



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 3/7/2018

Agenda Placement: 8B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Vincent Smith for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Charlene Gallina, SUPERVISING PLANNER - 299-1355

**SUBJECT:** Amendment to the Planning Commission Bylaws

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### **RECOMMENDATION**

#### **AMENDMENTS TO THE PLANNING COMMISSION BYLAWS**

**Request:** Discussion and direction regarding proposed amendments to the Planning Commission Bylaws concerning applicant presentations, public testimony protocol, the timeframes for submittal of materials and related matters. The Planning Commission will make recommendations on amendments to the bylaws, which will be forwarded to the Board of Supervisors for consideration and possible adoption at a future meeting.

**Staff Recommendation:** Recommend that the Board of Supervisors approve the revised proposed Resolution.

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

### **EXECUTIVE SUMMARY**

#### **Proposed Actions:**

1. Amendments to action taken by the Planning Commission on December 20, 2017 regarding the proposed Resolution Amending the Planning Commission Bylaws to allow additional public testimony and to modify Bylaws based upon concerns addressed at the Board of Supervisors Meeting of January 23, 2018; and

2. That the Planning Commission recommend that the Board of Supervisors approve the attached revised Resolution Amending the Planning Commission Bylaws and forward the Resolution to the Board of Supervisors for final consideration of the amendments.

#### **Discussion:**

On January 23, 2018, the Board of Supervisors was presented for their consideration a Resolution Amending the Planning Commission Bylaws. This resolution was based upon discussion and recommendation by the Planning Commission that was held on December 6, 2017 and December 20, 2017. As presented, the proposed Bylaw changes focused on finalizing the name of the Department and Commission, and recommended areas of change regarding applicant presentations, public testimony protocol, and the timeframes for submittal of materials to be considered by the Commission. The general areas discussed and amended by the Commission were as follows:

- | Establish a 15-minute time limit for applicant presentations including other representatives unless the Chair grants additional time.
- | Confirm the 3-minute time limit for public comment unless the Chair grants additional time. Time may be reduced by the Chair to less than three minutes (but in no event less than two minutes per speaker) as may be reasonably necessary for the orderly and efficient conduct of Commission meetings
- | 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. Changes maybe submitted within 24 hours 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.
- | Require hardcopies of visual presentations by the public or the applicant on the day of the meeting shall include 10-copies.
- | Development of a FAQ regarding public testimony protocol to be posted on the County's website and in the Commission Board Room during meetings, and available to Commission members for their use when speaking to public members.

In response to Board discussion, public testimony and letters received, the Board of Supervisors remanded the item back to the Planning Commission for reconsideration. In their deliberation, the Board expressed concern that the public did not have had sufficient time to review the proposed Bylaw changes, and that the Planning Commission should eliminate the minimum 2-minute time limit for public comments and references to keep comments brief, as well as, reconsider the rationale for a minimum 3-minute time limit for public comments. Some members of the Board felt that the imposed time limits were too restrictive given the importance of land use decisions that were being made by the Commission.

Staff continues to believe that the proposed 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).

As attached herein, staff is recommending further revisions to the proposed Commission Bylaws and has provided a tracked change version and clean version as recommended. Staff has also attached a copy of the Board of Supervisor Staff Report of January 23, 2018, public comments received at the Board Meeting, the Planning Commission Staff Reports of December 6, 2017 and December 20, 2017 (Attachments D-F). It should be noted that a public notice on this matter was published in the Napa Register on February 16th and copies of the recommended changes has been forwarded to interested parties, as well as, the Napa County Development Process Stakeholder Group.

Upon final consideration of the Bylaws, the proposed revised Resolution will be forwarded to the Board of Supervisors in April for final consideration and approval of the amendments. Once approved by the Board, the Resolution will be placed on a future Planning Commission meeting for Commission adoption and staff will then

prepare a FAQ guidance document identifying public testimony protocol for Planning Commission meetings. The FAQ guidance document and Bylaws will be made available to the Commission and public accordingly.

### **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**

#### **Planning Commission Bylaw History:**

The last substantive changes to the Planning Commission Bylaws occurred in 2008. However, on August 15, 2012, a minor review of the Planning Commission Bylaws occurred in response to only changing the name of the Department from the Conservation, Development and Planning Department to the Planning, Building and Environmental Services Department (PBES) and the Napa County Conservation, Development and Planning Commission to the Napa County Planning Commission. Unfortunately, staff was unable to officially execute the updated Bylaws pending action by the Board of Supervisors on changes to the Napa County Code.

#### **Public Outreach on Planning Project Processing:**

Past practices on public outreach for discretionary planning projects have expanded over the years beginning with the adoption of Ordinance No. 1395 on December 16, 2014 and Resolution No. 2014-150 on December 9, 2014 which expanded mailed public notices from a 300 ft. radius to a 1,000 ft. radius, and required a Courtesy Notice to all property owners within the 1,000 ft. radius and along a shared private driveway shortly after a new project has been submitted to department for processing. A graphic overview of the Development Application and the Public Review Process has been provided in Attachment C. Current processing practices applied on all discretionary applications in PBES, specifically those projects going before the Planning Commission, are as follows:

Zoning Ordinance Section 18.136.040 contains the current noticing requirements for Planning Commission and Board of Supervisor level actions. Noticing for Commission and Board of Supervisors public hearing items includes the following:

#### State and County Code Requirements:

Notice mailed and published in newspaper:

10 days in advance for Categorically Exempt projects; or

20 days for Negative Declarations or Mitigated Negative Declarations; or

30 days for Negative Declarations or Mitigated Negative Declarations requiring State Clearinghouse review; or  
45 days for Draft Environmental Impact Reports requiring State Clearinghouse review.

Notice mailed to all property owners within 1,000 ft. of subject property.

Notice extended to all property owners on shared private drive/road to a project site.

Notice provided to any persons who have previously requested notice of all hearings.

Notice to each public agency providing public services to the project.

**Administrative Practices:**

Notice provided to known owner and/or homeowner associations when applicable.

Any customer may join email group list for Commission's public notices, and Commission packet notification that occurs one week prior to all hearings.

Any person requesting notice of pending project added to the mailing list.

County Code also states (Section 18.136.040.E) that the "...Commission may give notice of the hearing in any other manner it deems necessary or desirable." This section is generally applied only on large scale projects like Napa Pipe, or on policy documents like the Housing Element, Climate Action Plan, or General Plan.

Furthermore, the PBES Policy Manual obligates staff to send out a Courtesy Notice to all property owners within the 1,000 ft. radius and along a shared private drive/dead end road shortly after a new project is submitted to the department for review. This notice would generally occur within two weeks of a project submittal and be distributed concurrent with the request for comments sent to referral agencies and departments. This "notice of pending project" is in addition to the formal legal notice required by State Law and County Ordinance. The intent behind this early notice is to inform interested property owners as close as possible to the commencement of the County's review of the request.

With a mailing of the Courtesy Notice, there is a posting of project application materials on the Napa County - PBES Current Projects Webpage located at <https://www.countyofnapa.org/591/Current-Projects>. On this site, application materials, including technical studies are posted along with a written project description, project information (e.g., location, application number, project classification, etc.), and staff contact information. It should be noted with each resubmittal, new materials are uploaded onto the site dropping previous materials into a project archive. This enables the public to monitor the progression of project revisions as it goes through a review process.

After the project is deemed complete and ready for Planning Commission consideration, the environmental document is produced and a public notice is mailed in addition to publishing in the newspaper as noted above. This notice also includes the date of the Planning Commission hearing. The final step is the preparation of the project's staff report which summarizes the project proposal, analyzes project issues, and provides staff's recommendation, findings and conditions of approval to the Planning Commission. Public comments received throughout the process and in response to the public notice are addressed and added to the staff report at this time.

The Planning Commission Meeting Packet has occurred one week (Wednesday) prior to the regularly scheduled meeting and can be viewed by the public at the following website: [https://napa.granicus.com/ViewPublisher.php?view\\_id=21](https://napa.granicus.com/ViewPublisher.php?view_id=21). However, in recognizing the need to adjust this schedule to ensure that ample time has been provided to the applicant, the public, and the Planning Commission, staff has adjusted its schedule to distribute reports by the Monday to allow for a total of 1.5 weeks prior to the scheduled meeting.

**Need for Efficient Meetings:**

In response to last year's meeting agendas, submittal of lengthy comments and requests for applicant revisions to the project at 4:45 pm Tuesday before the meeting and/or on the day of the meeting, and the need to manage applicant presentations better, staff and Commission Members scheduled a review of the Planning Commission Bylaws to discuss the need to update rules for running more efficient meetings. It was further discussed that last minute written applicant changes and lengthy written public testimony, and submittal of videos/PowerPoint presentations in response to staff recommendation lead to delays in ensuring that all materials related to public and/or applicant testimony were available to all parties (the applicant, public, staff, and Commission Members)

General areas discussed and recommended at the Planning Commission Meetings of December 6, 2017 and December 20, 2017 were as follows:

- | Confirm the 3-minute time limit for public comment unless the Chair grants additional time. Time may be reduced by the Chair to less than three minutes (but in no event less than two minutes per speaker) as may be reasonably necessary for the orderly and efficient conduct of Commission meetings.
- | 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. Changes may be submitted within 24 hours 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.
- | Require hardcopies of visual presentations by the public or the applicant on the day of the meeting shall include 10-copies.
- | Development of a FAQ regarding public testimony protocol to be posted on the County's website and in the Commission Board Room during meetings, and available to Commission members for their use when speaking to public members.

In response to public comment and Board discussion received at the Board of Supervisors meeting on January 23, 2018, staff is recommending two additional changes to Bylaws. The first change deletes references to reduce the public input to two minutes (Refer to Rule 11(A)). The second change deletes Rule 11(C) eliminating any reference to have the speakers keep their comments brief and not to repeat previous testimony. A tracked change of staff's recommendation can be found in Attachment A. A clean version can be found in Attachment B.

Overall, staff continues to believe that the proposed amendments will lead to more efficient hearings, maximize meeting participation, and 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). Furthermore, staff ensuring that the Planning Commission Packet will be distributed 1.5 weeks prior to the meeting will provide everyone with additional time to evaluate staff's recommendation and provide any comments well in advance of the meeting.

### **SUPPORTING DOCUMENTS**

- A . Revised Planning Commission ByLaws Tracked Changes
- B . Revised Planning Commission ByLaws Clean Version
- C . Development Application & Public Review Process
- D . Board of Supervisors Staff Report - January 23, 2018
- E . Planning Commission Staff Report - December 20, 2017
- F . Planning Commission Staff Report - December 6, 2017

Napa County Planning Commission: Approve

Reviewed By: Vincent Smith