



Planning Commission Meeting

6:30PM

Public Safety Building

401 E Third St

Hybrid: Instructions To Join Electronically At www.Newbergoregon.Gov

Email Comments To: Fe.Bates@Newbergoregon.Gov

August 13, 2026

1. CALL MEETING TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

(5-minute maximum per person - for items not on the agenda)

4. CONSENT CALENDAR

- a. [5/14/2026 Planning Commission Meeting Minutes](#)

5. NEW BUSINESS

2026 **Code Maintenance Concept; DCA26-0001 SR Code Maintenance PCWS1 8-13-26.pdf**

- a. [Attachment 1. Notice and Appeals Update Matrix.pdf](#)
- b. [Attachment 2. Parking Landscape Buffer Concept Drawing.pdf](#)
- c. [Attachment 3. Sign Height Calculation Drawing.pdf](#)
- d. [Attachment 4. Front Driveway Parking Concept Drawing.pdf](#)

6. CONTINUED BUSINESS

Review of revised [Planning Commission Participation Guidelines](#)

f. ITEMS FROM STAFF

- a. **Anticipated Schedule of Planning Commission Activities**
- b. **Staff Updates for Planning Commission**

g. ITEMS FROM COMMISSIONERS

h. ADJOURNMENT



Planning Commission Meeting

May 14, 2026

CALL MEETING TO ORDER

The Planning Commission Meeting of May 14, 2026 was called to order at 6:30 PM at the Public Safety Building, 401 E Third St, Newberg, Oregon.

The Chair recognized and welcomed newly appointed Planning Commissioner Tanya Bitz.

ROLL CALL

Commissioners Present: Kriss Wright (Chair)
Jose Villalpando (Vice Chair)- via Zoom
Jason Dale
Mathew Mansfield
Randy Rickert
Tanya Bitz

Commissioners Absent: Abby Seits (Student Commissioner)
Linda Newton-Curtis(Chair)

City Council Representative: Absent

Staff Present: Community Development Director: Scot Siegel
Associate Planner: Jeremiah Cromie
Administrative Assistant/Secretary: Fé Bates

PUBLIC COMMENTS

There were no public comments for items not on the agenda.

CONSENT CALENDAR

2/12/2026 Planning Commission Meeting Minutes

Motion to approve the February 12, 2026 Planning Commission meeting minutes was made by Commissioner Jason Dale and seconded by Commissioner Mathew Mansfield.

The motion carried by unanimous voice vote.

NEW BUSINESS

2026 Legislative Session Update

Legislative Update review of the land use bills that passed in 2026 and are relevant to the City's Code Maintenance work, which is scheduled for review this summer.

Community Development Director Scot Siegel presented an informational overview of land use legislation enacted during the 2026 legislative session, noting that several bills built upon earlier legislation from 2024 and 2025 and carry varied effective dates and, in some cases, sunset provisions.

House Bill 4037 — Governor's Housing Bill 2026. Director Siegel explained that the legislature has increasingly prescribed local housing processes, shifting away from locally driven, community-input-based planning toward a more formulaic and state-directed model. The most consequential provisions of HB 4037 include: (1) limiting mailed legal notice for housing applications involving fewer than 20 dwelling units to a 100-foot radius, reducing Newberg's current 500-foot notification standard; (2) prohibiting public hearings on housing applications processed under clear and objective standards, with only the applicant retaining appeal rights; and (3) effectively removing the Planning Commission and City Council from the decision-making process on such housing applications, with appeals directed to the Land Use Board of Appeals or circuit court rather than local bodies.

Director Siegel noted exceptions for historic landmarks and clarified a correction in the staff memo: development in Goal 5 resource areas such as wetlands and stream corridors remains subject to the clear and objective process unless a variance is sought. He also indicated that the city must verify with the state whether housing in commercial zones currently allowed only as a conditional use must be reclassified as an outright permitted use.

Planning Commissioner Matthew Mansfield raised concern about the customer service implications of these changes, emphasizing the need to clearly communicate new pathways to citizens who may no longer be able to bring concerns to the Planning Commission or City Council. Director Siegel agreed, noting that staff anticipates increased public inquiries beginning July 1 and intends to develop web-based public education resources and improve information provided through the city's online permitting system. Associate Planner Jeremiah Cromie added that, given that only applicants may appeal, community members would face significant difficulty challenging decisions even through the Land Use Board of Appeals.

House Bill 4035 — Urban Growth Boundary Amendments. Director Siegel noted that this bill refined Senate Bill 1537 (2024), increasing the allowable acreage for a one-time urban growth boundary amendment from 100 to 150 net acres and clarifying that the area must accommodate housing, including affordable units, as well as open space, parks, and supportive commercial uses. Staff indicated that the city intends to initiate this process in the summer, with a solicitation expected to be published June 1.

House Bill 2138 — Middle Housing and Related Provisions. Director Siegel and Associate Planner Cromie summarized several provisions of this bill with varying effective dates. Currently in effect is the removal of the noticing and local appeals process for middle housing land divisions and expedited land divisions. Provisions effective January 2027 include the introduction of single room occupancy housing as a defined use requiring code integration, and the voiding of recorded covenants in homeowners associations and CC&Rs that prohibit middle housing or manufactured housing otherwise allowed by zoning. Staff confirmed that code amendments will be forthcoming for the single room occupancy provisions. The bill also allows middle housing and accessory dwelling units to interact in new ways, including permitting accessory dwelling units on middle housing land division child lots and allowing existing primary structures with ADUs to count as a single unit toward a middle housing configuration.

A provision allowing bonus dwelling units where a type-A accessible or affordable unit is provided was also discussed. Planning Commissioner Mansfield and Director Siegel acknowledged uncertainty regarding the precise application of this provision and committed to further analysis.

Senate Bill 974 — Design Standards and Streamlined Review. Director Siegel noted that Section 8 of this bill prohibits the application of architectural design standards to residential developments of 20 or more units, while expressly preserving standards related to health, safety, engineering, environmental protections, and historic landmarks. Staff indicated no immediate need for code amendment, as no applicant has yet invoked this provision in Newberg. Section 3, effective July 1 of this year, requires that initial decisions on rezonings, planned unit developments, and variances be made by staff without a public hearing, with hearings available only on appeal to the Planning Commission. Director Siegel expressed reservations about staff making initial decisions on quasi-judicial rezoning applications and indicated that any application meeting clear approval criteria would be processed accordingly, with denials available for appeal.

State Rulemaking — Tribal Consultation. Director Siegel described forthcoming state rulemaking by the Land Conservation and Development Commission that will require local governments to notify and consult federally recognized tribes as part of the land use review process. Associate Planner Cromie noted that the Commission on Indian Services is compiling a list of tribes wishing to receive notice, which will be provided to cities and counties. Staff indicated that a code amendment formalizing this process will be brought to the Planning Commission and that the city anticipates no substantive change to development review, as federal protections on archaeological resources already exist.

No vote was taken; this item was presented for information and commission feedback only.

CONTINUED BUSINESS

Review Planning Commission updated Guidelines that are to supplement the Newberg City Council, Board, Committee & Commission Guidelines that were adopted by the City Council on October 20, 2025.

Administrative Assistant Fe Bates presented revised Planning Commission participation guidelines, noting that the document was updated to reflect current practices and to identify which sections are superseded by the Newberg City Council, Board, Committee & Commission Guidelines adopted by the City Council on October 20, 2025.

Discussion focused on the challenge of commissioners, particularly new members, needing to navigate multiple documents. The Chair raised concerns about potential conflicts between the documents, citing quorum provisions as one example. After discussion, the commission reached consensus that a single, consolidated document would be preferable. Director Siegel suggested incorporating the relevant excerpts from the city council guidelines directly into the planning commission document, with citations indicating the source provision. Associate Planner Cromie suggested using distinct formatting, such as italics, to differentiate text drawn from the city council guidelines. Administrative Assistant Bates agreed to revise the document accordingly, noting that any future changes to the city council guidelines would need to be reflected in the planning commission document as well. The commission confirmed that provisions previously voted upon — including procedures for recusal and removal of persons for violations — would be retained.

No formal vote was taken; staff was directed to produce a consolidated document for subsequent review.

ITEMS FROM STAFF

Anticipated Schedule of Planning Commission Activities

Associate Planner Cromie outlined the upcoming code maintenance schedule: a work session with the Planning Commission is anticipated in August, a public hearing is expected in October, and adoption by the City Council with the amended code in effect is targeted by year-end.

Director Siegel advised that the urban growth boundary amendment solicitation is expected to be published June 1. He also noted that a property owner in the southwest riverfront district has applied for deannexation of parcels located primarily within the floodplain and stream corridor, and that this matter will be before the City Council.

Staff Updates for Planning Commission

Associate Planner Cromie reported that land use approval for the Hive Project on North College Street was granted during the week of the meeting. The project — an acronym for Housing Innovation Village Experience — utilizes alternative construction methods as part of a cottage cluster development to accelerate housing production.

ITEMS FROM COMMISSIONERS

Mailed Notice Envelope Standards. The Chair raised a concern stemming from a prior application in which mailed notices were sent in envelopes bearing commercial branding, causing recipients to discard them as junk mail. The Chair proposed a draft code amendment requiring mailed notices to be sent in plain envelopes displaying only the sender's address and no promotional markings. Director Siegel clarified that notices of this type are mailed by applicants rather than the city, but expressed support for establishing uniformity requirements. The commission concurred, and staff indicated the matter would be incorporated into the upcoming code maintenance work program.

Data Center Regulations. The Chair raised the issue of data center development, citing an instance in Michigan where a local planning commission's unanimous rejection of a rezoning request was subsequently overturned through litigation. The Chair proposed that the commission consider adopting a new chapter of the municipal code addressing data center facilities, encompassing infrastructure definitions, discretionary review requirements, water consumption standards, energy impact, cooling technology, cumulative regional analysis, community benefit arrangements, and decommissioning responsibilities. Planning Commissioner Jason Dale expressed support for proactive protections while noting that Newberg is not currently a high-risk target for large-scale data center development. Planning Commissioner Mansfield suggested that a water consumption threshold applicable to industrial infrastructure could address a core concern. Director Siegel acknowledged that Newberg's current power infrastructure limits its attractiveness to data center developers but agreed that preparation was prudent. The commission directed staff to add a study of potential data center regulations to the long-range planning work program.

Sidewalk Maintenance and Funding. Planning Commissioner Mansfield inquired about the status of a prior discussion regarding alternative sidewalk design options. Director Siegel indicated that while the River Street project is exploring alternative street sections, no formal policy direction has been received from the City Council. He noted that an update to the Transportation System Plan — for which a grant application is being pursued — would be the appropriate vehicle for formally revising city street sections and sidewalk standards. The Chair raised the related concern of property owners being legally obligated to replace sidewalks within 90 days of receiving notice from the city engineer, with potential liens on noncompliance, while the city's sidewalk grant and concrete crew assistance programs are currently unavailable. Director Siegel confirmed that restoration of such programs would require a budget request to the City Council and noted that the city's concrete crew is fully committed to ADA ramp replacement at this time.

ADJOURNMENT

Chair Wright adjourned the May 14, 2026 Planning Commission meeting: 8:20 p.m.

These minutes are submitted as a true and accurate record of the proceedings.

Attest:

Kriss Wright, Planning Commission Chair

Fé Bates, Secretary

PLANNING COMMISSION WORK SESSION
ON MAINTENANCE AMENDMENTS TO NEWBERG MUNICIPAL CODE, TITLE 15
DEVELOPMENT CODE, AND TITLE 13 UTILITIES

MEETING DATE: August 13, 2026

FILE NO: DCA26-0001 Development Code Maintenance 2026

APPLICANT: City of Newberg

REQUEST: Review and provide feedback on the scope of the amendments to Newberg Municipal Code, Title 15 Development Code, and one provision of Title 13 Utilities

A. SUMMARY AND BACKGROUND

Annually, the Community Development Department prepares amendments to Newberg Municipal Code (NMC), Title 15 Development Code, and related regulations, to maintain the code's accuracy, predictability, readability, and compliance with applicable state and federal laws. "Code Maintenance" also includes minor policy updates¹ to improve customer service and operational efficiency, consistent with City Council Goals, including continuous 2026 Goal F, "Continue to create and maintain a high level of customer service."

On August 13th, the Planning Commission will conduct a work session on the 2026 Code Maintenance package, beginning with the list of code "concepts" in Table 1 (page 3). These code amendments were identified through application of the code, customer feedback, and review of state land use legislation and rules. The purpose of the August 13th work session is for the Planning Commission to become familiar with the concepts, provide input on the scope of the amendments, and request any additional background.

A second work session is scheduled for September 10, 2026 for the Commission to review draft code language prior to conducting public hearing on October 8th. *The Commission will not deliberate or vote on any proposal August 13 or September 10.*

¹ Major policy updates require City Council direction and are typically addressed through the Planning Division Annual Work Program. They include implementing new state housing legislation and similar policy changes which are outside the scope of the current code maintenance proposal.

PROCESS

Amendments to Title 15 (Development Code) of the Newberg Municipal Code (NMC) are processed as a Type IV (Legislative) application and follow the procedures in NMC 15.100.060, including required public hearings before the Planning Commission and City Council. The Planning Commission acting in its land use advisory role to City Council makes a recommendation through adoption of a Resolution. Council then conducts a public hearing and votes to enact an ordinance adopting the code changes if it so decides.

Public information about code maintenance amendments is generally limited to public meeting agendas and legislative hearing notices. If the Commission desires more public engagement on a particular topic, it can recommend the amendment be considered for a future Planning Division Work Program.

The key tentative dates for this application are:

08/13/2026	Planning Commission Work Session #1 (Code Concepts)
08/20/2026	Notify State (DLCD) 35 days prior to first hearing
09/10/2026	Planning Commission Work Session #2 (Draft Code)
10/08/2026	Planning Commission Public Hearing
11/02/2026	City Council Study Session
11/16/2026	City Council Public Hearing - First Reading
12/07/2026	City Council Public Hearing – Second Reading, if required

- B. DISCUSSION:** Table 1 contains a summary of the “Code Concepts” proposed by code section, including issues to be addressed and a general summary of each amendment. Following the August 13th work session, the Commission will hold a second work session on September 10th to review the draft code amendments and receive any additional information requested. Staff will finalize the draft code amendments for a public hearing October 8.
- C. STAFF RECOMMENDATION:** Review and provide input on the scope of the code amendments and request any additional background that may be needed before the second work session and public hearing.

Attachments:

1. *Matrix for updated notification and appeals from HB4037 and SB974*
2. *Code adjustment concept drawing for parking landscape buffers*
3. *Concept of major free-standing sign height measurements*
4. *Concept drawing for off-street parking area allowances*

Table 1: Summary of 2026 Code Maintenance Amendments

Topic	Newberg Municipal Code	Issue	Code Amendment Concept
<i>Title 15, Division 15.100 – Definitions & Land Use Processes and Procedures</i>			
Airport Approach Safety Zone	15.05.030	Current code does not match federal code	Change definition to 5,000 instead of 3,000 feet for horizontal distance to match FAA requirements
Type I procedures for development	15.100.020	Does not state that Type I Design Reviews for single family-quadplexes go straight to building permit (this was an oversight in 2025 code maintenance). This will line up with 15.220.020 (Site design review applicability) as well.	Update to say that most design review permits for single-family to quadplexes go straight to building permit. Cottage clusters require Type I design review still.
Tribal Notifications	15.100.120	Notifications must be provided to tribes per OAR 660-023-0210 for land use decisions that involve ground disturbance and require public noticing (Effective Jan. 1, 2027)	Update our agency referral list to include tribes as provided by the Legislative Commission on Indian Services for Newberg.
Appeal Procedures	15.100.160 & 15.100.275	Per state law, effective July 1, 2026, only certain applications can be appealed by parties other than the applicant. This includes most developments of less than 20 units. See Attachment 1 for a matrix summarizing changes in state law. Currently, it is also unclear who mails appeal notices.	Update to state that only the applicant can appeal certain housing applications. See attached Matrix summarizing changes in state law. Update noticing requirement so that the City (not applicant) mails appeal notices to affected parties.
Noticing Updates	15.100.210	Per state law, effective July 1, 2026, notices for residential applications of fewer than 20 units are limited to a 100 foot radius (current code is 500 feet for all). Notices for upzoning existing residential land is also limited to 100 feet. See Attachment 1 for a matrix summarizing changes in state law. There was also concern over how mailed notices were being sent out by applicant's and the code was not clear.	Change noticing requirements for projects of less than 20 residential units, and applications to upzone existing residentially zoned land to 100 feet. See Attachment 1 for a matrix summarizing changes in state law. Clarify that USPS first class mail is required for all land use notices, and that notices are to be delivered in plain envelopes with no other markings.

Topic	Newberg Municipal Code	Issue	Code Amendment Concept
<i>Title 15, Division 15.200 - Land Use Applications</i>			
Non-Conforming Signs	15.205.100	Code requires nonconforming signs to be brought into conformance with current standards when there is a change of copy, which is excessive and may conflict with constitutional protections.	Avoid regulation of sign content/speech by requiring conformity to current sign standards only when the height, dimensions, materials or location of an existing sign change.
Variance Expiration Timeline	15.215.060	Variance approvals expire before other approvals that may be part of the same project. Different timelines for the same project create confusion and inefficiencies for applicants and staff	Change the expiration of variances to 2 years to align with most other permit approvals.
Single Room Occupancies (SRO)	15.05.030, 15.220.020, 15.305.020, 15.326.025 15.346.070 15.440.030	HB 2138 (2025) and HB 3395 (2023) require cities to allow single room occupancies (SRO's) in residential zones by January 1, 2027. SROs contain multiple dwelling units that share common cooking facilities. They may share other facilities, as well.	Add SRO's to use tables, definitions, lot sizes, parking requirements and site design review procedures.
Design Review Exemptions	15.220.020(4)	The land use approval process for changes of use (new tenant moves into an existing building) are unclear and overly burdensome.	Exempt from land use review changes of use that do not substantially alter a building exterior or site, and do not require additional parking. Also exempt minor exterior alterations triggered by a change of use when the alteration is required to meet building code or fire and life safety requirements (i.e. hood vent or fire department connection).
Sufficient Infrastructure Design Review Criteria	15.220.050(A)(6) and (B)(9)	Although this section requires developments to have sufficient infrastructure and utilities, it does not reference the code sections applicable that is consistent with code format elsewhere.	Update to reference public improvement standards of NMC 15.505 (Public Improvements) for clarity and legal sufficiency.
Code Adjustment Process for Landscaping Buffer and Parking	15.210.020	There is no code adjustment process for required landscaping buffer between street and parking area which can create constraints on the lot with certain configurations	Establish code adjustment process for the landscape buffer between a street lot line and a parking area to be no less than 10 feet and at least 50% of street frontages still meet full buffering requirements. A concept of this can be seen in Attachment 2.

Topic	Newberg Municipal Code	Issue	Code Amendment Concept
Middle Housing Land Division Updates	15.235.050(B) 15.240.060 15.346.080 15.405.050 15.410.080 15.415.070	Under state law, middle housing land divisions are not subject to minimum lot size and most other lot standards.	Update NMC 15.235.050(B) to current middle housing land division requirements of ORS 92.031. Remove middle housing land division criteria pertaining to lot size and setbacks elsewhere in code. (Note that the original parcel still must meet all requirements)
Final Plat Submission Timeline	15.235.070	Applicants frequently submit final plat applications long before public improvements are substantially complete when the city cannot approve them. This creates confusion and administrative inefficiencies.	Update to state that final plats will not be deemed complete until substantial completion has been achieved. Also updated to say preliminary electronic copies are acceptable for review, which is standard practice now.
<i>Title 15, Division 15.300 – Zoning Districts</i>			
Manufactured Housing Update	15.305.020 & 15.445.070	Under state law, the City cannot apply more restrictive standards to manufactured homes than apply to stick-built single-family homes (HB 2347 (2025))	Remove “manufactured home on individual lot” from the zoning use table, as they are classified as single-family dwellings, and remove the manufactured dwelling development standards. Manufactured homes can be used as dwellings where dwellings are permitted as any part of a development (i.e as a single family house, duplex, triplex etc.).
Fixed Seating Footnote	15.305.020 Footnote 29	In some industrial zones the code requires that churches and other houses of worship have seating that can be easily removed to allow these spaces to be converted to industrial uses. This is overly restrictive and may conflict with the land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., which is to protect individuals, houses of worship, and other religious institutions from discrimination in zoning laws.	Remove restriction on “fixed seating” in footnote 29 in industrial zones as it is overly restrictive.
<i>Title 15, Division 15.400 – Development Standards (starts on next page)</i>			

Topic	Newberg Municipal Code	Issue	Code Amendment Concept
<i>Title 15, Division 15.400 – Development Standards</i>			
Development Site Minimum Density	15.405.010(B)(3) and (4)	Minimum density for large development sites in the R-2, AR and RP zones is not clear and may conflict with regulatory takings law.	Revise and clarify to exempt minimum density standards for the development of one single family dwelling and its accessory uses on a legal lot of record.
Parking and landscaping location for industrial sites	15.410.070(E)(3) and 15.420.010(B)(3)(b)	NMC 15.410.070 (E)(3) states that parking can be in any required yard, however this contradicts NMC 15.420.010(B)(3)(b) which requires a landscape strip of at least 10 feet, or the width of required yard if greater, for the front yard, and 5 feet for interior yards.	Amend 15.410.070(E)(3) to reference and be subordinate to 15.420.010(B)(3)(b). See also proposed amendment to Code Adjustments in NMC 15.210.020.
Cottage Cluster Community Buildings	15.415.050(C)(9)	Cottage cluster developments may have a community building though it is not clear if these buildings are regulated as accessory structures. (Other code sections limit the number of accessory structures on a lot.)	Amend 15.415.050(C)(9) to state that cottage cluster community buildings as permitted under 15.415.050(C)(6) are not accessory structures.
Major Freestanding Number of Signs and Height Update	15.435.050(A) & 15.435.050(C)	Some zones are limited to one freestanding sign per street frontage. Exceptions to this rule are in residential, institutional and community facilities zones where one additional sign is allowed for each full 600 feet of street frontage. Large campuses in other zones that may have multiple driveways, are not allowed multiple signs, including necessary wayfinding signs. Height for major free-standing signs is not clear. Although it has been common practice to include structural supports in the height calculations, this is not spelled out in code.	Update 15.435.050(A) so that all zones can have 1 major free-standing sign plus one sign for each full 600 feet of street frontage (note that maximum size of sign is not proposed to be changed). Update 15.435.050(C) to explicitly state that sign framework/posts are included in height calculation. Attachment 3 shows how sign height would be measured.
<i>Title 15, Division 15.400 – Development Standards (continued on next page)</i>			

Topic	Newberg Municipal Code	Issue	Code Amendment Concept
<i>Title 15, Division 15.400 – Development Standards (cont.)</i>			
Off-street parking location allowances	15.05.030 & 15.440.060(G)	The requirement for off-street parking can be met on a driveway within a required front yard only if the driveway leads to an improved parking space located outside the front yard (most of the time this is the garage). This works well for new development but can be overly restrictive for remodels of existing dwellings including adding an ADU or more living space. The code does not allow it even though they still may have the required parking spaces in their driveway.	Allow the requirement for off-street parking to be met on an improved driveway within a front yard provided the parking meets dimensional standards and at least 50% of the required front yard area is landscaped (not paved). A concept of this idea can be seen in Attachment 4.
Joint use parking facilities	15.440.050(B)	Joint use of parking facilities is currently allowed but difficult to implement with existing developments. The code requires the owner of the parking to record a covenant assuring the parking area is available to the other development in perpetuity, which can be overly burdensome and a barrier to economic development.	Add language regarding flexibility in parking agreements and what assurances are necessary when shared parking is proposed for existing uses.
ADU Primary Unit Measurement	15.445.260(B)(2)	It was unclear of how the 50 percent of the size of the primary unit was supposed to be calculated for and ADU	Update to use assessor data for the gross floor area of the living area of the primary unit and not to include garages in the calculation. The director may also accept a current floor plan with floor area calculation prepared by a qualified professional.
<i>Other NMC Titles</i>			
Water Meter Sharing	13.15	Current code does not address shared water meters which are not allowed for more than one property.	Revise to add clarity that shared water meters are not allowed under separate ownership or parcels.
Existing Private Streets	15.505.030(P)	Existing private streets are not addressed on how they are to be improved with new development	Establish minimum standards for private streets when new development occurs adjacent to such streets.

Attachment 1

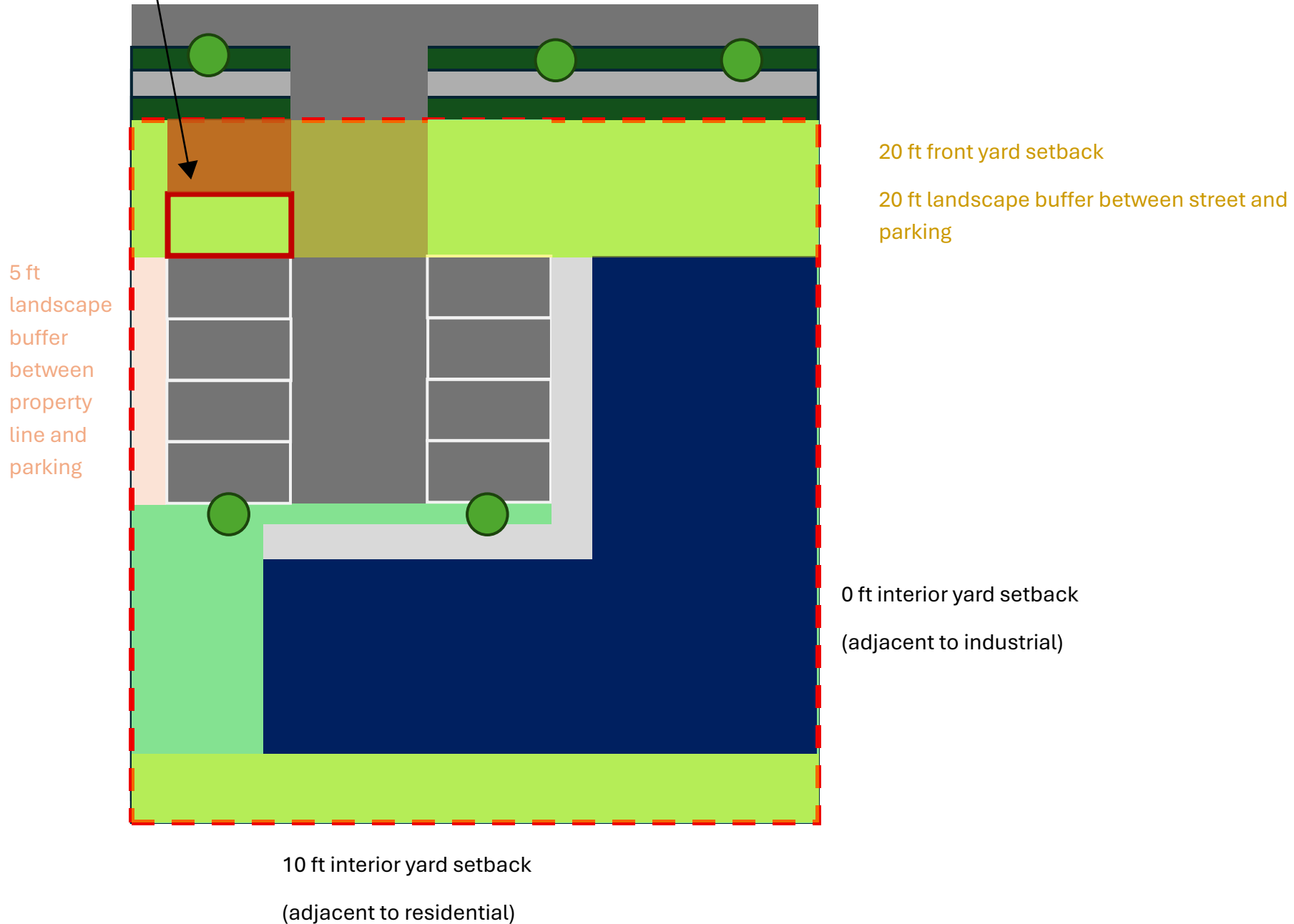
Notification/Hearing/Appeals Update Based on HB4037 and SB974

Type of Application	Notification to Property Owner Distance		Public Hearing Required?		Who has appeal rights?	
	Pre-July 2026	Post July 1, 2026	Pre-July 2026	Post July 1, 2026	Pre-July 2026	Post July 1, 2026
Subdivisions or Development of Multi-family (Apartments) of 20+ Residential units	500'	500'	No*	No*	Applicant, Agencies, Public submitting comments	Applicant Only
Subdivision or Multi-family (Apartments) development of less than 20 residential units (Non-Expedited/Middle Housing Land Divisions)	500'	100'	No*	No*	Applicant, Agencies, Public submitting comments	Applicant Only
Expedited/Middle Housing Land divisions	500' (Prior to July 1, 2025)	None	No	No	Applicant Only	Applicant Only
Middle Housing Cottage Cluster with any number of units (minimum of 4)	Does not require notice, only staff report with no hearing and only applicant can appeal.					
Middle Housing Units (Quadplex, Triplex, Duplex, Townhouses)	Goes straight to building permits with no notice and only applicant can appeal.					
Single-Family House and Accessory Dwelling Units (ADU's)	Goes straight to building permits with no notice and only applicant can appeal.					
Rezoning for higher density residential on an already zoned residential land	500 feet	100 Feet	Yes	No	Applicant, Agencies, Public submitting comments	Applicant, Agencies, Public submitting comments
Residential Planned Unit Developments	500 feet	100 feet	Yes	No	Applicant, Agencies, Public submitting comments	Applicant, Agencies, Public submitting comments

*Note that if using a discretionary process for multi-family or if it is a historic property, a hearing can be required in certain cases.

See full City press release here: https://www.newbergoregon.gov/news_detail_T8_R129.php

SCENARIO: Industrial zoned property requires an additional parking space for the proposed use.



Sign Height Measurement Concept (Drawing from Richardson, TX)

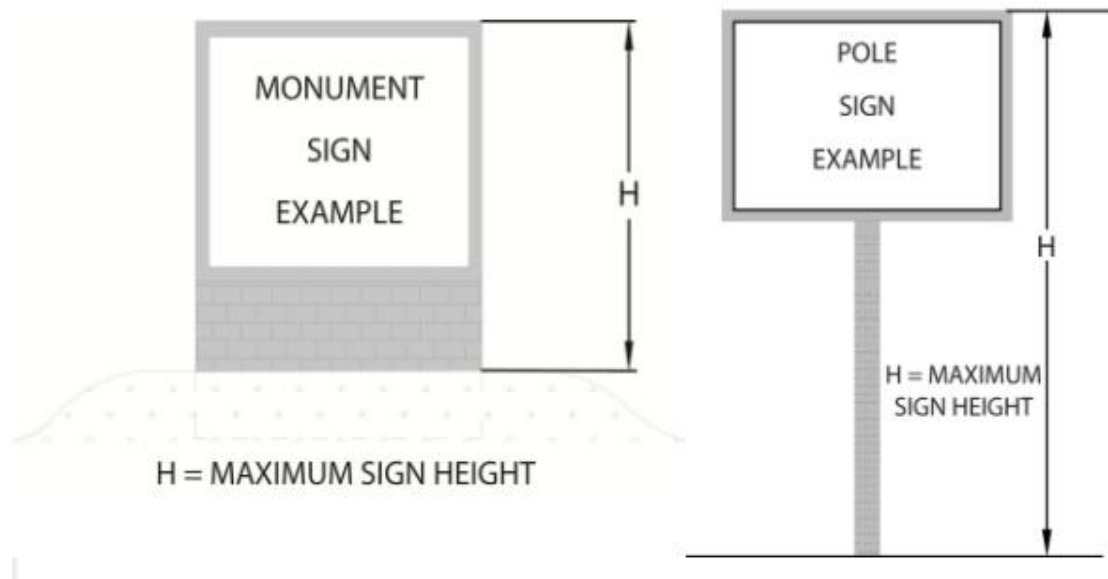
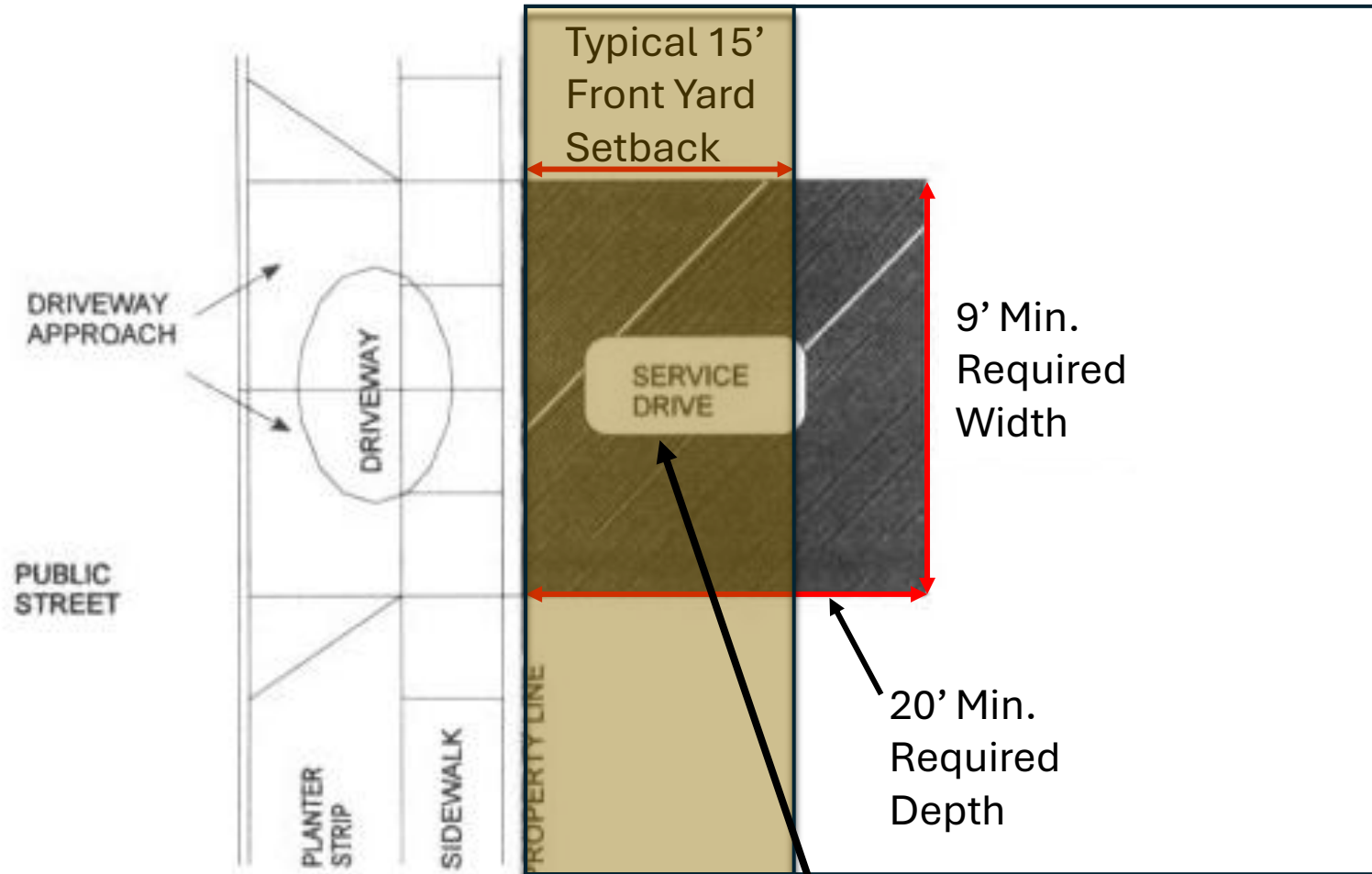


Illustration of Concept for Front Yard Parking Allowance



Drawing Not to Scale (N.T.S.)

Service Drive can't take up more than 50% of required front yard area

These Guidelines incorporate the Newberg City Council, Board, Committee & Commission Guidelines, adopted by the City Council on October 20, 2025(*Italicized*) and establish additional guidelines and procedures specific to the Planning Commission.

Planning Commission Members Standards of Conduct & Expectations

Newberg Planning Commission members will strive to:

- 1) Trust and respect the opinions of fellow Commission members, staff, and the public and actively participate in the decisions of the Planning Commission.
- 2) Attend all Planning Commission meetings.
- 3) Notify the planning staff of an absence as soon as practical prior to the meeting time.
- 4) Make every attempt to resolve any personal conflict with a fellow Planning Commissioner prior to bringing the conflict to the attention of the Planning Commission.
- 5) Study material presented in a timely manner and informed on the issues that come before the Commission.
- 6) Follow the Planning Commission Guidelines and the Newberg City Council, Board, Committee & Commission Guidelines.

Newberg Planning Commission members will:

- 1) Be courteous and respectful of citizens and create a welcoming environment that actively involves citizens in the governmental process.
- 2) Communicate in clear, concise and audible verbal and written communications.
- 3) Use a friendly and sincere tone of voice.
- 4) Honor and act on all requests for action and/or information in a timely and courteous manner.
- 5) Discuss issues, but not personalities, with non-commission members.
- 6) After an issue has been voted on, Commission members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the Planning Commission, even if their personal opinion differs from the Planning Commission's decision.
- 7) Vote on all motions before the Commission, or explain the reasons for abstaining.

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SECTION 1 – AUTHORITY

Rule 1.1 Authority of Rules

The Planning Commission will adopt these Commission rules that incorporate the City Council, Board, Committee & Commission Guidelines that were adopted by resolution to govern its meetings and proceedings. These rules will decide questions and give directions on matters that are specific to the Planning Commission. The rules are intended to serve as a guide for the Planning Commission. One of the goals of the Planning Commission is to work with the residents of Newberg and provide a positive atmosphere at Planning Commission meetings. These rules provide the basic outline required to work together. The commission may need to vary from these rules from time to time to best serve the public interest.

Rule 1.2 Questions about these Rules

All questions regarding these rules will be resolved by majority vote of the Commission.

Rule 1.3 Presentation of Rules to Planning Commission Members

These Planning Commission rules will be presented to all Planning Commission members at or before the time they take the oath of office.

Rule 1.4 Amendments to Planning Commission Rules

- A) These rules of procedure are subject to amendment in accordance with the rules noted herein. They can be amended by the Council if it pertains to a rule that is part of the Newberg City Council, Board, Committee & Commission Guidelines or the presiding Commission if it is to change a rule specific to that Commission.*
- B) Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed and open for comment by the public.*
- C) All amendments to these rules require a majority vote.*
- D) Amended rules shall not go into effect until the meeting after the rule is approved*

Rule 1.5 Repeal of Rules

- A) These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.*
- B) Any proposed repeal of these rules shall be accompanied by a proposed replacement.*
- C) Any proposed repeal and replacement of these rules shall be done by resolution, noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.*
- D) Any repeal and replacement of these rules require a majority of the full council vote.*
- E) Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved unless otherwise noted in the resolution.*

SECTION 2 – GENERAL RULES

Rule 2.1 Public Meetings Law

- A) Unless otherwise provided by charter or ordinance, Council meetings, and the meetings of any board, commission, or committee of city council, shall be guided by Robert's Rules of Order for Small Boards.¹ These rules are adopted according to NMC, Charter, Ch III, Section 11.*
- B) Members of the council or governing body are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.*
- C) Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.*

Rule 2.2 Quorum

- A) Quorum is required to conduct official city business.²*
- B) Membership shall consist of eight members. Terms shall be two calendar years except student terms will be one year. Fifty percent plus one of the members of the Commission shall constitute a quorum. Vacancies in office do not count towards determining a quorum.*

Rule 2.3 Lack of Quorum

- A) In the event a quorum is not present, the members of the Commission that are present shall adjourn the meeting, or a smaller number may meet and compel attendance of absent members as outlined in Rule 2.3-B.*
- B) When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any member may move for a call of the house.
 - 1) The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent members will be requested to attend or return to the meeting. The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent members at the meeting. The presiding officer is authorized to recess the meeting to a certain time while attendance is being compelled.**

Rule 2.4 Ethics

- A) All members of the Commission shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the Commission shall refrain from:
 - 1) Disclosing confidential information.*
 - 2) Taking action which benefits special interest groups or persons at the expense of the city as a whole.*
 - 3) Expressing an opinion contrary to the official position of the council or committee without so saying.*
 - 4) Conducting themselves in a manner so as to bring discredit upon the government of the city**

¹ Robert's Rules of Order Newly Revised, 12th edition, section 49:21.

² NMC Charter, CH 3, Section 13.

Rule 2.5 Commissioners Duties to Uphold Rules and Decorum

- A) The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council or committee.*
- B) Members shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.*
- C) Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members.*

Rule 2.6 Rules Violations

- A) The Council may enforce these rules and ensure compliance with city ordinances, charter, and state laws applicable to governing bodies.*
- B) If a member of the Commission violates these rules, city ordinances, the city charter, or state laws applicable to governing bodies, the Commission may request the Council to take action to protect the integrity of the Commission and discipline the member via:
 - 1) Public reprimand;*
 - 2) Removal from Commission assignments; and/or*
 - 3) The removal from the position of Commission Chair.**

Rule 2.7 Investigating Violations

- A) The Council may investigate the actions of any member of the Commission and meet in executive session under ORS 192.660(2)(b) in order to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter, or state laws applicable to governing bodies has occurred.*
- B) Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b)*

Rule 2.8 Interactions with Staff

- A) All members of the Commission shall respect the separation between their role and the Community Development Director or City's Manager's responsibility by:
 - 1) Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.*
 - 2) Refraining from actions that would undermine the authority of the Community Development Director or City Manager.*
 - 3) Refraining from contacting the Community Development Director or City Manager from 6pm Friday- 6am Monday, except in the case of an emergency.*
 - 4) Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed at the Community Development Director.
 - a) Questions from individual members of the Commission requiring significant time or resources (2 hours or more) shall require the approval of the council.*
 - b) Members of the Commission shall share any information obtained from staff with the entire Commission.***

- c) *This section is not intended to apply to questions by members of the Commission acting in their individual capacity. Inquiries of a personal nature (i.e. utility billing issues, personal permits) shall be handled through the avenues available to all citizens.*
- d) *This section is not intended to apply to questions regarding conflict of interest or similar issues particular to a member of the Commission.*

Rule 2.9 Statement to the Media and Other Organizations

A) Representing the City

If a member of the Commission, Council or other Standing Committee, including the Mayor, appears as a representative of the city before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the Commission, Council or a Standing Committee.

B) Personal Opinions

If a member of the Commission, Council or other Standing Committee, including the Mayor, appears in their personal capacity before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

C) Suggested Language

Councilors and committee members are encouraged to use statements such as “This is my personal opinion and not the official opinion of the Newberg Planning Commission.”

Rule 2.10 Removal of Any Person for Violation of Rules

A) Any persons making disruptive or threatening remarks or actions during a meeting will forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the commissioners present. The Community Development Director or Chair may summon the assistance of the police or other administrative staff to prevent further interruption by such person by any action necessary, including the removal of that individual. In case the Community Development Director or chair should fail to act, any Commissioner may obtain the floor and move to require enforcement of this rule, upon an affirmative vote of the majority of the Commissioners present, the police or administrative staff will be authorized to remove the person(s) as directed.

Rule 2.11 Minutes

A) *All minutes shall be in written form, in addition, an electronic copy of the meeting recording will be maintained by the city recorder in accordance with the appropriate record retention schedule.*

B) *The minutes shall be action minutes and contain the following information:*

- 1) The date, time and place of the meeting;*
- 2) The members present and absent;*
- 3) The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;*
- 4) The results of all votes and the vote of each member by name; and*
- 5) The substance of any discussion.*

SECTION 3 – PLANNING COMMISSION MEMBERS

Rule 3.1 Appointment of Members to Commissions

Unless otherwise mandated by applicable law, the Mayor shall appoint the members of any standing board, Commission, or committee with the consent of the council in accordance with the code, resolution, or law that governs them.

- 1) Standing boards, Commissions or committees are those established by the municipal code, resolution, or state law, intended to be permanent or long-term, to fulfill an ongoing need of the city. (ex. Budget Committee, Historic Preservation Commission, Planning Commission)*

Rule 3.2 Attendance

It is the duty of each Planning Commissioner to attend all Planning Commission meetings unless excused.

- A) Commission members may be excused from their position if they are not present for at least 75% of meetings in a year in accordance with Title II, Chapter 2.15.005 (D.) of the Newberg Municipal Code.*
- B) Upon recommendation by the Commission, the Mayor, subject to approval by the City Council, may remove a Commissioner for failure to meet the established attendance requirements. Upon removal, the position shall be considered vacant and shall be filled by the City Council in accordance with the applicable procedures for filling Commission vacancies.*
- C) Members may attend meetings in person or virtually by phone or video conferencing*

Rule 3.3 Excused Absences

Absences will be considered excused when notice is given in advance.

- A) Commissioners shall advise the presiding Planning Commission staff liaison if they will be unable to attend any meetings prior to the meeting.*
- B) An absence without prior notification will be considered unexcused, unless otherwise determined by vote of the Commission.*

Rule 3.4 Report of Absences

The Community Development Director will advise the Commission when a Commissioner is approaching disqualification for failure to meet attendance requirements.

Rule 3.4 Ex-Officio Member of the Planning Commission

The Mayor shall appoint a City Counciller as and Ex-Officio member of the Planning Commission. This member shall be invited to, but not obliged to attend all meetings and activities of the Planning Commission.

- A) When participating in legislative matters, the Ex-Officio Member shall be invited to participate in the discussion. The Ex-Officio Member shall recuse himself/herself from quasi-judicial matters that eventually may go before the Council for decision. This is to avoid questions of ex-parte contact or bias in the decision.*

Rule 3.5 Student Planning Commissioner

- A) The Student Planning Commissioner shall be a student currently enrolled in high school or an institution of higher education.*

- B) The Student Planning Commissioner shall be appointed by the Mayor in accordance with Rule 3.1.
- C) The Student Planning Commissioner shall serve a one-year term and shall have full voting rights as a member of the Planning Commission.
- D) The Student Planning Commissioner shall be responsible for reading the required legal announcements at the beginning of public hearings.

Rule 3.6 Planning Commissioner Training

The City shall provide training to Planning Commissioners regarding their roles, responsibilities, and duties.

- A) Newly Appointed Commissioners; each newly appointed Planning Commissioner shall attend a basic orientation and training session provided by City staff within 30 days of appointment.
- B) Reappointed Commissioners; each reappointed Planning Commissioner shall attend at least one hour of training provided by City staff or through a City-sponsored training program within 12 months of the beginning of the Commissioner's appointed term.
- C) Annual Training; Planning Commissioners are strongly encouraged to participate in training annually to remain informed of applicable laws, procedures, policies, and best practices related to their responsibilities.

SECTION 4 – PRESIDING OFFICER

Rule 4.1 Chair

The Chair shall preside over all meetings and facilitate all Planning Commission meetings, preserve order, enforce Commission rules, and determine the order of business pursuant to Planning Commission Rules. The Chair is a voting member of the Commission and will sign all record of Planning Commission Decisions.

Rule 4.2 Vice Chair

In the Chair's absence the Vice Chair shall preside over the meeting. Whenever these rules the Chair is mentioned, the Vice Chair acting as Presiding officer can exercise the same authority as the Chair. The Vice chair also assist he Chair in his/her duties, such as keeping time, maintaining order and determining order of speakers.

Rule 4.3 Chair Pro Tem

If both the Chair and Vice Chair are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:

- A) The staff liaison shall call the meeting to order and call the roll of the members.*
- B) Those members present shall elect, by majority vote, a temporary presiding officer for the meeting.*
- C) Should either the Chair or Vice Chair arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.*
- D) The presiding officer shall retain all rights and privileges of a member when acting in this capacity.*
- E) This process may be used to elect a presiding officer for a portion of a meeting if the Chair or Vice Chair is unable to preside over a single item.*

Rule 4.4 Election of Chair and Vice Chair

At the first meeting of each year the commission shall elect a Chairman and Vice Chairman to serve one-year terms.

- A) The commission's policy is to rotate the positions by seniority in such a fashion that each member has the opportunity to serve first as Vice-Chair, and then the following year as Chair.
- B) Newly appointed members will be placed at the bottom of the current rotation to allow them to serve a few years first as Commissioner then later as Chair and Vice Chair.
- C) In case multiple members are appointed at the same time, the Commission will decide seniority by vote.
- D) The policy does not compel any member to serve as Chair who is unwilling, nor does it compel election when the majority determines the Commission would be better served by election of different officers.
- E) The Commission shall consent to the election of each Chair and Vice Chair and absent such consent, shall elect positions by majority vote.
- F) Upon vacancy of the current Chair or Vice Chair, the Commission shall elect a Chair and Vice Chair for the remainder of the calendar year.

SECTION 5 – PLANNING COMMISSION MEETINGS

Rule 5.1 Regular Meetings

The Planning Commission shall meet every second Thursday of each month, except for meetings falling on designated holidays in which the Commission will meet on the second Wednesday.

Rule 5.2 Meeting Times and Places

- A) Meetings will begin at 6:30 p.m.
- B) Meetings shall be held in the Denise Bacon Room in the Public Safety Building and simultaneously through Zoom or other virtual meeting platforms.
- C) In the event the regular meeting room is not available for a meeting, the meeting shall occur at a venue open to the public which is located within the jurisdictional limits of the city. All meeting locations shall meet the requirements of Oregon's Public Meeting Law.
- D) At the direction of the presiding officer, the meeting may also move to a fully virtual format. (For example: In the case of inclement weather.)
- E) There will be no new items presented after 10:00 p.m. except by vote of the Planning Commission.

Rule 5.3 Notice of Meeting

The City Recorder or designee shall provide notice of all meetings in accordance with Oregon's public meeting law.

Rule 5.4 Special Meetings

- A) *Special meetings may be called by the presiding officer or by request of three members.*
- B) *Special meeting dates shall be approved by City Recorder before date and time is confirmed.*
- C) *Notice of a special meeting of Commission shall be given to all members of the Commission and the City Manager via email. Should the meeting occur within 72 hours of the notice, all attempts will be made to reach the Commission and City Manager by telephone.*
- D) *Special meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. Notice of the special meeting shall be given to each member, the City Manager or staff liaison, and each local newspaper, radio, and television station which has requested notice of special meetings*

Rule 5.5 Cancellation of Meeting

Meetings may be canceled due to lack of quorum or lack of business by the presiding officer.

SECTION 6 – AGENDAS AND ADDITIONAL ITEMS FOR CONSIDERATION

Rule 6.1 Preparation of Agenda

The City Recorder or designee shall prepare an agenda for every regular meeting, and for every special meeting. Staff liaisons serve as the designee for all standing committee meetings.

Rule 6.2 Non-Agenda Items

The Commission may consider items which are not listed on a published agenda if they do not contradict any standing Rules. The Planning Commission must, by a majority, place the item on the agenda before action may be taken on an item.

Rule 6.3 Removal of Agenda Items

With the consent of the Chair, the Community Development Director may remove any items on the council agenda at any time prior to a meeting convening. The Chair shall announce such removal at the beginning of the Commission Meeting.

Rule 6.4 Time for Submission of Items

A member of the Commission who wishes to have an item placed on the agenda shall advise the Community Development Director and get the approval of the Chair at least 10 days prior to the meeting.

- A) If a request to include an agenda item is denied, written explanation shall be provided by the presiding officer to the requesting Commission member at least seven days prior to the meeting. If denied, the requesting Commission member may request, during the meeting and in open session, that the item be placed on the agenda. If the requesting Commission member obtains the support of at least one other council member, the item will be included on the agenda.*

Rule 6.5 Staff Reports

Normally the staff will send a [Memorandum](#) or report for each Quasi-Judicial/ Legislative Public Hearing Commission item to be considered by the Planning Commission at least seven days prior to the Commission meeting.

Rule 6.6 Agenda Availability

Agendas and informational material for meetings shall be distributed to the council at least 7 days preceding the meeting. Supplemental items will be distributed at least 2 days prior to the meeting. Agendas and informational materials for standing committees should be distributed at least 7 days prior to the meeting and are required to be distributed more than 48 hours in advance of the meeting.³

Rule 6.7 Regular Meeting Agenda

The order of business for all regular Planning Commission meetings shall be as follows. However, when it appears to be in the best interest of the public, the order of business may be changed for any single meeting at the Chair's discretion

- 1. CALL MEETING TO ORDER**
- 2. ROLL CALL**
- 3. ELECTION OF CHAIR & VICE CHAIR(Yearly)**
- 4. PUBLIC COMMENTS**
- 5. CONSENT CALENDAR**
- 6. PUBLIC HEARINGS**

³ Note: Some actions taken by Commission may require even more notice. All Legal requirements for notice shall be followed.

- a. Quasi-judicial Public Hearings
- b. Legislative Public Hearings

7. CONTINUED BUSINESS

8. NEW BUSINESS

9. ITEMS FROM STAFF

10. ITEMS FROM COMMISSIONERS

11. ADJOURNMENT

Rule 6.8 **Call Meeting to Order**

The presiding officer shall call all meetings of the Commission to order.

Rule 6.9 **Roll Call**

The City Recorder or staff liaison shall conduct a roll call to determine which members of the body are present and which are absent.

A) The attendance shall be properly reflected in the minutes.

B) If roll call determines that a quorum is not present, this shall be addressed by Rule 2.3.

Rule 6.10 **Public Comment**

Public Comment - See Rule 7.5.

Rule 6.11 **Consent Calendar**

To expedite the Commission's business, routine agenda items shall be placed on the consent agenda.

A) All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.

B) Any item on the consent agenda may be removed for separate consideration by any member.

C) For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the request for council action, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member must declare a conflict of interest.

Rule 6.12 **Continued Business**

This section of the agenda will include items that are being returned to Commission after previous introduction, work session, or consideration at a recent meeting.

Rule 6.13 **New Business**

This section of the agenda will include items that are being considered for the first time, that is not a Quasi-Judicial or Legislative public hearing.

Rule 6.14 **Item from Staff**

This section of the agenda will include announcements for Commissioners and updates of upcoming items for future meetings.

Rule 6.15 **Items from Commissioners**

This section of the agenda will include Commissioners concerns, questions or requests of staff.

SECTION 7 – PROCEDURES AT MEETINGS

Rule 7.1 General Conduct of Hearings

- A) *Any party may speak in person or through their attorney.*
- B) *A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. The party must also bring 10 copies of the written testimony for the council/commission and staff.*
- C) *If a party desires to make its testimony or evidence available as part of the meeting's agenda packet, it must be submitted to the designated staff 2 days before the Commission Meeting. If the testimony or evidence is not submitted to the designated staff by this deadline, it still may be submitted to the designated staff at the time of the hearing and included in the record, but it shall not be included in the meeting's agenda packet.*
- D) *No person may speak more than once without obtaining permission from the presiding officer.*
- E) *Upon being recognized by the presiding officer, any member may question any person who testifies.*
- F) *As directed by the presiding officer, staff may question any person who testifies.*
- G) *Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.*
- H) *To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the staff liaison shall note the numbers of such persons for the record in the minutes. People are asked to avoid repeating testimony already entered into the record and instead indicate support if they are in agreement with such testimony.*
- I) *The presiding officer may reduce time limits for testimony equally based on the number of people signed up to speak, respectively, "in favor" or "opposed", to ensure all parties have an opportunity to speak and to ensure compliance with statutory shot clocks for land use decision making.⁴*

Rule 7.2 Conflicts of Interest, Abstention, Recusal, Ex Parte Communications

A member of the Commission shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:

- A) *The member has an actual conflict of interest, as defined by the Oregon Revised Statutes or the city charter/rules and must recuse from participation. The disclosure and recusal must be noted in the minutes.*
- B) *The member was not present during the public hearing and must abstain from participation. However, the member may participate if they reviewed. The evidence, including recordings of the hearing, and declared such fact for the record.*
- C) *The member has a bias, as determined by applicable law, that prevents them from considering evidence and applying applicable criteria in making an impartial decision on the application.*
- D) *Members shall disclose all ex parte contacts regarding the proceeding at the commencement of any quasi-judicial land use proceeding. If the disclosed ex parte communication results in bias and/or a conflict of interest,*

⁴ Also see: Rule 7.4 D

the member shall recuse from participation as stated above in A,B,C.

- 1) "Ex parte contact" means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view.*

Rule 7.3 Legislative Public Hearings

For legislative hearings, the Commission will follow the legislative hearing format shown in Exhibit "1". The Planning Commission's legislative authority is usually exercised by the adoption of a resolution.

A) Reopening Hearing

- 1) Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the body, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing*

Rule 7.4 Quasi-judicial Public Hearings

A) Scope of Review

- 1) All appeals of quasi-judicial land use proceedings shall be conducted pursuant to NMC 15.100.160 through 5.100.190, Appeals.*

B) Burden of Proof

- 1) The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.*
- 2) The decision shall be based on the applicable standards and criteria as set forth in the city's municipal code, including if applicable the city's comprehensive plan and any other land use standards imposed by state law or administrative rule.*
- 3) Proponents, any opponents, and those who are neutral on the proposal may submit written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.*
- 4) City staff will submit supplemental written findings in response to testimony and as requested by the hearing body to address questions raised during the hearing.*

C) Hearing Procedures

- 1) For quasi-judicial hearing, the Commission will follow the quasi-judicial hearing format shown in Exhibit "1". The Planning Commission's quasi-judicial authority is usually exercised by adoption of an Order when the Commission is the final decision maker, and by adoption of a resolution when the Commission is a recommending body only.*

D) Continuances

- 1) A party can request either a hearing continuance or an open record period as provided by Oregon Revised Statutes. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances.*
 - a) There is a 120-day time limitation for the city to make a final land use decision, imposed by the Oregon Revised Statutes, and this 120-day period is not extended unless the applicant requested the continuance or if the applicant otherwise agrees to the extension of the time limitation.*

Rule 7.5 Resolutions

Resolutions considered by and voted upon by the Commission shall adhere to the rules outlined here.

- A) An affirmative vote of a majority of the Commission present shall be necessary to pass a resolution.*

- B) When a resolution is rejected, and is not reconsidered as provided by these rules, neither the resolution, nor any*

other resolution which contains substantially the same provisions, shall be considered for a period of not less than three months, unless at least three members petition for early consideration. Resolutions containing substantial amendments may return for consideration within the 3-month window.

C) Reconsideration

- 1) A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.*
- 2) No motion shall be made more than once.*
- 3) The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body*

D) Effective date. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

Rule 7.6 Orders

Orders considered by and voted upon by the Commission shall adhere to the rules outlined here.

- A) An affirmative vote of a majority of the Commission present shall be necessary to pass an Order.*
- B) The body may approve or reject the proposal*
- C) The body shall adopt findings to support its decision.*
- D) The body may incorporate findings proposed by the proponent, the opponent or staff in its decision*
- E) Applicants can appeal the Commission decision.*
 - 1) All appeals of quasi-judicial land use proceedings shall be conducted pursuant to NMC 15.100.160 through 5.100.190, Appeals*

Rule 7.7 Public Comment

Public comments may be received at regular committee meetings.

- A) The public shall have the right to comment on all items that require a vote by the Commission, and the City Council will accept Public comments unrelated to agenda items. To promote efficiency and maintain order the Commission will only receive public comment related to the subject of the Commission.*
- B) When an interested person addresses the council or gives oral comments, that person should state their name and indicate if they are a resident of the city.*
- C) Public comment is a time for comment; it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the Commission or city staff.*

Non-Agenda Items and Consent Calendar

- A) Persons speaking to the Commission from the floor concerning items not on the agenda or items that are on the consent calendar will speak under general public comments. Those people will be given the opportunity to speak for no more than five 5 minutes. Speakers may share their time at the discretion of the Chair.*
- B) The maximum time allowed for public comments, including all speakers, is thirty 30 minutes. The Chair has the discretion to extend these time limits. Speakers may address the Commission for less than their allotted time.*

Agenda Item other than Consent Calendar

- A) *Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes following the introduction of the item. Speakers may share their time at the discretion of the Chair. The Chair has the discretion to extend these time limits. Speakers may address the Commission for less than their allotted time.*

Multiple Speakers

- A) *Should there be more speakers than can be heard during the 30 minutes allowed for public comment, the presiding officer may reduce the time allotted to each speaker or may extend the comment period.*

Commission Member Inquiries

- A) *Commission members may, upon recognition by the presiding officer, ask questions of speakers during public comment. Members shall use restraint when exercising this option and shall limit questions to no more than three minutes. The presiding officer may intervene if a member is violating the spirit of this guideline.*

Rule 7.8 Public Comment Registration

- A) *Those giving public comment are required to register on the city website (by noon on the day of the meeting) or in person at the public meeting before making comments and/or providing input at the meeting.*
- B) *Registration is due before the meeting is called to order, except in the case of public hearings. An interested person shall register separately for each subject under which they wish to provide comment.*
- 1) *For public hearings, public comment registration will close when the public testimony portion of the hearing is closed.*
 - 2) *The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request.*
 - 3) *A form complying with this rule will be available at all meetings. The city recorder is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.*
- C) *Those desiring to give public comment over the phone or through the virtual meeting option (Zoom or other virtual meeting platforms) are required to register by noon the day of the meeting.*
- 1) *Should the meeting take place before 3pm, registration will be required by noon the day before the meeting, should this registration deadline fall on a weekend, registration will be due the Friday prior to the meeting. No Zoom or other virtual meeting platforms or phone comments will be received without prior registration.*

Rule 7.9 Time Limits for Testimony

- A) *Proponent's case. Twenty minutes total*
- B) *Persons in favor. Five minutes per person.*
- C) *Persons opposed. Five minutes per person.*
- D) *Other interested persons. Five minutes per person.*
- E) *Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to*

matters which were introduced during the hearing

Rule 7.10 Written Testimony

Comments including any attachments (written comment, images, etc.), can be emailed to the Staff liaison or dropped off at City Hall by the time indicated on the hearing notice or by 12:00 pm (noon) the Wednesday before the meeting. Materials more than 10 pages long should be submitted as early as possible to ensure sufficient time for Commission review. Written comment must be accompanied by a public comment registration form.

- A) If written comment cannot be provided prior to the deadline, members of the public are to bring 10 printed copies of the item to the meeting and provide one copy to the City Recorder or staff member taking public comment registrations.*
- B) Written comments will not be read into the record.*

Rule 7.11 Electronic Materials

Speakers may submit electronic audio or visual material to be played during the time permitted for their comment.

- A) Speakers must provide the materials in a format compatible with city software to the Staff liaison on the Wednesday prior to the Commission meeting by 12:00 p.m. so that it may be installed on the city's equipment to avoid delays or disruption of the meeting. All items will be virus screened and will not be used should a threat be detected.*

Rule 7.12 Motions , Reconsiderations

- A) All motions shall be distinctly worded using plain language.*
- B) If a motion does not receive a second, it dies.*
- C) The body will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.*
- D) Any motion shall be reduced to writing if requested by a member.*
- E) A motion to amend can be made to a motion that is on the floor and has been seconded.*
- F) Amendments are voted on first, then the main motion if voted on as amended.*
- G) No motion shall be received when a question is under debate except for the following:*
 - 1) To lay the matter on the table; (Put the issue on indefinite hold.)*
 - 2) To call for the previous question; (End debate and immediately vote.)*
 - 3) To postpone; (Delay until a specified time.)*
 - 4) To refer; or (Send the matter to another committee or person for more information or a recommendation.)*
 - 5) To amend. (To change the motion on the table.)*
 - 6) A motion may be withdrawn by the mover at any time without the consent of the body.*
 - 7) A member may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.*
 - 8) A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.*
 - a) A call for the question fails without a majority vote.*
 - b) Debate on the main subject resumes if the motion fails.*
 - 9) A motion that receives a tie vote fails.*

10) The presiding officer shall cause the motion to be stated before the vote.

11) A motion to adjourn cannot be amended

Motion to Reconsider

- A) A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.*
- B) No motion shall be made more than once.*
- C) The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body*

Rule 7.13 Order of Deliberation

The following rules shall govern the debate of any item being discussed by the Commission:

- A) Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.*
- B) A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.*

Rule 7.14 Voting and Abstaining from Voting

The following rules shall apply to voting on matters before the Commission. The express approval of a majority of a quorum of the Commission is necessary for any Commission decision

- A) Consent Agenda: A majority of quorum present is required to approve the matters on a consent agenda*
- B) Resolutions: A majority of quorum present shall be required to pass a resolution.*
- C) Order: A majority of all council members is required to pass an order*
- D) Abstaining from Voting: Commissioners shall explain the reason for abstaining*
 - 1) Commissioners who abstain from participating in a matter due to a conflict of interest shall retire to the lobby during the time the matter is under consideration . A Commissioner in the lobby will continued to be counted in the quorum. Commissioners may not provide testimony before the Commission on any matter from which they abstain, but my designate a representative to speak to their interests.*
- E) All votes shall be recorded in the minutes and may not be by secret ballot.*
- F) Ties : Tie votes shall indicate a denial of the proposal. If the tie is a matter that has*

Rule 7.15 Tabled Items

Items that are tabled may be taken from table to majority vote any time during the calendar year, but no later. Items may be postponed to a time certain, including to a following year.

SECTION 8 – ELECTRONIC MAIL AND ELECTRONIC COMMUNICATION

Rule 8.1 Electronic Mail and Electronic Communication

E-mail or other forms of electronic communication may be used to schedule meetings, send informative messages, or request information from other Planning Commissioners or the planning director, except as limited by these rules or other applicable law. E-mail or other electronic communication may not be used to discuss policy issues with a quorum of the Planning Commission at one time or a quorum of a standing advisory body in any manner which would be in violation of the OPML. All Planning Commission e-mail correspondence is subject to the Oregon Public Records and Meetings Laws and is subject to disclosure.

Rule 8.2 Electronic Mail and Electronic Communication Regarding Quasi-Judicial Items

Commissioners shall refrain from sending electronic communication regarding the substance of any quasi-judicial item. If commissioners receive e-mail or electronic communication concerning the substance of any quasi-judicial item, they shall forward the communication to the Community Development Director. As such information may be ex-parte contact, commissioners shall avoid reading such communication outside the period the record is open for written comment. If reading such items is unavoidable, the commissioner shall declare the ex-parte contact.

SECTION 9 - RELATIONSHIP WITH THE CITY COUNCIL

Rule 9.1 Role of Planning Commission in Relation to the City Council

Members of the Planning Commission are appointed by the Mayor with consent of the city council. The Mayor and council appoint them to provide study and perspective on issues beyond what the council can provide. Commissioners provide the highest value providing independent recommendations and not anticipating or mimicking what they feel the council's decision on a matter would be.

After the city council has voted on an issue that previously has been before the Planning Commission, Commission members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the city council, even if their personal opinions or the Commission's decisions differ from the city council's decision.

Rule 9.2 Joint Meetings with City Council or Other Boards

The Commission should periodically hold joint meetings with the city council to share directly information and perspectives regarding particular issues. The Mayor shall preside at such joint meetings.

The Commission also may have joint meetings with other boards or Commissions, such as the traffic safety Commission. The Chairs of the boards shall determine the agenda and the manner of facilitating the meeting.

Rule 9.3 Planning Commission Presentations at City Council Work Sessions

The City Council has established a work session before council meetings, and has invited the Planning Commission to make presentations on any matter during that meeting. The Commission may appear as a whole, the Chair or Vice-Chair may represent the Commission, or the Commission may appoint one or more members to represent the Commission to the Council. The Planning Commission Chair shall notify the Mayor as far in advance as possible and at least one week in advance of the meeting if the Commission wishes to make use of this time

Rule 9.4 Attendance at and Participation in City Council Meetings

In legislative matters, after the Planning Commission has taken action on an item, the Mayor or City Manager may request that the Chair or Chair's designee attend a City Council meeting to report the Commission's recommendation. The Planning Commission also may appoint a representative to attend the City Council meeting and convey the Commission's recommendation.

On quasi-judicial items, the Planning Commission's report to the Council consists of their written decision, findings and the record. Commission members do not speak at the Council meeting unless requested by the City Council or Mayor.

Otherwise, Planning Commissioners may attend any meeting of the city council. They may speak to the Council for themselves as a citizen on any item.

Exhibit “1”-Scripts To Planning Commission Guidelines

OUTLINE FOR PUBLIC HEARINGS

► QUASI-JUDICIAL LAND-USE ◀

1. CALL TO ORDER

Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	Script Presiding Officer: This hearing is to consider (topic of hearing). At this time, I will open the public hearing. Citizens will be able to testify on this issue and should submit a public comment registration at the back table should they wish to speak.
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2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

This is the time for Commissioners to disclose any ex-parte communication. If it results in bias- they are to excuse themselves from participating in the hearing and to exit the Chamber	Script Presiding Officer: Do any members of this [council board, committee or commission] need to declare a conflict of interest, abstention, or ex-parte contract or an objection to the jurisdiction? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)
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3. REQUEST FOR QUASI-JUDICIAL LEGAL ANNOUNCEMENT

ORS 197.797 requires certain statements to be made at the commencement of a public hearing. Student Commissioner or Staff is to read the Quasi-Judicial Legal Announcement	Script Presiding Officer: Student Commissioner please read the Quasi-Judicial Legal Announcement.
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4. STAFF REPORTS

Staff will present the staff report summarizing the project, statement of the applicable criteria, and recommendation to the Commission verbally and with a slide presentation.	Script Presiding Officer: Now we will hear a report from our staff on this item. <i>Commissioners may ask brief questions for Clarification.</i>
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Exhibit “1”-Scripts To Planning Commission Guidelines

5. CALL FOR PUBLIC TESTIMONY

The presiding officer announces time limits Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be many testimonies.	Script Presiding Officer: I will now open public testimony. Written testimony has been entered into the record and provided to members of the Commission and staff. We will hear from: • Applicant (principal proponent): 20 Min • Those in favor(proponent): 5 Min each • Those opposed (opponent): 5 Min Each • Other interested parties who are undecided: 5 Min Each • At the end the Applicant (principal proponent) will have a chance to offer a rebuttal: 10 Min Each person outside the applicant will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.
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6. QUESTIONS FROM THE COMMISSIONERS OF PROPONENTS AND OPPONENTS FROM THE FLOOR

Commission may ask clarifying questions of speakers.	Script Presiding Officer: Do any members of the Commission have questions for those who have given testimony?
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7. CLOSE OF HEARING/PUBLIC TESTIMONY

No Further information shall be received after the close of the hearing except specific questions directed to Staff.	Script Presiding Officer: Public testimony is called to a close. <i>(A Hearing may be reopened to receive additional testimony, evidenced or argument upon majority vote of the body.)</i>
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8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

	Script Presiding Officer: Could we please hear the recommendation from staff on this issue?
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Exhibit “1”-Scripts To Planning Commission Guidelines

9. PLANNING COMMISSION DELIBERATION; DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

Councilors should seek acknowledgement and then speak on the issue.	Script Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?
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10. ACTION BY THE PLANNING COMMISSION

Orders - Action requires passage of an order; the relevant motion should be:

The body may approve or reject the proposal with adopted findings that support its decision. Anyone can make a motion. Presiding Officer must restate Motion in full. (Officer May call on staff for assistance) All motions must receive a second or it dies. Vote: Roll Call Vote Amendments are voted on first then the Main Motion if voted on as amended	Script
	Motion: I make a motion to approve Order [####], [Title]. Presiding officer: A motion has been made to (repeat motion). - Do I hear a Second to the Motion as it stands? (Pause for Second) - Motion has been seconded- Is there any further discussion? (Pause for discussion.) - Staff, please take a roll call vote on the motion to (repeat motion). Presiding officer: The motions [passes or passes unanimously or fails]
	If Motion fails, Script
	Presiding officer: Motion (repeat motion) has failed due to (state reason). Do we have another Motion or would anyone like to present an amendment to the motion? (Pause for discussion) New or Amended Motion: I make a motion to approve Order [#####] with Amendments (State Amendments) Presiding officer: A motion with amendments has been made to (repeat motion). - Do I hear a Second to the Motion as it stands? (Pause for Second) - Motion has been seconded- Is there any further discussion? (Pause for discussion.) - Staff, please take a roll call vote on the motion (repeat motion) with amendments (repeat amendments) Presiding officer: The motions [passes or passes unanimously or fails]

Exhibit “1”-Scripts To Planning Commission Guidelines

Majority of Quorum	
Orders require majority of the quorum for passage.	
<i>A Tie Vote Fails</i>	
7 members present	4 votes required for passage
6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage

Exhibit “1”-Scripts To Planning Commission Guidelines

OUTLINE FOR PUBLIC HEARINGS

► LEGISLATIVE PUBLIC HEARING ◄

1. CALL TO ORDER

Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	Script Presiding Officer: This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.
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2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

This is the time for Commissioners to disclose any ex-parte communication. If it results in bias, they are to excuse themselves from participating in the hearing.	Script Presiding Officer: Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex-parte contact? <i>(If yes, a member should be acknowledged by the presiding officer and state their declaration.)</i>
--	---

3. STAFF REPORTS

Staff will present the staff report summarizing the project, statement of the applicable criteria, and recommendation to the Commission verbally and with a slide presentation.	Script Presiding Officer: Now we will hear a report from our staff on this item. <i>Commissioners may ask brief questions for Clarification.</i>
---	--

Exhibit “1”-Scripts To Planning Commission Guidelines

4. PUBLIC TESTIMONY

The presiding officer announces time limits Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be many testimonies.	Script Presiding Officer: I will now open public testimony. Written testimony has been entered into the record and provided to members of the Commission and staff. We will hear from: • Principal proponent (if not Staff): 20 Min • Those in favor(proponent): 5 Min each • Those opposed (opponent): 5 Min Each • Other interested parties: 5 Min Each Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.
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5. CLOSE OF PUBLIC TESTIMONY

No Further information shall be received after the close of the hearing except specific questions directed to Staff.	Script Presiding Officer: Public testimony is called to a close. <i>(A Hearing may be reopened to receive additional testimony, evidence or argument upon majority vote of the body.)</i>
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6. RECOMMENDATIONS FROM STAFF

	Script Presiding Officer: Could we please hear the recommendation from staff on this issue?
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7. PLANNING COMMISSION DELIBERATION; DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

Councilors should seek acknowledgement and then speak on the issue.	Script Presiding Officer: Now I'll open the floor for the Commission to deliberation. Would anyone like to speak on this matter?
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Exhibit “1”-Scripts To Planning Commission Guidelines

8. DECISIONS

Resolutions - Action usually requires passage of a resolution; the relevant motion should be:

The body may approve or reject the proposal with adopted findings that support its decision. Anyone can make a motion. Presiding Officer must restate Motion in full. (Officer May call on staff for assistance) All motions must receive a second or it dies. Vote: Roll Call Vote Amendments are voted on first then the Main Motion if voted on as amended	Script Motion: I make a motion to approve Resolution [####], [Title]. Presiding officer: A motion has been made to (repeat motion). - Do I hear a Second to the Motion as it stands? (Pause for Second) - Motion has been seconded- Is there any further discussion? (Pause for discussion.) - Staff please take a roll call vote on the motion to (repeat motion). Presiding officer: The motions [passes or passes unanimously or fails]
	If Motion fails, Script Presiding officer: Motion (repeat motion) has failed due to (state reason). Do we have another Motion or would anyone like to present an amendment to the motion? (Pause for discussion) New or Amended Motion: I make a motion to approve Resolution [#####] with Amendments (State Amendments) Presiding officer: A motion with amendments has been made to (repeat motion). - Do I hear a Second to the Motion as it stands? (Pause for Second) - Motion has been seconded- Is there any further discussion? (Pause for discussion.) - Staff please take a roll call vote on the motion (repeat motion) with amendments (repeat amendments) Presiding officer: The motions [passes or passes unanimously or fails]
Majority of Quorum	
Orders require majority of the quorum for passage.	
A Tie Vote Fails	
7 members present	4 votes required for passage
6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage