

## **PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of August 15, 2023**

**SUBJECT: CPC By-Laws**

In July, the Planning Commission (“Commission”) began the process to review proposed changes to the By-Laws. Proposed action on the By-Laws was postponed to the August 15, 2023 meeting. As stipulated in the current version of the Planning Commission Bylaws, annual review and consideration of the Bylaws is required. The current Bylaws were last adopted in September 2021.

City staff recommended a series of amendments at the July 18<sup>th</sup> meeting, which were further modified by the Planning Commission at that time, for review and further consideration.

Since that time, staff has prepared a revised draft of amended By-Laws, reflective of that feedback. The changes that are proposed in this version have been reviewed by the City Attorney’s office, who have not expressed any concern. The updated By-Laws do not reflect any changes to the Conflict of Interest/Ethics standards of the By-Laws, which were subject to several questions and ideas about potential approaches for amendment. Staff proposes two next steps:

### **Chapter 8 Amendments**

First, consideration of the attached ordinance amendments as a recommendation to the City Council. This recommendation would not be in the same category as land-use related advice, but rather the Planning Commission’s suggestions for modifications to Chapter 8 of the City Code. The proposed modifications attached would result in the following changes:

1. The modification of several sections to more gender-neutral language.
2. The reduction of minimum meeting frequency. (Staff does not anticipate any significant change in meeting frequency, the proposed modification would reduce the minimum standard).
3. Modification that would make it clear that any action or recommendation on a site plan, ordinance, special exception use, or other recommendations to City Council receive a minimum of five affirmative votes, a reduction from the current standard of six votes. (This would be a required change to realize some of the proposed by-laws amendments.)
4. Amendment of language that doesn’t require that City Council request a recommendation on certain legislative actions, but rather requires the Planning Commission provide a recommendation.
5. Change language from “master plan” to “comprehensive plan.”

Attached is a proposed ordinance that reflects these changes. As Chapter 8 is not an ordinance that requires Planning Commission recommendation, any approval of this resolution by the commission will in effect be a request of the Council, rather than a typical recommendation of action on a petition or land use ordinance.

### **PROPOSED CITY PLANNING COMMISSION MOTION FOR AMENDMENTS TO CHAPTER 8**

I move that the attached proposed amendments to Chapter 8 of the City Code are referred to the City Council for consideration as a request from the City Planning Commission.

## Proposed By-Laws Amendments

Second, this report attaches proposed amendments to the By-Laws that reflect the modifications discussed by the Planning Commission on July 18<sup>th</sup>. The By-Laws do not include modifications to the Conflict of Interest/Ethics portion of the By-laws.

Staff has initiated conversations with the City Attorney's Office in this regard. Numerous concepts were discussed that arose during the Commission's discussion on July 18<sup>th</sup>, that would benefit from additional discussion. To support a productive discussion of these concepts, staff requests the following steps:

1. Identification of any questions or scenarios that Commissioners would like to explore during a discussion on September 5<sup>th</sup>. Planning Commissioners may share questions with staff at the meeting on August 15<sup>th</sup>, or via email, anytime until 5:00 p.m. on Wednesday, August 23<sup>rd</sup>.
  - a. Concepts that I have already included and are preparing for this discussion are as follows:
    - i. A method of Conflict of Interest that requires Planning Commission to act or vote on more or all declarations of Conflict of Interest.
      1. If pursued, how would resolution occur in the event that the Planning Commission deemed no conflict existed, while an individual does.
    - ii. Could the use of abstention votes be utilized in the Planning Commission's activities, as an additional option to a typical yes/no vote, or full recusal?
2. On September 5<sup>th</sup>, I will invite a representative from the City Attorney's Office to join the Planning Commission discussion, as well as to help prepare responses to any questions.

To facilitate this discussion on September 5<sup>th</sup>, staff recommends the following motion:

<b>PROPOSED CITY PLANNING COMMISSION BYLAWS AMENDMENT</b>
<p>I move that the following changes are referred to the City Attorney for review:</p> <ol style="list-style-type: none"><li>1. The proposed amendments included in the draft by-laws presented at this meeting.</li></ol> <p>And that the proposed amended Bylaws be presented back to the Planning Commission for additional review on September 5, 2023.</p>

Attachment: Proposed Ordinance Amendments – Chapter 8 of the City Code  
DRAFT Bylaws Amendments