



City of Greenfield

Greenfield Civic Center
599 El Camino Real
Greenfield, CA 93927

Planning Commission Special Meeting Agenda

November 15, 2018
6:00 P.M.

CHAIR ANDREW TIPTON
VICE CHAIR TINA MARTINEZ
COMMISSIONER MARIA CASTILLO
COMMISSIONER DAVID KONG

AGENDA & ORDER OF BUSINESS

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. PUBLIC COMMENTS FROM THE AUDIENCE/STAFF ON ITEMS NOT ON THE AGENDA**
- D. BUSINESS**
 - 1. DISCUSSION AND RECOMMENDATION REGARDING AN AMENDMENT TO THE PLANNING COMMISSION BYLAWS AND RECOMMENDATION TO THE CITY COUNCIL REGARDING MODIFICATION TO THE MUNICIPAL CODE AS IT RELATES TO THE PLANNING COMMISSION
 - a. Staff Report
 - b. Open/Close Public Comment
 - c. Planning Commission Discussion
 - d. Action

2. DISCUSSION REGARDING NEW DEVELOPMENT STATUS REPORT

- a. Staff Report
- b. Open/Close Public Comment
- c. Planning Commission Discussion
- d. Action

3. ORAL REPORT ON COMMISSIONER RECRUITMENT

- a. Oral Report
- b. Open/Close Public Comment
- c. Planning Commission Discussion
- d. Action

E. COMMENTS FROM PLANNING COMMISSION AND STAFF

F. ADJOURNMENT



Planning Commission Report

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

DATE: November 8, 2018

AGENDA DATE: November 15, 2018

PREPARED BY: Robert Perrault, Interim Community Services Director

TITLE: DISCUSSION AND RECOMMENDATION REGARDING AN AMENDMENT TO THE PLANNING COMMISSION BYLAWS AND RECOMMENDATION TO THE CITY COUNCIL REGARDING MODIFICATION TO THE MUNICIPAL CODE AS IT RELATES TO THE PLANNING COMMISSION

RECOMMENDATION: Adopt Resolution Amending the Planning Commission Bylaws and Recommending to the City Council Regarding Modification of the Municipal Code

PUBLIC HEARING: Yes: _____ No: x _____

BACKGROUND

The Planning Commission Bylaws have not been updated in several years. Some time ago the City Attorney worked with a Planning Commission Sub-committee to prepare revisions to the Commission Bylaws. In doing so the City Attorney also identified a few issues with the sections of the Municipal Code specific to the Planning Commission that are in need of revision.

Located in the first attachment to the recommended resolution are the proposed changes to the Commission's Bylaws. The revisions are noted in the red strikes and underlines contained within the attachment. Most of the proposed revisions to the Bylaws are intended to clarify the duties of the Commission and make administration of the Commission simpler. The remaining changes are recommended for purposes of clarity and consistency, and to ensure the Bylaws are consistent with applicable law.

The recommended revisions to the Municipal Code are identified in Attachment #2 to the Resolution and are highlighted in red. These revisions to the relevant portions of the Municipal Code are intended primarily to ensure these Code provisions are consistent with the City's recent

action to reduce the Commission from a 7 member to a 5-member body. To facilitate Commission's duties and the Commission's ability to make timely decisions. The City Attorney is also suggesting revisions that would allow the Commission to act by simple majority of the present quorum (i.e., if only 3 Commission members are present, approval of an action may be taken by at least 2 affirmative votes).

ANALYSIS

The Commission should review these changes critically and identify any additional changes to the Bylaws or recommendations to the City Council that would assist the Commission in performing your duties

RECOMMENDATION

It is recommended the Commission adopt the attached resolution amending the Planning Commission Bylaws and recommending certain modifications to the Municipal Code.

ALTERNATIVES

The Commission has the following alternatives:

1. The Commission could adopt the attached resolution as presented;
2. The Commission could make modify or make additional changes to the Bylaws and the proposed modifications to the Municipal Code; or
3. The Commission could determine to take no action at this time.

PLANNING COMMISSION ACTION

IMOTION TO ADOPT PLANNING COMMISSION RESOLUTION 2018-13 AMENDING THE PLANNING COMMISSION BYLAWS AND MAKING RECOMMENDATIONS TO THE CITY COUNCI REGARDING MODIFICATION TO THE MUNCIPAL CODE SECTONS 17.10.50 AND 2.20.010 AS IT RELATES TO THE PLANNING COMMISSON

**CITY OF GREENFIELD PLANNING COMMISSION
RESOLUTION NO. 2018- 13**

**A RESOLUTION OF THE CITY OF GREENFIELD PLANNING
COMMISSION AMENDING THE PLANNING COMMISSION
BYLAWS AND MAKING RECOMMENDATIONS TO THE
CITY COUNCIL REGARDING MODIFICATIONS TO THE
MUNICIPAL CODE SECTIONS 17.10.50 AND 2.20.010
AS THE SECTIONS RELATE TO THE PLANNING COMMISSION**

WHEREAS, the Municipal Code authorizes the Creation of a Planning Commission to review and make decisions regarding certain land use issues and advise the City Council on other land use issues, and;

WHEREAS, the Planning Commission has adopted Bylaws to govern the way the Commission conducts its business, and;

WHEREAS, it is necessary that the Planning Commission should from time to time update its Bylaws to ensure the Commission operates in an equitable and efficient manner, and;

WHEREAS, the Planning Commission has appointed a Sub Committee who together with the City Attorney has reviewed the Bylaws and developed revisions for Commission consideration, and;

WHEREAS, certain modifications to the Municipal Code are also being recommended to the City Council to preserve the consistency and the ability to make timely decisions, and;

WHEREAS, the proposed Bylaw revisions and modifications to the Municipal Code were discussed in an open and public meeting.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Planning Commission of the City of Greenfield has considered the recommended revisions to the Bylaws and the modifications to the Municipal code and takes the following actions:

1. The revisions to the Planning Commission Bylaws identified in Attachment No. 1 and is herein incorporated and made a part of this resolution is hereby approved, and;
2. The revisions to Municipal Code Sections 17.10.50 and 2.20 as outlined in Attachment No.2 and is herein incorporated and made a part of this resolution are recommended for consideration of the City Council.

PASSED AND ADOPTED by the Planning Commission of the City of Greenfield at a Special Meeting of the Planning Commission held on the 15th day of November 2018; by the following vote:

AYES:

NOES:

ABSENT:

Drew Tipton, Chairperson

Desiree Gomez, Secretary

**City of Greenfield
Planning Commission
By-Laws**

Section I – Organization and Officers

A. Organization

The Planning Commission shall consist of five (5) members, as provided for in Greenfield Municipal Code Chapter 2.20, entitled “PLANNING AGENCY” and shall be organized and exercise such powers as prescribed by the Greenfield Municipal Code and by City Ordinances of the City of Greenfield.

B. Planning Commission Established: Pursuant to Government Code Section 65100, a planning agency is established for the city, consisting of a Planning Commission and a Planning Department, organized as follows:

1. There shall be a Planning Commission consisting of five (5) members appointed by the ~~Mayor with the advice and consent~~majority vote of the City Council. ~~Said appointments shall be made as follows: People interested in becoming commissioners must submit an application for review by staff and the City Council. The City Council approves applications and appoints Planning Commissioners by a majority vote. Commissioners shall not be officials or employees of the City, but shall be residents of the City or of the area of the sphere of influence of the City. Planning Commissioners’ terms will be three (3) years, subject to reappointment.~~

~~a) Four (4) members shall be residents of the City.~~

~~b) One (1) member may be a resident of the unincorporated area lying within one mile of the city limits of the City, if a person acceptable to the City Council can be found within such area, otherwise such member shall be a resident of the City.~~

2. If a Planning Commission member absents himself or herself without permission from two (2) consecutive regular Planning Commission meetings, his or her office becomes vacant and shall be filled as any other vacancy.

3. There shall be a Planning Department, Planning Director, and Zoning Administrator. The Planning Department shall consist of a Planning Director and such other employees as the City Council from time to time may deem necessary. The Planning Director shall have all of the powers and duties set forth in Section 65901 of the Government Code of the State.

C. Officers and Commissioners

1. Selection of Officers

a) A Chair and Vice-Chair shall be elected annually from among the Commission’s membership at the first meeting in January to serve in those positions at the pleasure of the Commission.

b) The Vice-Chair shall succeed the Chair if his/her seat is vacated before the term is completed. The Vice-Chair is to serve the unexpired term of the vacated office. A new Vice-Chair shall be elected at the next regular meeting after the Vice-Chair takes the Chair’s position.

Formatted: Indent: Left: 1.63", No bullets or numbering

- c) In the absence of the Chair and Vice-Chair at a meeting, any other member shall call the Commission to order, whereupon a Chair shall be elected from the members to preside.

2. Responsibilities of Officers

The Responsibilities and Powers of the officers of the Planning Commission shall be as follows:

- a) The Chair shall:

~~Preside at all meetings of the Commission~~

~~i. Preside at all meetings of the Commission;~~

~~ii. Call Special Meetings of the Commission in accordance with legal requirements and these by-laws;~~

~~iii. Sign documents in the name of the Commission;~~

~~iv. See that all actions of the Commission are properly taken;~~

~~v. Assist staff in determining agenda items;~~

~~vi. Appoint committees as necessary;~~

~~vii. Assist staff in determining whether certain matters can be handled administratively or should come to the Commission;~~

~~viii. Attend certain City Council and other meetings as required as the Planning Commission's representative;~~

~~ix. Communicate informally as necessary with the Mayor, City Council members, and the City Manager on Planning Commission matters; and~~

~~x. Function as an ex-officio member of all subcommittees (an ex-officio member is one able to discuss matters, but cannot vote.).~~

- b) The Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair during the absence, disability, or disqualification of the Chair.

3. Responsibilities of All Commissioners

- a) Commissioners who are unable to attend a meeting shall, if possible, inform the Chair or the Deputy City Clerk in advance of said meeting.
- b) Commissioners are representatives of the City of Greenfield. As such, it is important that Commissioners dress professionally.
- c) When speaking to the Press or addressing the public outside of a Public Meeting, Commissioners should be very specific in stating that they speak for themselves, and not for the Commission as a whole.
- d) The effectiveness of the Planning Commission requires that the Commissioners are thoroughly prepared prior to a public meeting. This may include site visits, research, or calling on city staff for clarification and understanding of what is to be discussed.
- e) Each Commissioner's input is important and valued. All Commissioners in attendance are expected to participate.

D. Duties and Powers

1. The Planning Commission shall exercise such functions with respect to land divisions, planning, and zoning as may be prescribed by City Ordinance or

have been otherwise delegated to it by the City Council. The Commission shall advise the City Council on those matters falling within its responsibilities in a manner reflecting concern for the overall development and environment of the City as a setting for human activities.

2. Each Commissioner and the Commission shall have the following duties and powers:

- a) Those specifically authorized by the law of the State of California.
- b) Such duties as are assigned to the Commission by minute action, resolution, or Ordinance of the City Council.
- c) Such powers as are reasonable and necessary in order to enable the Commission to fulfill and carry out the duties and powers set forth herein.

~~The Commission shall have the power of review and final decision (except for appeals on decisions) on the following items:~~

- ~~a) Architectural Review Applications~~
- ~~b) Conditional Use Permits~~
- ~~c) Temporary Use Permits~~
- ~~d) Minor Subdivisions, those subdivisions proposed for creation of four or fewer parcels. Minor subdivisions include regular, panhandle, and those in combination with variances or other conditional use permits.~~
- ~~e) Lot Line Adjustments~~
- ~~f) Variances~~
- ~~g) Environmental Review Documents (negative declarations and environmental impact reports) relative to any of the above permit types.~~

~~The Commission shall be a recommending body to the City Council for final decisions on the following items:~~

- ~~a) Zoning Ordinances and their Amendments~~
- ~~b) Rezoning~~
- ~~c) Prezonings~~
- ~~d) General Plans and their Amendments~~
- ~~e) Specific Plans~~
- ~~f) Tentative Subdivision Maps (more than 4 parcels proposed for creation)~~
- ~~g) Planned Developments~~
- ~~h) Lot Mergers~~
- ~~i) Annexations/Sphere of Influence Updates~~
- ~~j) Appeals (as discussed in section F)~~

2.3. The Commission shall further perform all of the following functions:

- a) Prepare, periodically review and revise, as necessary, the General Plan.
- b) Implement the General Plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.

Commented [TEC1]: Based on our experience, it is not common for bylaws to specifically list all of the duties and responsibilities of the Commission. While there is nothing illegal in doing it this way, we think a more fluid and workable approach is to revise this section to provide that the Commission's duties and responsibilities are those set forth in State planning law and as described by the City Council. This prevents the Commission from having to revise its bylaws each time its authority may be changed by state law or the Council, and also gives the City (and specifically, the Planning Director) more authority in determining what duties and responsibilities are reserved for the City, the Planning Commission, and the Planning Director.

- c) Annually review the “Capital Improvement Plan” of the City of Greenfield and the local public works projects of other local agencies for their consistency with the General Plan.
 - d) Endeavor to promote public interest in, comment on, and understanding of the General Plan and regulations relating to it.
 - e) Consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning implementation of the General Plan.
 - f) Promote the coordination of local plans and programs with the plans and programs of other public agencies.
 - g) Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by these bylaws.
- E. Rules of Order—Except as otherwise provided in these By-Laws, ~~“Robert’s Rules of Order”~~ “Rosenberg’s Rules of Order” shall be used as a guide to the conduct of the meetings of the Planning Commission. Provided, however, that the failure of the Commission to conform to said rules of order shall not, in any instance, be deemed to invalidate any action taken by the Planning Commission.

Commented [TEC2]: As you may recall, the City Council recently adopted Rosenberg’s Rules of Order. Rosenberg’s Rules of Order is an alternative to Robert’s Rules, and is often viewed as less complex and more user friendly. To be consistent with the Council, we would recommend that the Commission also utilize Rosenberg’s Rules.

Section II – Meetings

- A. Public Meetings – All meetings shall be held in full compliance with the provisions of state law, City Ordinances, and these By-Laws.
- B. Regular Meetings
 - 1. Regular Meetings shall be held on the first Tuesday of each month at 6:00pm, in the Council Chambers of the Greenfield Civic Center, 599 El Camino Real, unless otherwise determined by the Commission.
 - 2. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting will be adjusted to the following day, provided that is not also a public holiday, or cancelled by motion adopted by the Planning Commission.
- C. Adjourned Meetings—In the event the Commission wishes to adjourn its meeting to a certain hour on another day, a specific date, time, and place must be set by the Commission prior to the regular motion to adjourn.
- D. Special Meetings – Special Meetings of the Commission may be held at any time upon the call of the Chair, by a majority of the voting members of the Commission, upon request of the City Council, or upon request of the City Manager, following at least 24 hours notice to each member of the Commission and to the press and any other person requesting notice. The time and place of the special meeting shall be determined by the Planning Commission.
- E. Study Sessions/Workshops
 - 1. The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session provided that no official action shall be taken and no quorum shall be required.
 - 2. Such meetings and workshops shall be open to the public.

F. Appeals

The City Council of the City of Greenfield is the city's legislative body. All final decisions on standard subdivisions, legislative acts such as ordinances, general plans, housing elements, zoning or re-zoning of properties lie with the City Council, with recommendations from the Planning Commission.

When an applicant or other interested person is dissatisfied with the Commission's decision on a land-use matter, that person may appeal the Commission's decision to the City Council.

The appeal is considered a "de novo" procedure, meaning that the entire case may be repeated anew. The appeal is not limited in scope to a review of the Commission's record. The right to appeal is not limited to a dissatisfied applicant. State land use law expresses the intent that planning agencies ensure participation by the public and, through that involvement, the ability to appeal.

G. Agenda

1. An agenda for each meeting of the Commission shall be prepared by the Planning Director or city staff with the cooperation and approval of the Chair or, in his/her absence, the Vice-Chair.
2. There shall be attached to each agenda a report of matters pending further action by the Commission.
3. A copy of the agenda shall be posted by the City in a place freely accessible to the public and on the City's internet website in its "Public Notices" area for a full 3 calendar days not counting the day of the meeting or day of posting. For a Regular Meeting, the agenda must be posted at least seventy-two (72) hours in advance of the meeting. For a Special Meeting, the agenda must be posted at least twenty-four (24) hours in advance of the meeting.

Commented [TEC3]: These proposed revisions are to make this paragraph more consistent with the current requirements under the Government Code for posting of agendas.

H. Order of Meetings

1. The Order of Business Shall be as Follows:
 - a) The Chair shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Commission to order. If a quorum is not present, the Commission may:
 1. Continue the meeting, including any scheduled public hearings, to a later definite time and date;
 2. Adjourn the meeting; or
 3. Recess the meeting until a quorum is present.
 - b) Members present and absent shall be recorded.
 - c) The agenda shall be approved as submitted or revised after the Chair has called for any changes in the session's agenda from staff or Commissioners.
 - d) The minutes of any preceding meeting not yet adopted shall be submitted for approval by a motion and vote of the Commission. Changes may also be proposed at this point.
 - e) During the public comment period, announce that any member of the audience may comment on any matter not listed on the agenda. The Commission will take no action on these public comments except to direct staff, if warranted, to study the particular matter for setting on a future agenda.

- f) The public shall be advised of the procedures to be followed in the meeting, including time limits for comments, and use of the microphone.
 - g) The Commission shall hear and act upon those proposals scheduled for consideration of public hearing, together with such other matters of business and report as the Commission or Planning Director finds to require Commission consideration.
 - h) Adjournment.
2. Presentation or Hearing of Proposals—The following shall be the order of procedure for public hearings concerning planning and zoning matters:
- a) The Chair shall announce the subject of the public hearing, as advertised
 - b) If a request is made for a continuance, a motion may be made and voted upon to continue the public hearing to a definite time and date.
 - c) The staff shall be asked to present the substance of the application, their report and recommendation, and to answer technical questions of the Commission.
 - d) Order of Testimony. The order of testimony shall be as follows:
 1. Chair opens the public hearing, stating the time it is opened.
 2. Applicant’s statement and other persons in favor of the proposal
 3. Opponent(s) statements
 4. If necessary, rebuttal from the applicant
 5. Public hearing is closed
 6. The Chair calls for deliberation to determine the matter or continue it for further review to another date and time certain.
 - e) Rules of Testimony. The rules of testimony shall be as follows:
 1. Persons presenting testimony to the Commission are requested to stand at the podium so that their comments are adequately recorded, and give their name and address for the record. No testimony shall be taken from persons either standing or sitting in the audience without formally presenting themselves at the podium.
 2. If numerous individuals are present in the audience who wish to participate in discussion of the issue, either in support or opposition, the Chair may inform the group that a spokesperson may be selected to speak for the entire group.
 3. To avoid unnecessary cumulative evidence, the Chair may limit the number of witnesses or the time of testimony on a particular issue.
 4. Irrelevant and off-the-subject comments will be ruled out of order.
 5. ~~The Chair will not permit any complaints regarding the staff or individual commissioners during a public hearing. The Chair shall inform any individuals that complaints should be~~

Formatted: Indent: Left: 2", No bullets or numbering

~~submitted in writing to the Chair and will not be considered as an agenda item.~~

~~6. No person shall address the Commission without first securing the permission of the Chair to do so.~~

~~7.5.~~ All comments shall be addressed to the Commission. All questions shall be placed through the Chair. Questions for the staff by applicants or other members of the audience shall be directed to staff through the Chair.

~~8.6.~~ In the case an applicant does not have an adequate command of English, ~~the staff shall inform the applicant well in advance of the hearing (perhaps with the agenda and staff report supplied to the applicant prior to the hearing) that s/he the applicant may wish to~~ bring an interpreter for the proceedings. In no circumstances shall staff or a member of the Commission act as an interpreter for an applicant.

Commented [TEC4]: This may be seen as an attempt to limit public participation. The Government Code specifically provides that a governmental agency cannot limit the public from critiquing the agency.

Commented [TEC5]: This appears contradictory to many of the other procedures already set forth regarding public comments. This could also potentially be viewed as an attempt to limit public participation.

I. Motions

1. A motion to adjourn shall always be in order except during roll call.
2. The Chair or other presiding officer may make and second motions and debate from the Chair, subject only to such limitations of debate as are imposed on all members of the commission.

Commented [TEC6]: The original language of this section appears to impose an obligation on the City to determine if an interpreter is needed. We recommend revising this language to clearly provide that an applicant has the right to bring an interpreter, however, the City does not have an affirmative obligation to determine if the applicant needs an interpreter.

J. Voting

1. Voting Requirements

- a) A quorum shall consist of a majority of the membership.
- b) ~~Unless otherwise required by law, the affirmative vote of a simple majority of the membership quorum is necessary to take actions shall determine the act or decision.~~
- c) ~~Some planning actions as required under federal or state law that~~ require a super-majority. These will be dealt with as they arise.

Commented [TEC7]: It has been our experience that some 5 member planning commissions struggle with member attendance. Because the Commission has limited authority for most duties and responsibilities (with the ultimate decision-making authority resting with the Council or Planning Director), it may be beneficial to revise the voting requirements to allow an act to be taken with only a simple majority of the quorum present. In other words, so long as the Commission has 3 members present at a meeting, it can take action with an affirmative 2/3 vote.

2. Voting Order – The order of roll call voting, if required, will be rotated such that the Chair will always vote last.
3. Recording of Votes – Minutes of the Commission proceedings shall show the vote of each Commissioner, including whether s/he is absent or failed to vote on a considered matter.
4. Conflicts of Interest, Reasons for Disqualifications from Voting—A member shall disqualify himself or herself from voting in accordance with the state law concerning Conflict of Interest. When a person disqualifies him/herself, s/he shall state prior to the consideration of such matter by the Commission that s/he is disqualifying him/herself due to a possible conflict of interest, state the nature of the conflict and shall not participate in voting or discussion.
5. Allowable Actions of Commissioners who stand down from discussion, pursuant to item #4 above, are from the California Code of Regulations and are not subject to amendment by the Commission:
 - a) A Commissioner may appear at a hearing or otherwise before the commission to represent personal items if the commissioner does so in her/his private capacity and if the matter in question relates only

to the commissioner's private interests and not to his or her official duties. The purpose of this exclusion is to allow citizens to exercise their constitutional rights to communicate with their government. However, the exclusion is limited in that it applies to situations in which the decision will solely affect the commissioner's personal interests (e.g. real property or business solely owned by the commissioner or members of her/his immediate family).

- b) A commissioner is prohibited from in any way attempting to use his or her official position to influence a governmental decision when the official has a financial interest. This restriction is intended to ensure that public officials do not act directly to affect her or his private economic interests by utilizing their official status or activities. Contacts with agency personnel or other attempts to influence on behalf of a commissioner's business entity, client, or customers are prohibited.

These commission regulations specifically exempt oral or written communications by an official as a member of the general public solely to represent his or her personal interests.

Personal interests include:

- 1. An interest in real property;
 - 2. Or a business entity which is wholly owned by the commissioner or members of his or her immediate family;
 - 3. Or a business entity over which the commissioner or the commissioner and his/her spouse exercise sole control.
- c) "Rule of Necessity": If a commissioner is disqualified because of a conflict of interest, s/he does not count towards the quorum. This "rule of necessity" does not apply if the lack of quorum results from absent members. The rule arises when the lack of a quorum results from several members of the commission having a conflict of interest on the same issue.

- 6. Abstentions: When a member of the Commission abstains from voting for any reason (other than a conflict of interest), the abstention shall be counted with the affirmative vote.

K. Procedures for Chairing Meetings:

The following are the procedures for conducting the City of Greenfield Planning Commission meetings.

- 1. Call the meeting to order promptly at the appointed hour. If a quorum is not present, the Commission may:
 - a. Continue the meeting, including any scheduled public hearings, to a later definite time and date;
 - b. Adjourn the meeting; or
 - c. Recess the meeting until a quorum is present.

The Commission shall take no other action unless a quorum is present.

- 2. Roll Call. Ask staff to call roll.

3. Update the Agenda. Ask whether staff or commissioners have any proposed changes to the agenda and indicate when and how those new items will be considered.
4. Minutes. Minutes of any previous Commission meeting shall be approved (or changed, as appropriate), by motion and a vote of the Commission.
5. Communications—Public comments from the audience not on the agenda. Announce that this is the time on the agenda that any member of the audience may comment on any matter not listed on the agenda. No action by the Commissioners may be taken on any such item, but the Commission may direct staff to research comments for further review and setting on a future agenda.
6. Announce to the Audience certain Planning Commission procedures that may be adopted by the commission from time to time.
Examples include:
“In order to assist in completing the agenda items, please be brief and to the point—preferably 2 to 5 minute. The maximum time limit is 5 minutes, unless prior arrangements have been made.”
“Please use the microphone, state your name for the record, and write your name and address on the sign-in sheet provided at the podium.
7. Consent Items. All matters listed under consent items on the agenda are considered routine and will be acted upon (roll call vote) without discussion by the Commission unless any Commissioner or member of the audience have questions or wish to make a statement or discuss the item. In either event, the Chair will remove the item from the consent agenda and place it on the agenda for separate consideration. Take up such items next, as first regular agenda items.
8. Regular agenda items.
 - a. Announce the item
 - b. Ask the staff to present the staff report
 - c. Ask the Commission if they have any questions for staff
 - d. Open the public hearing. If it is necessary to continue the public hearing, make sure that the hearing is opened (and not closed) and continued to a specific time and date.
 - e. Give the following instructions to the audience: “If you decide to speak, please start by giving your name and address and completing the sign-up sheet at the podium, then tell the commission your concerns. We want your views; don’t worry about how to state them. If several people have spoken, please do not be repetitious, but state that your comments reflect those already presented. If there are several with the same concerns, please appoint a spokesperson. The Commission is particularly interested in the specific reason for or against a proposal because the Commission’s decision needs to be based on specific reasons.”
 - f. Invite the Applicant to speak
 - g. Invite others in favor of the application to speak.
 - h. Invite those in opposition to speak.

- i. Ask the staff if any written communications have been received and, if so, have them either read into the record or summarized, as appropriate.
 - j. Allow the applicant to make a rebuttal statement. This must be brief and limited to a rebuttal of the opposition.
 - k. Close the Public Hearing
 - l. Ask the Commission if they have any questions for staff or speakers.
 - m. Turn the item over to the Commission for discussion. It may be appropriate to focus or structure the discussion regarding certain issues or questions. If the Commissioners do not volunteer comments, it may be necessary to ask individual Commissioners what they think about specific points. Normally, the Commission should first discuss land use and zoning issues and then deliberate on specific conditions and details rather than mixing the two or beginning with specific conditions and details.
 - n. After a motion and second are made, restate the motion or at least get confirmation from the Commission that everyone is clear on the motion prior to voting.
 - o. Call the question (vote). A Roll Call Vote is needed for all decisions where a voice vote does not clearly indicate individual Commissioner's votes.
 - p. Following the vote, announce the Commission's action to the audience. Indicate whether the action is final or whether it is a recommendation to the City Council. Indicate when the City Council is scheduled to consider the matter, and encourage individual participation. Indicate, if there are any questions regarding this action and/or possible appeal procedure, that the Planning Department should be contacted as soon as possible for assistance. After announcing the Commission's decision, the Chair shall announce that the applicant or other interested person, if dissatisfied with the Commission's action, may appeal the Commission's decision to the City Council. ~~And that~~ the Planning Department should be contacted as soon as possible for instructions on appeals. Provided, however, that the Chair's failure to conform to this section shall not, in any instance, be deemed to invalidate any action taken by the Planning Commission.
9. Public Hearings: Ask those who are for or against a proposal to speak at the public hearing in the following sequence:
- a. Staff Report of the background and recommendation
 - b. Applicant's statement
 - c. Proponent(s) of the proposal statements
 - d. Opponent(s) of the proposal statements
 - e. If necessary, a rebuttal from the applicant
10. Adjournment. Prior to adjourning the meeting, ask staff whether the meeting needs to be adjourned to a specific time or date.

Section III – Review and Amendments Procedure

- A. When deemed necessary by the Chair or upon direction from a majority of the Commission, These By-Laws shall be reviewed ~~in January of each year~~ by a subcommittee appointed by the Chair with the general agreement of the Commission. The review subcommittee shall present their recommendation to the full Commission for amending, or not amending, these By-Laws.
- B. In addition, these By-Laws may be amended at any meeting of the Planning Commission by a majority of the membership of the Commission provided that notice of the proposed amendment is received by each Commissioner not less than 5 days prior to said meeting.

Section IV – Failure to Adhere to By-Laws Shall Not Invalidate Action

- A. With the exception of those requirements imposed by State law or the City Council, a Commissioner's or the Commission's failure to conform to any part of these By-Laws shall not, in any instance, be deemed to invalidate any action taken by the Planning Commission.

2.20.010 Planning Agency Established:

Pursuant to the provisions of section 65100 of the Government Code of the state, a planning agency is established for the city, consisting of a planning commission and a planning department, organized as follows:

- A. There shall be a planning commission consisting of five (5) members who shall be appointed by ~~the mayor with the advice and consent~~ majority vote of the city council. Said appointments shall be made as follows:
1. ~~Four (4) members shall be residents of the city. One member shall be a resident of the area of the sphere of influence of the city, if a person acceptable to the city council can be found within such area, otherwise such member shall be appointed from among the residents of the city. Planning commission members shall be~~ residents of the city or of the area of the sphere of influence of the city. The term "sphere of influence," for purposes of this section, means and includes the unincorporated area of Monterey County lying within one mile of the city limits of the city.
 2. Appointments shall be for a term of three (3) years, except that an appointment to fill a vacancy shall be for the remainder of the term of the office in which such vacancy occurs.
 3. There shall be no limit on the number of terms that a planning commissioner may serve; however, upon completion of each three (3) year term, planning commissioners shall prepare a written request to the city council to be considered for an additional term.
- B. If a planning commission member is absent without permission from two (2) consecutive regular planning commission meetings, that office becomes vacant and shall be filled as any other vacancy.
- C. The planning commission shall elect a chairperson to preside at the planning commission meetings. Such chairperson shall be elected by the planning commission annually at the first planning commission meeting in January of each year.
- D. There shall be a planning department, planning director and zoning administrator. The planning department shall consist of a planning director and such other employees as the city council from time to time may deem necessary. The planning director shall also serve as zoning administrator, and as such shall have all of the powers and duties set forth in section 65901 of the Government Code of the state. (Ord. 516 §1, 2016; Ord. 443 §2, 2003; Ord. 202 §1, 1978; Ord. 127-A §1, 1972).

17.10.050 Additional Provisions For The Planning Commission:

A. Membership And Term: There shall be ~~seven (7)~~five (5) members of the planning commission. People interested in becoming commissioners must submit an application for review by staff and the city council. The city council approves ~~and denies~~ applications ~~for~~and appoints planning commissioners by a majority vote.

Commissioners shall not be officials or employees of the city, but shall be residents of the city or of the area of the sphere of influence of the city. Planning commissioners' terms will be three (3) years, subject to reappointment.

B. Removal From Office: Members of the commission serve at the pleasure of the city council and may be removed from office by a vote of a majority of the members of the city council. No public hearing need be held prior to removal, and no cause for removal need be shown.

C. Vacancies: If a member of the planning commission is unable or unwilling to complete his or her term, the planning director shall publicize the vacancy in the local newspaper and on the city website. The planning director is responsible for accepting applications and agendaing review of the applications by the city council within a reasonable period of time. The city council, by majority vote, shall appoint another person to serve for the remaining portion of the previous commissioner's term.

D. Compensation: Each appointee to the planning commission shall receive compensation as determined by resolution of the city council.

E. Rules: The planning commission shall adopt rules of procedure, which shall govern the conduct of hearings and other business of the commission. Copies of the rules shall be published and shall be available at the office of the clerk of the city council.

F. Organization: The planning commission members shall annually select a chairperson and vice chairperson amongst themselves and shall determine the time, place, and frequency of regular meetings.

G. Committees: The planning commission is authorized to create committees from their membership as needed to conduct their business. Business discussed at subcommittee meetings shall be discussed at the next planning commission hearing, as appropriate.

H. Quorum and Voting: A quorum shall consist of a majority of the membership. The approval of any action by the planning commission shall require the affirmative votes of ~~four (4) or more members~~a simple majority of the quorum~~the commission~~. (Ord. 473 §3, 2007)



Planning Commission Report

599 El Camino Real Greenfield CA 93937 831-674-5591
www.ci.greenfield.ca.us

DATE: November 8, 2018

AGENDA DATE: November 15, 2018

PREPARED BY: Robert Perrault, Interim Community Services Director

TITLE: **Discussion Regarding New Development Status Report**

RECOMMENDATION: Discussion Item no Recommendation is necessary

PUBLIC HEARING: Yes: _____ No: x

It was brought to my attention by Chair Tipton that the Commission is desirous of receiving a Status Report on New Development. The attachment for this memo will be provided at the meeting for discussion. Staff looks forward to discussing the report with the Commission.