

**HOOD RIVER COUNTY
PLANNING COMMISSION BYLAWS**

WHEREAS, the Hood River County Planning Commission wishes to adopt BYLAWS in order to provide RULES AND PROCEDURES for its members, meetings and activities. Therefore, the Hood River County Planning Commission and Board of Commissioners hereby adopt the following:

- A. PLANNING COMMISSION AUTHORITY: The Hood River County Planning Commission (“Planning Commission”) has the authority and shall perform its duties in accordance with provisions of Oregon Revised Statute (ORS) 215.010-215.437, County Charter, and all applicable County ordinances.
- B. PURPOSE & RESPONSIBILITIES:
1. The Planning Commission is designated and serves as the County’s Citizens’ Advisory Committee (CAC) under Goal 1 of the Oregon Land Use Planning Program.
 2. The Planning Commission shall be responsible for making recommendations to the Board of County Commissioners (“Board”) on matters of planning, plan implementation, and community development.
 3. The Planning Commission shall bring detailed knowledge of the County and respective communities and the attitudes and values of their citizens to bear upon public actions in the area of planning and development.
 4. The Planning Commission shall seek to inform, promote, and stimulate citizen interest and participation in land use planning decision making.
 5. The Planning Commission shall seek to coordinate and account for other agencies’ plans and projects when making decisions and recommendations.
 6. The Planning Commission shall base all decisions relating to land use, public facilities, transportation, community appearance and other matters on the applicable components of the Comprehensive Plan as now or hereafter may be adopted.
 7. The Planning Commission shall assist in the administering of the applicable provisions of County ordinances, State Statutes and the County Charter.
 8. The Planning Commission shall make recommendations to the Board regarding the following items:
 - a. Adoption of Comprehensive Plan amendments.
 - b. Adoption of Zoning Ordinances designed to carry out the Comprehensive Plan.
 - c. Legislative changes to the text of Zoning Ordinances and map changes.

- d. Formulation and recommendations regarding specific legislation (local or state) necessary to implement the Comprehensive Plan.
- e. New special districts or city formations, annexations, district consolidations, or district expansions (ORS 197.195(1)).

C. MEMBERSHIP & APPOINTMENT:

1. The Planning Commission shall consist of 7 members appointed by the Board as follows:
 - Four members from respective Board of Commissioner Districts.
 - Three at-large members from any area in the County.
 - Two of the seven members shall represent agriculture and forestry.
2. Appointment shall comply with provisions of ORS 215.030 regarding a limit of two members from any single profession, trade, occupation, or business, especially real estate. Members shall be residents of the various geographic areas of the county and have a diverse background and experiences.
3. Advisory non-voting members of the Planning Commission shall be the Planning Department Director, or a designee, and County Counsel, or a designee.
4. Members of the Planning Commission serve at the pleasure of the Board and may be removed.
5. A member of the Planning Commission who misses three (3) unexcused meetings in one year may be asked to resign, or may be recommended to be removed upon a motion, second, and four affirmative votes by the Commission. Said recommendation will be forwarded to the Board for their consideration. Any vacancy shall be filled by the Board for the unexpired term of the predecessor in the office.
6. Members of the Planning Commission shall serve without compensation other than reimbursement for duly authorized expenses.
7. A new member of the Planning Commission may receive an evaluation from the Commission Chairperson and Planning Director during or after their initial term.

D. TERMS: Members of the Planning Commission shall be appointed to 4-year terms. Exceptions include appointments to fill a Planning Commission position due to a commissioner not fulfilling his/her 4-year term. A Planning Commissioner appointed to fill an unexpired term will be appointed to serve for the duration of the unexpired term.

E. ELECTION OF OFFICERS: The Planning Commission shall, at or before its first meeting in each year, elect or install one of its members to serve as Chairperson and another to serve as Vice-Chairperson and shall serve until their successors are elected. Nominations

for Chairperson and Vice-Chairperson shall be by oral motion, duly made and seconded, placing a name for the Planning Commission's consideration.

- F. MEETINGS: Meetings of the Planning Commission shall be scheduled once a month on a schedule determined by the Commission. All agendas shall be prepared by the Planning Director. Additional meetings may be scheduled or regular meetings cancelled by either the Chair or the Planning Director upon sufficient notice being provided to the Planning Commissioners.
- G. QUORUM & VOTING:
1. Four members of the Planning Commission shall constitute a quorum. No action of the Planning Commission shall be valid unless there is an affirmative vote of at least 4 members. In cases of a tie vote, the decision shall be deemed a denial of the motion before the Planning Commission.
 2. A quorum is not necessary for the Planning Commission to conduct work sessions, continue agenda items or to talk about discussion items.
 3. The Planning Commission Chair may make a motion, second a motion or vote on any matter that is before the Commission.
- H. REMOTE MEETING ATTENDANCE:
1. Participation by telecommunication means that Planning Commissioner(s) not present in person will communicate by audio technology that permits all participants to hear and speak with each other. A Planning Commissioner may attend a Commission meeting by telecommunication, subject to the following:
 - a. Planning Commissioners' remote attendance shall be counted for the purposes of establishing a meeting quorum.
 - b. No Planning Commissioner shall remotely attend more than two consecutive meetings.
 - c. No Planning Commissioner shall remotely attend more than four (4) meetings in a calendar year.
 - d. If the Chair remotely attends a meeting, the meeting will be chaired by the Vice Chair.
 - e. Remote attendance shall be deemed acceptable and pre-approved by the Chair.
- I. CONDUCT OF QUASI-JUDICIAL HEARING: For quasi-judicial hearing rules see Appendix A.
- J. PROCEDURES - CONTINUANCE & RECORD: For rules and procedures regarding quasi-judicial meeting continuance and record see Appendix B.

K. CONFLICT OF INTEREST & EX PARTE CONTACT:

1. A Planning Commission member shall not participate in any proceedings in which any of the following has a direct or substantial financial interest: the member, the member's spouse, brother, sister, child, parent, parent in-law, cousin, niece, nephew, employer or partner in any business of which he or she is then a member or has been a member within the previous two-years, or in any business with which he or she is negotiating, or has an arrangement or understanding concerning prospective partnership or employment.
2. Any actual or potential financial or other interest that would lead to bias or partiality shall be disclosed at the hearing where the action is considered.
3. Any party to any action may, in relation to an action, challenge the impartiality of any member before or during the hearing on the action. A challenge must include the facts relied upon by the challenging party, relating to the members alleged bias, prejudgment, or personal interest, or other facts from which the party has concluded that the member cannot participate in the decision in an impartial manner.
4. In the event of a challenge for bias, the member shall respond in a statement of capacity to participate in the hearing, which shall be part of the record. The statement shall refer to the challenge and include the reasons why the member wishes to participate or be disqualified. The statement of capacity to hear shall not be subject to cross examination, but shall be subject to rebuttal by the challenging party.
5. The members of the Planning Commission shall not:
 - a. Communicate, directly nor indirectly, with any party or his representatives in connection with any issue involved except upon notice and an opportunity for all parties to participate; nor,
 - b. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed; nor,
 - c. Inspect the site with any party or their representative unless all parties are given an opportunity to be, present.
6. If *ex parte* contact cannot be avoided by a member of the Planning Commission, disclosure of the contact should be made by the member at the opening of the appropriate hearing. Such disclosure shall be subject to the same rules as for a statement of bias or conflict of interest.
7. Requests for disqualification based upon bias or *ex parte* contact, pursuant to subsections 1 through 7 of this section, shall be considered by the entire Planning Commission present, and be granted upon four affirmative votes (excluding the individual disclosing or challenged concerning bias or *ex parte* contact). The Planning Commission shall consider the evidence in the record and decide whether

the individual can reasonably be expected to render an impartial decision.

8. In the event a member of the Planning Commission is disqualified, the remaining members shall hear the application. In the event of no quorum, the application will be rescheduled to a future meeting.
- L. REPEAL & SEVERABILITY: These bylaws repeal and replace all previous versions. If any part of these bylaws is for any reason held invalid, such shall not affect the remainder of these bylaws.
- M. AMENDMENTS: Any member of the Board, Planning Commission or Planning Director may propose amendments to these bylaws. An amendment must be approved by the Board to become effective.

Appendix A

CONDUCT OF QUASI-JUDICIAL HEARING:

1. These rules apply to quasi-judicial hearings to determine whether a specific use of property is permissible under County Zoning Ordinances.
 - a. Planning Commission members will act in an administrative, quasi-judicial capacity in conducting such hearings. The Planning Commission will receive and hear all input at the hearing, weigh all the evidence, and render a decision.
 - b. Rights: Individuals have a right (a) to be heard; (b) to be represented by counsel; (c) to rebut; (d) to have an impartial tribunal free from interest, personal bias and ex-parte pre-hearing contacts; (e) to have the hearing recorded; (f) to a decision based on reasons and findings; and (g) to a transcript of the hearing at reasonable expense.
2. Procedural Rules to be Followed:
 - a. The Chair of the Planning Commission shall preside at hearings and direct all correspondence, input and presentations.
 - b. Because it is necessary to record all input at the hearing, persons desiring to be heard shall step to the podium and state their names and addresses prior to making their presentations.
 - c. All persons present at the hearing have the right to be heard, provided that: (a) no person has the right to be disorderly, abusive or disruptive of the orderly transaction of the hearing; (b) no person has the right to present irrelevant, immaterial or incompetent testimony; (c) no person may speak in excess of the time limit for testimony set by the Chair unless permission has been requested and received from the Chair.
 - d. Parties to the hearing, their attorneys, legal counsel to the Planning Commission and individuals on the Commission may challenge testimony or questions as irrelevant, immaterial or incompetent. The Chair of the Planning Commission shall rule on all such challenges. Any matter considered irrelevant, immaterial or incompetent shall not be admitted and shall be stricken from the record.
 - e. Public hearings shall not continue beyond 11:00 p.m., except upon affirmative vote of four (4) or more Planning Commission members. Any hearing not concluded by 11:00 p.m. shall be continued until the earliest reasonable date and time stipulated by a vote of four (4) or more Planning Commission members.
3. Order of Procedure:
 - a. The Planning Commission Chair opens the hearing.
 - b. The Chair will ask Planning Commission members if they have reasons for abstention and to disclose any personal bias, ex-parte or pre-hearing contacts of a significant nature or any personal interest.

Appendix A

- c. The Chair will allow parties in the audience to challenge the qualifications of or make objections to Planning Commission members. If objections are made, adequate reasons for objections are needed.
- d. After objections and disclosures are set forth, the Planning Commission shall make a final decision on qualified members.
- e. The following statements shall be made to those attending a quasi-judicial hearing: (The statements may be given by the Planning Commission Chair, staff or County Counsel.)
 - 1. The applicable criteria being addressed at this hearing are listed in both the staff report and the adjacent property owner notification letter or as otherwise stated during the hearing.
 - 2. Testimony and evidence must be directed toward the criteria described in paragraph (1) above or other criteria in the plan or land use regulation which the person believes to apply to the decision.
 - 3. Failure to raise an issue with sufficient specificity to afford the Planning Commission or hearings officer and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.
- f. Planning staff will present a staff report to the Planning Commission and audience.
- g. Proponent's Case:
 - 1. The proponent or a designated representative shall be heard first.
 - 2. Persons in favor of the proponent's proposal shall be heard next.
- h. Opponent's case (those in opposition to the proponent's proposal):
 - 1. Opponent or designated representative.
 - 2. Persons opposed to the proponents' proposal.
- i. Any interested public agencies may be heard.
- j. Final rebuttal evidence: Proponents offer final rebuttal evidence in testimony.
- k. Questions by members of the Planning Commission.
- l. Close of hearing and deliberation by the Planning Commission:
 - 1. Once the hearing is closed, no further testimony or evidence will be received.
 - 2. Planning Commission shall either make a decision and state its findings, or
 - 3. Continue its deliberation to a subsequent time, date and place certain.

Appendix B

PROCEDURES - CONTINUANCE & RECORD:

1. Prior to the close of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The local hearings authority shall grant such request by continuing the public hearing pursuant to paragraph (2) of this subsection OR leaving the record open for additional written evidence, arguments or testimony pursuant to paragraph (3) of this subsection.
2. If the hearings authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.
3. If the hearings authority leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven days. Any party may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings authority shall reopen the record pursuant to subsection (6) of this section.
4. A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.427 and ORS 215.429, unless the continuance or extension is requested or agreed to by the applicant.
5. Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 and ORS 215.429.
6. When a local governing body, planning commission or hearings officer reopens a record to admit new evidence, arguments or testimony, any person may raise new issues which relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue.
7. The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the local government can demonstrate by affidavit that such notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.