

**IN THE MATTER OF ADOPTING A SET OF BYLAWS AND OPERATING
PROCEDURES
FOR THE CLACKAMAS COUNTY PLANNING COMMISSION**

The Clackamas County Planning Commission hereby adopts the following Bylaws and Operating Procedures for the purposes of transacting business and guiding the Planning Commission in its operation.

**CLACKAMAS COUNTY PLANNING COMMISSION BYLAWS AND OPERATING
PROCEDURES**

ARTICLE I

GENERAL

Section 1. EXPLANATION

- A. A nine-member Planning Commission (Commission) has been established by Clackamas County pursuant to the authority of Oregon Revised Statutes 215.020 and 215.030. In accordance with ORS 215.030(1), each Planning Commission seat is a four-year term, staggered to expire over a four year period so as to not have more than three expiring seats in any one year.
- B. The adoption of these Bylaws and Operating Procedures replaces and repeals the Bylaws and Procedures adopted by the Planning Commission on April 24, 2006.

ARTICLE II

RESPONSIBILITIES OF THE COMMISSION

Section 1. RESPONSIBILITIES

- A. The Commission shall carry out duties assigned to it by the Board of County Commissioners (BCC) relating to development, updating and general maintenance of the Clackamas County Comprehensive Plan (Plan) and Zoning and Development Ordinance (ZDO).

- B. The Commission shall hold public hearings and take action, as prescribed by state and county laws, on matters that are within the Commission's purview.
- C. As established by the ZDO, the Commission shall hear the following quasi-judicial applications: Plan amendments, applications filed concurrently with an application for a Plan amendment on the same property, and appeals of Planning Director Interpretations of the Plan.
 - 1. On Plan amendments and applications filed concurrently with Plan amendments, the Commission's decision shall be forwarded as a recommendation to the BCC.
 - 2. On appeals of Planning Director Interpretations of the Plan, the Commission shall make a decision, which shall be final unless appealed to the BCC.
- D. As established by the ZDO, the Commission shall hear legislative amendments to the ZDO and the zoning maps. The Commission's decision shall be forwarded as a recommendation to the BCC.
- E. As established by the Plan, the Commission shall hear legislative map and text amendments to the Plan. Oregon Revised Statutes 215.060 requires action on the Plan to be approved by a majority of the members of the governing body; therefore, the Commission's decision shall be forwarded as a recommendation to the BCC.
- F. The Commission may make recommendations to the BCC or the Planning Director, regarding legislative amendments to the Plan and ZDO, or as established by the Plan and the ZDO, may initiate such amendments by resolution of a majority of the whole Commission.
- G. The Commission may make recommendations to the Planning Director, regarding the operations of the Planning and Zoning Division.
- H. The Commission shall adopt and periodically review and amend Bylaws and Operating Procedures for the operation of the Commission's business.

ARTICLE III

OFFICERS

Section 1. OFFICERS

The officers of the Commission shall be a Chair and Vice Chair.

Section 2. ELECTION

- A. The Chair and Vice Chair shall be elected at the first meeting in May for a term of one calendar year and shall serve until their successors are elected.
- B. Nominations shall be by oral motion. At the close of nominations, the Commission shall vote upon the names nominated for the office. If requested by any member, written ballots shall be used for voting purposes.
- C. Election of officers shall be by majority vote of the quorum in attendance.
- D. If the office of Chair becomes vacant, the Vice Chair shall serve as Chair for the remainder of the unexpired term. If the office of Vice Chair becomes vacant, the Commission shall elect a successor from its membership to serve the remainder of the unexpired term.
- E. The Chair shall not serve as Chair for more than two consecutive full terms.
- F. Members of the Commission holding office at the time of adoption of these Bylaws and Operating Procedures shall continue to hold office for the term for which they were elected and until their successors are elected.
- G. The member holding the position of Chair or Vice Chair may be removed from office by majority vote of the whole Commission.

Section 3. CHAIR

- A. The Chair shall have the duty and power to:
 - 1. Preside over all deliberations and meetings of the Commission;

2. Preserve order and decorum at Commission meetings and decide questions of order, subject to action by a majority vote of the quorum in attendance;
3. Appoint members of special committees;
4. Call special meetings of the Commission;
5. Inform the Planning Director on policy matters that have been formulated by the Commission;
6. Work with the Planning Director in formulating matters for the Commission's consideration.

Section 4. VICE CHAIR

In the absence of the Chair, the Vice Chair shall act as Chair. In the absence of the Chair and the Vice Chair, a temporary Chair shall be elected.

ARTICLE IV

RESPONSIBILITIES OF THE PLANNING DIRECTOR

Section 1. RESPONSIBILITIES

- A. The Planning Director shall:
 1. Prepare the agenda and minutes for all Commission meetings;
 2. Give all notices required by law;
 3. Inform the Commission of correspondence relating to Commission business and conduct all correspondence of the Commission;
 4. Attend all meetings and hearings of the Commission;
 5. On all public hearing matters, present a staff report that includes background material and recommended action;
 6. Compile and maintain all required records.

Section 2 ALTERNATE DESIGNEES

The Planning Director may designate other county staff to fulfill those responsibilities of the Planning Director established by these Bylaws and Operating Procedures.

ARTICLE V

MEETINGS

Section 1. REGULAR MEETINGS

Regular meetings of the Commission shall be held on the second and fourth Monday of each month, except on an official county holiday, beginning at 6:30 p.m., or such other time as may be designated by the Planning Director in order to accommodate public hearing items. Any meeting may be cancelled by the Chair or Planning Director. Notice of cancellations shall be given in person or by telephone, email or mail to all members of the Commission and the Planning Director not less than 48 hours in advance thereof. In case of an emergency, a meeting may be cancelled upon such notice as is appropriate in the circumstances; provided, however, that reasonable effort is made to notify all members of the Commission.

Section 2. SPECIAL MEETINGS

Special meetings may be called by the Chair or Planning Director. Notice of all special meetings shall be given in person or by telephone, email or mail to all members of the Commission and the Planning Director not less than 48 hours in advance thereof. In case of an emergency, a special meeting may be held upon such notice as is appropriate in the circumstances; provided, however, that reasonable effort is made to notify all members of the Commission.

Section 3. OPEN MEETINGS

Commission meetings are subject to the Oregon Public Meetings Law, Oregon Revised Statutes 192.610 et seq. All Commission meetings shall be open to the public, except that the Commission may hold executive sessions, from which the public may be excluded, in such manner and for such purposes as may be authorized by law.

Section 4. AGENDA: ORDER OF BUSINESS

- A. The order of business at all meetings shall be determined by the agenda, which shall be composed generally of the following items:
 - 1. Call to order;
 - 2. Old business—continuances;
 - 3. New business—public hearing items;
 - 4. New business—work sessions;
 - 5. Minutes of previous meetings;
 - 6. Miscellaneous business;
 - 7. Planning Director Communications;
 - 8. Adjournment.
- B. Any item may be taken out of order by direction of the Chair.
- C. The Commission may take a short recess at the end of an item on the agenda, or at other times at the discretion of the Chair.
- D. Actions of the Commission are not limited to the prepared agenda.
- E. Commission meetings will end no later than 10:00 p.m., unless by majority vote of the quorum in attendance, the meeting is extended.

Section 5. QUASI-JUDICIAL PUBLIC HEARING PROCEDURE

- A. The length of time given those individuals wishing to testify on a public hearing item should be indicated by the Chair at the beginning of the hearing.
- B. Questions may be asked by a Commission member at any point in the testimony. Questions shall be directed through the Chair, if the Chair so requires.
- C. Public hearings shall be conducted in the following manner, as closely as possible:
 - 1. The hearing is opened;

2. The Chair makes an introductory presentation regarding the nature of the proposal and the process for conducting the hearing;
3. The Planning Director makes a presentation, including background and recommendation;
4. Correspondence turned in at the meeting and concerning the public hearing item may be read into the record by the Planning Director, if requested by the Chair, and shall be made part of the written record by the Planning Director;
5. As a supplement to the Planning Director's presentation, technical information may be provided by other government officials;
6. The applicant, or representative, presents his/her case;
7. Representatives of recognized Community Planning Organizations, Hamlets or Villages may testify;
8. Persons in favor of the item may testify;
9. Persons in opposition to the item may testify;
10. Any other persons may testify;
11. The applicant may offer rebuttal, which shall be limited to arguments addressing evidence already in the record and shall not include the presentation of new evidence;
12. The Planning Director may offer surrebuttal, which shall be limited to arguments addressing evidence already in the record and shall not include the presentation of new evidence;
13. Upon completion of the testimony, the hearing shall be closed to further testimony;
14. The Commission shall take the item up for discussion and action. The Planning Director may continue to respond to questions from the Commission and participate in the discussion.

Section 6. LEGISLATIVE PUBLIC HEARING PROCEDURE

- A. The length of time given those individuals wishing to testify on a public hearing item should be indicated by the Chair at the beginning of the hearing.
- B. Questions may be asked by a Commission member at any point in the testimony. Questions shall be directed through the Chair, if the Chair so requires.
- C. Public hearings shall be conducted in the following manner, as closely as possible:
 - 1. The hearing is opened;
 - 2. The Chair makes an introductory presentation regarding the nature of the proposal and the process for conducting the hearing;
 - 3. The Planning Director makes a presentation, including background and recommendation;
 - 4. Correspondence turned in at the meeting and concerning the public hearing item may be read into the record by the Planning Director, if requested by the Chair, and shall be made part of the written record by the Planning Director;
 - 5. As a supplement to the Planning Director's presentation, technical information may be provided by other government officials;
 - 6. Representatives of recognized Community Planning Organizations, Hamlets or Villages may testify;
 - 7. Any other persons may testify;
 - 8. Upon completion of the testimony, the hearing shall be closed to further testimony;
 - 9. The Commission shall take the item up for discussion and action. The Planning Director may continue to respond to questions from the Commission and participate in the discussion.

Section 7. ATTENDANCE

If a member of the Commission is unable to attend a meeting, he or she is expected to notify the Chair or Planning Director. Continuity is necessary for effective operation of the Commission. Therefore, if—without reasonable cause—any member is absent from six meetings within one calendar year or three consecutive meetings, then upon majority vote of the whole Commission, that position shall be declared vacant. The Commission shall forward their action to the Board of County Commissioners (BCC), who shall fill the vacant position.

Section 8. QUORUM

For public hearings and any item requiring a Commission vote, attendance of at least five Commission members shall be necessary for a quorum. No action shall be taken in the absence of a quorum except to adjourn the meeting and to continue public hearings to a time and place certain. Work sessions may be held in the absence of a quorum.

Section 9. VOTING

- A. The Chair may entertain but shall not make or second motions.
- B. Except as provided by state or county law or these Bylaws and Operating Procedures, each member of the Commission is entitled to vote on all matters, at all meetings of the Commission.
- C. A minimum of five affirmative votes shall be necessary for the Commission to take action on quasi-judicial or legislative applications. Unless otherwise specified herein, a majority of the quorum in attendance is necessary to determine any other question before the Commission.
- D. When a matter is called for a vote, the Chair shall, before a vote is taken, restate the motion or ask another member or the Planning Director to restate the motion. The Chair shall announce the decision of the Commission after such a vote.
- E. Voting shall be by voice vote, or by show of hands or roll call vote at the request of any member. All votes, whether positive, negative, or abstentions, shall be recorded in the minutes.
- F. Voting "in absentia" or by proxy is not permitted.

- G. A motion to reconsider can be made only at the same meeting the vote to be reconsidered was taken. Further, a motion to reconsider may only be made by a member who voted on the prevailing side of the issue.
- H. For quasi-judicial applications where the Commission makes a recommendation to the BCC, the Commission may recommend approval, approval with conditions or denial of the application.
- I. For legislative amendments to the Plan, the ZDO or the zoning maps, the Commission may recommend that the BCC adopt or not adopt the proposed amendments. The Commission also may recommend adoption of a modified version of the proposed amendments.

Section 10. CONTINUANCES; REMANDS

- A. Any item before the Commission may be continued to a subsequent meeting upon majority vote of the members present.
- B. A motion to continue an item shall specify the date to which the item is continued, or the event upon which the continuance is based and the occurrence of which will cause the item to be brought before the Commission for further action.
- C. A list of continued items, showing the date from which an item was continued, as well as either the date to which an item is continued, or the event upon which the continuance is based and the occurrence of which will cause the item to be brought before the Commission for further action, shall be kept by the Planning Director and made available on request to the public.
- D. Unless otherwise provided by the BCC upon remand, any item remanded by the BCC for reconsideration by the Commission shall be treated as a new item and proceedings shall be provided for as if the matter were initially before the Commission.

- E. A member absent during the presentation of any evidence or arguments in a hearing may participate in the deliberations or final determination regarding the matter of the hearing. However, to the extent practicable, the member shall make a good faith effort to familiarize himself or herself with such evidence or arguments, to ensure that his or her participation is based on a fair and informed assessment.

Section 11. RULES OF PROCEDURE

All rules of order not herein provided for shall be determined in accordance with the latest edition of "Robert's Rules of Order Newly Revised."

Section 12. MINUTES

- A. The Planning Director shall be present at each meeting and shall cause the proceedings of all public hearings to be electronically recorded. Said recordings shall be kept in the offices of the Planning and Zoning Division and shall be retained for a minimum of one year. A full transcript is not required, but written minutes giving a true reflection of the matters discussed at the meeting and the view of the participants shall be prepared and maintained by the Planning Director for all open meetings.
- B. Minutes shall be available to the public, upon request, within a reasonable time after a meeting. Minutes shall be provided to the BCC as part of the record for quasi-judicial and legislative public hearings and may be provided as part of BCC study session materials. If the minutes are not approved by the Commission, draft minutes, if available, may be provided. Where feasible within the context of the BCC meeting schedule or BCC requests for copies of minutes, the Planning Director will circulate draft minutes in person or by email or mail to all members of the Commission for review and comment not less than 48 hours in advance of providing draft minutes to the BCC. Minutes shall include the following:
 - 1. Members present;
 - 2. Motions, proposals, measures proposed and their disposition;

- 3. Results of all votes, including the vote of each member by name if not unanimous;
 - 4. Substance of any discussion of any matter.
- C. Commissioners are expected to vote for approval of the minutes based on the accuracy of representation of events at the meeting. A vote in favor of adopting minutes does not signify agreement or disagreement with the Commission's actions memorialized in the minutes.
 - D. Any Commissioner not present at a meeting must abstain from voting on approval of the minutes of that meeting.

ARTICLE VI

SPECIAL COMMITTEES

Section 1. APPOINTMENT

- A. The Chair may appoint special committees to perform certain functions or to investigate particular matters.
- B. Special committees shall have their duties and responsibilities outlined by the Chair.
- C. Special committees shall serve at the discretion of the Commission.

ARTICLE VII

PUBLICATION AND AMENDMENT OF BYLAWS AND OPERATING PROCEDURES

Section 1. PUBLICATION AND DISTRIBUTION

A copy of these approved Bylaws and Operating Procedures shall be:

- A. Placed on record with the Planning Director;
- B. Available at each Commission meeting;
- C. Distributed to each member of the Commission at the beginning of their term; and
- D. Available to the public upon request.

Section 2. AMENDMENT AND SUSPENSION

- A. These approved Bylaws and Operating Procedures may be amended by approval of a majority of the members of the whole Commission at a regular meeting.
- B. Any rule of procedure not required by law may be suspended temporarily at any meeting by majority vote of the quorum in attendance.

ARTICLE VIII

EFFECTIVE DATE

These Bylaws and Operating Procedures shall take effect on **March 1, 2012.**

Adopted by majority vote of the whole Planning Commission of Clackamas County, Oregon, at its regular meeting of **February 13, 2012,** and signed by the members in authentication of its adoption this _____ day of _____, 2012.

CLACKAMAS COUNTY PLANNING COMMISSION

| | |
|------------------|---------------------------|
| _____ | _____ |
| Mark Meek, Chair | John Drentlaw, Vice Chair |
| _____ | _____ |
| Norm Andreen | Mark Fitz |
| _____ | _____ |
| John Gray | Gail Holmes |
| _____ | _____ |
| Brian Pasko | Tom Peterson |
| _____ | |
| Michael Wagner | |