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**Planning Commission Staff Report of
December 6, 2017**



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 12/6/2017
Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Charlene Gallina, SUPERVISING PLANNER - 299-1355
SUBJECT: Amendment of Planning Commission Bylaws

RECOMMENDATION

AMENDMENT OF PLANNING COMMISSION BYLAWS

Request: Discussion of recommended changes to Planning Commission Bylaws concerning: applicant and public speaking time limits; timing of additional information submitted by applicant and public; and, not allowing time to be allocated to another speaker.

Staff Recommendation: Discuss proposed changes and provide direction to staff for final consideration at the December 20, 2017 Commission Regular meeting.

Staff Contact: Charlene Gallina, Supervising Planner, (707) 299-1355 or charlene.gallina@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission discuss potential amendments the Planning Commission Bylaws and provide direction to staff for final consideration of the amendments on December 20, 2017.

Discussion:

The last substantive changes to the Planning Commission Bylaws occurred in 2008. However, the last review of the Planning Commission Bylaws occurred on August 15, 2012 in response to only changing the name of the Department to the Planning, Building and Environmental Services Department and the Planning Commission to Napa County Planning Commission. However, staff at the time was unable to officially execute the updated Bylaws

pending action by the Board of Supervisors on changes to the Napa County Code.

Staff has included a copy of the current version of the adopted 2008 Bylaws to assist in Commission discussion. In addition to finalizing the name of the Department and Commission, staff recommends below suggested areas of change that the Commission may want to discuss and provide direction to staff.

- Establish a 15-minute time limit for applicant presentations unless the Chair grants additional time.
- Confirm the 3-minute time limit for public comment unless the Chair grants additional time.
- Establish that public comment cannot be allocated to another speaker.
- Require applicants to submit any written or visual presentation materials (PowerPoint, video, etc.) a minimum of 24-hours in advance of the public hearing.
- Prefer and strongly encourage the public to submit any written or visual presentation materials (PowerPoint, video, etc.) a minimum of 24-hours in advance of the public hearing.
- Require that submittal of any written materials by the public or the applicant on the day of the meeting shall include 10-copies.

Staff believes that these additional amendments will lead to more efficient hearings and will minimize the burden on staff with last-minute requests for bulk copying and having to recess Commission meetings to allow time for video/presentations to be loaded prior to an item being heard. It will also enable staff to provide any additional materials prior to the meeting for public review (upload to website, produce copies, other). Staff asks that the Commission consider the recommended changes, discuss any additional changes to the proposed Bylaws the Commission may desire, and direct staff to return with the agreed-upon changes at the next Commission meeting.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and, therefore, CEQA is not applicable.

BACKGROUND AND DISCUSSION

SUPPORTING DOCUMENTS

A . 2008 Planning Commission Bylaws

B . Correspondence Received After Packet Mail-Out (Added after meeting)

Napa County Planning Commission: Approve

Reviewed By: Vincent Smith

RESOLUTION NO. 08-03

AMENDING RESOLUTION NO. 07-01 PROVIDING FOR THE HOLDING OF REGULAR MEETINGS OF THE NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION AND ESTABLISHING RULES FOR THE CONDUCT OF BUSINESS OF THE NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

The Napa County Conservation, Development and Planning Commission, hereinafter called Commission, does hereby adopt the following rules or procedures for the transaction of its business.

RULE 1. Meetings of the Commission

- A. Meetings of the Commission shall be held on the first and third Wednesday of each month, except as modified by schedules adopted pursuant to Rules 1C and 23 below. Notwithstanding the foregoing, any regularly scheduled meeting of the Commission may be canceled by majority vote of the Commission or, for lack business or a quorum, by the Chair or Secretary.
- B. Meetings shall start at 9:00 AM and end not later than 5:00 PM. The Commission will not consider any business items after 5:00 PM except by a unanimous vote of all of the Commission members present.
- C. The Commission shall annually, at its last meeting in December, adopt a schedule for its regular meetings for the next calendar year.
- D. Unless otherwise provided, meetings shall be held in the Board of Supervisors' Meeting Room in the County Administration Building, 1195 Third Street in Napa.

RULE 2. Matters Pending Before the Commission

- A. All matters to be considered by the Commission shall be properly filed with the County in compliance with the provisions, standards and procedures established by adopted County Ordinances. The Secretary shall not accept for presentation to the Commission any matter unless it is properly made on the prescribed forms properly filled out with all required data attached. Late submission, i.e., at a Commission meeting or immediately prior to a Commission meeting, of lengthy written reports or materials by an applicant, his or her representative; an opponent, his or her representative; may be considered by the Commission as grounds for the continuation of the item related to said reports or materials, to the Commission's next regular meeting. Items submitted by individual Commissioners for specific listing under the agenda heading of Commissioner Comments shall be submitted to the Secretary, in writing, no later than 5:00 PM on the Tuesday of the week preceding a regular meeting date.

- B. Request for informal or advance decisions concerning potential future developments or plans will not be considered by the Commission.
- C. Any matter that comes before the Commission orally, except the Director's reports, which would not be shown on the agenda shall not be acted upon by the Commission until it is heard as a regular agenda item at the next meeting of the Commission.
- D. The applicant, or his or her appointed representative, may withdraw any matter pending before the Commission at any time prior to the Commission acting on such matters.

RULE 3. The regular order of business of the Commission shall be generally as follows. Agenda items will appear in order most expeditious for completion of Commission business, including necessary accommodation of outside participants:

- A. Call to Order.
- B. Roll Call.
- C. Pledge of Allegiance.
- D. Citizens Comments and Recommendations.
- E. Approval of Minutes.
- F. Closed Session re: Litigation, if necessary.
- G. Director's Report.
- H. Agenda Review.
- I. Disclosures (pursuant to Rule 21.F)
- J. Items to be Decided without Additional Testimony.
- K. Privately-initiated public hearing items continued from earlier meetings, with items continued from the most recent meeting first.
- L. County-initiated public hearing items continued from earlier meetings, with items continued from the most recent meeting first.
- M. New privately-initiated public hearing items.
- N. New County-initiated public hearing items.
- O. Presentations and Reports.

- P. Other Business.
- Q. City and Agency Referrals.
- R. Deputy Director's Report. / Zoning Administrator Actions.
- S. Commissioner Comments/Committee Reports.
- T. Future agenda items.
- U. Adjournment.

RULE 4. Resolutions of the Commission may be adopted conditionally and referred to the Secretary of the Commission for drafting in final form.

RULE 5. An agenda shall be prepared by the Secretary of the Commission for each meeting of the Commission.

RULE 6. The Commission shall elect a Chair and Vice Chairperson at the last regular meeting of the Commission in December of each year and immediately thereafter the Chairperson and Vice Chairperson shall assume office at the first regular meeting in January and shall serve for a period of one year from the date they assume office. Upon expiration of the one year period, the Commissioner who served as Vice-Chairperson shall typically serve as Chair the following year unless a majority of the Commission determine otherwise. Should an elected officer resign, or otherwise vacate his or her office or Commission membership during the term of office, the Commission shall, at a regular meeting within sixty (60) days after the resignation is effective, select another of its members to fill the remainder of any unexpired term. If the Chairperson vacates the position then the Vice Chairperson shall automatically serve as Chair until the next election of officers. The Chairperson shall not serve consecutive terms.

RULE 6A. In the absence of both officers when a quorum is nevertheless present, the Commission may, by a majority vote of those members present, select one of its members to preside temporarily until an officer is available to preside.

RULE 7. The County Counsel of the County of Napa shall be the legal counsel of the Commission. The Clerk of the Board of the County of Napa shall be the Clerk of the Commission. The Director of the Department of Conservation, Development and Planning of the County of Napa shall be the Secretary of the Commission.

RULE 8. The Chair of the Commission may second any motion and present and discuss any matter as a member of the Commission without having to step down from the Chair. The Chair shall have the rights and duties enjoyed by any other member of the Commission.

RULE 9. A roll call vote may be called in voting upon any motion of the Commission at the discretion of the Chair. Any member present who does not vote in an audible voice shall be recorded as voting "aye."

RULE 10. The Chair of the Commission shall preserve order and decorum and shall decide questions of order. The Chair shall be entitled to vote on all matters before the Commission.

RULE 11. Any person desiring to address the Commission shall, when recognized by the Chair, give his or her name and address. The Chair may, in the interest of facilitating the business of the Commission, limit the amount of time which a person may use in addressing the Commission.

RULE 12. Testimony and other evidence relative to any agenda item for which a public hearing is held shall, unless otherwise ordered by the Chair, be presented in the following order:

- A. The Chair or Secretary shall identify the matter.
- B. The Chair shall declare the public hearing open.
- C. Department report shall be presented.
- D. Presentation of testimony or other evidence by those in favor of the application.
- E. Presentation of testimony or other evidence by those in opposition to the application.
- F. Rebuttal, in the same order.
- G. Closing comments by staff.
- H. The Chair shall declare the public hearing closed.
- I. Commission discussion.
- J. Voting.

Commissioners' questions and/or cross-examination may, at the discretion of the Chair, be permitted at the conclusion of the testimony of each witness or it may be permitted only after all the witnesses favoring one position or the other have testified, or at both times.

RULE 13. Testimony and argument relative to any other agenda item shall, unless otherwise ordered by the Chair, be presented in the following order:

- A. Department report.

- B. Applicant or other directly interested party.
- C. Opposition, if any.
- D. Rebuttal, if any.
- E. Closing comments by staff.
- F. Commission discussion.
- G. Voting.

RULE 14. All official actions or decisions by the Commission shall be entered in the minute book of the Commission kept by the Clerk of the Commission. The vote or votes of each member of the Commission on every matter shall be recorded. Only written action minutes will be maintained, however, electronic recordings will be made by the Clerk of the Commission of each meeting of the Commission which shall be available to the public for inspection by request made at the Clerk of the Commission's office, 1195 Third Street, Suite 210, Napa, California 94559.

RULE 15. All public hearings shall be electronically recorded.

RULE 16. All persons appearing before the Commission shall be required to give testimony or evidence under oath, at the discretion of the Chair of the Commission.

RULE 17. Letters, petitions or other documentary evidence submitted to the Secretary of the Commission shall be presented to the Commission prior to or at the time of the public hearing. The Commission shall consider such material in deciding any issue before it. All documentary evidence shall become part of the Commission's file on the agenda item.

RULE 18. Any rule may be altered, amended, or repealed by majority vote of the Commission, except that such alterations, amendment, or repeal shall not affect any pending matter unless by unanimous consent of the Commission and any applicant thereto.

RULE 19. Any rule may be temporarily suspended by unanimous consent of the Commission.

RULE 20. Motion to reconsider.

- A. A final vote on any matter before the Commission may be reconsidered during the meeting at which the vote was taken provided all persons concerned with the matter are still present, and further provided the motion to reconsider shall be made by a member voting with the majority on the final vote.

- B. If all persons concerned with a matter are not present, or if a member so chooses, a motion to reconsider a final vote on any matter may be given not later than the next regular meeting by a member voting with the majority on the final vote, provided notice of intention to move such reconsideration shall have been given at the meeting on which the final vote was taken.
- C. A motion for reconsideration shall have precedence over every motion except a motion to adjourn.

RULE 21. Voting.

- A. A majority of the members of the Commission shall constitute a quorum.
- B. Adoption of a recommendation for approval of a general plan, specific plan, or amendment thereof shall require the affirmative vote of a majority of the appointed members (3) of the Commission.
- C. All other actions or recommendations of the Commission shall require only the affirmative vote of a majority of the members present and voting.
- D. A tie vote or other deadlock on a motion shall constitute disapproval of the motion, except that if a Commission member who has not voted will be able to vote at the next regular meeting, the Chair shall place the item on the next agenda for vote by the additional member. If a deadlock results in denial of a permit or tentative map, it is deemed to be an appealable action.
- E. No member of the Commission shall participate as a commissioner in any discussion or voting if he or she owns property within the required notification area of any specific matter before the Commission or has any other conflict of interest as defined in the Political Reform Act of 1984, as amended.
- F. Any member who has received evidentiary information outside of a Commission meeting or has viewed the property or site of a matter pending before the Commission or is familiar with the property or site shall publicly disclose the fact of such information, viewing or familiarity prior to the Commission's final vote on the matter.

RULE 22. Unless otherwise provided by these Rules, all proceedings before the Commission shall be conducted in accordance with and pursuant to the parliamentary rules of procedure as prescribed in the "Sturgis Standard Code of Parliamentary Procedure, Fourth Edition," or the most current published and available edition of such work.

RULE 23. Emergency or special meetings shall be called as provided in the Government Code of the State of California.

RULE 24. These rules shall be applicable to the transaction of any business when the Commission has convened and acts or serves in an official capacity, pursuant to law, other than as a planning commission.

RULE 25. The Commission hereby authorizes the creation of ad hoc subcommittees on special subjects from time to time so that the Commission members having the necessary expertise to conduct field, plan or other specialized reviews may investigate, observe review or otherwise study and report back their observations and conclusions to the full Commission for possible further action. When creating such ad hoc committees, the Commission shall specify the subject to be investigated and time to report, and shall appoint those commissioners who will serve on the ad hoc subcommittee. The number of members appointed to any particular ad hoc subcommittee shall be less than the number of members required to constitute a quorum of the full Commission. Upon presentation of its report to the full Commission, each such ad hoc subcommittee shall cease to exist. Ad hoc subcommittees created pursuant to this rule shall not be subject to the Brown Act.

RULE 26. The provisions of these Bylaws may be altered, amended, or repealed by the Commission at any time, within limitations imposed by the Brown Act.

PASSED AND ADOPTED by the Napa County Conservation, Development and Planning Commission this 19th day of November, 2008, by the following vote:

AYES: COMMISSIONERS - Heather Phillips, Jim King, Bob Fiddaman,
Terry Scott Terry Scott

NOES: COMMISSIONERS - None

ABSENT: COMMISSIONERS - Rich Jaeger

TERRY SCOTT, Chair of the Napa County
Conservation, Development and Planning
Commission

ATTEST: Melissa Gray
Clerk to the Commission

By: Melissa Gray

APPROVED AS TO FORM:
By: Laura J. Anderson
LAURA J. ANDERSON
Commission Counsel

Clerici, Brian

From: Gallina, Charlene
Sent: Monday, December 04, 2017 12:54 PM
To: Anderson, Laura; Smith, Vincent (PBES); Clerici, Brian; Morrison, David
Subject: FW: PC Agenda 12/6/17 - Item 9A

Follow Up Flag: Follow up
Flag Status: Completed

Planning Commission Mtg.

DEC 04 2017

Agenda Item # 9A

A comment received on Bylaws, and distribution to the Planning Commission.

Charlene

From: Rob Anglin [<mailto:anglin@htralaw.com>]
Sent: Monday, December 04, 2017 12:33 PM
To: Jeri Gill
Cc: Gallina, Charlene
Subject: PC Agenda 12/6/17 - Item 9A

Hi Jeri,

On Wednesday, Planning Commission is scheduled to discuss possible by-law changes. I can't be there, so I'm sending a couple comments regarding the proposed changes described in the staff report. I pasted excerpts from the staff report below.

- **Require** applicants to submit any written or visual presentation materials (PowerPoint, video, etc.) a minimum of 24-hours in advance of the public hearing.
- **Prefer and strongly encourage** the public to submit any written or visual presentation materials (PowerPoint, video, etc.) a minimum of 24-hours in advance of the public hearing.

I am 100% behind requiring early submission of materials. The problem is that the public cannot be forced to adhere to this timeline. No matter how much the Commission encourages the public, some of the public will not abide by this deadline. Applicants should be able to provide responsive materials to public comment materials submitted at the last minute. For example, if an opponent submits pictures and a presentation on Tuesday at 4:55, applicants should be able to provide something responsive. I understand staff's desire to have an efficient process. (I personally would love to have rules of evidence and sworn testimony, but that's never happening in California.) Because the public's comment cannot be limited, the Commission should protect the applicant's ability to respond.

Thanks as always for your consideration.

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