

City of Damascus

JOINT COUNCIL/PLANNING COMMISSION WORKSESSION

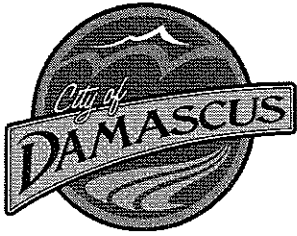
AGENDA

July 29, 2010

6:30 pm

**Damascus City Hall
19920 SE Hwy. 212
Damascus, OR 97089**

1. **Call to Order**
2. **Additions or Changes to the Agenda**
(At the beginning of each agenda the Mayor will call for any requested additions or changes to the agenda from Council.)
3. **Review of Schedule (through 2010)**
4. **Review of Bylaws**
5. **Roles and Responsibilities**
6. **Discussion, Direction and Expectations on Interactions with Council/Planning Commission/CCI**
7. **Questions and Answers**
8. **Other Items**
9. **Adjourn**



City of
Damascus

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Damascus, OR 97089

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Date: July 7, 2010

Deadlines for staff materials for review for Proposed Comprehensive Plan map adoption schedule, public hearings and notice requirements

August 9th: Draft goals and policies document for staff review

August 10th: Summary and review of coffee klatches draft for review

August 10th: PC work session: begin review of details of draft comp plan map, land use designations, numbers to date (will change)

August 16th: Revised Draft Goal findings for staff review

August 18th: Staff report to council for work session on summary of coffee klatches, emerging issues, policy recommendations, map refinement details

August 24th: PC work session on comp plan map, review of coffee klatches

August 26 & September 2, 2010: Council work sessions for revision of final Draft Comprehensive Plan map.

September 1: Finalize draft goal findings to send to DLCD and city atty

September 1, 2010. Property owner notice of Planning Commission public hearing on Final Comprehensive Plan map, Goals and Policies, Goal Findings

September 6th: start running numbers on draft map

September 13, 2010. 45-day notice to DLCD regarding first hearing, Planning Commission recommendation on Final Comprehensive Plan map, Goals and Policies, Goal findings.

Sept 14th PC work session on comprehensive plan map and goals and policies

September 20, 2009: Public hearing. Council adoption by resolution of Draft Comprehensive Plan map.

Sept 28th : PC work session on goals and policies

NEED TO HAVE A COUPLE COUNCIL WORK SESSIONS ON COMP PLAN prior to hearing?

October 6, 2010. Property owner notice of Council public hearing on Final Comprehensive Plan map, Goals and Policies and Goal Findings

October 12th: PC work session on goal findings

October 26, 2010. Public hearing Planning Commission recommendation on Final Comprehensive Plan map, Goals and Policies and Goal findings.

November 15, 2010. Public hearing City Council and first reading of ordinance.
Adoption of Final Comprehensive Plan map, Goals & Policies and Goal findings.

Special City Council meeting. November 29, 2010. Second reading of ordinance.
Adoption of Final Comprehensive Plan map, Goals and Policies and Goal findings.

**BYLAWS OF THE
CITY OF DAMASCUS PLANNING COMMISSION**

Adopted May 25, 2010

Note: text in italics is from Damascus Ordinance No 2010-42

ARTICLE I

ESTABLISHMENT

The City of Damascus Planning Commission is hereby established by Ordinance No. 2010-42, adopted March 1, 2010.

ARTICLE II

NAME

This Commission shall be known as the City of Damascus Planning Commission hereinafter referred to as the Commission.

ARTICLE III

PURPOSE AND ROLE

A. Purpose of the Planning Commission

- 1) To support and advise the City Council on all matters relating to land use issues, growth and livability.
- 2) To implement and provide guidance and leadership relating to the City's vision, core values and mission as it relates to land use planning issues.
- 3) The Planning Commission is the primary advisory body to the City Council on all matters relating to planning for the future of the City of Damascus. As such, the Planning Commission will meet annually with the City Council to co-develop a work program, discuss roles and responsibilities, and develop strong, positive working relationships with the Council. The Planning Commission serves at the pleasure of the Council; however, is charged with specific legal and ethical responsibilities relating to state law, which must be observed at all times.
- 4) The Planning Commission is to always work within the public interest, to maintain a long range view of civic affairs, and to maintain a high level of

knowledge in land use planning, legal issues, state and national trends and related fields among its members.

B. The Role of the Planning Commission

- 1) The Planning Commission's primary role is to implement policy of the Comprehensive Plan and its implementing ordinances.
- 2) The Planning Commission is to help develop, review and recommend drafts of plans and ordinances to be considered for adoption by the City Council.
- 3) The Planning Commission is to conduct regular meetings at which business is transacted and at which the public can participate within the context of a set agenda.
- 4) The Planning Commission is to conduct formal public hearings when called to do so by ordinance or law on matters relating to the adoption of plans and ordinances or the consideration of applications for various land use actions as may be defined in City Code.
- 5) The Planning Commission is to help develop, review and recommend draft plans, ordinances, and studies related to land use, transportation, infrastructure, economic development, open spaces, hazard mitigation, and other topics as directed by the City Council or compelled by law.
- 6) The Planning Commission is to help maintain a close working relationship with City staff. Staff's role is to advise the Planning Commission on planning matters, to recommend plans and actions for the Commission's consideration, and to help the Planning Commission be successful in carrying out its roles and responsibilities. The Commission's role is to advise the staff on matters of concern or opportunity, to work expeditiously on matters before it, and to forge a strong team with the staff to serve the public interest.
- 7) The Planning Commission is to coordinate with other City advisory committees and boards in advising the Council and serving the community.
- 8) The Planning Commission members, within available resources, shall engage in opportunities to learn more about planning and related fields in order to improve their knowledge and skills and improve the effectiveness of the Commission.

ARTICLE IV

MEMBERSHIP

- A. *Membership. The Planning Commission shall consist of seven members, no more than one of whom may be a nonresident of the City. The City Manager or designee shall be entitled to sit with the Planning Commission and to take part in its discussions or deliberations, but shall have no vote on any matter to come before the Planning Commission.*
- B. *Appointment, Term, and Removal of Members.*
- 1) *Appointment of Members. The Mayor, with City Council approval, shall appoint persons to the Planning Commission. The Council may interview or otherwise screen applicants for such positions, as it deems appropriate.*
 - 2) *Consideration of Qualifications for Membership. In selecting persons for membership on the Planning Commission, the Mayor shall give preference to those persons who possess a particular competence in the field of city planning by way of their profession, trade, or prior or present governmental service. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of occupation, business, trade or profession.*
 - 3) *Terms of Office. The Planning Commission members, with the exception of the initial members, shall serve for a term of office period of four years. The initial members shall be appointed for terms as follows: 1 member will be appointed for 1 year, 2 members will be appointed for 2 years, 2 members will be appointed for 3 years, and 2 members will be appointed for 4 years.*
 - 4) *Vacancies. If a position becomes vacant before the expiration of the term, the Mayor shall appoint a person to fill a vacancy. Appointments to fill vacancies shall be for the remainder of the unexpired term.*
 - 5) *Removal. Except as otherwise provided herein, members of the Planning Commission shall serve at the pleasure of the Council. The Planning Commission or a City Councilor may recommend removal of a Planning Commission member to the City Manager for misconduct or nonperformance of duty. "Misconduct" includes failure to properly declare a conflict of interest or failure to comply with any applicable requirement of State or Federal law or the Damascus Code. "Non-performance of duty" includes unexcused absences from three consecutive meetings or three meetings within a calendar year. The City Manager shall*

inform the Council upon receiving a recommendation from a council member or the Planning Commission for removal of a member for misconduct or non-performance of duty. The City Council shall hold a hearing and determine whether the Planning Commission member should be removed for misconduct or non-performance of duty.

- i.) Members may request that they be removed for personal or other reasons. Such requests shall be made to the Mayor and City Council.
- C. *Compensation. Planning Commission members shall receive no compensation for their service but shall be reimbursed for duly authorized expenses.*
- D. *Relationship to City Council. Testifying. A member of the Planning Commission may testify before the Council but only as a member of the body or as an individual citizen, not on behalf of the body, unless the member has been designated as a spokesman for the body. The Commissioner will clearly identify his or her role for the record of the proceeding.*
- E. *Political Campaigning. Members of the Planning Commission shall take care to conform with the Oregon Election Division's guidelines relating to political advocacy and participation in political campaigns.*
- F. Members shall attend all meetings faithfully except in such cases of illness or where a request to be absent has been approved by the Chair prior to such meeting.
- G. The members of the Commission shall serve at the pleasure of the Council.

ARTICLE V

OFFICERS AND DUTIES

- A. *Officers. The Planning Commission shall elect a Chair and a Vice-Chair from its membership at its first regular meeting of each calendar year. No member shall serve more than two consecutive terms as Chair.*
- B. *The Chair shall carry out his or her responsibilities in conformance with the provisions of this Chapter, including:*
 - 1) *Set the agenda. Any member of the Planning Commission may request that an item of business appear on the agenda. The Planning Commission may by majority vote compel that an item be placed on the agenda.*
 - 2) *Preside at all meetings.*

- 3) *Be responsible for maintaining communication with the Council liaison and City staff assigned to the Planning Commission.*
 - 4) *Call special meetings. A majority of the members of the Planning Commission may also call a special meeting.*
 - 5) *Cancel meetings in accordance with Article VI Section F.*
 - 6) *Be responsible for attendance of members and report to the staff liaison or City Manager if and when repeated absences impair a member's ability to serve on the Planning Commission.*
 - 7) *The Chair, or in the Chair's absence the Vice-Chair, shall have a vote on all matters that come before the Planning Commission, and shall vote last on all motions requiring a vote.*
 - 8) *Decide all questions of order; offer for consideration all motions regularly made; apportion duties of the members of the Commission and advisory members; call all special meetings with approval of the majority of the Commission; review upcoming agendas; appoint all necessary committees and advisory committees; and perform such other duties as the office may require.*
 - 9) *The chairperson may, at any time, institute measures to control the time for debate on any issue. Care should be taken to insure fairness in the hearing process. Those speaking in support and opposed should have substantially equal time. The chairperson may stop debate once they believe the issue has been adequately and fairly heard.*
- C. *If a vacancy of the Chair occurs, an election shall be held at the next regular meeting to fill that position.*
- D. *In the absence of both the Chair and the Vice-Chair, the members present shall appoint an acting Chair for the purpose of conducting business during that meeting.*
- E. *The Vice-Chair shall exercise the duties of the Chair in the Chair's absence.*
- F. *The City Manager shall determine which department or staff person shall serve as liaison to the Planning Commission. Staff will ensure that minutes are produced for each meeting.*
- G. *It shall be the duty of the Community Development Director to work cooperatively with the Commission and its Chair, to provide the Commission information, conduct all correspondence, and carry out the duties hereinafter prescribed.*

ARTICLE VI

MEETINGS

- A. The Commission shall hold its regular meetings on the second and fourth Tuesday of each month at 6:30 pm at the Damascus City Hall. Each Commission meeting will end at 9:00 pm unless the Commission, for a particular meeting, approves a motion to extend the meeting time.
- B. The place, hour and date of any meeting may be changed by affirmative act of the Commission if adequate notice can be given to the public and all interested parties, in accordance with the public meetings law.
- C. *Quorum, Meetings, and Rules. Quorum. A majority of the members of the Planning Commission shall constitute a quorum.*
- D. *Lack of Quorum Because of Unfilled Vacancies. Should the Planning Commission be unable to function with a quorum of members due to unfilled vacancies, the City Council shall fulfill the duties of the Planning Commission until a quorum of members is restored.*
- E. *Vote. Except as otherwise expressly provided by the Municipal Code or other applicable law or regulation, the concurrence of a majority of members present and eligible to vote, a quorum being present, shall be necessary to decide any question.*
- F. *Meetings. The Planning Commission shall meet at least twice each month unless a Commission meeting is cancelled by the Chair because of a lack of business, scheduling conflicts, or a likely lack of a quorum. Such cancellation will be noticed at least 24 hours in advance by posting in the regular locations for posting legal notices. Meetings of the Planning Commission shall be open to the public consistent with the Oregon Open Meetings Law. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records. The chairperson upon a motion may, or at the request of three members of the Planning Commission shall, by giving notice to members of the Planning Commission, call a previously unannounced special meeting of the Planning Commission for a time not earlier than 24 hours after the notice is given.*
- G. *Rules of Procedure. The Planning Commission may from time to time adopt and amend rules of procedure consistent with the laws of the state, the Municipal Charter, and any other applicable provisions of the Municipal Code.*

- H. *Recommendations. All recommendations to the Council shall be in writing, signed by the Chair.*
- I. *Subcommittees. No standing subcommittee, outside advisory committee or ad hoc subcommittee, shall be appointed by the Planning Commission without first obtaining approval of the City Council. The City Council may approve, deny or modify the request to create a subcommittee. Prior to voting to request the Council to approve creation of a subcommittee, the Planning Commission shall first request and consider a report from staff regarding the costs and time involved in staffing such a subcommittee. Any request to form such subcommittees shall be submitted to the City Council in writing and shall contain:*
- 1) *An explanation of the function of and need for the subcommittee;*
 - 2) *The number and any qualifications of its members;*
 - 3) *The staff analysis of the cost and time involved in staffing the subcommittee; and*
 - 4) *If the subcommittee is an ad hoc subcommittee, a deadline for completion of the ad hoc subcommittee's responsibilities.*
- J. Work sessions of the Commission may be held as are deemed appropriate by the Chair or Community Development Director provided public notice of the time and place of the meeting is provided at least 24 hours in advance of said meeting.
- K. Except as otherwise provided to the contrary by these Bylaws, Robert's Rules of Order shall apply to the procedures of all Commission meetings.

ARTICLE VII

CONDUCT

- A. Rules of engagement and representation. The Planning Commission will agree to behave in a civil manner, be respectful of and helpful to citizens engaging in a positive way in the Commission's activities and discourse, and be a positive force and model for the community of Damascus as it grows and matures as a City. The Planning Commission shall work to develop consensus among Commission members, but agree that the majority vote of the Commission represents the recommendation of the Commission. Commission members may not represent the position of the City to the public, unless agreed upon by a majority vote of the Commission members. Commission members may represent their personal opinion as a citizen of Damascus and shall state such.
- 1) Attendance. Commission members shall make every effort to attend meetings. Members should be aware of specific attendance requirements of their

board/committee and always notify staff or the board Chair if unable to attend a meeting.

- 2) Promptness. Meetings should start and end on time.
 - 3) Participation. Everyone's viewpoint is valuable, every team member can make a unique contribution; therefore, emphasize the importance of both speaking freely and listening attentively.
 - 4) Basic conversational courtesies. Listen attentively and respectfully to others, do not interrupt, one conversation at a time, and so forth.
 - 5) Commission members shall avoid leaving their seats except during approved recesses of a public hearing. Members shall avoid conversation that is not plainly audible to all present in the meeting room. Members shall avoid addressing speakers on a first name basis or casual basis.
- B. A Commission member who attends a meeting of the City Council as an authorized Commission representative should follow these guidelines:
- 1) The representative need not speak on every issue referred to the Council, but should participate in Council discussion when it appears necessary;
 - 2) The representative should answer questions about Commission policies if these are addressed to him or her by the Council;
 - 3) The representative should support the Commission's majority report and should not present his or her own point of view, or that of the minority, unless specifically asked.

ARTICLE VIII

CONFLICT OF INTEREST, BIAS & EX PARTE CONTACTS

- A. *Appointment, Term, and Removal of Members. Conflict of Interest. A member of the Planning 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 member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; (2) Any business in which the member is then serving or has served within the previous two years; or (3) Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.*
- B. *Any actual or potential conflict of interest shall be disclosed at the meeting of the Planning Commission where the action is being taken.*

- C. Member Participation. Members shall be required to vote on all matters which require a decision unless a member is excluded by Article VIII Section D, F and G.
- D. Because of the importance of preserving public confidence in decisions made by the Commission, a member of the Commission may elect to abstain from a particular hearing when the member is not disqualified by bias or conflict of interest, but desires to avoid the appearance of partiality. Abstention in such an instance shall be solely the matter of the member's own judgment. A member who feels that abstention may be necessary or desirable under this section shall seek the advice of the Commission and then state the member's decision and the reasons therefore.
- E. In the interest of avoiding ex parte contacts, an individual Commission member shall not discuss with an applicant, or others interested in the application, any request that is to be heard by the Commission and on which the member will vote, except answering questions relating to the time, place and Commission procedures.
- F. Challenge for Bias. Any proponent or opponent of a proposal to be heard by the Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts in writing, by affidavit, relied upon by the submitting party relating to a Commissioner's bias, prejudice, personal interest, or other facts from which the party has concluded that the Commissioner will not participate and make decision in an impartial manner.

The challenged Commissioner shall state whether they believe they have a bias and make a decision as to whether the Commissioner can participate in the hearing and decision in an impartial manner or disqualify themselves from the public hearing and decision and step down from the bias. They shall not participate or provide opinions in the public hearing discussions.

- G. No Commissioner shall participate in discussion of the proposal or vote on the proposal if any of the following apply.
 - 1) The Commissioner has an actual conflict of interest. For purposes of this subsection an "actual conflict of interest" means that the effect of the decision or recommendation under consideration would be to the private pecuniary benefit or detriment of the Commissioner or Commissioner's relative or any business with which the Commissioner or a relative of the Commissioner is associated, unless the pecuniary benefit or detriment arises out of the following:
 - (i) Any action in the Commissioner's official capacity which would affect to the same degree a class consisting of all inhabitants of the City, or a smaller class consisting of an industry, occupation, or other group

including one of which or in which the Commissioner or a Commissioner's relative is associated, is a member, or is engaged, provided that the size of the class is six members or more; or;

- (ii) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

For purposes of this subsection, "a Commissioner's relative" means the spouse of the Commissioner, any children of the Commissioner or the Commissioner's spouse, and brothers, sisters, or parents of the Commissioner or of the Commissioner's spouse. For purposes of this subsection, "business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which the Commissioner is associated in a nonremunerative capacity. For purposes of this subsection, a business with which a person "is associated" means any business of which the person or the person's relative is, or within the previous two years has been, is negotiating for, or has an arrangement or understanding concerning becoming, a director, officer, owner, employee, or agent, or any corporation in which the person owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year.

- 2) The Commissioner owns property within the area entitled to receive notice of the public hearing.
 - 3) For any other reason, the Commissioner has determined that the Commissioner cannot participate in the hearing and decision in an impartial manner.
 - 4) The Commissioner has a potential conflict of interest and the Commissioner has determined that the Commissioner cannot participate in the hearing and decision in an impartial manner. If the Commissioner has a potential conflict of interest, the Commissioner must disclose the nature and extent of the potential conflict of interest, and must make an explicit determination as to whether the Commissioner can participate in the hearing and decision in an impartial manner. For purposes of this subsection, a "potential conflict of interest" means that the effect of the decision or recommendation under consideration could be to the private pecuniary benefit or detriment of the Commissioner or Commissioner's relative or any business with which the Commissioner or a relative of the Commissioner is associated.
- H. No other officer or employee of the City who has a financial or other private interest shall participate in discussion with or give an official opinion to the

Commission on the proposal without first declaring for the record the nature and extent of such interest.

- I. The general public has a right to have Commissioners free from prejudice on matters heard by them and to have the evidence on which they make decisions fully disclosed as part of the public record. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, Commissioners shall reveal any significant pre-hearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have impaired the Commissioner's impartiality or the Commissioner's ability to vote on the matter, the Commissioner shall so state and shall abstain therefrom.
- J. The remaining members of the Commission, by a majority vote, may exclude a member of the Commission from participation in discussion and vote on a matter if the Commissioner refuses to abstain and the Commission finds that the Commissioner is not capable of participating in an impartial manner because of a conflict of interest or prejudice.
- K. Notwithstanding any provision of this or any other rule: (1) An abstaining or disqualified Commissioner may be counted for purposes of forming a quorum; and (2) A Commissioner may represent him/herself, a client or any other member of the public hearing, provided the Commissioner:
 - 1) Abstains from the discussion and vote on the proposal; and
 - 2) Removes him/herself from the Commission area and joins the audience; and
 - 3) Makes full disclosure of the Commissioner's status and position at the time of addressing the Commission.

ARTICLE IX

PUBLIC HEARINGS

- A. All public hearings before the Commission shall be conducted by the Chair or presiding officer. Any interested party may appear for him/herself or be represented by counsel. Any person speaking at a public hearing shall first identify him/herself by name and address, and, if appearing in a representative capacity, identify the person being represented.
- B. It shall be the responsibility of the Chair, or presiding officer, to inquire of the Commission regarding potential conflicts of interest, ex parte contacts and issues of bias, regarding the pending agenda item at the beginning of the public hearing.

- C. The applicant for any public hearing shall be heard first, followed by:
- 1) Testimony in support of the project;
 - 2) Testimony in opposition of the project;
 - 3) Neutral testimony;
 - 4) Testimony from public agencies;
 - 5) Rebuttal by the applicant of any new testimony presented in opposition of the project.
- D. In the event of a public hearing for an appeal, the appellant shall be heard first, followed by:
- 1) Testimony in support of the appeal;
 - 2) Testimony by the applicant, if the applicant is not the appellant. The applicant's presentation time shall be equal to the appellant's presentation time.
 - 3) Testimony in opposition of the appeal;
 - 4) Neutral testimony;
 - 5) Testimony from public agencies;
 - 6) Rebuttal by the appellant of any new testimony presented in opposition of the appeal.
- E. The Chair shall have the right to limit testimony on any public hearing matter when the Chair feels the Commission has received adequate representative testimony of all sides of the matter.
- F. During the hearing, each side shall proceed without interruption by the other. All testimony, statements and pleadings shall be addressed to the Chair. There shall be no questioning or arguing between individuals in the audience.
- G. Any member of the Commission, the Counsel to the Commission or the Commission staff, upon recognition by the Chair, may direct any questions to the applicant, witness or any person speaking from the audience, to bring out pertinent facts or make appropriate comments pertinent to the case.
- H. No Commission member shall debate or argue with persons in the audience. Members of the audience are not allowed to submit further testimony or comment after closure of the public hearing.

ARTICLE X

MISCELLANEOUS

A. Minority Reports

In the case of a division of opinion of the Commission, minority reports may be filed in the project file. "Minority Reports" are available upon request from files kept at City Hall. On matters submitted to the City Council for final action or on appeal, a copy of the minority report will be included with the final order and other materials submitted to the City Council, if copies of such minority report are distributed to the Commission prior to or at the meeting at which the final order is adopted. Unless a minority report is first submitted to the Commission in accordance with the above-described procedure, it shall not be submitted to the City Council for consideration.

B. Annual Workshop

An annual workshop shall be established and held at the beginning of each year to discuss and determine the goals for the Commission for the upcoming year and to review the Commission's Bylaws.

C. Retired Provisions

As provisions of the Commission's Bylaws or City Ordinances are retired by amendment or repeal, all such retired provisions shall be noted in a special file entitled "Retired Provisions" together with appropriate dates of amendment or repeal.

D. Expenditure of Funds.

The Planning Commission shall not expend City funds, or obligate the City for payment of any sum of money, except as expressly delegated or authorized by prior approval by the City Council.

ARTICLE XI

ADOPTION OR AMENDMENT OF BYLAWS

The adoption or amendment of these Bylaws shall be by a majority vote of the members present and voting at a regular meeting, prior to which the proposed Bylaws have been distributed to all members of the Commission five days in advance of the meeting.

Approved: The above Bylaws were approved by a majority vote of the Damascus Planning Commission.

Date: _____

Planning Commission Chair: _____