

City of Portland, Oregon

Planning Commission Bylaws

Language in italics is from Portland City Title 33, Planning and Zoning.

The Planning Commission was created on January 25, 2023 (effective March 1, 2023) by Council Ordinance No. #191150.

Part I

Authority, Purpose, Powers and Duties

A. Authority

The Planning Commission is empowered to perform all duties assigned to it by State law or City Title 33 on behalf of the City Council. (33.710.020)

B. Purpose

The Planning Commission makes recommendations to City Council on the City's long-range goals, policies, and programs for land use and planning. In making recommendations, it considers the economic, environmental, and social well-being of the city in an integrated fashion. The Commission has specific responsibility for guiding, developing, maintaining, and updating the City's Comprehensive Plan and Zoning Code. The Commission deliberates using a climate and equity lens and is committed to effective public involvement and leadership in its work. (33.710.040.A)

C. Powers and Duties (33.710.040.D)

The Planning Commission has all of the powers and duties that are now or may in the future be imposed upon City planning commissions by State law, by this Title, by the City Council, or by the City Charter. The Planning Commission's powers and duties include:

- 1. Holding hearings and making recommendations to City Council on proposals to adopt, amend, and update: the Comprehensive Plan; the zoning code; significant policies, projects, and issues; the portions of Title 11, Trees, identified in 11.10.040.C; urban renewal plans; street vacations; sign regulations; and renaming city streets;*
- 2. Advising the City Council on plans and policies regarding such issues housing, transportation, urban design, equity, economic development, public buildings, environmental protection, resource conservation, and other policies of citywide interest; and*

3. *Providing a forum for community members to learn about principles, policies, and programs that promote sound land use planning practices.*

Discussion Point 1:

Discuss practices around how the Planning Commission advises on plans and policies (duty C.2, above) that are not required to come before the Commission. Questions:

- What are some typical examples of these plans and policies and how do they get added to the Planning Commission agenda?
- How does the Commission use the Comp Plan to provide advice?
- Is public testimony necessary for the Commission to provide advice?
- How is the Planning Commission's advisory input used/communicated?

Part II Rules of Procedure

A. Purpose of Rules

The rules of procedure must be in writing and comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title. (33.710.030.C.)

These rules establish procedures that ensure the Planning Commission performs its responsibilities in an efficient, effective, and fair manner. They clarify the Commission's role and orient new members. The rules incorporate by reference the provisions of the Oregon Public Meetings Law and Chapter 33.710 of the Portland Zoning Code that apply to the Commission.

Discussion Point 2: Do we need to provide greater clarity on what "efficient, effective, and fair manner" means in the context of the work of the Planning Commission?

B. Membership

1. **Membership.** *The Planning Commission consists of nine members, none of whom may hold public elective office. The members are appointed by the Mayor and confirmed by the City Council. The membership of the Planning Commission should include broad representation of Portland's community and reflect the dynamic nature of this changing city. No more than two members of the Planning Commission may be engaged in the same occupation, business, trade, or profession. No more than two members of the Commission may be individuals, or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, leasing, or developing of real estate for profit. (33.710.040.B.)*
2. **Length of terms.** *Members of commissions, committees, and boards provided under this chapter may be appointed to terms of not more than 4 years. Initial appointments for newly formed commissions, committees, and boards must include a sufficient number of*

appointments for fewer than the maximum 4-year term of office to provide overlap and a continuity of membership. Members of commissions are limited to a maximum of two full terms. Vacancies that may occur must be filled for the unexpired terms. (33.710.030.A.)

- 3. Vacancies.** If there are vacancies, including if a position becomes vacated during a term, a regular recruitment processes should follow. The process includes recruitment applications, vetting and selecting members, and appointment by City Council. Applications that have been submitted within two years of a vacancy may be included in the review to fill the open position(s).
- 4. Pay.** *All members on a commission, committee, or board serve without pay. (33.710.030.E.)*

Commissioners who attend in person for meetings may receive validated parking, transportation (TriMet) passes, and potential other accommodations for specific requests (e.g. childcare) during Planning Commission meeting participation. Staff will work with all Planning Commission members on accommodation requests to ensure everyone can participate fully.

- 5. Conflict of interest.** *A member of any commission, committee, board, or review body except City Council may not participate as a member in deciding any land use action in which the member has a direct or substantial financial interest. A member may not participate if any person who resides with the member or the member's spouse, domestic partner, sibling, stepsibling, child, parent, stepparent, parent-in-law, or child-in-law has a direct or substantial financial interest, or if any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, has a direct or substantial financial interest. Any actual or potential interest must be disclosed at the hearing or meeting where the action is scheduled. (33.710.030.I.)*

C. Officers

1. Chair

The Commission annually elects one of its members as Chair to serve a one-year term. The Chair has the following powers and duties:

- a. Preside over all Commission meetings, including deciding all points of order and procedure, subject to these Bylaws;
- b. Preserve order and decorum;
- c. Establish time limits on testimony by members of the public;
- d. Appoint special subcommittees necessary to investigate any matters before the Commission;
- e. Assign Commission members to special subcommittees;
- f. Sign documents on behalf of the Commission or delegate another member to do so; and
- g. Present the Commission's recommendations to City Council or delegate another member to do so.

2. Vice Chairs

The Commission annually elects two members as Vice Chairs to serve one-year terms. One Vice Chair serves as Acting Chair if the Chair is absent, the Chair has a potential conflict of interest in a topic, or the position of Chair becomes vacant. During such times, the Acting Chair has the same powers and duties as the Chair.

Discussion Point 3: Do we need/want to add language that the Chair can delegate presiding over a project to another (non-Vice Chair) Commissioner?

3. Elections

The election of officers takes place at the first meeting of each calendar year. (33.710.040.C.1).

If the seats of the Chair and both Vice Chairs become vacant before the end of their terms, the Commission immediately holds a special election to fill the vacant seats.

When conducting elections, the sitting Chair first requests nominations from Commission members. If only one member is nominated, the election may be confirmed by unanimous consent. If more than one member is nominated, the Chair announces the names of all members nominated, then conducts a vote on each nominee, in the order nominated, until someone is elected. The favorable vote of a majority of Commission members is necessary to elect a member as Chair or Vice Chair.

4. Length of Officers' Terms

Commission members are limited to four consecutive terms in any office. For example, a Commission member may serve four years as Vice Chair then four years as Chair (and could then return to a Vice Chair position if not termed-out on the Commission).

D. Subgroups

1. Officers

The Chair and two Vice Chairs comprise the Commission's Officer group. In addition, the Chair may request the participation of other members in Officer meetings, so long as the number of members at Officer meetings does not constitute a quorum of the Commission.

The Officers have the following powers and duties:

- a. Provide direction to staff in preparation for public hearings and briefings before the full Commission; and
- b. Provide feedback to bureau directors on a variety of issues that pertain to items on Commission agendas or that relate to the Planning Commission's advisory role.

Planning Commission Officers do not make decisions or recommendations on behalf of the Commission.

2. Work Groups

The Planning Commission may create work groups from time to time to bring back recommendations to the full Commission on a particular topic. Such work groups are appointed by the Chair and may include Commission members, City staff, and/or members of another commission. Planning Commission participation on such work groups may not meet the quorum threshold. Work groups will share information with the full Commission about project updates including any recommendations. A work group is not authorized to act on behalf of the Commission.

Discussion Point 4: Do we need to provide greater clarity on how the Planning Commission appoints representatives to other bodies (e.g. DRAC, City work groups, etc)?

Potential clarifying language: When other groups have a need for Planning Commission representation, the Planning Commission votes for the Commissioner to represent the Commission (and, as applicable, forwards their recommendation to the Mayor or body making the appointment).

E. Meetings

Meetings are conducted in accordance with adopted rules of procedure. (33.710.040.C.1.)

Meetings will be conducted to foster collaborative decision-making between the Commission members.

1. Public meetings

All meetings, including briefing sessions, must be open to the public and comply with the Oregon Public Meetings Law. (33.710.030.F.)

2. Attendance

Commission members are responsible for attending all regular Commission meetings. Should members be unable to attend a meeting in person, they may participate in a meeting via Zoom or other available electronic means. Commission members who expect to be absent from a meeting will notify Bureau of Planning and Sustainability staff and the Commission Chair at least 48 hours prior to the meeting. Members may not have alternates.

If a member fails to attend three consecutive meetings or misses 20 percent or more of the meetings held during a calendar year, the Mayor may declare the position vacant. (33.710.030.B.)

3. Quorum

Five members constitute a quorum at a meeting. When there are vacant positions on the Planning Commission, a majority of the non-vacant positions constitutes a quorum at a meeting (33.710.040).

- a. A quorum is necessary to transact any business, including briefings and work sessions, other than to adjourn.
- b. The Chair may not call a meeting to order until a quorum is present unless, after waiting a reasonable time past the meeting's scheduled starting time, the Chair

determines that there is no possibility of obtaining a quorum. In that case, the Chair will call the meeting to order, note the lack of a quorum, and adjourn the meeting.

- c. If a quorum ceases to be present at any time during a meeting, the Chair will immediately adjourn the meeting.

4. Schedule

- a. Regular Meetings

The Commission typically holds meetings on the second Tuesday of the month beginning at 12:30 p.m. and on the fourth Tuesday of the month at 5:00 p.m. Meeting times may be changed by the Bureau of Planning and Sustainability Director. Any schedule updates or changes are published at least seven calendar days before the meeting date.

- b. Special Meetings

The Bureau of Planning and Sustainability (BPS) Director may call a special meeting of the Commission at any time and place. Special meetings are subject to the same notification requirements as regular meetings.

- c. Preparatory Meetings

The BPS Director may call on Commissioners to provide direction to staff in preparation for public hearings and briefings or to provide feedback to staff or bureau directors on a variety of issues.

Discussion Point 5: This has been the typical Planning & Sustainability Commission (and prior Planning Commission) schedule. There has also been some conversation about moving these to consistently being evening meetings.

Questions:

- Do we want to retain this current meeting schedule?
- How well does the existing schedule serve the public's ability to participate in Planning Commission meetings?

5. Public Notice

Meeting agendas serve as the official public notice of the Commission meetings for purposes of complying with the Oregon Public Meetings Law.

- a. A paper or electronic copy of the agenda will be sent to members of the public who request it. The notice is sent by the Bureau of Planning and Sustainability at least seven calendar days before the meeting.
- b. The agenda will be posted on the Bureau of Planning and Sustainability's website at least seven calendar days before the meeting.
- c. The meeting agenda will be published in the *Oregon Daily Journal of Commerce* at least 10 days before the meeting per ORS 92.048(1).

Additional public notice may be required under state laws and the Zoning Code when the Commission considers individual projects as agenda items. For example, Zoning Code Section 33.740.020 stipulates that for legislative projects, *notice must be provided at least 35 days prior to the first public hearing.* (33.740.020.B.)

6. Agenda

The Bureau of Planning and Sustainability prepares the Commission agenda. In general, meeting agendas are in the following order:

- Call to Order
- Items of Interest from Commissioners
- BPS Director's Report

Consent Agenda

1. Approval of Meeting Minutes
2. Other consent items

Regular Agenda

Adjournment

a. Consent Agenda

Items on the Consent Agenda generally concern routine business (such as approval of meeting minutes) or items that do not involve any dispute (such as simple Street Vacation proposals). If a Commission member or member of the public objects to an item being on the Consent Agenda, the Chair removes the item from the Consent Agenda and moves it to an appropriate place later on the Regular Agenda, either at the current meeting or at a later date.

b. Regular Agenda

Items placed on the Regular Agenda include briefings, hearings, and work sessions. Typically, they include a staff presentation, public testimony, Commission deliberation, and a vote by the Commission.

Examples of items on the Regular Agenda include:

- Legislative projects that amend the Comprehensive Plan or the Zoning Code;
- Urban renewal plans and amendments to those plans; and
- Transportation modal plans.

c. Distribution of Agenda

To Commission Members: At least five calendar days before the meeting, the Bureau of Planning and Sustainability sends each Commission member a meeting agenda and materials related to items on the agenda (e.g., plans, staff reports, written comments received). Staff may provide the Commission with additional written materials prior to or again at the meeting. All materials given to Commission members, including the agenda, are also made available to the public and are archived electronically in the City's archiving system.

To Interested Parties: See E.5, Public Notice.

7. Minutes

The Director of the Bureau of Planning and Sustainability keeps an accurate record or minutes of all proceedings of the Planning Commission. (33.710.030.H.)

F. Decisions and Recommendations

Decisions and recommendations by the Commission are made either by unanimous consent or by a vote.

1. By Consent

Items on the Consent Agenda are passed by unanimous consent and without discussion. Commissioners take only one vote for the approval of the entire Consent Agenda.

2. By Vote

Items on the Regular Agenda are decided by vote. Votes are generally taken by roll call ("ayes" and "nays"). The Commission may not vote by secret ballot.

A majority of the members present must vote affirmatively in order to take action.

Individual members may not have more than one vote for the conduct of commission or committee business. (33.710.030.D.)

a. Motion

A Commission action is adopted by vote only after:

- A Commission member makes a proper motion for action;
- Another Commission member seconds the motion;
- The Chair restates the motion (including making any clarifications);
- All Commission members have an opportunity to discuss the motion;
- The Chair restates the motion again and asks for a vote. This step may be eliminated if no discussion has taken place;
- A majority of the members present vote in favor of the motion; and
- The Chair announces the result of the vote (including the vote count).

b. Abstentions

Each Commission member has a duty to vote on a motion. An abstention from voting is counted as a "no" vote, since *"a majority of those present must vote affirmatively in order to take action."*

A commissioner who has a potential conflict of interest on a specific item may choose to not participate as a member of the Commission for that portion of the agenda. If a commissioner decides to not participate on a given project, they must remove themselves from the meeting, otherwise their abstention counts as a "nay" vote.

c. Record of vote

The minutes include the results of all votes.

d. Order of voting

In all roll call votes, the Chair votes last. The roll call for Commissioners' votes, aside from the Chair's, are in alphabetical order by last name.

3. Commission Action Required

The Commission must dispose of the item it is considering before it may consider another agenda item.

The Commission disposes of an agenda item by taking some action on the item. The action may be final or procedural. A final decision is one to approve or deny, or to recommend approval or denial. Procedural actions include decisions to refer to committee, to postpone, or to table.

G. Communications and Coordination

1. Public Speaking

When a Commission member speaks in other venues, such as with the media or before City Council, the member must:

- Be clear whether the member is speaking on the member's own behalf or for the Commission;
- Speak for the Commission only when its position is clear, the member agrees with the Commission's position, and the member is authorized by the Commission to speak on its behalf; and,
- When speaking for the Commission, support the Commission's position. The member may describe the Commission's debate but may not challenge the legitimacy of the decision.

2. Annual Report

The Planning Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning and Sustainability Director by the first working day of September. The Planning and Sustainability Director may combine the report with annual reports of other bodies for transmission to the City Council. (33.710.040.E.)

3. Coordination with other Commissions

The chairs, or their delegates, of the Planning Commission, Design Commission, and Historic Landmarks Commission meet quarterly, or as needed, to discuss trends and issues relevant to their respective commissions and, as appropriate, to coordinate the Commissions' programs. The chairs will share a summary of their meeting with their respective commissions. (33.710.030.J.)

H. Orientation and Training

Staff of the Bureau of Planning and Sustainability meets with new Commission members as soon as possible after their appointment to prepare them to effectively serve on the Commission. Bureau staff provides each new member a copy of these bylaws and other key plans the Commission uses, including the Comprehensive Plan. Each new member also receives a general orientation regarding the region's growth management and land development policies, the relationship between the Commission and staff, duties and responsibilities, procedural rules, and the legal constraints under which the Commission operates.

I. Other Procedural Questions

To resolve procedural questions not addressed by these Rules, the Commission refers to the current edition of Robert's Rules of Order.

J. Amendments

These bylaws may be amended by a majority vote of the Commission membership, except the portions of the bylaws that are also in Chapter 33.710 of the Zoning Code (indicated in *italics*) may only be amended after a legislative process to amend the provision in the zoning code.

If the portions of Chapter 33.710 of the Zoning Code that are also in these Bylaws are amended through the legislative process, the amendment will automatically be reflected in these bylaws.

Original Bylaws approved by the Planning Commission on **DATE**.