

PLANNING COMMISSION AGENDA
September 8, 2011
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

- I. ROLL CALL**
- II. OPEN MEETING**
- III. CONSENT CALENDAR** (items are considered routine and are not discussed unless requested by the commissioners)
 - 1. Approval of August 11, 2011 Planning Commission Meeting Minutes
- IV. COMMUNICATIONS FROM THE FLOOR** (5 minute maximum per person)
 - 1. For items not listed on the agenda
- V. WORKSHOP: PLANNING COMMISSION GUIDELINES.** Review of existing and proposed policies regarding attendance, how meetings are conducted, public testimony, and other issues.
- VI. ITEMS FROM STAFF**
 - 1. Update on Council items
 - 2. Other reports, letters, or correspondence
 - 3. Next Planning Commission Meeting: October 13, 2011
- VII. ITEMS FROM COMMISSIONERS**
- VIII. ADJOURN**

FOR QUESTIONS PLEASE STOP BY, OR CALL 537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. FIRST STREET

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the city recorder at (503) 537-1283. For TTY service please call (503) 554-7793.

PLANNING COMMISSION MINUTES

August 11, 2011

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE SEPTEMBER 8, 2011 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Philip Smith, Chair Thomas Barnes, Vice Chair
Lon Wall Allyn Edwards
Art Smith Gary Bliss

Absent: Cathy Stuhr (excused) Kale Rogers, Student PC

Staff Present: Barton Brierley, Planning & Building Director
Steve Olson, Associate Planner
DawnKaren Bevill, Minutes Recorder

II. OPEN MEETING:

Chair Smith opened the meeting at 7:00 p.m. and asked for roll call.

III. CONSENT CALENDAR:

Vice Chair Smith entertained a motion to accept the minutes of the July 14, 2011 meeting.

MOTION #1: Barnes/Wall approve the minutes from the Planning Commission Meeting of July 14, 2011. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR:

No items were brought forward.

V. QUASI-JUDICIAL PUBLIC HEARING:

APPLICANT: Hennebery Eddy Architects
OWNER: Chehalem Park and Recreation District
REQUEST: Historic landmark modification review and design review for a new parking lot at the Chehalem Cultural Center, Variance review to reduce the front yard setback from 25 feet to 7 feet on the north side, and 14 feet on the west side.
LOCATION: 415 E. Sheridan Street, Chehalem Cultural Center
TAX LOT: 3218DD-15700
FILE NO. HISD-11-003/DR2-11-010/VAR-11-002
RESOLUTION NO.: 2011-295
CRITERIA: NDC § 15.344.030, 15.220.050, 15.350.060, 15.215.040

Opening of the Hearing:

Chair Smith read ORS § 197.763, opened the hearing, and asked for the staff report.

Steve Olson gave the staff report for the Chehalem Cultural Center Parking Lot using a PowerPoint presentation.

Process:

Phase 1: Approved in 2008, renovated the lobby, ground floor classrooms, 2 second floor classrooms, created 19 parking spaces. Larger temporary gravel parking area added later.

This application: 55 space paved parking lot.

Future: Phase 2 will renovate ballroom, theater, and remaining second floor rooms.

It will require a parking analysis for full build-out of site.

Criteria summary & discussion:

Historic modification review

Historic character retained and preserved

Protect archeological resources

Additions able to be removed in future

Findings:

No changes proposed to the building at this time. The open character of the site is preserved. If any archeological resources are found they will be protected.

Design review:

Design compatibility

Parking & on-site circulation

Setbacks & general requirements

Landscaping

Signs

Zone district & sub-district compliance

Traffic study

Findings:

Compatibility: landscaping softens the parking lot, makes it compatible with the neighborhood.

Parking: 55 spaces proposed (19 spaces require in Phase 1). Gravel temporary parking to be removed.

25 foot setbacks not met – see variance.

Design review:

Landscaping: proposal is generally good.

Add street trees on Sherman Street frontage

Add one parking lot tree near SE section of parking.

Community center allowed in Institutional zone.

Civic Corridor overlay: Not applicable, since the standards only apply to buildings & signs.

Roadway/circulation: build new driveway approaches w/ADA ramps on sidewalks; replace old approach with curb/gutter/sidewalk.

Utilities: underground the overhead lines on Sherman, provide additional detail on stormwater detention depending on parking lot construction (pavers or asphalt).

Variance review: To reduce the 25 foot front setback to 7 feet along Sherman and 14 feet along Blaine for the parking lot.

Variance Criteria:

A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code.

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Finding: Variance should be approved, does not cause harm to nearby properties, is necessary to provide adequate parking.

Staff Recommendation:

Staff recommends adoption of Resolution 2011-295, which would approve the requested historic modification review/design /variance as conditioned.

Questions for Staff:

Commissioner Bliss asked the sizes, spacing, and types regarding the landscaping and trees along Sherman Street. Steve Olson replied the street tree spacing is 35 to 40 feet on center and the size is 1.5 – 1.75 in diameter. The type is open – they should match existing street trees in the area, or use the list of approved street trees. Commissioner Bliss stated he is concerned about headlights shining into the neighbor’s houses across the street at night. He is hoping there will be a hedge as a buffer to alleviate any light coming through. Mr. Olson said the application stated the intent of the landscape design was to create a dense hedge. The landscape plan shows a mix of shrubs and trees in the buffer area.

Commissioner Edwards asked why the gravel area was located on the west side of the building in the first place. Steve Olson replied a gravel parking lot is not allowed for long-term use but was temporarily allowed as overflow parking. Barton Brierley explained Portland Community College (PCC) used the gravel as temporary parking.

Commissioner Art Smith asked if there are any current parking issues and based on growth of activities, is there any sense of anticipated parking needs and will this help mitigate that. Steve Olson stated there was a conditional use permit 10 years ago and at that point, they were proposing 70 - 80 spaces on site and 25 – 30 on Sheridan based on 90 degree parking along there. There will be a need for more parking in the future. Barton Brierley stated there have been a number of conversations between the CPRD and neighbors and they can speak to that during their presentation. As far as the current parking, it’s rare to see all the spaces full, but this proposed parking lot provides enough for the current use and some expansion.

Public Testimony:

Chair Smith opened public testimony at 7:35 p.m.

Proponents:

John Kelso lives a block from the Cultural Center. Parking traffic for Tunes on Tuesday is about the worst it will get, and it's not bad. He has attended the meetings and is very satisfied with the proposal. It will help now and in the future since it allows flexibility with the building.

Larry Anderson is a member of the Park District Board of Directors and on the design team for the parking lot. Mr. Anderson asked if the Planning Commission had any questions.

Chair Smith asked how thick and high will the shrubs be on the north side within a reasonable time-frame. Mr. Anderson replied the goal of the landscape design is to buffer the headlights and the impact on the neighborhood.

Commissioner Barnes asked about what kind of paving and why the wait on the design. Mr. Anderson explained the wait is due to a limited budget. His first choice would be pavers or partial pavers, but they don't know if they can afford that yet.

Commissioner Bliss assumes at this stage the Board or consultants have made an estimate as to pavers vs. asphalt. Mr. Anderson replied yes, the cost has been estimated but he is unsure as to the labor costs. Commissioner Bliss asked about the overhead lines along Sherman. Mr. Anderson stated they have one draw off of the pole on the south side of Sherman Street.

Commissioner Edwards asked if the existing streetlights are on the north side of Sherman now. Mr. Anderson replied yes, and there will be building lights on the other side that cast light toward the school. He believes the ambient lighting should be enough for the parking lot. Commissioner Bliss asked if the level of candle power had been determined. Mr. Anderson is unaware whether that has been measured.

Undecided:

Mary Martin Miller lives directly across from where the parking lot will be located. On behalf of herself and her husband, she commended the Chehalem Park & Recreation Department (CPRD) for including their input into the process. She is concerned with the lights shining into homes at night. Mrs. Miller and her husband have been proponents of the Community Center but are torn due to the 100 year-old neighborhood and how it will be affected. The 55 parking spaces may be adequate right now but 65 spaces were needed when PCC was there. There are many evenings when that parking lot is used even when there are no activities going on. There was a proposal once before for 98 spaces on the site, but speaking for her and her husband, they are concerned with what will happen on the west side of the property. She would like to see a traffic study done. What happens when the ballroom is open and there are 250 guests? That needs to be taken into consideration in the future. The west side of the building could also be used for additional parking. There are many older homes with no adequate parking now, such as a garage or driveway and the neighbors park on the street. Her overriding concern is to look to the future, have a traffic study done, and do this project in phases.

Robert Soppe lives a few blocks east of the Cultural Center. He has attended a number of the local meeting regarding this and believes that there is much support from the community. As he reads the rules as to the type of parking needed, it is based on the types of activities that will go on in the building, but Tunes on Tuesday requires the use of zero parking spaces because there is

nothing happening in the building during that time. Regarding the removal of the gravel parking lot on the west side, Mr. Soppe found no place where the applicant is requesting that. The comment he heard this evening was the gravel lot was used as a temporary parking area for PCC. As long as the Cultural Center has the right to use that space, are they not entitled to use it when PCC leaves? Mr. Soppe stated he is unclear on the front set-back issue. The basic concept of setbacks at the meetings he has attended was accepted but he does not believe there is a seven-foot set-back. As he interpreted the application, there is a parking space and a bumper that is extended from the end of it and in this case as stated in the application, the bumper is the end of the parking lot. Cars will overhang into the setback area. He is fine with that as long as the shrubs and headlights are well addressed. Mr. Soppe is greatly concerned with the removal of the gravel parking lot. One thing he was assured of at a meeting last night, is this parking lot will not make it substantially more difficult to add parking later on the west side, except when he reads the gravel parking is going away. He is also concerned that if a bio-swale goes in, there will be that much less space available for parking. Mr. Soppe referred to page 12 of the second findings regarding the 25 foot setback not being consistent with the requirement to build a substantial amount of off-street parking, which he interprets to mean we require them to build substantial off-street parking so we have to accommodate them by giving them a variance. He does not believe when the City gives a permit for something they are certifying that it is possible to do that. Also it assumes there is no other place for parking which he does not agree with. On page 13 at the top regarding setbacks, he doesn't believe most institutional sites can more easily accommodate a 25 foot setback.

Rebuttal:

Larry Anderson stated regarding the seven-foot setback, it is to the front bumper overhang; nine-feet in the plan. The two-feet of ground cover will be designed for the cars to hang over without injuring the plants. The applicant did not propose to take the gravel parking lot out but intend on using the gravel that is there for bedding rock for the sidewalks. The applicant would prefer to leave the gravel parking lot on the west side.

Final Comments from Staff:

Barton Brierley stated per the code, any yard adjacent to a street is a front yard; in this case there are four front yards. The Park District had asked permission to put in a gravel parking lot which is not allowed in the City except for infrequently used areas. Staff said PCC could use it as an infrequent use. If that is to be a permanent parking area, it needs to go through site review.

Chair Smith closed public testimony at 8:20 p.m.

MOTION #2: Barnes/Wall moved to approve Planning Commission Resolution No. 2011-295.

Deliberation:

Commissioner Edwards is in favor of the resolution and leaving the gravel as an overflow use is a consideration.

Commissioner Art Smith supports the recommendation as presented and also appreciates the comments received regarding this area in the future.

Commissioner Wall is in support also, but requested amendment on page 12 regarding the findings wording.

Commissioner Barnes is in favor of the resolution as presented but strongly encouraged the use of pavers.

Commissioner Bliss is in favor of the Cultural Center but stated he does not believe the application meets the code or criteria based on Section 15.215.030 application point(C) regarding uses and structures. He did not see any plan other than the aerial showing the adjacent properties across the street and what the impact and relationship are. Secondly, under Section 15.220.030.B.(11) the exterior lighting should have been shown on the plan and it was not. A parking lot has to have some level of lighting for safety. Commissioner Bliss does not understand why staff did not require it because it is in the code.

Chair Smith thinks the proposal gives the neighbors an opportunity to have their fears about parking either answered or not during Phase One and whether the parking vegetation will work or not. Perhaps it should be noted the temporary occasional parking on the west side remains.

Commissioner Bliss asked to have time to contemplate some amendments.

Chair Smith called for a six-minute break at 8:34 p.m.

The meeting reconvened at 8:40 p.m.

Motion #3: Bliss/Wall moved to amend as follows: Condition of Approval, Page 14, Item 7 - Parking Lot add *“The applicant shall provide a lighting plan indicating the current and proposed candle power within the parking lot area to provide an average of one foot candle power with a minimum of 0.5 candle power. Second addition: “The applicant shall address the central 28 foot drive aisle to possibly reduce it to 24 feet and extend the setback along Sherman Street.*
(6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

Motion #4: Edwards/Wall moved to amend and remove the following sentence, Page 8, Finding (2) and page 14, #7: *“The gravel parking area on the west side of the building will be removed during the construction of this new parking lot.”* (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

Motion #5: Wall/ Barnes moved to remove the following wording on pages 12 – 13: *“The Development code will require a substantial amount of off-street parking for the full build-out of the Cultural Center to minimize the impact of overflow parking on the neighborhood. The requirement for a 25 foot setback is therefore not consistent with the requirement to build a substantial amount of off-street parking. The property does face some exceptional circumstances compared to other Institutional zoned sites; the Cultural Center is a relatively small site, while most Institutional sites are large academic or medical campuses that can more easily accommodate a 25 foot front setback. Strict interpretation of the code would deprive the applicant of the ability to construct adequate off-street parking, which other Institutional sites can do relatively easily. Granting the variance for a limited portion of the Cultural Center site will not constitute a grant of special privilege because it is only for a limited portion of the site; if the other Institutional zoned sites have exceptional circumstances on parts of their sites then they also have the ability to apply for a variance.”* (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

VI. ITEMS FROM STAFF:

Update on Council items:

The City Council heard the item for the Civic Corridor Sign Code and approved it. They also heard the Annexation standards changes and approved that. They have also concluded their hearings on the South Industrial Urban Growth Boundary expansion and have approved that which will now go to the Yamhill County Commissioners for their approval. Councilor Ryan Howard proposed a bicycle route through town which will go from the Allison to the Skate Park.

Correspondence:

During the Manufactured Housing hearing on July 14, 2011, there was some testimony from residents of the mobile home parks who asked questions concerning a cap on the amount for lot spaces. Mr. Brierley handed out a copy of the letter to each Planning Commissioner that he had written in response to those questions.

The next Planning Commission Meeting is scheduled on Thursday, September 8, 2011.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Bliss asked staff why landscaping elevations were not required from the applicant to show what impact there would be on the residential area as well as the lighting. Mr. Brierley explained in regard to the proposal for lighting, the applicant submitted information stating there would be no additional lighting now but might be later; the requirement to address lighting was met. There is not a specific requirement in the code that parking lots be lit to a certain foot candle. Staff looked at this parking lot as being adjacent to a neighborhood and thought not adding lighting poles or excessive lighting was a desirable thing. It is a matter for the Planning Commission to review and what the members feel is adequate for that area and location. As far as landscaping elevations, the requirements are for a landscape plan to show type and species, which they did. There is no requirement for a 3D drawing of landscaping and parking lots on all design reviews.

VIII. ADJOURN:

Chair Smith adjourned the meeting at 9:07 p.m.

Approved by the Planning Commission on this 8th day of September, 2011.

AYES:

NO:

ABSENT:

ABSTAIN:

Planning Recording Secretary

Planning Commission Chair

CITY OF NEWBERG PLANNING COMMISSION GUIDELINES

**Discussion Draft
September 8, 2011**

NEWBERG PLANNING COMMISSION GUIDELINES

Newberg Planning Commission members will strive to do the following:

- 1) Trust and respect the opinions of fellow commission members and actively participate in the decisions of the planning commission.
- 2) Accept responsibility to attend all planning commission meetings.
- 3) Provide appropriate notification to the Planning Commission Chair or planning staff of an absence as soon as practical prior to the meeting time.
- 4) Make every attempt to resolve any conflict with a fellow planning commissioner prior to bringing the conflict to the attention of the planning commission.
- 5) Make an effort to study material presented in a timely manner and be informed on all issues.

NEWBERG PLANNING COMMISSION MEETING EXPECTATIONS

Newberg Planning Commission members will strive to do the following:

- 1) Make the citizens and visitors feel welcomed at the meetings by involving them in the process, being courteous to them, and respecting their opinions.
- 2) Do their best to communicate in clear, concise and audible language and written communications.
- 3) Make sure that their tone of voice is friendly and sincere.
- 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) In quasi-judicial matters, members will explain at the meeting the reasons for their vote.

CITY OF NEWBERG PLANNING COMMISSION RULES

Discussion Draft

September 8, 2011

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Newberg Planning Commission Rules

SECTION 1 – AUTHORITY

Rule 1.1 Authority of Rules

The planning commission will adopt commission rules by resolution to govern its meetings and proceedings. These rules will decide questions and give direction on debating, voting, membership, attendance, agendas, and other matters. 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 Limited Public Forum

The meetings of the commission, including regular meetings, special meetings, work sessions and emergency meetings, are open to the public in accordance with the Oregon Public Meetings Law. The meetings are considered a limited public forum at which planning commission business is conducted in accordance with the agenda and rules of the planning commission. The presiding officer, along with the commission, has the authority to require discussion at the meetings be addressed to the matters that are appropriate to be considered, to limit the time for discussion, and to restrict input concerning the matters to be discussed. The planning commission has the right to require persons attending the meeting, addressing the commission or participating in the meeting to conform to the rules of the commission and directions of the presiding officer.

Rule 1.4 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 1.5 Amendments to Planning Commission Rules

Amendments to these planning commission rules will be by made by resolution.

SECTION 2 – GENERAL RULES

Rule 2.1 Open Meetings

All planning commission meetings will be held in accordance with the Oregon Public Meetings Law (“OPML”).

Rule 2.2 Quorum

Section 2.15.280 of city’s municipal code provides that a majority of the voting members of the planning commission constitutes a quorum to conduct business.

Rule 2.3 Compelling Attendance

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 commission member may move for a

call of the house. 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 commission members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent planning commission members will be requested to attend or return to the meeting. The Planning Director will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent planning commission members at the meeting. The presiding officer is authorized to recess the meeting to a time certain while attendance is being compelled.

Rule 2.4 Lack of Quorum

If there is a lack of quorum at any scheduled meeting, any hearings scheduled shall be continued to the next scheduled meeting of the commission by announcement to those present, or by posting notice of such continuance prominently at the meeting location.

Rule 2.5 Vote Required

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. Commissioners may not provide testimony before the Commission on any matter from which they abstain, but may designate a representative to speak to their interests. *Note: Should votes be required of all commissioners?*

Rule 2.6 Rules of Order

"Robert's Rules of Order, Newly Revised, Tenth Edition" or the latest editions published thereafter hereafter referred to as "Robert's Rules of Order" will govern all planning commission proceedings unless they conflict with these rules. The chair will have the authority to appoint a parliamentarian for the commission. If there is no person appointed as parliamentarian or that person is absent, the city attorney or planning director will advise the chair concerning parliamentarian matters.

Rule 2.7 Suspension of Rules

The vote to suspend commission rules including Robert's Rules of Order, requires a majority vote of those members of the planning commission who are present. If the motion is carried, the rules will be suspended for that item only.

Rule 2.8 Records of Proceedings

The City Recorder will provide a secretary for the commission who will keep a record of commission proceedings. The records of the proceedings are to be known as "minutes." The minutes will be kept in accordance with the Oregon Public Records and Meetings Law.

SECTION 3 – PLANNING COMMISSION MEMBERS

Rule 3.1 Attendance

It is the duty of each commissioner to attend all meetings of the planning commission unless excused. A member of the commission may be removed by the city council after hearing for misconduct or nonperformance of duty. A member who is absent from two consecutive meetings without an excuse as approved by the planning commission is rebuttably presumed to be in nonperformance of duty and the city council shall declare the position vacant unless finding otherwise following the hearing.

Rule 3.2 Excused Absence

When a commissioner cannot attend a meeting, the member will notify the planning director or Planning Commission Chair prior to the meeting. The chair or presiding officer will determine if the absence is considered “excused” or “unexcused.” If the absence is for good cause and there are no objections from other commissioners who are present, the secretary will record the absence in the minutes as excused. If the commissioners, upon an affirmative vote of the majority of the commissioners present, determine the absence is not for good cause, the secretary will record the absence in the minutes as unexcused. There will be a presumption that the absence is unexcused if there is no notification of the absence prior to the meeting. The planning commission will make the final decision on whether or not an absence is excused or unexcused.

Rule 3.3 Report of Absences

The Planning Director will report to the City Council any time a commissioner has four or more excused absences in a twelve-month period, along with the reasons for the excuse. The Planning Director also will report to the City Council any time a commissioner has two or more unexcused absences in a twelve-month period. The purpose of this notice is to inform the council of the member’s attendance, and does not require any particular action by the Council unless they so elect.

Rule 3.4 Mayor as Ex-Officio Member of the Planning Commission.

By code, the Mayor serves as a non-voting ex-officio member of the Planning Commission. The Mayor shall be invited to, but is not obligated to, attend all meetings and activities of the Planning Commission. When attending, the Mayor shall sit with the Commission.

When participating in legislative matters, the Mayor shall be invited to participate in the discussion, and shall strive to present to the Planning Commission the City Council’s perspective, goals, and direction on the matter. The Mayor also shall strive to present the Planning Commission’s perspective on that matter to the City Council.

The Mayor shall recuse himself/herself from quasi-judicial matters that eventually may be 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

The student planning commissioner is a high school student who applies for the position by filling out an application for the city committee and gives the City of Newberg a letter of recommendation from a teacher. The mayor selects an individual student and the city council approves the mayor’s nomination. The student planning commissioner is expected to attend all planning commission meetings, unless excused by the planning commission. The student commissioner serves a one year term and is allowed

and encouraged to participate in all planning commission events and activities except for voting. The Chair shall seek the opinion of the student prior to any significant votes.

Rule 3.6 Planning Commissioner Training

The City shall offer training to Planning Commissioners to educate them in their duties. It shall be the duty of any newly appointed Planning Commissioner to attend a basic training session from staff within 30 days of his or her appointment. It shall be the duty of any re-appointed Planning Commissioner to attend at least one one-hour training session from staff or offered by the city within 12 months of the beginning of that person's appointed term. Planning Commissioners are strongly encouraged to attend training of some kind annually.

DRAFT

SECTION 4 – PLANNING COMMISSION MEETINGS

Rule 4.1 Regular Meetings

Section 12 of the city charter provides that the planning commission must meet at least once a month at a time and place designated by the planning commission. The planning commission designates through these rules that the regular meetings of the commission will be held on the second Thursday of each month, except on holidays in which event the commission will meet on the second Wednesday. The commission also will meet on the fourth Thursday if business so requires.

Rule 4.2 Meeting Times and Places

The regular meetings of the commission will begin at 7:00 p.m. Regular planning commission meetings will take place in the Public Safety Building in the training room at 401 E. Third St., unless specifically designated to occur at another location. Any other such location will be noted in the notice of the meeting. There will be no new items presented after 10:00 p.m. except by vote of the planning commission.

Rule 4.3 Notice of Meeting

The notice of the regular meeting of the planning commission, including the agenda which lists items to be considered by the planning commission, will be given in accordance with the OPML. However, the notice does not limit the matters that can be considered by the planning commission nor prevent the commission from taking up any matter brought before the commission in accordance with the OPML.

Rule 4.4 Special Meetings

The chair, upon the chair's own motion and after consulting the Planning Director, may, or at the request of three members of the commission, shall, by giving notice to the members of the commission, call a special meeting of the commission for a time not earlier than 24 hours after the notice is given. Notice of a special meeting shall be posted at City Hall and to the extent feasible, provided to interested persons and the local newspaper at least 24 hours prior to the meeting.

Rule 4.5 Cancellation of Meeting

Upon a majority vote of the planning commission members present, a meeting may be canceled when deemed appropriate. If there is no business to transact or a quorum of the planning commission cannot attend and there is no urgent necessity to have the meeting, the planning director with advice and consent of the chair may cancel the meeting. Planning commission members will be notified of the cancellation prior to notice being given to the public. Notice of cancellation will be given as soon as possible to the public in a manner aimed at giving adequate notice.

SECTION 5 – AGENDAS AND ADDITIONAL ITEMS FOR CONSIDERATION

Rule 5.1 Preparation of Agenda

The planning director with the advice and consent of the chair will prepare the agenda along with appropriate documentation for planning commission meetings. Any member of the planning commission may request, through the chair, for a matter to be placed upon the agenda. Such request is subject to the advice and consent of the planning director. Each meeting agenda's format will be prepared as prescribed in the rules. If there is no item to be considered under a section of the agenda, that section will be omitted from the agenda and the agenda will be renumbered accordingly. The final authority on the agenda matters is the planning commission.

Rule 5.2 Non-Agenda Items

Prior to the meeting, the planning director may send out additions to the agenda with the appropriate documentation. The planning commission may consider the items which are not listed on the published agenda. The planning commission must, by a majority, place the item on the agenda. Action may then be taken on the item.

Rule 5.3 Time for Submission of Items

Items for the planning commission agenda will be submitted in time to allow for sufficient research by staff.

Rule 5.4 Reports by the Staff

Normally the staff will send a report of each planning commission item to be considered by the planning commission at least one (1) week prior to the commission meeting.

Rule 5.5 Public Comment on Non-Agenda Items

Persons speaking to the planning commission concerning items not on the agenda or items that are on the consent calendar would speak under the public comment period. 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. The maximum time allowed for public comment, including all speakers, is thirty (30) minutes. The chair has the discretion to extend these time limits. Speakers may address the planning commission for less than their allotted time. Speakers may also submit information at the meeting. The Commission normally will not take immediate action on any request raised, but may consider acting on a request during items from commissioners.

Rule 5.6 Consent Calendar

The director will place items which have been previously reviewed by the planning commission or items which are routine in nature on the consent calendar. Items may be removed from the consent calendar by the chair or by request of a planning commission member. Public comments will be held prior to the approval of the consent calendar to allow the public to address items under consent calendar.

Rule 5.7 Agenda Availability

Planning commission agendas and the accompanying documents are available at the city planning office and are posted on the city website normally one (1) week prior to the planning commission meeting. Interested persons are encouraged to read the agenda along with supporting material, and address questions to the planning director, planning commission or city staff prior to the meeting. The planning director and planning commission value public input. In order to efficiently conduct city business, those who have concerns are encouraged to address these issues prior to the planning commission meeting.

Rule 5.8 Regular Meeting Agenda

The planning commission may hold its regular business meetings at the time and place as specified in these rules. The business meeting agenda will be as follows:

- I. Call Meeting to Order
- II. Administration of Oath of Office (if needed)
- III. Roll Call
- IV. Public Comment (30 minutes maximum which may be extended at the chair's discretion; an opportunity to speak for not more than five (5) minutes per speaker)

- allowed)
- V. Consent Calendar
 - VI. Public Hearings
 - VII. Continued Business
 - VIII. New Business
 - IX. Items from Staff
 - X. Items from Commissioners
 - XI. Adjournment

At the chair's discretion, the chair may change the order of the agenda and allow communications concerning items on the agenda or other commission business.

SECTION 6 – PRESIDING OFFICER

Rule 6.1 Chair

The chair will preside over 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 records of planning commission decisions.

Rule 6.2 Vice Chair

In the absence of the chair, the planning commission's vice chair will act as chair and serve as the presiding officer. Whenever in these rules, the chair is mentioned and the chair is absent, the vice chair can exercise the authority as the chair. The vice chair presides in the absence of the chair and acts as chair when the chair is unable to perform the chair's duties. The Vice Chair also assists the chair in his/her duties, such as keeping time and determining order of speakers.

Rule 6.3 Chair Pro Tem

In the absence of the chair and vice chair at any meeting of the planning commission where a quorum is present, the planning commission members present shall appoint a chair pro tem who will preside at the meeting. The chair pro tem will exercise all the authority of the chair.

Rule 6.4 Election of Chair and Vice Chair

At the first meeting of each year, or 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. 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. 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. In case multiple members are appointed at the same time, the Commission will decide seniority [by vote, by length of residency, by lottery]. 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. The Commission shall consent to the election of each chair and vice chair and absent such consent, shall elect positions by majority vote.

SECTION 7 – PROCEDURES AT MEETINGS

Rule 7.1 **Chair’s Duty**

The chair will call the planning commission members to order at the hour designated for the meeting. Should there not be a quorum within fifteen (15) minutes the members present will adjourn until a quorum can be gathered or until the next scheduled meeting time established by the planning commission or to the next regular meeting time.

Rule 7.2 **Chair’s Role**

The chair will preserve order and decorum, may speak to the points of order in preference to other members and will decide all questions of order subject to an appeal to the planning commission by a majority of the members. No member may speak more than once on an item concerning an appeal of the chair’s decision without permission of the planning commission. If two or more members request the floor at once, the chair will name who is to speak first.

Rule 7.3 **Address the Chair**

When any commissioner is about to speak in debate or deliver any matter to the planning commission, that commissioner should respectfully address the chair or presiding officer. The commissioner should confine the remarks to the question under consideration and avoid addressing personalities.

Rule 7.4 **Voting Required**

Every commissioner who is present will vote for or against the question before the planning commission unless the commission excuses that commissioner from voting. Planning commissioners may abstain from voting on an item. They have the option of abstaining if they have an explanation for their abstinence or good cause.

Rule 7.5 **Seconds on Motion**

Generally, no motion will be considered unless it has been seconded. However, routine motions that have the general consent of the planning commission do not require a second, unless requested by any member of the planning commission. Motions brought forth by the chair, which receive no seconds, but also no objections, will be passed by unanimous consent.

Rule 7.6 **Reconsideration**

When a question has been decided, it will be in order for a member who voted on the prevailing side to move for reconsideration at the same meeting or next following meeting only. For quasi-judicial matters, a motion for reconsideration only may be made upon request of the applicant, having waived rights to the time limits for decisions, and only to correct any technical issue in a decision and not to decide again any substantive issue.

Rule 7.7 **Tabled Items**

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

Rule 7.8 **Failure to Follow Rules**

Failure to follow the rules of the planning commission in conducting business or to abide by the rules of procedure does not invalidate the decisions of the planning commission nor will it be grounds to later challenge the validity of the decision.

Rule 7.9 Public Legislative Hearing

The planning commission's legislative authority is usually exercised by the adoption of a resolution. The commission will follow the legislative hearing format shown in Exhibit "1".

Rule 7.10 Public Quasi-judicial Hearing

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. The commission will follow the quasi-judicial hearing format shown in Exhibit "2".

Rule 7.11 Ex-parte Contact

Whenever the planning commission conducts a quasi-judicial public hearing, the planning commission must declare any ex-parte contact. Ex-parte contact is governed by the appropriate state law. However, failure to state ex-parte contact will not be grounds to question, appeal, or overturn the decision of the commission unless it can be shown that failure to declare the ex-parte contact constituted substantial prejudice to a party raising the objection. Planning commissioners should avoid ex parte contacts.

Rule 7.12 Public Comment Registration

In order to properly notify persons who participate in the hearing and to be able to send them information, it is necessary for the interested person to register at the planning commission meeting before making oral comments and/or providing input at the meeting. The interested person shall register for each subject under which they wish to provide comment. 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. When the interested person addresses the commission or gives oral comments, that person should state their name, but does not need to state their mailing address, phone number, or email address. A form complying with this rule will be available at all meetings of the planning commission. The planning director may produce and revise the necessary form that complies with this rule.

Rule 7.13 How Interested Person Should Testify

Each interested person addressing the commission should do so in a courteous and considerate manner. The person needs to register and follow other rules as provided in the commission rules. The public will be furnished guidelines and should comply with these guidelines for testifying before the planning commission. Speaker(s) of the issue being addressed will have [5-15] minutes to present their case.

Rule 7.14 Written Testimony

Written testimony must be submitted at least seven days before the hearing. Written testimony received after that date will be read out loud at the meeting, subject to time limits for speakers, and will be included in the record if there are future proceedings.

SECTION 8 – ENFORCEMENT OF COMMISSION RULES

Rule 8.1 Presiding Officer

The chair or presiding officer will enforce the planning commission rules. In addition, the planning director or chair has the authority to preserve decorum and will determine all points of order, subject to the right of any planning commissioner to appeal to the commission. The chair will enforce order, prevent attacks on personalities or the impugning of members' motives, and keep those in debate to the

question under discussion.

Rule 8.2 Commissioners

Commissioners will preserve order and decorum during planning commission meetings, and will not by conversation or other action delay or interrupt the proceedings or refuse to obey the orders of the chair and commission rules. Commissioners will, when addressing staff or commissioners, confine themselves to questions or issues that are under discussion; will not engage in personal attacks; will not impugn the motives of any speaker; and will at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of office. Commissioners will not attack the knowledge, skills, abilities and personalities or impugn city staff members' motives in commission or at any city meetings.

Rule 8.3 Removal of Any Person

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 planning 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 planning 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 the mayor or presiding officer so directs.

SECTION 9 – ELECTRONIC MAIL AND ELECTRONIC COMMUNICATION

Rule 9.1 Electronic Mail

All planning commissioners will observe the following guidelines when using an electronic method for correspondence in their roles:

A. Subject to Disclosure

All planning commission e-mail correspondence is subject to the Oregon Public Records and Meetings Laws and is subject to disclosure.

B. Purpose of Email

E-mail may be used for correspondence to schedule meetings, send informative messages, or request information from other members of the planning commission or the planning director.

C. Not Appropriate for Policy Issues with a Quorum

E-mail 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.

SECTION 10- RELATIONSHIP WITH THE CITY COUNCIL

Rule 10.1 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 no value simply mimicking what they feel the Council's decision on a matter would be, and thus can and should provide independent recommendations.

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 10.2 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 10.3 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 Chair shall notify the Mayor as far in advance as possible and at least one week in advance of the meeting to schedule a time. 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.

Rule 10.4 Attendance at and Participation in City Council Meetings

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.

A minority of the commission may submit their views to the City Council on a matter in writing, taking care not to undermine the integrity or motives of the Planning Commission.

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, and shall declare that they are speaking for themselves and not for the commission.

OUTLINE FOR LEGISLATIVE PUBLIC HEARING

Newberg Planning Commission

1. **CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
2. **CALL FOR ABSTENTIONS AND OBJECTIONS TO JURISDICTION**
3. **STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
4. **PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER. SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S) (IF ANY)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR DIRECTED THROUGH THE CHAIR
 - F. APPLICANT (IF ANY) REBUTTAL
5. **CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
6. **FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
7. **PLANNING COMMISSION DELIBERATION**
8. **ACTION BY THE PLANNING COMMISSION**
 - A. RESOLUTION – Usually requires passage of resolution.
 - B. VOTE – Vote is done by roll call.
 - C. MAJORITY OF A QUORUM – Requires majority of the quorum for passage.
 - D. COMBINATION – Can be combined with other commission action; separate vote on each action is required.

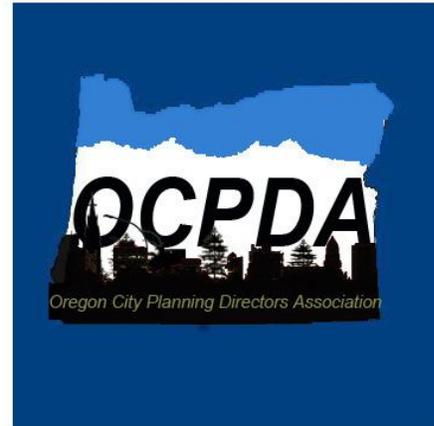
OUTLINE FOR QUASI-JUDICIAL PUBLIC HEARING

Newberg Planning Commission

1. **CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
2. **CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**
3. **LEGAL ANNOUNCEMENT**
READ "**QUASI-JUDICIAL ANNOUNCEMENTS**" SHEET
4. **STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
5. **PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER. SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR DIRECTED THROUGH THE CHAIR
 - F. APPLICANT REBUTTAL
6. **CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
7. **FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
8. **PLANNING COMMISSION DELIBERATION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT**
9. **ACTION BY THE PLANNING COMMISSION**
 - A. ORDER OR RESOLUTION – Usually requires passage of order if the commission is the final decision maker, or a resolution if the commission is only advisory to the Council.
 - B. VOTE – Vote is done by roll call.
 - C. MAJORITY OF A QUORUM – Requires majority of the quorum for passage.
 - D. COMBINATION – Can be combined with other commission action; separate vote on each action is required.

August 26, 2011

**RE: PLANNING COMMISSIONER TRAINING
CITY HALL, COUNCIL CHAMBERS
710 NW WALL STREET, BEND, OREGON
THURSDAY, SEPTEMBER 29, 2011
12:30 PM – 4:30 PM**



The Oregon City Planning Directors Association is pleased to offer an intensive half-day Planning Commissioner Training workshop on Thursday, September 29, 2011 in Bend, Oregon.

We invite all Planning Commissioners, Planners, Council Members and other interested parties to attend the training to be conducted at the Bend City Hall Council Chambers from 12:30 PM to 4:30 PM. **Please distribute this invitation to your Planning Commissioners, Council Members, Staff and other interested parties as soon as you receive it.**

This training is appropriate for newly appointed and experienced elected and appointed officials. The training includes topics beyond the basics of land use planning as well as the opportunity to network with fellow Planning Commissioners, Councilors and professionals.

Please note that this workshop is offered during the first day of the League of Oregon Cities Annual Conference in Bend.

The registration fee of \$50 is due by September 23, 2011. To register, make your check or money order payable to Oregon City Planning Directors Association and mail it with the registration form to: OCPDA

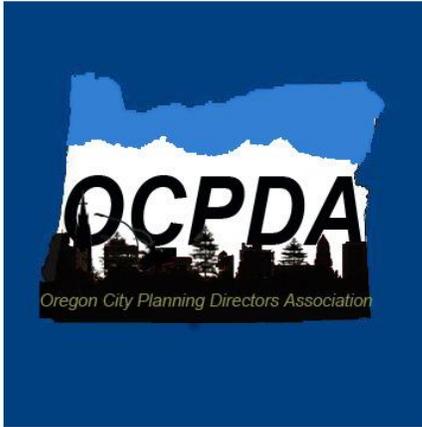
c/o City of Klamath Falls Planning Division
PO Box 237
Klamath Falls, OR 97601

For additional information, please contact Sandra Fox at 541-883-5361 or via e-mail sfox@ci.klamath-falls.or.us.

Thank you for distributing this information. We hope to see you and your Planning Commissioners at the workshop.

Sincerely,

Sandra Belson
OCPDA Vice-President



PLANNING COMMISSIONER TRAINING

CITY HALL, COUNCIL CHAMBERS

710 NW WALL STREET

BEND, OREGON

THURSDAY, SEPTEMBER 29, 2011

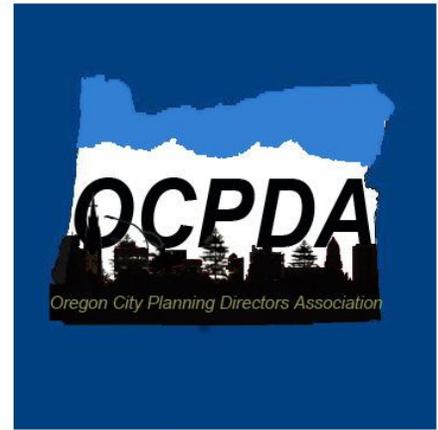
AGENDA

- | | |
|--------------------|--|
| 12:30 PM – 1:00 PM | Welcome and Introductions |
| 1:00 PM – 1:30 PM | 10 Things Your City Attorney Wants the Planning Commission to Know
Tim Ramis, Jordan Ramis, PC |
| 1:30 PM – 2:00 PM | Legislative/Case Law Update for Planning Commissioners
David Doughman, Beery Elsner & Hammond, LLP |
| 2:00 PM – 2:30 PM | The View From Both Sides of the Planning Commission Bench, Lessons Learned
Ric Stephens, Stephens Consulting and Beaverton Planning Commissioner |
| 2:30 PM – 2:45 PM | Break |
| 2:45 PM – 3:30 PM | Facilitated Discussion with DLCD
Rob Hallyburton
Jim Rue |
| 3:30 PM – 4:15 PM | Planning Commission Panel |
| 4:15 PM – 4:30 PM | Wrap Up |

PLANNING COMMISSIONER TRAINING

WORKSHOP REGISTRATION

City Hall, Council Chambers
710 NW Wall Street, Bend, Oregon
Thursday, September 29, 2011
12:30 PM – 4:30 PM



Attendee Information

Name (1): _____

Name (2): _____

Name (3): _____

Name (4): _____

Name (5): _____

Company/Organization: _____

Address: _____

State: _____ Zip Code: _____

Main Contact

Name: _____

e-mail: _____

Phone: _____

Registration Fee

Due September 23, 2011

No. of Attendees: _____ x \$50 = Total Due _____

For additional information contact Sandra Fox at 541-883-5361 or via e-mail at sfox@ci.klamath-falls.or.us.

Please make check or money order payable to "OCPDA" and mail it and this registration form to:

OCPDA
c/o City of Klamath Falls Planning Division
PO Box 237
Klamath Falls, OR 97601