

BEFORE THE COUNTY COMMISSION OF THE STATE OF OREGON
FOR THE COUNTY OF JEFFERSON

IN THE MATTER OF APPROVING)
AMENDMENTS TO THE BY-LAWS)
OF THE JEFFERSON COUNTY)
PLANNING COMMISSION)

RESOLUTION No. R-002-12

WHEREAS, the Jefferson County Board of Commissioners approved the by-laws of the Jefferson County Planning Commission adopted September 1994 and amended May 1995 and most recently April 2004 by Resolution M-115-04; and

WHEREAS, the Jefferson County Planning Commission adopted additional amendments to their by-laws on January 12, 2012; and

WHEREAS, the amendments to the by-laws allow the Board of Commissioners to establish a five-member or a seven-member planning commission and respectively change the number of commissioners required for a quorum;

NOW THEREFORE BE IT RESOLVED by the Jefferson County Board of Commissioners that the amendments to the By-laws of the Planning Commission of Jefferson County are hereby approved and the By-laws, as stated in the attached Exhibit A, shall have full force and effect.

DATED this 8th day of February, 2012.

JEFFERSON COUNTY COMMISSION



John Hatfield, Commission Chair



Mike Ahern, Commissioner



Wayne Fording, Commissioner

PREAMBLE

It is the desire of the Jefferson County Board of Commissioners that Jefferson County have effective and inclusive planning commission membership based on these principles:

1. Whenever possible, members should be selected from diverse portions of the County.
2. When selecting new members it is important that consideration be given to representing the diverse social, cultural and economic differences within the County.
3. All commission members will be residents of the County.

BY-LAWS OF THE PLANNING COMMISSION
JEFFERSON COUNTY
STATE OF OREGON

ARTICLE 1: AUTHORITY

Authority to conduct the business of the Jefferson County Planning Commission is provided pursuant to ORS 215.020 and 215.030.

ARTICLE 2: JURISDICTION

A. Commission Jurisdiction

The jurisdiction of the Planning Commission shall be Jefferson County excluding the Warm Springs Indian Reservation, inside the city limits of Madras, Culver and Metolius, and federal lands.

B. Subject Matter

(1) Legislative- The Planning Commission shall have primary jurisdiction to consider all legislative amendments to the Comprehensive Plan and Zoning Ordinance.

(2) Quasi-judicial - The Planning Commission shall have jurisdiction to consider all appeals of administrative decisions of the Planning Director, and shall have primary jurisdiction on all applications involving conditional uses, home occupations, variances, site plan reviews, subdivisions, planned unit developments [PUD's], nonconforming uses, zone changes and comprehensive plan amendments, unless such applications or appeals are called-up by the Board of Commissioners.

ARTICLE 3: ROLE OF THE PLANNING COMMISSION

The County Planning Commission shall take an active role in periodic review of the Jefferson County Comprehensive Plan, maintenance of ordinances intended to implement the Jefferson County Comprehensive Plan, and the conduct of hearings to determine application issues.

Each commissioner shall be given a current, complete notebook containing the Comprehensive Plan, Zoning Ordinances, Subdivision Ordinances, Periodic Review documentation, and any other necessary written information that will support effective Planning Commission participation.

ARTICLE 4: APPOINTMENT AND TERMS OF MEMBERS

A. Number and Selection

The Jefferson County Planning Commission shall consist of five(5) or seven (7) members who are appointed by the Board of County Commissioners. When the Board of County Commissioners desires to change the number of existing Planning Commissioners the Board shall do so by Order. The reasons for changing the number of Planning Commissioners include but are not limited to: availability of suitable volunteers to serve on the Planning Commissions and the current and anticipated work load of the Planning Commission for the foreseeable future. The Board of County Commissioners shall advertise vacancies and request applications for appointments. Applications shall then be forwarded to the Planning Commission, which shall review the various applications and interview applicants. The Planning Commission shall then forward the entire list of applicant names to the County Commission with a recommendation. The County Commission shall then make a final determination of appointment

B. Representation

Members of the Planning Commission shall, to the extent practicable, be residents of the various geographic areas of the County.

No more than two (2) voting members shall be engaged principally in the buying, selling, or developing of real estate for profit. One (1) member must be from agriculture. No more than two voting members shall be engaged in the same kind of business, trade or profession.

C. Term of Office

Members shall be appointed for four-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 in order to provide continuity for the Commission's work. When a vacancy occurs, the Board of County Commissioners shall make the appointment to fill that position for the duration of the unexpired term giving due consideration to the Planning Commission's recommendations.

D. Responsibilities

Commission members shall: (1) regularly attend and participate in meetings of the Commission and its subcommittees as well as fulfill other duties as assigned by the Chair; (2) take such time as necessary to prepare themselves for hearings and meetings; (3) deliberate and make decisions based on fair and impartial judgment, and; (4) notify the Planning Office or Chair when they are unable to attend a Commission meeting.

E. Termination of Membership

The Planning Director shall be directed by the Planning Commission Chair to notify the Board of County Commissioners in writing when a Commissioner's appointment needs to be reviewed for possible termination. The Board of County Commissioners may remove a Planning Commission member for the following reasons:

- Failure to attend three (3) consecutive regular meetings or any four (4) regular meetings within a calendar year, without being excused by the Chair.
- Commission of a felony.
- Incompetence.
- Failure to declare ex parte contact or conflict of interest.
- Participation in Planning Commission decision process even though there is documented conflict of interest.

ARTICLE 5: PLANNING COMMISSION OFFICERS AND THEIR DUTIES

A. Election of Officers

At the first regular meeting of each year, the Commission shall elect a Chair and a Vice

Chair whose term of office shall be one year.

B. Duties of Officers

Chair: presides at all hearings and meetings of the Commission, assures proper order of the Commission and the public in all proceedings, calls special meetings, appoints all committees, signs all documents of the Commission, cooperates in preparation of the agenda of the Commission, assists with orientation of new Planning Commission members, and represents the Commission before legislative and administrative bodies.

Vice-Chair: In the absence of the chair, performs all of the chair's duties; serves out the unexpired term if the chair is vacated.

Chair pro tem: where both the chair and vice chair are absent from a hearing or meeting, the remainder of the citizen members of the Planning Commission shall elect a chair pro tem from among their own number by majority vote.

ARTICLE 6: STAFF OF THE COMMISSION AND THEIR DUTIES

A. Staff

Community Development staff shall provide primary staff support to the Planning Commission. The following officers of the County, or their delegates, may provide staff support to the Commission: County Counsel, Director of Public Works, Surveyor, environmental health personnel, Assessor, county extension staff, and others as requested by the Commission.

B. Duties

Planning Director. Advises the Planning Commission on matters related to planning, development, and redevelopment; prepares all documents for presentation to the Planning Commission, oversees the timely and accurate preparation of the Planning Commission Minutes, and assists the chair in the exercise of his/her duties. The Director provides appropriate and sufficient training and information to all Planning Commissioners as necessary. The Director or designee shall have the privilege to address the Planning Commission during regular meetings.

Commission Staff: The Planning Commission may appoint other staff members to carry-out appropriate functions.

Commission Secretary: The Planning Director or a member of the Community Development Department staff shall serve as Secretary to the Planning Commission and shall keep an accurate, permanent, and complete record of all proceedings before the Planning Commission.

County Counsel: Serves as legal counsel to the Planning Commission; prepares memoranda of law as requested by the Planning Commission, and reviews drafts of ordinances, resolutions, and By-Laws, and their amendment.

Consultants: The Planning Commission may request hiring consultants to perform planning related activities under terms of contract approved by the Board of Commissioners.

ARTICLE 7: ADVISORS TO THE PLANNING COMMISSION

The Commission and its subcommittees encourage and seek citizen input. To facilitate its work, the Commission may call on lay citizens and professionals, and create ad hoc advisory groups; to serve as advisors who can provide oral and written technical assistance, participate in work sessions, and attend meetings and hearings to the extent deemed appropriate by the Chair.

ARTICLE 8: COMMISSION MEETINGS

A. Orderly Meeting Procedures

The Planning Commission shall establish such practices that allow it to conduct its business in an orderly fashion. As otherwise set forth in more detail in these By-laws, all meetings shall be properly noticed for date, time, place and location. At the time the meeting is scheduled to start, the Chair shall direct Community Development Staff to confirm whether a quorum is present. If a quorum is present, the scheduled meeting shall proceed until all necessary business of the Planning Commission is completed. To assure an orderly conduct of the meeting, all business of the Planning Commission, shall be conducted through the Chair. The Chair shall conduct the business of the Planning Commission as outlined in the prepared agenda, as the agenda may be amended by majority approval of the Planning Commission and other Planning Commission matters that may be introduced by other Members of the Planning Commission. All comments, testimony, staff reports and other business shall be addressed to the Planning Commission through the Chair, and only when _ recognized by the Chair.

B. Regular Meeting

Meetings of the Planning Commission shall be regularly held, as needed, the second and fourth Thursdays of each month, in the County Conference Room, 66 SE "D" Street, Madras, unless otherwise scheduled by the Planning Commission. These are noticed, official meetings, open to the public, during which the Planning Commission deliberates and may take substantive votes on specific issues. The Commission may conduct regular meetings at such other times, dates, and places as may be deemed appropriate to carry out the Commission's business.

C. Annual Meeting

The Planning Commission may hold an annual meeting to review both the activities of the previous year and decide the work program for the coming year.

D. Special Meetings

Special meetings may be called by the Chair, a majority of the Commission members, Planning Director, or Board of County Commissioners by giving at least 48 hours notice before a meeting.

Emergency meetings may be held in the event of a true emergency. The Chair, with the approval of a majority of Planning Commission members contacted by telephone, may call an emergency meeting upon notice to the media; such meeting is open to the public; official minutes shall describe the emergency justifying less than 24 hour notice for the meeting pursuant to ORS 192.640.

Executive sessions shall be held in accordance with ORS 192.660.

E. Quorum

A quorum shall consist of four (4) Planning Commission members for a seven(7) member Planning Commission and (3) Planning Commission members for a five (5) member Planning Commission. It is necessary to have a quorum present to conduct a business meeting or hold a public hearing.

If a hearing is continued for any reason, commissioners who were absent at the initial hearing may participate in decision making if they have listened to the taped record and have read all the written record. Commissioner(s) who have done this shall so state for the record before any vote is taken.

E. Voting

All applications, which come before the Planning Commission at a public hearing, shall result in a decision or recommendation by the Planning Commission. The Planning Commission will make quasi-judicial decisions to: (1) Approve (2) Approve with conditions or (3) Deny an application. The Planning Commission will make recommendations to the Jefferson County Board of Commissioners on applications for Comprehensive Plan Amendments, Zone Changes, and on legislative amendments.

Each Commission member shall vote unless there is a stated actual conflict of interest (see Article 13), or if the Commission member was unable to consider the full record of the matter. In such cases, the Commission member will abstain.

Abstention from voting shall not be counted in the determination of a motion, but it shall be recorded.

A majority vote of those constituting a quorum shall be required to pass any motion before the Commission.

All voting shall be by Roll Call of the Commissioners conducted by the Secretary with the Chair voting last. It is preferred that the order of votes cast be varied from vote-to-vote, and the Chair shall vote last.

On a tie vote, the motion is considered defeated.

F. Agenda

The Planning Director, in conjunction and cooperation with the Chair, shall set the agenda and give notice to members no less than seven (7) working days prior to the meeting. Additional agenda items may be added at the meeting when requested by individual Commission members, Board of County Commissioners, or Community Development Department planning staff.

Copies of the agenda, requests, applications, staff reports, and related documents shall be delivered to each Planning Commission member no less than seven (7) working days prior to a public hearing and regular meeting.

G. Minutes

A recorded tape of the Commission's proceedings and official minutes of the meeting shall be maintained by the Community Development Department.

ARTICLE 9: ORDER OF REGULAR MEETINGS

- Call to Order and determination of Quorum
- Approval of Minutes of the previous meeting
- Agenda Review
- Public Hearing (Continued)
- Public Hearing (New)
- Other Business: including commissioner reports, work sessions
- Review of Planning Commission Calendar, future meetings
- Adjournment

ARTICLE 10: COMMISSION MEETINGS

A. Work Session

A work session is a noticed official meeting, open to the public, to discuss specific matters before the Commission. The intent of a work session is informational. The Planning Commission may neither deliberate nor take a substantive vote during a work session.

B. Public Hearing

1. *Quasi-Judicial*-Such hearings are held on individual application for land use permits, where the decision is limited to a specific property. They are required to follow formal due process requirements, including proper notice, a full opportunity to be heard, representation by counsel if desired, and entitlement to an impartial decision-maker.

2. *Legislative* - Such hearings involve consideration of amendments to the Comprehensive Plan or Zoning Ordinance which have general, county-wide applicability. They require adequate advance notice to the general population, and a public hearing to allow all interested parties to make comment on proposed amendments to existing county law.

ARTICLE 11: FORM AND CHARACTER OF MOTIONS

The Planning Commission shall be free to discuss an application or issue before any motion is made. In such discussion, the Commission may attempt to develop a consensus position on a decision, on any conditions of approval, or on the language of the motion itself, before a motion is made. Such discussion does not prohibit any Commission member from making a motion at any time.

All motions may be made and seconded by any member of the Commission except the Chair. Once a motion is made and seconded, the Chair may entertain additional discussion on the motion.

After review of the full public record and due deliberation among Planning Commission members, a motion shall be made to include detailed findings, which support the motion, and specify the decision to:

- Approve the application - means that the Commission has found that the approval criteria are satisfied by the facts;
- Approve the application with specified conditions - means that the Commission has found that the approval criteria are not satisfied by the facts, but through the application of conditions, the approval criteria can be satisfied;
- Deny the application - means that the Commission has found that the approval criteria are not satisfied by the facts and the application cannot be made to comply with conditions attached to it.

A motion shall die for lack of a second.

All decisions and recommendations shall be made by motion and the affirmative vote of a majority of Commission members present. The decisions of the Planning Commission shall not be final until reduced to writing and signed by the Chair of the Commission.

ARTICLE 12: RECORD

The official record of Planning Commission proceedings shall include the application, staff reports, exhibits, tape recordings of the proceedings, final decision, notice, the agenda, and the minutes of hearings and meetings.

Materials submitted to the Planning Commission regarding an item shall be entered into the public record, unless excluded by the Commission on the grounds the material is irrelevant or repetitious.

ARTICLE 13: CONFLICT OF INTEREST AND EX PARTE CONTACT

A. Conflicts of Interest

Commission members will declare if there is a potential or actual conflict of interest in any item to come before the Planning Commission. Conflict of Interest (actual) can exist in proceedings in which a Planning Commission member, spouse and direct family members, employer or business partner has a direct' or substantial financial interest.

A Planning Commission member with an actual conflict of interest in an item before the commission must state that a conflict of interest exists and withdraw from participation in the public hearing, work session, emergency meeting or regular meeting on that item. Commission members with a potential conflict of interest may participate in the proceedings and vote.

Planning Commission members may rely on the .advice of County Counsel as to whether or not a conflict of interest is potential or actual.

B. Ex Parte Contact

Ex parte contact is any communication or contact on a particular issue in a quasi-judicial proceeding which comes before the Planning Commission, which is not heard by all parties to the proceeding.

Planning Commissioners having an ex parte contact must fully disclose any written or oral contact at the beginning of the hearing on the issue.

A statement must be made about the right to rebut the substance of the communication during the hearing procedure.

Ex parte contact relates only to quasi-judicial proceedings and not to legislative proceedings.

ARTICLE 14: CONDUCT OF PERSONS BEFORE THE PLANNING COMMISSION

During all public hearings and work sessions, members of the public shall be given equitable opportunity to speak, at the discretion of the Chair. Comments should be addressed to the item before the Planning Commission and should be relevant and factual. If comments are irrelevant, inflammatory, or prejudicial, the Chair may instruct the Planning Commission to "disregard" the comments. The Chair may establish a time limit on public testimony, and reject any testimony that is irrelevant or repetitive.

During all regular and emergency meetings of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.

During all Planning Commission proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with the equitable rights of another to provide comment or which interferes with the proper execution of commission affairs may be ruled by the Chair as "out-of-order" and the offending person directed to remain silent, or removed from the premises if necessary.

ARTICLE 15: SEPARABILITY

Should any article of the Planning Commission By-Laws be found to be illegal, the remaining articles shall remain in effect.

ARTICLE 16: ADOPTION AND AMENDMENT OF BY-LAWS

By-Law adoption or amendment shall be made following appropriate review by Planning Commission members, Planning Director, and legal counsel.

The By-Laws shall be adopted or amended upon a vote of a majority of the citizen members of the Planning Commission at a public meeting.

Upon adoption or amendment of the By-Laws by the Planning Commission, they shall be immediately forwarded to the Jefferson County Board of Commissioners for review and approval. The By-Laws shall not have full force and effect until approved by the Board of Commissioners.