



# CITY OF LAKEPORT PLANNING COMMISSION

## MEMORANDUM

**RE:** Planning Commission Roles & Responsibilities

**MEETING DATE:** January 11, 2016

**SUBMITTED BY:** Kevin M. Ingram, Community Development Director

**PURPOSE OF REPORT:**  Information only  Discussion  Commission Action

### WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

Presentation by Community Development Staff regarding the roles and responsibilities of being a Planning Commissioner.

### DISCUSSION:

The purposed of this agenda item is to provide a review of the general roles and responsibilities of the Planning Commission. The presentation is aimed at assisting new Planning Commissioners and the general public understand the basics of land use planning processes and decision making. However, this presentation is also a helpful review for incumbent Commissioners and Community Development staff. The presentation is informal and questions are encouraged.

Main Topics of Discussion:

- What is the role of the Planning Commission—In a nutshell the Planning Commission is an administrative body appointed by the City Council tasked with the implementation of the City's current vision based mainly on the General Plan and Zoning Ordinance. The Planning Commission is made up of local citizens providing a perspective other than that of City employees and elected officials. The Commission holds public hearings on a regular schedule to consider land use matters. These includes such things as Use Permits, Architectural Design Review, Subdivision proposals and amendments to the General Plan and Zoning Ordinance. The Commission also is the chief land use planning advisor to the City Council. The Commission is often tasked with reviewing of proposed land use policy and making a recommendation to the City Council.
- Types of Decisions—In the broadest of terms Planning Commission actions can be divided into two decision types: Implementing the current vision and developing the future vision. Implementation of the current vision includes quasi-judicial decisions whereby the Commission reviews a development application for consistency with pre-existing laws, policies and regulations. Decisions by the Planning Commission are based upon the establishments of specific findings and actions. All Planning Commission decisions are appealable to the City Council.

Typical projects of this decision type include—Use Permits, Architectural Design Review, Subdivisions and Variances.

Decisions involving the establishment of the future vision often include—General Plan Amendments, Zoning Amendments, Specific Plans, Annexations and the review of various other local ordinances and regulations as directed by the City Council. Decisions by the Planning Commission in this regard often take the form of a legislative recommendation to the City Council.

- Relationships with City Council, Staff, Public and other Commissioners—
  - Council: As previously mentioned, the Planning Commission is appointed by the City Council and acts as the chief land use advisor to the Council. On occasion the Planning Commission is called upon to attend joint meetings/workshops with the Council. Most decisions of the Planning Commission are appealable to the City Council.
  - Community Development Department (CDD) Staff: CDD staff performs research and advises the Commission on the General Plan, specific plans, Zoning Ordinance, Subdivision Ordinance and other land use regulation. CDD staff is the liaison between the Commission and other City departments. CDD staff, often through the preparation of a staff report, provides background information and recommendations on development proposals that are being considered by the Planning Commission. Staff is available to Commissioners to answer technical questions and make sure that public hearings have received proper legal notification.
  - General Public: The Planning Commission is tasked with taking public input prior to making any land use decisions. Commissioners are prohibited from forming decisions on land use matters until the conclusion of a public hearing where all members of the public wishing to speak on a specific matter have had an opportunity to speak. Members of the Planning Commission, in the course of performing their duties will often have 'ex parte' conversations with project applicants and members of the public outside of public meetings. This is not illegal, in fact the engagement of the general public in the land use decision making process is a primary role of a Planning Commissioner. However, all 'ex parte' conversations on a specific land use decision matter are required to be reported to the entire Planning Commission at the beginning of a public hearing for that related item.
  - Relationships with other Planning Commissioners: Good working relationships with other Commissioners is critical in order for planning functions to be effective and efficient. Commissioners should always be respectful and actively listen to the opinions of other Commissioners. Additionally, the Planning Commission is guided by California's open meeting law—commonly referred to as the Brown Act. This law requires that Commission conduct their business in an open and public meeting to assure that the public meeting. A meeting is defined as any situation involving a majority of the commission in which business is transacted or discussed. As such any conversation involving more than two members of the Commission is considered a meeting and must be avoided.

- How to Run an Effective Meeting—As noted above the Brown Act requires all meetings to be open to the public. Meetings should always be conducted in a professional manner. Commissioners should be well prepared and keep the public informed of proceedings at all times. Tips for running a successful meeting will be presented by staff as well as a review of Resolution No. 79 which outlines the powers, duties, responsibilities and procedures of the Commission. A copy of the full resolution is attached.
- Guiding Documents—An overview of the following documents will be provided:
  - Lakeport General Plan
  - Zoning Ordinance
  - Subdivision Ordinance
  - Permit Streamlining Act
  - California Environmental Quality Act
- Planning 101—Additional discussion of basic land use planning law will also be discussed, including but not limited to: legal notification requirements, how to make appropriate findings, essential elements of good project conditions, tactics for engaging the public and an overview information provided in staff reports.

Planning Commissioners and the general public are encouraged to visit the California League of Cities website at [www.cacities.org](http://www.cacities.org) and review the plethora guidance materials available through the organizations Planning Commissioners Academy webpage.

Community Development staff is always available to answer questions of Planning Commissioners and the general public on matters of land use planning.

Attachments:

1. Planning Commission Resolution 79 (2015)

## RESOLUTION NO. 79 (2015)

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKEPORT PROVIDING POWERS, DUTIES, ORGANIZATION, RESPONSIBILITIES, AND PROCEDURES

**WHEREAS**, the Lakeport City Council has, in accordance with the provisions of California Law, established the Lakeport Planning Commission.

**NOW, THEREFORE**, BE IT RESOLVED THAT the following powers, duties, organization, responsibilities, and procedures are established for the Planning Commission:

1. Powers and Duties. The Planning Commission shall perform the duties and have all the rights, powers, and privileges specified and provided for in the Lakeport Municipal Code or by California law. The functions of the Planning Commission shall include, but not be limited to, the following:
  - A. To prepare or cause to be prepared a General Plan and appropriate attachments.
  - B. To prepare or cause to be prepared specific plans and other documents as may be necessary to implement the General Plan.
  - C. To formulate and recommend policies and standards for development and land uses.
  - D. To perform authorized duties related to development review.
  - E. To receive and act on all special project assignments made by the City Council and submit reports and recommendation on these assignments.
  - F. To perform all other duties and functions which the Council shall designate to it by ordinance, resolution, or minute order.
2. Organization. The Planning Commission shall elect a chairperson from among its appointed members for a term of one year. The chairperson shall serve not more than two consecutive years. The Planning Commission will consider election of officers on a rotational basis so as to give all members an opportunity to serve in a leadership role. The Planning Commission may elect a vice-chairperson from among its appointed members for a term of one year. Subject to the provisions of law, the Planning Commission may create and fill such other offices as it may determine. The Community Development Director or designee shall serve as the Commission secretary. The chairperson shall preside at meetings,

appoint appropriate committees, and direct the affairs of the Commission. In the absence of the chairperson, the duties of the chairperson shall be performed by the vice-chairperson. In the absence of both the chairperson and vice-chairperson, the remaining members shall choose one of the members to act as temporary chairperson. Elections for Planning Commission officers shall be made at the first regular meeting in January.

3. Advisors. The Planning Commission may request any officer or employee of the City to attend its meetings to assist the Commission in its deliberations. The Commission may make investigations, secure advice, and have plans and reports prepared as it may deem necessary to perform its duties and functions.
4. Compensation. Members of the Planning Commission may receive compensation for their service. Said compensation shall be set by resolution of the City Council.
5. Special Meetings. A special meeting of the Planning Commission may be called by the chairperson. A member of the public may call for a special meeting upon submittal of an application and payment of the required fee. Notice of meetings shall be made 72 hours in advance and said notice shall specify the time and place of the special meeting and the business to be transacted.
6. Adjournment and Adjourned Meetings. The Planning Commission may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment.
7. Cancellation. A meeting of the Planning Commission may be cancelled in advance by a majority vote of the Commission. The Community Development Director may in the event of an emergency cancel a meeting of the Planning Commission.
8. Attendance by the Public. Except as specifically provided for by law, all meetings of the Planning Commission shall be open to the public. In the event any meeting is willfully interrupted by an individual or group of persons so as to render the orderly conduct of the meeting infeasible, and when order cannot be restored by removal of the offending individual or group, the Chairperson may order the meeting room cleared and continue the meeting to a later time.
9. Order of Business. The Planning Commission shall conduct its business in accordance with the following order of business:
  - A. Call meeting to order.
  - B. Take roll call.
  - C. Acceptance of the Agenda;
  - D. Citizen input.
  - E. Consent Agenda.

- F. Agenda matters, including public hearings and meetings.
- G. Correspondence.
- H. Comments from staff and Commissioners.
- I. Set next meeting date.
- J. Adjournment.

10. Public Hearing / Public Meeting Procedures. The conduct of a public hearing shall be in accordance with the following order of business:

- A. Staff presentation of report.
- B. Planning Commission questions of staff.
- C. Public hearing opened.
- D. Applicant's presentation.
- E. Planning Commissioners' questions of the applicant.
- F. Comments from proponents of request.
- G. Comments from opponents of request.
- H. Staff remarks and comments.
- I. Applicant's rebuttal.
- J. Public hearing closed.
- K. Planning Commission discussion and questions in accordance with Section 16. E. of this Resolution – Consideration of the Question by the Commission.
- L. Planning Commission decision and action.

For public meetings, comments from proponents or opponents of a request, along with the opening and closing of the public hearing, will be omitted; however, at the discretion of the chairperson, comments from the audience may be allowed in a public meeting. The agenda will contain a listing of public hearing matters and all other matters will be considered public meetings.

11. Rules of Conduct. Planning Commission business shall be brought before the Commission by motion in accordance with the following standards of conduct:

- A. Opening the floor: Any member of the Commission wishing to speak must first obtain the floor by being recognized by the chairperson. The chairperson must recognize any Commission member who seeks the floor when appropriately entitled to do so.
- B. The chairperson or any member of the Commission may bring a matter of business before the Commission by making a motion. Before the matter can be considered or debated, it must be seconded. Once the motion has been properly made and seconded, the chairperson shall open the matter for debate, offering the first opportunity of debate to the moving party, and thereafter to any member properly recognized by the chairperson. Once the matter has been debated, the chairperson calls for a vote. No further debate will be allowed;

however, Commissioner members may be allowed to explain their vote.

- C. Voting: All Commission members present at a meeting shall vote for or against the measure unless they are disqualified from voting and abstained because of such disqualification. If the vote is by voice, the chairperson shall declare the result and note for the record whether the motion has passed or failed. The Commission may also vote by roll call, ballot, or voting machine. Regardless of the manner of voting, the results reflecting all ayes and noes must be clearly set forth in the record.
  - D. Limit or Extended Limits of Debate: Any Commission member may move to put limits on the length of debate. The motion must be made and seconded and requires three affirmative votes of the Commission to pass.
  - E. Postpone to a Time Certain: Any Commission member may move to table or postpone an agenda matter to a time certain. This motion continues the matter to a future date and time as determined by the Commission. The motion must be seconded and requires a majority vote for passage.
12. Motions of Privilege, Order, and Convenience. Certain actions by the Commission are intended to insure orderly conduct of meetings and for the convenience of the members. These motions take precedent over any pending main or subsidiary motion and may or may not be debated as noted.
- A. Call for Orders of the Day: A Commission member may demand that the agenda be followed in the order stated therein. No second is required and the Chair must comply unless the Commission by two-thirds vote sets aside the order of the day to change the agenda.
  - B. Questions of Privilege: Commission members may at any time during the meeting make a request to the Chair to accommodate the needs of the Commission or his or her personal needs.
  - C. Recess: The chairperson may grant a recess or break in consideration of agenda items. In addition, any Commission member may ask for a recess which shall be considered and decided upon by the chairperson.
  - D. Adjournment: Any Commission member may move to adjourn at any time even if there is business pending. The motion must be seconded and a majority is required for passage.

- E. Point of Order: Any Commission member may require the Chair to enforce the rules of the Commission by raising a point of order. A point of order shall be ruled upon by the chairperson.
  - F. Appeal: If a Commission member is dissatisfied with a ruling from the Chair, he or she may move to appeal the ruling to the full Commission. The motion must be seconded to put it before the Commission. A majority vote in the negative or a tie vote sustains the ruling of the Chair. The motion is debatable and the Chair may participate in the debate.
  - G. Suspend the Rules: A Commission member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. This motion requires a second and a two-thirds vote.
  - H. Division of Question: Any Commission member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.
  - I. Reconsideration: Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Commission may reconsider any vote taken at the same session but no later than the same or next calendar day to correct inadvertent or precipitant errors or consider new information not available at the time of the vote. The motion to reconsider must be made by a Commission member who voted on the prevailing side and must be seconded, and requires a majority vote for passage regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedent over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.
  - J. Rescind, Repeal, or Annul: The Commission may rescind, repeal, or annul any prior action taken on any matter so long as the action to rescind, repeal, or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements unless otherwise specified by law.
13. Planning Agency Function. In accordance with the provisions of the California Government Code Section 65900, et. seq., the responsibility for administration of the City's planning activities are assigned to the Community Development Department. All processing of land use applications and development permits required by the Lakeport Municipal

Code shall be in accordance with the provisions of California Law and the procedures set forth herein.

14. Procedure for Processing Land Use Applications and Development Permits. The Community Development Department staff shall process all land use applications and development permits in accordance with the California Government Code and the procedures set forth in Resolution No. 162 and/or as amended.
15. Public Hearings. Certain matters as defined by the Municipal Code shall be considered by the Commission as a public hearing. The following procedures shall be used in providing public notice for such matters.
  - A. Public Notice: Those matters which are considered by the Planning Commission at a public hearing shall be duly noticed in accordance with California Law.
  - B. Time for Consideration: Matters which are required to be heard at a noticed public hearing shall commence at the time specified in the notice or as soon thereafter as is reasonably possible and shall continue until the same has been completed or until all other disposition of the matter has been made.
  - C. Continuance of Hearings: Any hearing held by the Commission may be continued or re-continued to a subsequent meeting in the same manner provided for in an adjourned meeting, provided that if the hearing is continued to a time less than 24-hours after the time specified in the notice of hearing. A copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted.
  - D. Public Discussion at Hearings: When a matter for public hearing comes before the Commission, the Chairperson shall open the public hearing, and before any motion is adopted related to the issue to be heard, the Chairperson shall inquire if there are any persons present who desire to speak on the matter. Any person desiring to speak or present evidence shall make their presence known to the Chairperson and may speak and present evidence relevant to the matter. No persons may speak without first being recognized by the Chairperson. Members of the Commission who wish to ask questions of the speakers during the public hearing portion may do so but only after first being recognized by the Chair. The Chairperson shall conduct the meeting in such a manner as to afford due process for all persons present. All interested persons in the matter being heard by the Commission are entitled to submit written evidence. All such evidence shall be retained by the Community Development Department as part of the official records. Time limits may be established by the Commission limiting the duration of presentations as set forth in the rules and the Chairperson may impose limits on redundant testimony. No person

shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of the relevance of the material shall be made by the Chairperson or City Attorney.

- E. Consideration of the Question by the Commission: After all members of the public wishing to speak on a subject of the hearing have been given the opportunity to do so, the public hearing shall be closed by the Chairperson and the Commission may reconsider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the Chairperson, to speak further on the question during this period of deliberation, although the Commission may ask questions of the speaker if so desired. At the conclusion of the Commission discussion, and the appropriate motion having been made and seconded, the Commission shall vote on the matter.

16. Appeals. In those instances where the applicant or other interested party is not satisfied with the action of the Planning Commission, an appeal may be filed in accordance with the Zoning Ordinance.

This Resolution amends and replaces in its entirety Planning Commission Resolution No. 73 (2004).

This Resolution was passed by the Planning Commission at a regular meeting on November 18, 2015, by the following vote:

AYES: Commissioners Kauper, Russell, Taylor, Wicks and Chairman Gayner

NOES: None                      ABSENT: None                      ABSTAINING: None

  
**TOM GAYNER**  
Chairman

**ATTEST:**

  
**KEVIN M. INGRAM,**  
Community Development Director  
City of Lakeport