



# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

## AGENDA

### TROUTDALE PLANNING COMMISSION

### REGULAR MEETING

Troutdale City Hall – Council Chambers  
(access via lower level entrance from the rear parking area)  
219 E. Historic Columbia River Hwy. | Troutdale, Oregon 97060

Wednesday, December 21, 2016 – 7:00 p.m.

1. ROLL CALL/PLEDGE OF ALLEGIANCE
2. CITIZEN COMMUNICATION – NON AGENDA ITEMS
3. NEW BUSINESS
  - a) Review of Bylaws
  - b) Update on Development Code Research
4. DEPARTMENT REPORT  
*Chris Damgen, Planning Director*
5. COMMISSION INITIATIVES AND CONCERNS
6. ADJOURN

**NEXT SCHEDULED REGULAR MEETING: WEDNESDAY, JANUARY 18, 2017**

This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made in writing at least 48 hours prior to the meeting to Chris Damgen ([planning@troutdaleoregon.gov](mailto:planning@troutdaleoregon.gov) or 503-674-7228)

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[www.troutdaleoregon.gov](http://www.troutdaleoregon.gov)

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# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

## Memo

### SUBJECT

Review of Planning Commission Bylaws

### DATE

December 21, 2016

As 2016 comes to a close, Staff is working with all boards and commissions to bring their membership up to speed on their respective responsibilities in addition to general information about City governance.

This is particularly important if new members are to be appointed to boards and commissions.

### FROM

Chris Damgen  
Planning Director



In reviewing documents for Planning Commission, it was found that the body had previously passed a set of bylaws back in 1995, which covered officers, elections, duties & responsibilities, attendance, meeting procedure, minutes, and conduct, among other items.

### TO

Planning Commission

Staff is requesting feedback from Planning Commissioners regarding the Bylaws of the entity, which according to our records were last amended in 2001. If you have evidence that suggests a more recent amendment to these bylaws, please bring them to our attention.

### CC

Sarah Skroch  
City Recorder

If you believe there need to be any changes, updates, or modifications, please be prepared to discuss them at the December 21<sup>st</sup> meeting. If there are any actual amendments to be proposed, they will need to take place at a future meeting in accordance with Section 15 of the Bylaws.

### ATTACHMENTS

Bylaws

Thank you for your continued service and dedication to Troutdale!



**TROUTDALE PLANNING COMMISSION  
BYLAWS AND RULES OF ORDER**

A seven-member Planning Commission has been established by Ordinance No. 609-94 which was enacted by the City Council pursuant to the authority of the home rule Charter of the City of Troutdale. The Council has also adopted other ordinances, resolutions, and policy statements relating to the organization, powers, duties, and procedures of the Commission. The Planning Commission is empowered to adopt and amend rules and regulations to govern the conduct of its business consistent with the Charter and ordinances of the City.

The Planning Commission does hereby adopt the following rules for conducting of business and to govern its commissioners, the same to be known as the Rule of the Planning Commission to-wit:

**SECTION 1 – OFFICERS**

The presiding officers of the Commission shall be a chairman and vice-chairman. The Director of Community Development or the Directors' designee shall be the secretary of the Commission.

**SECTION 2 – ELECTIONS**

- A. The chairman and vice-chairman shall be elected at the first meeting of the year for a term of one calendar year, and shall serve until their successors are elected. The term shall start upon election.
- B. If the office of the chairman becomes vacant, the vice-chairman shall succeed as chairman for the remainder of the year. A vice-chairman shall then be elected from the membership who shall serve the unexpired term of vice-chairman.
- C. Nominations shall be by oral motion. At the close of nominations, the commission shall vote by voice vote upon the names nominated for the office. If requested by any commissioner, written ballots shall be used for voting purposes.

**SECTION 3 – DUTIES AND RESPONSIBILITIES OF OFFICERS**

- A. Chairman. Except as otherwise provided herein, the chairman shall have the duties and powers to:
  - 1. Preside over all deliberations and meetings of the Commission.
  - 2. Vote on all questions before the Commission.
  - 3. Call special meetings of the Commission in accordance with these bylaws.

4. Sign all documents pertaining to Commission action promptly after approval by the Commission. The power to sign documents may be delegated, in writing, to the secretary or the secretary's designee.
- B. Vice-Chairman. During the absence, disability, or disqualification of the chairman, the vice-chairman shall exercise or perform all the duties and be subject to all the responsibilities of the chairman.
- C. Secretary. The secretary shall:
1. Maintain an accurate, permanent, and complete record of all proceedings conducted before the Commission.
  2. Prepare the agenda and minutes for all Commission meetings.
  3. Give all notices required by law.
  4. Inform the Commission of correspondence relating to Commission business and conduct all correspondence of the Commission.
  5. Attend all meetings and hearings of the Commission or send a designee.
  6. Compile all required records and maintain the necessary files, indexes, maps, and plans.
  7. Perform such other duties for the Commission as are customary in that role or as may, from time to time, be required by the Commission.
- D. City Attorney. The City Attorney or a deputy shall be an ex-officio member of the Commission. The City Attorney shall provide legal assistance to the Commission when necessary on matters coming before it, prepare documents memorializing Commission action, and may question witnesses testifying before the Commission.

#### SECTION 4 – DUTIES AND RESPONSIBILITIES OF PLANNING COMMISSIONERS

Planning Commissioner Training. All newly appointed commissioners are required to attend a training session sponsored by the American Planning Association or the State of Oregon specifically designed for planning commissioners within 180 days of appointment.

#### SECTION 5 – ATTENDANCE

If a commissioner is unable to attend a meeting, he or she is expected to notify the chairman or secretary not later than four hours before the meeting. If any commissioner is absent from three consecutive meetings, upon majority vote of the Commission, that position shall be declared vacant. The Commission shall forward their action to the Mayor, who shall fill the vacant position in accordance with provisions of the ordinance governing boards and commissions.

## SECTION 6 – QUORUM

- A. At any meeting of the Commission, a quorum shall consist of four commissioners. No action shall be taken in the absence of a quorum except to adjourn the meeting and to continue public hearings to a time and place certain. For the purpose of forming a quorum, commissioners who have disqualified or excused themselves from participation in any matter shall be counted as present.
- B. In the event a quorum will not be present at any meeting, the secretary shall notify the commissioners in advance of that fact, and all items scheduled before the meeting shall be automatically continued to the next regularly scheduled meeting. The secretary shall post notice of the continuance on the door of the Council Chambers notifying the public of the continuance, and specifying the date and time when the matter will be before the Commission.

## SECTION 7 – MEETINGS OF THE COMMISSION

- A. Date of Regular Meeting. Regular meetings of the Planning Commission will be held in the Council Chambers, City Hall, 104 SE Kibling Avenue, Troutdale, Oregon, or at such other places as may be determined by the Commission, at 7:00 p.m. on the third Wednesday of each month, unless the Planning Commission cancels or reschedules the meeting.
- B. Second Meeting Per Month if Necessary. The Planning Commission may, if necessary to conduct business or continue a public hearing, schedule a second meeting on the fourth Wednesday of each month at the location indicated above.
- C. Time of Meetings. Regular sessions will convene at 7:00 p.m. Public hearings will be adjourned not later than 11:00 p.m., unless extended by consent of each and every commissioner present at the meeting.
- D. Special Meeting. Special meetings may be called by the chairman, or three or more commissioners. Appropriate notice shall be given to the remaining commissioners, the Community Development Director, and the public. The notice shall specify the meeting time and place, and a description of the business to be transacted at the meeting.
- E. Notice of Meetings. In addition to notice requirements for quasi-judicial land use hearings, public notice of all Commission meetings shall be given in a manner reasonably calculated to give actual notice to interested persons. The notice shall consist of the time and place of the meeting, and an agenda or summary of the subject matter to be considered.
  - 1. Notice shall be posted on a bulletin board in the City Hall and disseminated to the City Recorder, and other persons and organizations as provided by law. Notice may also be provided to persons and organizations known to have a special interest in matters to be considered by the Commission.

2. Notice shall be given not less than 48 hours in advance of a meeting; provided, however, that in case of an emergency, a meeting may be held upon such public notice as is appropriate in the circumstances.
3. Failure to provide notice as specified in this section shall not invalidate any decision or proceeding of the Commission.

#### SECTION 8 – MINUTES

- A. The secretary shall prepare written minutes of all open regular and special meetings which shall be approved by the Planning Commission and made available for public inspection. All meetings shall be tape-recorded for the benefit of the City in the preparation of the minutes. Such tapes shall be retained for one year and may then be reused.
- B. Written minutes shall include the names of all commissioners, staff members, and general public present; all motions, orders, and other decisions proposed and their disposition; the results of all votes, with the vote of each commissioner by name unless the vote is unanimous; the substance of the discussion of any matter; and references to any documents discussed. Minutes shall be signed, after adoption by motion, by the presiding officer.
- C. Minutes shall be available to the public, upon request, within a reasonable time after a meeting. Reasonable fees may be charged (per Fees and Charges Resolution) for copies of minutes and other materials relating to Commission matters.
- D. Any commissioner not present at a meeting must abstain from voting on approval of the minutes of that meeting.

#### SECTION 9 – ORDER OF BUSINESS

- A. Regular meetings shall be conducted in the following order of business, subject to the right of the chairman, with Commission consent, to alter the order of business.
  1. Call to Order and Roll Call.
  2. Approval of Minutes.
  3. Citizens Wishing to Speak on Non-Agenda Items. The purpose of this item is to allow citizens to present information or raise an issue regarding items not on the agenda. A time limit of five minutes per citizen shall apply. Citizen comment shall not exceed 30 minutes unless the Commission votes to suspend the rules.
  4. Public Hearings.
  5. Department Reports.

6. Commission Initiatives and Concerns.

7. Adjournment.

B. Action of the Commission is not limited to the prepared agenda.

C. The Commission shall not consider a new item after 10:00 p.m. unless there is a motion by the Commission to extend the time for the agenda item.

#### SECTION 10 – CONDUCT OF BUSINESS

A. Presiding Officer. The chairman shall preside at all meetings of the Commission. In the absence of the chairman, the vice-chairman shall preside.

B. Absence of Presiding Officer. In the absence of the chairman and the vice-chairman, the Commission shall elect a commissioner to serve as presiding officer as its first order of business. Any commissioner may call a meeting to order for the purpose of electing a presiding officer.

C. Submission of Presiding Officer. The presiding officer may appoint a temporary presiding officer to cover his or her temporary absence from the meeting by handing the gavel to the vice-chairman, or, if the vice-chairman is absent or serving as presiding officer, to any other commissioner.

D. Motion Procedure. When a motion is moved and seconded, it shall be stated by the presiding officer for debate. A motion once made may not be withdrawn by the mover without the consent of the commissioner seconding it. No commissioner shall be allowed to speak more than once on a particular question until every other commissioner has had an opportunity to do so, or unless recognized by the presiding officer.

E. Motion to Postpone or Table. A motion to postpone, specifying a time and date when the issue will be considered, may be debated and amended. A motion to table, without specifying a time and date when the issue will be considered, precludes all amendments or debate of the issue. If the motion is approved, consideration of the question may be resumed only upon a motion of a commissioner voting with the majority.

F. Continuations. Any item before the Commission may be continued to a subsequent meeting. A motion to continue an item shall specify the date or event upon which continuation is to be based. If a matter which originally required public notice is continued without setting time and place certain, the public notification must be repeated when time and place are made certain. A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the secretary and made available to the public.

F. Remands by City Council. Unless otherwise provided by the City Council upon remand, any item remanded by the City Council for reconsideration by the Commission shall be

treated as a new item, and proceedings shall be provided for as if the matter were initially before the Commission.

- H. Absence of Commissioners During Evidentiary Hearing. A commissioner absent during the presentation of any evidence in a hearing may not participate in the deliberations or final determination regarding the matter of the hearing, unless he or she has reviewed the evidence received.
- I. Point of Order. Any commissioner may raise a point of order at any time and the presiding officer shall determine all points of order, subject to the right of any commissioner to appeal the decision to the full Commission.

## SECTION 11 – CONDUCT OF HEARING

- A. Scope of Rules. The rules contained in this section shall govern the conduct of quasi-judicial hearings held by the Commission including, but not limited to, those held pursuant to land use matters of the City. The presiding officer may apply any of these rules to public hearings, unless the ordinances of the City require otherwise or the Commission does not concur.
- B. Nature and General Conduct of Hearing.
  - 1. The Commission, when conducting any such hearing, shall afford persons entitled under the ordinances of the City, such as the land use ordinances, notice of hearing, an opportunity to be heard, to present and rebut evidence to an impartial tribunal, and to have a decision based on substantial evidence.
  - 2. No person in attendance shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing, and any person may be removed from the hearing for such conduct.
  - 3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer.
  - 4. No person shall testify without first approaching the podium, receiving recognition from the presiding officer, and stating his or her name and residence or business address.
  - 5. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by City personnel shall be deemed relevant, material, and the weight or competency thereof shall be determined by the Commission.
  - 6. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

7. The presiding officer, commissioners, City Attorney and, with the approval of the presiding officer, any other employee of the City may question and cross-examine any person who testifies.

C. Challenges to Impartiality.

1. A party to a quasi-judicial hearing, or a member of the Commission, may challenge the qualifications of a commissioner to participate in a quasi-judicial hearing or decision. A challenge shall identify the facts and for concluding that the member being challenged cannot make a fair and impartial decision due to bias, prejudice, a direct and substantial personal interest in the outcome, or other similar circumstances.
    - a. Except for good cause shown, a written challenge shall be filed with the Director not less than 48 hours preceding the time set for the quasi-judicial hearing. The Director shall attempt to notify the member being challenged prior to the meeting.
    - b. The challenge shall be incorporated into the record of the hearing.
  2. No commissioner shall participate in a discussion or vote on the matter when, for any reason, the commissioner determines he or she cannot participate in the hearing and decision in an impartial manner.
- D. Disqualification. A commissioner shall not participate in the discussion on a matter in which any of the following have a direct or substantial financial interest: the commissioner or the commissioner's spouse, brother, sister, child, parent, father-in-law, or mother-in-law; any business in which the commissioner is then serving or has served within the previous two years; or any business with which the commissioner is negotiating for, or has an arrangement or understanding concerning, prospective partnership or employment.
- E. Abstention or Disqualification. Disqualification for reasons other than the commissioner's own judgment may be ordered by a majority of the commissioners present and voting. The commissioner who is the subject of the motion for disqualification may not vote on the motion.
- F. Conflicts of Interest. No commissioner shall participate in a hearing or decision if the commissioner has an actual conflict of interest as defined by state law, unless otherwise authorized by state law. A commissioner may participate in a land use hearing or decision if the commissioner has a potential conflict of interest as defined by state law. Commissioners shall disclose actual and potential conflicts of interest.

G. Rights of Disqualified Commissioners.

1. An abstaining or disqualified commissioner may be counted for purposes of forming a quorum. A commissioner who represents personal interest at a hearing may be do so only by physically joining the audience and vacating the seat on the hearing body. The commissioner shall make full disclosure of his/her status and position at the time of addressing the hearing body and shall not vote.
2. If all commissioners disqualify themselves, all commissioners present after stating their reasons for abstention or disqualification shall, by so doing, be requalified and proceed to resolve the issues.
3. Except for Type IV legislative hearings conducted by the governing body, a commissioner absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the commissioner has reviewed the evidence received.

H. Ex Parte Contacts. The general public has a right to have commissioners free from ex parte contacts in quasi-judicial hearings. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, commissioners shall reveal all ex parte contacts with regard to a matter that comes before the Commission at a quasi-judicial proceeding. If ex parte contacts have not impaired the commissioner's ability to make a fair and impartial decision based on the information presented during the quasi-judicial proceeding, the commissioner shall so state and may participate in the hearing and decision. Ex parte contacts with a commissioner shall not invalidate a final decision or action of the Commission, provided that the commissioner receiving the ex parte contact places the substance of the content of the ex parte communication in the record of the hearing, and makes a public announcement of the content of the communication and of the right of the parties to rebut the content of the first hearing where action will be considered or taken.

I. Order of Procedure. The presiding officer, in the conduct of the hearing, shall:

1. Commence the Hearing. Announce the nature and purpose of the hearing, and summarize the rules for the conduct of the hearing.
2. Call for Declaration of Ex Parte Contact, Conflict of Interest, or Bias.
  - a. Any commissioner announcing a decision to abstain shall identify the reasons for abstaining and shall not participate in discussion of the matter or vote on the matter.
  - b. Any commissioner whose participation has been challenged by allegations of bias, prejudice, personal interest, or partiality, or who has been

subject to significant ex parte or pre-hearing contact with proponents or opponents, may make a statement in response or in explanation, as part of his or her decision to participate in the hearing. This statement shall be subject to rebuttal by the proponent.

3. Staff Report. Summary of the nature of the matter, explanation of any graphic or pictorial displays which are a part of the record, summary of recommended findings and conditions of approval, comments from other board or agencies, and provide such other information as may be requested by the Commission.
4. Proponent's Case.
5. Opponent's Case.
6. Rebuttal Evidence. The presiding officer shall allow the proponent to offer rebuttal evidence and testimony.
7. Close of the Hearing and Deliberation by Commission. The presiding officer shall entertain a motion to conclude the hearing and the Commission shall deliberate the matter. The Commission shall state its findings, which may incorporate findings proposed by the proponent, opponents, staff, or the Commission, or may continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation, or to consider proposed findings, and the presiding officer shall not allow additional submission of testimony, except upon approval by the Commission.
8. Decision on Issue.

## SECTION 12 – VOTING

- A. Requirement. The concurrence of a majority of those present is required to determine any matter before the Commission. Each commissioner present must vote on all questions before the Commission unless the commissioner has a conflict of interest which would disqualify the commissioner from voting. If a commissioner abstains, the reason for the abstention shall be entered in the record.
- B. Votes. All votes will be roll call votes by voice vote. All votes, whether positive, negative, or abstention, shall be recorded in the minutes.
- C. Tie Vote. In the case of a tie vote on any proposal, the proposal shall automatically be reconsidered and revoted. Notwithstanding the provisions of subsection (D) of this section, any commissioner may change his or her vote since there was no majority on the original vote. If the revote also results in a tie, the proposal shall be considered lost.

- D. Changing Vote. A commissioner may change his or her vote only if the action is taken immediately following the last vote cast, and only if the vote originally was with the majority. A commissioner shall not be allowed to withdraw an abstention.
- E. Motion to Reconsider. A motion to reconsider any action may be made only at the same meeting where the action was taken by a commissioner on the prevailing side of the question. Any commissioner may make a motion on the same question at any subsequent meeting.
- F. Restating Motion and Results of Vote. When a matter is called for a vote, the presiding officer shall, before a vote is taken, restate the motion and shall announce the decision of the Commission after such vote.
- G. Voting "in Absentia". Voting "in absentia" or by proxy is not permitted.

#### SECTION 13 – ETHICS CODE

Commissioners shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. Commissioners shall give public notice of any potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, commissioners shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Commission.

#### SECTION 14 – PUBLICATION OF BYLAWS

Publication and Distribution. A copy of these approved bylaws and rules of procedures shall be:

- A. Placed on record with the City Recorder and the secretary of the Commission.
- B. Available at each Commission meeting.
- C. Distributed to each commissioner.
- D. Available to the public for the cost of duplication.

#### SECTION 15 – AMENDMENT OF BYLAWS AND RULES OF PROCEDURE

- A. These bylaws, rules, and regulations may be amended by approval of a majority of the commissioners at a regular or special meeting, provided notice of the proposed amendment is given at the preceding regular meeting, or at least five days written notice is delivered or mailed to the home address of each commissioner. The notice shall identify the section or sections of this resolution proposed to be amended.

- B. Notwithstanding subsection (A) of this subsection, any rule of procedure not required by law may be suspended temporarily at any meeting by majority vote of those commissioners present and voting, except the rule on reconsideration.
- C. All rules of order not herein provided for shall be determined in accordance with the latest edition of "Robert's Rules of Order Newly Revised". However, the Commission has an obligation to be as clear and simple in its procedure as possible.

Adopted by the Planning Commission of the City of Troutdale, Oregon at its regular meeting of March 15, 1995.

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Frank Grande, Chairman  
Troutdale Planning Commission

Amended by the Planning Commission at its regular meeting of December 15, 1999.

Amended by the Planning Commission at its regular meeting of July 18, 2001.