate in a continuance hearing when he or she did not attend the initial or subsequent hearing where evidence was presented.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Underline/strikeout version of draft revised bylaws (attached)
2. Clean version of draft revised bylaws (attached)

PLANNING COMMISSION BYLAWS

Article I. Name

The name of this commission is the Planning Commission (PC).

Article II. Purpose, Authority, and Objective.

- A. **Purpose.** The purpose of the Commission is to serve as an advisory body to, and a resource for the City Council in land-use matters.
- B. **Authority.** The Commission is authorized by ORS 227 and Milwaukie Municipal Code ([MMC](#)) Chapter 2.16.
- C. **Objective.** The Commission's objectives include articulating the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.
- D. **Open Meetings.** [All meetings of the Commission are open to the public. The Commission has the authority to conduct an executive sessions under ORS 192.660.](#)

Article III. Membership

- A. **Appointment.** Each Commission member shall be appointed by the Mayor with the consent of Council, [consistent with MMC 2.10.030 G](#). Members shall serve at the pleasure of the Council.
- B. **Term of Office.** Terms are for a period of four years. Commission members ~~shall~~[may](#) serve no more than two consecutive full terms. ~~The, unless there is an interval of at least one term prior to reappointment, provided that the~~ Council may waive this limitation if it is in the public interest to do so.
- C. **Membership.** The Commission consists of seven members. No more than two members may be non-residents, and no more than two members shall be engaged in the same kind of occupation, business, trade, or profession. No member may be a City of Milwaukie officer, agent, or employee, and no more than two voting members of the ~~commission~~[Commission](#) may engage principally in the buying, selling, or developing of real estate for profit as individuals, or members of any partnership, or officers or employees of any corporation, that engages principally in the buying selling or developing of real estate for profit.
- D. **Vacancies and Removal.** Vacancies are filled in the same manner as the original appointments. A member of the ~~Planning~~ Commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.

- E. **Attendance.** Upon failure of any member to attend three consecutive meetings, the Commission may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.
- F. **Compensation.** Commission members shall receive no compensation for their service, but shall be fully reimbursed for all duly authorized expenses.

Article IV. Officers and Staffing

- A. **Officers.** The officers consist of a ~~chair~~Chair and a ~~vice-chair~~Vice Chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the ~~Committee~~Commission's first meeting of the year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term.
- B. **Chair.** The Chair shall preside at all deliberations and meetings of the Commission and call special meetings in accordance with these Bylaws and review Commission agendas with the staff liaison. The Chair shall sign all documents memorializing Commission actions in a timely manner after action by the Commission.
- ~~C.~~ **C. — Vice Chair.** During the absence, disability, or disqualification of the ~~Chairperson~~Chair, the Vice-~~Chairperson~~ Chair shall exercise or perform all duties and be subject to all the responsibilities of the ~~Chairperson~~Chair. In the absence of the ~~Chairperson~~Chair and Vice-~~Chairperson~~ Chair, the remaining members present shall elect an acting ~~Chairperson~~Chair.
- ~~D.~~ **D. — Staff.** The City of Milwaukie Community Development Department will provide staff support to the Commission for: land-use issues, meeting notifications, postponements, final disposition of matters, and other steps taken or acts performed by the Commission, which include administrative housekeeping functions such as, word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

Article V. Organizational Procedures

- ~~A.~~ **A. — Meetings.** The Commission shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law. Typically the Commission meets at least once a month on the second and/or fourth Tuesday at 6:30 p.m. at City Hall. Commission meetings shall end no later than 10:00 p.m., unless extended by majority vote of the Commissioners present and participating in the Agenda item that is under consideration at that time. An extension to 10:30 p.m. is allowed by Commission action. One extension to no later than 10:30 p.m. is allowed. If a meeting has not concluded at 10:30 p.m., the Commission may ~~shall~~ either vote on the Agenda

item, consider another extension of up to thirty (30) minutes, or vote to continue the item to the next available meeting.

B. ~~**B.**~~ **Quorum.** A quorum is four (4) of the voting membership of the Commission. The concurrence of a majority of the Commission members present shall be required to decide any matter. In the case of a tie vote, the matter is not complete. ~~A new~~ motions shall ~~may~~ be made. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be cancelled. In the event it is known by the Director prior to a meeting that a quorum will not be present at any meeting, the Director shall notify the Commission members. All items scheduled for the meeting shall be automatically continued to a the next regularly scheduled meeting unless the Director determines that a special meeting is needed. The Director shall post notice of the continuance on the exterior doors of City Hall notifying the public of the continuance and specifying the date and time when the continued items will be before the Commission. The Notice shall remain through the evening on which the meeting is originally scheduled.

C. **Order of Business.** The Chair shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:

~~1.~~ ~~A.~~ Call to order – Procedural Matters

~~B.2.~~ Minutes

~~C.3.~~ Information Items

~~D.4.~~ Audience Participation

~~E.5.~~ Public Hearings

~~F.6.~~ Worksession Items

~~G.7.~~ Planning Department Other Business/Updates

~~H.8.~~ Planning Commission Discussion Items

~~I.9.~~ Forecast for Future Meetings.

D. ~~**C.**~~ **Voting.** All members who are present at a Commission Meeting, including the Chair and Vice Chair, are allotted one vote each on all motions. A motion may be made by any Commissioner with the exception of the presiding officer. All Commissioners, when a vote is taken, shall vote unless he or she abstains from voting and cites the reason for the record. ~~Staff The meeting recorder~~ shall call the roll, altering the order of members called. The Chair shall vote last.

E. **Reconsideration of Actions Taken.** A member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commission.

F. **Minutes.** A staff representative or designee shall be present at each meeting and shall provide for a sound, video or digital recording, or written minutes of each meeting. The

record of the meeting, whether preserved in written minutes or sound, video or digital recording, shall include at least the following information:

- Names of the Commission members present;
- All motions and proposals, and their disposition;
- The results of all votes and the vote of each Commission member by name;
- The substance of any discussion on any matters; and
- A reference to any document discussed at the meeting;

Written minutes need not be a verbatim transcript, but give a true reflection of the matters discussed at the meeting and the views of the participants.

Written minutes of a meeting will be made available to the public within a reasonable time after the meeting.

Minutes shall be reviewed and voted upon by the Commission at a regular meeting.

G. ~~**D. — Repeal or Amendments.**~~ ~~These bylaws shall be reviewed and updated annually by the Commission and forwarded to the Council for approval. The Planning Commission may review these bylaws periodically and forward suggested revisions to the City Council for approval.~~ These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the ~~Milwaukie City~~ Council on its own initiative, or upon a recommendation from the Commission.

H. ~~**E. — Parliamentary Authority Meeting Conduct.**~~ The ~~meeting conduct~~ ~~parliamentary authority~~ for this Commission is ~~Robert's Rules of Order Revised, these bylaws~~ except where ~~superseded by these bylaws~~ superceded by or local, state, or federal law.

I. ~~**F. — Statement of Economic Interest.**~~ Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.

~~**G. — Duties of Members.** Individuals being considered must be willing to dedicate to, at a minimum, two meetings per month for Planning Commission membership. The Planning Commission shall meet at least once a month, on the second and/or fourth Tuesdays at 6:30 p.m. at a place designated by staff. These meetings may be set aside upon agreement of a majority of the Commissioners and upon compliance with applicable land use laws and procedures.~~

Article VI. Duties of Officers

A. ~~**A. Duties of the Chair.**~~ The Chair or Vice- Chair, in addition to the duties in Article IV, shall preserve the order and decorum of the meeting.

1. The Chair may assess the audience at the beginning of the meeting, and, with the consent of the Commission, announce reasonable time limits.
2. The Chair will direct the planning staff to summarize the issues to be addressed and the criteria to be applied ~~at~~by the Commission during its deliberations, following the conclusion of public hearing testimony.
3. The Chair will summarize the hearing results and state the appeal process at the conclusion of the public hearing.

B. ~~B. Requesting Response and Opinion.~~ The Chair will ask for response and opinion from the members of the Commission.

~~C. The Chair may mentor the Vice Chair.~~

C. ~~D. Appointments to Specific Projects on Committees.~~ The Chair may appoint Commissioners to specific projects or committees, and may select a Commissioner to be ~~spokesman~~spokesperson for the Commission when the Chair or Vice Chair is unavailable.

D. ~~E. Confer with Director.~~ The Chair or Vice- Chair shall confer with the ~~Community Development~~Planning Director (Director) on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.

E. ~~F. Orientation of New Members.~~ The Chair, in conjunction with the ~~Community Development~~ Director, shall orient new members.

Article VII. Duties of the Commission

- A. ~~Planning~~Duty of Commissioner. Commission members shall address all those who come before the Commission in a formal and courteous manner.
- B. Absence From a Meeting. If a member is unable to attend a meeting, it is that member's responsibility to inform the Community Development staff and/or the ~~Planning~~ Commission Chair of that fact prior to the meeting to be missed.
- C. Site Visits. Prior to ~~planning~~ Commission meetings, Commissioners are encouraged to visit sites that are subjects for land use actions. If a Commissioner visits a site, he or she shall report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
- D. Method of Handling Conflicts by Members. In accordance with ORS 244.135: (1) 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:

- (a) 1. The Commission or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the Commissioner;
- (b) 2. Any business in which the Commissioner is then serving or has served within the previous two years; or
- (c) 3. Any business with which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- (2) 4. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.

E. Meeting Preparation. Commission members 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 a quasi-judicial 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) either the audio recording of the hearing ~~or~~ the draft minutes of the hearing.

(2) Declares that he or she is prepared to participate.

F. ~~D. The commission~~ Duties Assigned by Council. The Commission shall carry out the duties assigned to it by the ~~City~~ Council relating to development, updating, and general maintenance of the Milwaukie Zoning Ordinance, and the Milwaukie Comprehensive plan.

Article VIII. Goals and Objectives

- A. **Annual Goal Review.** The ~~Planning~~ Commission shall review the ~~City~~ Council goals annually for establishment of ~~Planning~~ Commission goals which enhance and augment those of the ~~City~~ Council.
- B. **Establishment of Commission Goals.** The ~~Planning~~ Commission shall establish goals, at a minimum, annually.

Adopted by the Planning Commission of the City of Milwaukie, Oregon with a ~~Quorum~~ quorum in attendance at its regular meeting of ~~June 23, 1998,~~ _____, and signed by the ~~Chairperson~~ Chair in authentication of its adoption this ~~23rd~~ _____ day of ~~June~~ _____, ~~1998,~~ 2009.

~~Mike Smith,~~

Jeff Klein,

Planning Commission ~~Chairman~~Chair

Adopted by the City Council of the City of Milwaukie, Oregon this ~~1st~~____ day of ~~September,~~
~~1998.~~_____.

~~Carolyn Tomei~~Jeremy Ferguson, Mayor

PLANNING COMMISSION BYLAWS

Article I. Name

The name of this commission is the Planning Commission (PC).

Article II. Purpose, Authority, and Objective.

- A. **Purpose.** The purpose of the Commission is to serve as an advisory body to, and a resource for, the City Council in land use matters.
- B. **Authority.** The Commission is authorized by ORS 227 and Milwaukie Municipal Code (MMC) Chapter 2.16.
- C. **Objective.** The Commission's objectives include articulating the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.
- D. **Open Meetings.** All meetings of the Commission are open to the public. The Commission has the authority to conduct an executive session under ORS 192.660.

Article III. Membership

- A. **Appointment.** Each Commission member shall be appointed by the Mayor with the consent of Council, consistent with MMC 2.10.030 G. Members shall serve at the pleasure of the Council.
- B. **Term of Office.** Terms are for a period of four years. Commission members may serve no more than two consecutive full terms, unless there is an interval of at least one term prior to reappointment, provided that the Council may waive this limitation if it is in the public interest to do so.
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- D. **Vacancies and Removal.** Vacancies are filled in the same manner as the original appointments. A member of the Commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.
- E. **Attendance.** Upon failure of any member to attend three consecutive meetings, the Commission may recommend termination of that appointment to the Council, and the

Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.

- F. **Compensation.** Commission members shall receive no compensation for their service, but shall be fully reimbursed for all duly authorized expenses.

Article IV. Officers and Staffing

- A. **Officers.** The officers consist of a Chair and a Vice Chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the Commission's first meeting of the year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term.
- B. **Chair.** The Chair shall preside at all deliberations and meetings of the Commission and call special meetings in accordance with these Bylaws and review Commission agendas with the staff liaison. The Chair shall sign all documents memorializing Commission actions in a timely manner after action by the Commission.
- C. **Vice Chair.** During the absence, disability, or disqualification of the Chair, the Vice Chair shall exercise or perform all duties and be subject to all the responsibilities of the Chair. In the absence of the Chair and Vice Chair, the remaining members present shall elect an acting Chair.
- D. **Staff.** The City of Milwaukie Planning Department will provide staff support to the Commission for land-use issues, meeting notifications, postponements, final disposition of matters, and other steps taken or acts performed by the Commission, which include administrative housekeeping functions such as word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

Article V. Organizational Procedures

- A. **Meetings.** The Commission shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law. Typically the Commission meets at least once a month on the second and/or fourth Tuesday at 6:30 p.m. at City Hall. Commission meetings shall end no later than 10:00 p.m., unless extended by majority vote of the Commissioners present and participating in the agenda item that is under consideration at that time. An extension to 10:30 p.m. is allowed by Commission action. If a meeting has not concluded at 10:30 p.m., the Commission may either vote on the agenda item, consider another extension of up to 30 minutes, or vote to continue the item to the next available meeting.
- B. **Quorum.** A quorum is 4 of the voting membership of the Commission. The concurrence of a majority of the Commission members present shall be required to decide any matter. In the case of a tie vote, the matter is not complete. New motions shall be made. If a

quorum is not attained 15 minutes following the scheduled time of call to order, the meeting shall be cancelled. In the event it is known by the Director prior to a meeting that a quorum will not be present at any meeting, the Director shall notify the Commission members. All items scheduled for the meeting shall be automatically continued to a regularly scheduled meeting unless the Director determines that a special meeting is needed. The Director shall post notice of the continuance on the exterior doors of the advertised meeting location notifying the public of the continuance and specifying the date and time when the continued items will be before the Commission. The notice shall remain through the evening on which the meeting is originally scheduled.

- C. Order of Business.** The Chair shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:

1. Call to order – Procedural Matters
2. Minutes
3. Information Items
4. Audience Participation
5. Public Hearings
6. Worksession Items
7. Planning Department Other Business/Updates
8. Planning Commission Discussion Items
9. Forecast for Future Meetings.

- D. Voting.** All members who are present at a Commission meeting, including the Chair and Vice Chair, are allotted one vote each on all motions. A motion may be made by any Commissioner with the exception of the presiding officer. All Commissioners, when a vote is taken, shall vote unless he or she abstains from voting and cites the reason for the record. Staff shall call the roll, altering the order of members called. The Chair shall vote last.

- E. Reconsideration of Actions Taken.** A member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commission.

- F. Minutes.** A staff representative or designee shall be present at each meeting and shall provide for a sound, video or digital recording, or written minutes of each meeting. The record of the meeting, whether preserved in written minutes or sound, video or digital recording, shall include at least the following information:

- Names of the Commission members present;
- All motions and proposals, and their disposition;
- The results of all votes and the vote of each Commission member by name;
- The substance of any discussion on any matters; and
- A reference to any document discussed at the meeting;

- Written minutes need not be a verbatim transcript, but give a true reflection of the matters discussed at the meeting and the views of the participants.
- Written minutes of a meeting will be made available to the public within a reasonable time after the meeting.
- Minutes shall be reviewed and voted upon by the Commission at a regular meeting.

- G. Repeal or Amendments.** The Planning Commission may review these bylaws periodically and forward suggested revisions to the City Council for approval. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Council on its own initiative, or upon a recommendation from the Commission.
- H. Meeting Conduct.** The meeting conduct for this Commission is these bylaws except where superceded by or local, state, or federal law.
- I. Statement of Economic Interest.** Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.

Article VI. Duties of Officers

- A. Duties of the Chair.** The Chair or Vice Chair, in addition to the duties in Article IV, shall preserve the order and decorum of the meeting.
1. The Chair may assess the audience at the beginning of the meeting, and, with the consent of the Commission, announce reasonable time limits.
 2. The Chair will direct the planning staff to summarize the issues to be addressed and the criteria to be applied by the Commission during its deliberations, following the conclusion of public hearing testimony.
 3. The Chair will summarize the hearing results and state the appeal process at the conclusion of the public hearing.
- B. Requesting Response and Opinion.** The Chair will ask for response and opinion from the members of the Commission.
- C. Appointments to Specific Projects on Committees.** The Chair may appoint Commissioners to specific projects or committees, and may select a Commissioner to be spokesperson for the Commission when the Chair or Vice Chair is unavailable.
- D. Confer with Director.** The Chair or Vice Chair shall confer with the Planning Director (Director) on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.

- E. **Orientation of New Members.** The Chair, in conjunction with the Director, shall orient new members.

Article VII. Duties of the Commission

- A. **Duty of Commissioner.** Commission members shall address all those who come before the Commission in a formal and courteous manner.
- B. **Absence From a Meeting.** If a member is unable to attend a meeting, it is that member's responsibility to inform the Community Development staff and/or the Commission Chair of that fact prior to the meeting to be missed.
- C. **Site Visits.** Prior to Commission meetings, Commissioners are encouraged to visit sites that are subjects for land use actions. If a Commissioner visits a site, he or she shall report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
- D. **Method of Handling Conflicts by Members.** In accordance with ORS 244.135: (1) 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:
1. The Commission or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the Commissioner;
 2. Any business in which the Commissioner is then serving or has served within the previous two years; or
 3. Any business with which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 4. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.
- E. **Meeting Preparation.** Commission members 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 a quasi-judicial 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. either the audio recording of the hearing or the draft minutes of the hearing.

2. Declares that he or she is prepared to participate.

F. **Duties Assigned by Council.** The Commission shall carry out the duties assigned to it by the Council relating to development, updating, and general maintenance of the Milwaukie Zoning Ordinance, and the Milwaukie Comprehensive Plan.

Article VIII. Goals and Objectives

A. **Annual Goal Review.** The Commission shall review the Council goals annually for establishment of Commission goals which enhance and augment those of the Council.

B. **Establishment of Commission Goals.** The Commission shall establish goals, at a minimum, annually.

Adopted by the Planning Commission of the City of Milwaukie, Oregon with a quorum in attendance at its regular meeting of _____ and signed by the Chair in authentication of its adoption this ____ day of _____, 2009.

Jeff Klein,
Planning Commission Chair

Adopted by the City Council of the City of Milwaukie, Oregon this ____ day of _____, _____.

Jeremy Ferguson, Mayor