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Planning Commission Meeting
Public Meeting
Public Work Session
City Council Chambers

April 19, 2017
6:00 p.m.
Immediately Preceding Public Meeting

Public Meeting

AGENDA

- I. Call to Order
- II. Visitor Comments
- III. Annual Review of Planning Commission By-Laws:
 - A. Election of Chair and Vice-Chair of Commission
 - B. Review of Planning Commission By-Laws

Nicholas Snead, Community Development Director

- IV. Additional Discussion
- V. Adjourn

Public Work Session

AGENDA

- I. Call to Order
- II. Review and Discussion of Proposed Zoning Ordinance (No. 864) and Subdivision Ordinance (No. 713).

Nicholas Snead, Community Development Director

- III. Additional Discussion
- IV. Adjourn

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above referenced meeting; however, the agenda does not limit the ability of the Planning Commission to consider additional subjects. Meetings are subject to cancellation without notice. This meeting is open to the public and interested citizens are invited to attend. This is an open meeting under Oregon Revised Statutes, not a community forum; audience participation is at the discretion of the City Planning Commission. **Anyone wishing to address the Commission will need to register prior to the meeting.** The meeting will be audio taped; minutes of this and all public meetings are available for review at the Madras City Hall. The meeting place is handicapped accessible; those needing assistance please contact the City of Madras Community Development prior to the meeting.

**CITY OF MADRAS
PLANNING COMMISSION BYLAWS**

BE IT RESOLVED that the City of Madras Planning Commission (the "Commission") hereby adopts the following Planning Commission Bylaws pursuant to ORS 227.020 and/or Ordinance No. 502 in order to govern the Commission's business and operations. As of April 14, 2015, (the "effective date"), these bylaws replace and supersede all prior Commission bylaws, as amended, in its or their entirety.

SECTION 1: MEMBERSHIP

A. NUMBER AND SELECTION. The Commission shall consist of five (5) voting members. Commission members shall be appointed by the City Council. At all times, at least one (1) member must be a resident of the City of Madras. Not more than two (2) members may reside outside the Madras city limits but within the City of Madras Urban Growth Boundary. Not more than two (2) members may reside outside the Madras city limits but within a three-mile radius of the Madras city limits. Notwithstanding the foregoing, the City Council shall endeavor to appoint residents of the City of Madras to the Commission.

B. TERM OF OFFICE. Members shall be appointed for three (3) year terms, or until their respective successors are appointed and qualified. Terms begin on January 1 and end on December 31. Terms shall be staggered.

When an interim vacancy occurs, the City Council shall make appointments to fill that position for the duration of the unexpired term given due consideration to the Commission's recommendation.

C. REPRESENTATION. No two (2) or more members of the Commission shall have the same occupation.

1. Business persons engaged in different kinds of business shall not be prevented by this subsection from serving.
2. Being retired shall not be considered an occupation within the meaning of this subsection.
3. Persons principally engaged in the buying, selling or developing of real estate for profit, including as principals, members, officers, or employees of any partnership, business entity, or corporation that

principally engages in the buying, selling or developing of real estate for profit, shall be considered to have the same occupation.

- D. **RESPONSIBILITIES.** Commission members shall regularly attend meetings of the Commission and its subcommittees, as well as fulfill other duties as assigned by the Chair. Members shall notify the Community Development Director when they are unable to attend a Commission meeting.

Prior to meetings and hearings, members shall review pertinent written documents in preparation for deliberation and decision making.

- E. **TERMINATION OF MEMBERSHIP.** The City Council may, following a hearing, remove a Commission member for the following reasons:

1. Failure to attend regular Commission meetings resulting in three (3) or more consecutive unexcused absences;
2. Committing a felony;
3. Incompetence;
4. Misconduct;
5. Failure to declare conflicts of interest or ex-parte contacts.

The Community Development Director shall be directed by the Commission Chair to notify the City Council in writing when a Commissioner's appointment needs to be reviewed for possible termination.

SECTION 2: OFFICERS

- A. **ELECTION OF OFFICERS.** At the first regular meeting of each year, the Commission shall select from its voting membership, a Chair and Vice-Chair whose term of office shall be one (1) year. Said member shall be eligible to serve as many terms as they are elected to serve.

1. Duties of the Chair.

- a. Preside at all meetings;
 - b. Conduct meetings/hearings in an orderly manner following all accepted laws and Bylaws governing the Commission;
 - c. Call special meetings;
 - d. Appoint all Commission committees.
 - e. Sign approved documentation (e.g. Minutes of the Meetings, Decisions, etc.)
2. Duties of the Vice-Chair
- a. Conduct meetings and hearings, and sign approved documentation in the absence of the Chair;
 - b. Serve out the unexpired term when the Chair is vacated.

SECTION 3: ROLE OF THE PLANNING COMMISSION

The Commission is composed of volunteer lay members whose duties include:

- A. Participation in the Periodic Review of the City Comprehensive Plan.
- B. Maintenance of ordinances intended to implement the City Comprehensive Plan.
- C. The conducting of hearings intended to satisfactorily determine application issues.

SECTION 4: STAFF

- A. **STAFF TO THE PLANNING COMMISSION.** In addition to the Community Development Director, the following positions may support the work of the Commission:

1. City Administrator
2. Jefferson County Fire Marshal

3. City Public Works Director
4. City Attorney
5. City Recorder
6. Community Development staff and consultants

- B. ADVISORS TO THE PLANNING COMMISSION.** The Council may, at the request of the Commission, designate subcommittees of citizens and professionals as advisors. Said advisors will be requested to provide technical assistance, participate in deliberations, and attend meetings to the extent deemed appropriate by the Chair.
- C. LEGAL COUNSEL.** The City Attorney shall act as legal advisor to the Commission in the conduct of all hearings.
- D. COMMISSION SECRETARY.** The Community Development Director or Community Development staff shall serve as Secretary to the Commission and shall keep an accurate, permanent, and complete record of all proceedings before the Commission. The Community Development Director shall be responsible for overseeing the timely and accurate preparation of the Commission minutes.

SECTION 5: COMMISSION MEETINGS.

- A. REGULAR MEETINGS.** The regularly scheduled meeting of the Commission shall be the first Wednesday (or such other business day that the Commission may fix from time to time) of each month, beginning at a time set by the Commission in the Madras City Hall Council Chambers.

In addition to the foregoing regular meeting dates, the Commission may meet at other times, dates, and places as may be deemed appropriate to carry out the Commission's business.

If there is no pending business, the Community Development Director may cancel a Commission meeting by providing appropriate notice.

B. **SPECIAL MEETINGS.** Special meetings may be called by the Chair, a majority of the Commission members, the Community Development Director, or the City Council by giving at least forty-eight (48) hour notice before the meeting.

C. **QUORUM.** A quorum shall consist of not less than three (3) members of the Commission. It is necessary to have a quorum present to conduct business or hold a public hearing. A previously absent member may count towards a quorum and participate in a continued hearing if the commissioner states for the record that they have listened to the recordings of the prior meeting and have read all of the evidence in the record

D. **VOTING.** Motions may be made and seconded by any member of the Commission except the Chair. Each Commission member, including the Chair, shall vote unless there is a recognized conflict of interest or unless the Commission member or Chair was unable to consider the full record on the matter. In this case, the Commission member or Chair will abstain.

A majority vote of those constituting a quorum shall be required to pass any motion before the Commission. All voting on public hearing issues shall be by roll call of the Commissioners. On a tie vote, the motion fails.

The Commission shall approve or deny any application where the Commission serves as the hearings body. Matters where the Commission does not serve as the hearings body may be forwarded to the City Council with either a recommendation to approve, recommendation to disapprove, or no recommendation.

E. **AGENDA.** The Community Development Director, in conjunction with the Chair, shall set the agenda and give notice to members seven (7) days prior to the meeting. Additional items may be added at the meeting when requested by individual Commission members, City Council, or Community Development staff.

F. **MINUTES.** A recording of the Commission's proceedings plus an accurate written record shall be maintained by the City Recorder in compliance with the state records retention schedule, and in the office of the Community Development Department.

SECTION 6: COMMISSION HEARINGS

- A. CONFLICTS OF INTEREST, BIAS, AND EX-PARTE CONTACTS.** A Commission member shall not participate in any proceedings in which any of the following has a direct, or substantial financial interest: the member, the member's spouse, brother, sister, child, parent, parent-in-law, cousin, niece, nephew, employer or partner in any business with which he or she is negotiating or has an arrangement or understanding concerning prospective partnership or employment.

Any action, or potential financial, or other interest that would lead to bias or partiality shall be disclosed at the hearing where the action is considered.

Any party to any action may, in relation to an action, challenge the impartiality of any member before or during the hearing on the action. A challenge must include the facts relied upon by the challenging party relating to the member's alleged bias, prejudice, or personal interest, or other facts from which the party has concluded that the member cannot participate in the decision in an impartial manner.

In the event of a challenge for bias, the member shall respond in a statement of capacity to participate in the hearing, which shall be part of the record. The statement shall refer to the challenge and include the reasons why the member wishes to participate or be disqualified. The statement of capacity to participate in the hearing shall not be subject to cross examination, but shall be subject to rebuttal by the challenging party.

The member of the Commission shall not:

1. Communicate, directly or indirectly, with any interested persons or their representatives in connection with any matter before the Commission that is subject to a public hearing except upon notice and an opportunity for all parties to participate;
2. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed; or
3. Conduct a site visit with a party or their representative unless all parties are given an opportunity to be present.

If ex-parte contact cannot be avoided by a member of the Commission, disclosure of the contact shall be made by the member at the opening of the appropriate hearing. Such disclosure shall be subject to the same rules as for a statement of bias or conflict of interest.

Requests for disqualification based upon bias, conflict of interest, or ex-parte contact shall be considered by the entire Commission present, and be granted upon majority consent (excluding the individual disclosing or challenged concerning bias or ex-parte contact). The Commission shall consider the evidence in the record and decide whether the individual can reasonably be expected to render an impartial decision.

In the event a member is disqualified, the remaining members shall hear the application. In the event of no quorum, the application will be rescheduled to a future meeting.

No decision or action of the Commission shall be invalid due to ex-parte contact or bias resulting from ex-parte contact with a member of the decision-making body, if the member of the decision-making body receiving the contact:

- a. Places on the record the substance of any written or oral ex-parte communications concerning the decision or action; and
- b. Has a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.

A communication between city staff and the Planning Commission shall not be considered as ex-parte contact for the purposes listed in the above paragraph and subparagraphs.

- B. BURDEN OF PROOF.** The burden of proof is placed upon the applicant seeking approval of the proposed action. Such proof shall show that:

The proposed action is in accordance with the applicable standards and criteria of the City of Madras Comprehensive Plan and relevant zoning ordinances.

C. **HEARING PROCEDURES.** Hearings on proposed actions shall be conducted in compliance with Article 9 of the City of Madras Zoning Ordinance (No. 864) as it may be amended from time to time. These bylaws shall be subordinate in the event of any conflict with the City of Madras Zoning Ordinance.

D. **ORDER OF HEARING.** The general rules governing hearings will be as follows:

1. Questions may be asked by Commissioners at any time on any point and shall be directed through the Chair;
2. The length of time given for speakers may be indicated by the Chair;
3. The Chair may regulate time allowed if it is in the public's interest and necessary to the Commission's responsibility as a hearings body;
4. Anyone wishing to testify before the Commission may be represented by counsel;
5. Questions must be submitted to the Chair who may request answers.
6. All Commissioners are expected to contribute to the deliberation by asking questions, and discussing issues;
 - Hearing declared open
 - Chair reads ORS 197/227....., if requested, or not included on the meeting agenda.
 - Staff report
 - Applicant testimony
 - Testimony of proponents
 - Written testimony favoring application shall be read by the Chair or designee

- Testimony of all opponents
- Written testimony in opposition to the application shall be read by the Chair or designee
- Applicant rebuttal
- Public hearing is closed
- Discussion by Commissioners including attention to any relevant written questions from the audience
- Action by the Commission; motion for disposition; discussion of the motion; call for the question, and voting

A continuance may be granted by a majority of the Commissioners present if new information regarding the application has been presented by the applicant after the notice of public hearing is sent.

If the hearing is continued, the time and place shall be announced. Persons previously notified need not be renotified.

If there is no continuance, the record shall remain open for seven (7) days if a party so requests.

SECTION 7: PLANNING COMMISSION TRAINING

The Community Development Department shall provide appropriate training to all Commission members when the department's budget allows for training. All Commission members shall be given a current, complete notebook containing the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, any updates thereto, and any other written information that will assist the Commission members in carrying out their duties.

SECTION 8: CITY PLANNING COMMISSION BYLAWS REVIEW

These bylaws shall be reviewed for appropriate and timely revision(s) at the first meeting of each calendar year.

Scheduled for FY 17-18 (Yes/No?)	Zoning Ord. Amendments	Policy Procedural Housekeeping?	Staff Priority	Notes
Yes	Eliminate requirement for each apartment unit to have a 1-car garage	Policy	High	May require design standards for apartments to be established
Yes	Designate where mobile home parks are permitted/include "mobile home" in definition of manufactured dwelling park	Policy	High	
Yes	Apartment hotel?	Policy	Low	Clarify the circumstances by which long-term occupancy at a hotel is allowed (<30 days)
Yes	Fix the off-site parking provisions (consolidate) and add more categories for off-site parking, permitted uses	Policy	Low	
Yes	Establish Lot of Record determination criteria	Policy	Low	No criteria currently exists.
Yes	Evaluate requirement to underground utilities for new development	Policy	Low	Establish flexibility in timing and payment in-lieu
Yes	Establish standards for a similar use/make Section 3.5.1(A)(1)(c) generally applicable	Policy	Med	Clarify when Site Plan Review is required. New development and or change of use?
Yes	Re-evaluate Food Carts/Mobile Vending as "Ancillary Uses" in the Industrial Zone Amendments for Food Vendors/Carts	Policy	Med	Reduce requirements for mobile vending/Food Carts are interested in serving large employers in Industrial Zone.
Yes	Establish provision that no new land uses, buildings, or other permits will be approved if there are outstanding violations of the City's Nuisance Ordinance.	Policy	Med	Establish stronger enforcement for Zoning regulations
Yes	Prohibit RVs in manufactured dwelling parks	Policy	Med	
Yes	Identify where communication facilities are permitted/definition of communications tower.	Policy	Med	
Yes	Clarify when Site Plan Review is required (except single family dwellings)	Policy	Med	
Yes	Restrict that accessory structures cannot become predominate use of residential properites	Policy		Restrict number of accessory structures or the total floor area of all accessory structures.
Yes	Create Type I, II, III, IV review processes into Article 9.	Procedural	High	
Yes	Update Appeal procedures-	Procedural	High	Prevent applicant from appealing a hearings officer's decision to LUBA.
Yes	Need a declaratory ruling provisions	Procedural	High	Declaratory Rulings will allow Commission to make determinations on policy matters
Yes	Clarify notice requirements for towers and antennas	Procedural	Med	
Yes	Clarify what is required when a zoning application is required.	Procedural	Med	Related to clarifying when Site Plan Review is required, which is a proposed policy related change to the ordinance
Yes	Clarify that any non-conforming use that is abandoned or not active is no longer permitted as a non-conforming use and any new use is to comply with the zone.	Housekeeping	High	
Yes	Require structures moved onto a property to connect to approve domestic water, sewer, and electrical services within 30 days of the structure being moved onto the property (Section 4.9)	Housekeeping	High	Prevents property owner from moving a structure onto a lot without the necessary sewer, water, and electrical service connections
Yes	Fix definition of major variance/include an applicant seeking non-application of a procedural or qualitative standard.	Housekeeping	High	Allow Major Variance to allow variance from procedural requiremetns or qualitative standards
Yes	Consolidate Lighting standards in each zone to one section in Article 4	Housekeeping	High	More efficiently organizes ordinance
Yes	ORS 197.665 (residential homes)	Housekeeping	High	Change "residential homes" to be consistent w/ state law
Yes	Allow re-issuing of decisions to correct errors	Housekeeping	Med	
Yes	Reformat Parking Area Dimensions table (Table 4.6-1) into more readable format	Housekeeping	Med	
Yes	Change definition of change of use	Housekeeping	Med	Related to clarifying when Site Plan Review is required, which is a proposed policy related change to the ordinance
Yes	Change definition of manufacturing	Housekeeping	Med	
Yes	Change definition of garage	Housekeeping	Med	

Scheduled for FY 17-18 (Yes/No?)	Zoning Ord. Amendments	Policy Procedural Housekeeping?	Staff Priority	Notes
Yes	Define manufactured dwellings as more than 400 square feet	Housekeeping	Med	
Yes	Clarify definition of multi-family	Housekeeping	Med	Need to distinguish between "multi-family" and "apartments". Use one or the other consistently throughout the ordinance
Yes	Improve definition of hotel/motel	Housekeeping	Med	
Yes	Improve definition of mixed use/residential mixed use	Housekeeping	Med	
Yes	Clarify definition of cooking facilities	Housekeeping	Med	