NAPA VALLEY PLANNING COMMISSIONERS' WORKSHOP

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SESSION TOPICS

- commission responsibilities
- commission roles and relationships
- most common commission activities
- conducting meetings
- Brown Act and transparent decision-making
- recommendations for success

Planning Commission not Required

Every city and county in California is required to have a *planning agency,* but the city council or board of supervisors can choose to serve this function.

Of the 482 cities and 58 counties in California, all but approximately 13 have planning commissions.

If there is a commission….

- it must have at least five members
- multiple commissions can be appointed to cover different geographical areas
- commissions can be formed from multiple jurisdictions

Planning Commission Responsibilities

- prepare, review and revise the general plan
- implement the general plan
- annually review capital improvement plan (CIP)
- promote interest in the general plan
- consult with other agencies on general plan implementation
- other duties as assigned by legislative body

Commission Role

Different from the city council

- appointed, not elected…less political pressure
- focused on physical development of jurisdiction
- expected to apply political considerations to a lesser degree

Commission Role

Different from staff

- exercises more discretion than staff
- makes decisions whereas staff recommends

Relationship to Council

- primary advisor on planning matters
- effective communication on activities and insights
- suggestions for change based upon experience and observations
- lightning rod for public opinion

Relationship to Other Boards and Commissions

- assure that areas of primary responsibility are clear
- communicate interests and concerns about overlapping areas of review
- schedule occasional joint study sessions to discuss matters of mutual concern

Relationship to Staff

- working together to make the best decisions
- staff responsibility to provide you the information you need
- mutual respect
- okay to take action different from staff recommendation

Relationship to the Public

- you are the window to decision-making
- you are the avenue for public input and involvement
- view public testimony as useful input rather than required burden

QUESTIONS AND COMMENTS

Planning Commission Activities

- general plans
- zoning ordinances/codes
- subdivisions
- conditional use permits
- variances

General Plan

- long range guide for the physical development of the community
- all projects must be consistent with the general plan
- can be amended four times per year
- seven mandatory elements
- unlimited optional elements
- adopted by the city council

Zoning Ordinance/Code

- describes permitted and conditionally permitted uses in all zones
- establishes development standards for residential, commercial and industrial development (maximum height, setbacks, parking requirements, etc.)
- must be consistent with the general plan
- adopted by the city council

Nonconforming Uses

- uses or structures that were once legal, but don't meet current standards due to changes to general plan/zoning provisions
- can be maintained, but not expanded
- can be continued indefinitely or sold
- potential for adding new nonconforming uses when general plan or zoning ordinance is amended

Subdivisions

- division of property for the purpose of sale, lease or financing
- provides a basis for requiring public improvements and exactions
- commission can be the final approving authority

Conditional Use Permits

- use that can be allowed in a zone if conditions are applied to make it compatible with other primary uses in the zone

- Town of Yountville example: RS zone

  Permitted Use: single family homes

  Conditionally Permitted use: home occupations, private schools

Yountville Criteria for CUPs; Necessary Findings

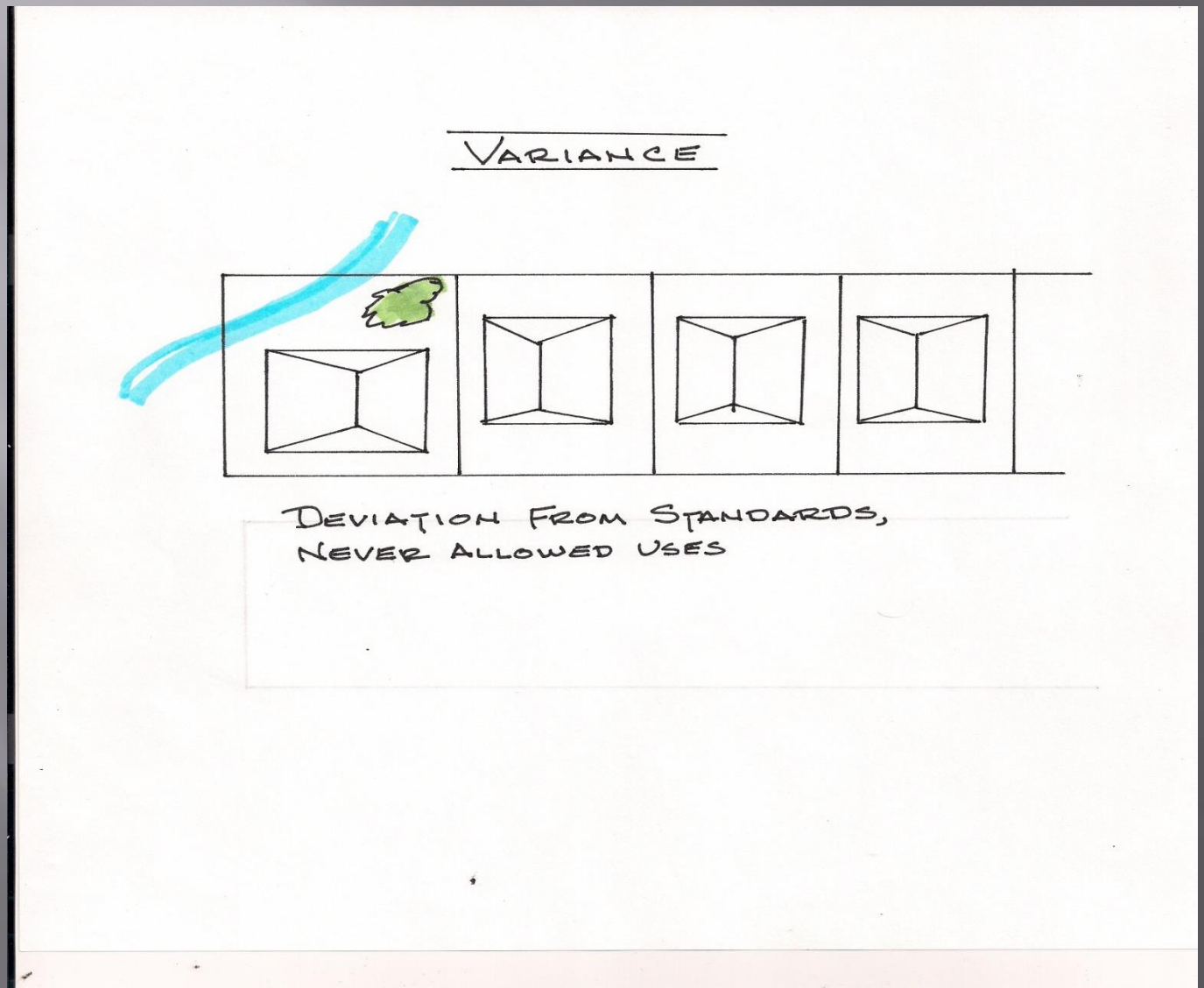
The proposed use:

- promotes the public health, safety and welfare of residents
- is consistent with the intent of the general plan
- is consistent with the list of conditionally permitted uses in the zone
- will not be detrimental to existing uses in the surrounding area

Variances

- deviations from standards, never allowed uses, to address hardships caused by conditions of the property
- does not give an advantage over other properties in the same zone
- applies to the property, not the individual owner

Variance Example



Advice on Variances

If you find you are consistently approving variances from zoning ordinance standards, it may be time to amend the zoning ordinance to change the standards

California Environmental Quality Act (CEQA)

- applied so that decision-makers can consider the environmental consequences of their actions
- categorical exemptions, negative declarations, mitigated negative declarations, EIRs
- you can approve projects with unmitigated significant impacts
- must be approved prior to approving a project

Findings

- bridging the gap between data and conclusions
- necessary for public understanding of your actions
- necessary for legal defensibility of your actions
- your mother would want you to do it

Appeals of Commission Actions

- an individual's (applicant/opponent) opportunity to address the elected body
- overturned decision does not mean you should change
- who should present the commission majority decision?

QUESTIONS AND COMMENTS

BEST PRACTICES FOR CONDUCTING MEETINGS

Public Hearing Procedures

- most city examples follow the courtroom model
- not the normal way of communicating, nor what the public frequently wants
- cities can establish their own rules and procedures as long as not in conflict with state or federal law (Gov. Code Sec. 65102)

Planning Commission Meeting Purposes

- involve the public in your decision-making process
- receive information and testimony from interested parties
- analyze proposals in the context of policy and law
- develop a defensible public record
- make decisions on the matters before you

Common Order of Meetings

- call to order and roll call
- approval of agenda
- statements of abstentions
- approval of minutes
- public appearances
- consent calendar (no discussion)
- old business
- new business
- adjournment

Order of Presentations

- introduction by chair
- staff report
- questions for clarification
- open hearing – applicant presentation
- comments from the public
- applicant response
- close hearing – staff responses
- commission deliberation
- commission decision

Role of the Commission Chair

- welcome -explain the meeting procedures
- introduce each agenda item
- call on speakers
- summarize the issues and testimony
- lead discussion
- request a motion to take action
- summarize the action taken for benefit of public

Rules of Order and Procedure

- Each agency must adopt procedural guidelines (Gov't Code Sec. 65804)
- Robert's Rules of Order (parliamentary procedure) designed to allow majority rule while protecting minority rights to discussion
- Bob's Rules of Order – a simplified summary of the 700 page Robert's Rules
- Rosenberg's Rules – an even simpler version of meeting procedures

What You Need to Know

- The chair is the facilitator and does not make motions or generally second motions
- motion must be seconded prior to discussion
- motion to amend is acted on prior to the main motion
- A motion for reconsideration must be made at the same meeting by a commissioner voting in the majority

"I didn't receive notice!"

- failure of a person to receive notice does not invalidate the proceeding (Gov't Code Sec 65093)
- acknowledge the speaker's frustration but ask them to proceed with their comments
- ask staff to review the noticing procedure
- decide if noticing issues are sufficient to continue the item

Long Meetings
Repetitive Comments

- limit speakers' time, but do it from the start
- explain the reason to the public
- thank the public for their cooperation
- give them a method of indicating agreement with prior speakers
- acknowledge the comments made and concerns expressed
- make your deliberation equally focused

Dealing with Disruption

- have a plan of action before the meeting that is shared with all commissioners
- maintain your composure, model behavior
- chair's role to request compliance with order in meeting
- decision on police presence – uniformed or plain clothes
- if no other option, recess or adjourn the meeting

Brown Act

- the public's business should be conducted in public
- no meetings of a majority without public notice
- no "serial" meetings
- don't announce positions before the meeting
- any questions, check with your city attorney

Brown Act (cont.)

But you can (but are not required to)

- meet with residents
- meet with project proponents
- visit the project site

You will need to disclose these contacts as "ex parte" communications at the meeting

Observations from Meeting Attendees

"It was difficult to find the meeting room."

"I couldn't find an agenda to figure out when the project would be heard."

"They had run out of agendas by the time I got there."

More Observations

"I sat there for two hours only to find out the item I was interested in was continued."

"Why do commissioners address developers by their first names?"

"The commission wasn't paying attention when the public spoke."

Still More Observations

"The commission didn't answer the questions I asked."

"I think they decided how they were going to vote before the meeting."

"I admire the commissioners. They have a tough job!"

QUESTIONS AND COMMENTS

Suggestions for Success

- Have a bias for action – decisions are the value you add
- Communicate with the council frequently
- Establish your policies and practices in writing Staff implements your policies, not your individual comments
- Seek to understand each other's positions and opinions

Suggestions for Success (cont.)

- Be civil to each other so the observing public will be civil to you
- Establish new policy apart from individual projects
- View every meeting as an opportunity to communicate with the residents
- Prepare for meetings, reading staff reports in advance

Suggestions for Success (cont.)

- Prepare staff for questions you may ask at the meetings
- Explain your rationale, but don't lecture the public
- Keep the meeting tempo the same at the end as the beginning
- Strive for consistency, but acknowledge unique situations
- Make your final action clear to the public

Resources

- Planning Commissioner's Handbook, League of California Cities
- California Planning Guide, Office of Planning and Research
- The Planning Commissioner and the California Dream, Marjorie W. Macris
- Guide to California Planning, Fulton and Shigley

THANK YOU FOR YOUR SERVICE