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PLANNING COMMISSION WORKSHOP AGENDA

Monday, April 27, 2020 – 6:30 p.m.

Attendance:

1. Got to zoom.us/join
2. Enter the meeting ID: 863-6601-2277
3. Required meeting password: 900132
4. Optional call-in phone number: (346) 248-7799: enter meeting ID, and password when prompted.

PLANNING COMMISSION WORKSHOP

I. Discussion Session – Public Hearing Procedures

The acting Chair and City staff will go through the public hearing script with the commission (not application specific) and discuss the different elements of a public hearing. This is an opportunity for new planning commissioners and serving incumbents to become familiarized with the script and the elements of a public hearing, in addition to raising any questions as to procedure and process. This workshop is intended to prepare the body for the upcoming public hearings. Please review the script prior to the workshop and bring any questions you may have to the meeting. City Staff and the Chair will be happy to address these and give examples of past experience at the workshop.

Planning Commission Draft Script.....2.

PLANNING COMMISSION MEETING AND PUBLIC HEARING SCRIPT FOR HEARINGS

Monday XXXX, XX– 7:30 p.m.

Council Chambers, Garibaldi City Hall
107 6th Street, Garibaldi OR, 97118

I. CALL TO ORDER

Acting Commission Chair should call the meeting to order. Please note time for the record.

II. PUBLIC HEARING OF AN APPLICATION FOR CONDITIONAL USE /VARINACE ETC.

The chair should start by opening the public hearing and saying following: *“This is a quasi-judicial of the public hearing of the Garibaldi Planning Commission to consider an application **(PAGES X. – XX.)** for a conditional use in the R-1 Zone within the City of Garibaldi. This continuance was granted in accordance with a request from the public to present additional arguments or testimony regarding the application. The decision that will be made here tonight is going to be whether or not the Planning Commission should approve the requested conditional use.*

“A copy of the staff report describing the proposed use has been available to the public since XXX XXt, XXXX, and City staff has been available for questions and comments regarding the proposed use since that time. Notice of the hearing tonight has been provided to the public through publication in the Headlight Herald on XXX XX, XXXX, and through public posting at various locations in town on XXXy XX^d, XXXX. Notice was provided to property owners within 250 feet of the location of the proposed use by posted mail in conformance with the City’s municipal code on XXX XX, XXXX. Notice of this hearing was publicly posted at various locations throughout town prior to this meeting.

“This hearing is an opportunity for the public to comment on the proposed use. I would like to ask those present if there is any objection to the jurisdiction of this commission or any of its members? This question is specific to the authority of the Garibaldi City Planning Commission in approving or denying a request for conditional use within the City of Garibaldi.”

Wait to see if there is a response. If there is, advise the person making the response that they have to address the question that was just asked. If they get off topic, cut them off, and ask the question again. There can’t be any confusion about what the issue is, so just make sure that any public present understands what you’re asking. If someone raises a point, staff will try and address it. The rest of these notes assume that there isn’t a legitimate objection to the jurisdiction of the commission.

“Hearing no objections to the jurisdiction of this commission, I would like to ask if any member of this commission has any conflict of interest or bias regarding the matter before the commission tonight.”

There shouldn't be any issue, but if you have any questions about what you think is a conflict of interest or a bias, now is the time to ask. If any member of the commission has talked to XXXXX or a member of the public about the application, you should mention that and summarize the conversation. You don't need to recuse yourself for conversations about the application, but you should mention them before proceeding. Depending on what is stated, we'll proceed with the public hearing. I don't think there will be any issues, so the next statements are based on the assumption that the commission will be able to make a decision tonight.

*“At this time, I'll have the City Planner and the City Manager summarize the Planner's staff report (**PAGES XX.- XX.**) and relay any correspondence or inquiry received to date since the notice of public hearing on XXX XX, XXXX.”*

I or the City Planner will go through the report, note the effect of the requested use, and make any other comments on the application relevant to the commission's decision tonight. If there are any questions please ask so we can get them out of the way during the hearing. I will also relay any correspondence, or written testimony received. Once we're done the Chair should ask if there are any other questions of the commission before proceeding.

“The decision that will be made tonight is whether or not the Planning Commission will approve of the requested use. The decision to approve or deny the use will be adopted through a final order that staff will prepare after the meeting tonight (If there is no continuance requested by a party to the hearing or the Planning Commission itself) . Any appeal to the decision made here tonight must be submitted to the City Recorder within ten days of the date that the final order is signed. Once staff has prepared the final order and I have signed it, the applicant will be notified along with anyone else that requests or is required to be notified. Notification will be provided within five days of the date that the order is signed. Are there any questions about this process?”

You may get a few questions at this point. You can let the City Planner and I answer any of these questions.

APPLICANTS TESTIMONY – *“The Planning Commission now calls for the applicant to present any new testimony regarding their application.”*

This is an opportunity for the applicant or their representative(s) to present any new information/testimony regarding the application as submitted.

PUBLIC COMMENT - *“The Planning Commission will now call for public testimony. If there are any comments on the proposed use, please keep those comments brief and to the point. If there is an objection to a proposed use, the objection needs to address relevant facts or information from the City’s municipal code, the City’s comprehensive plan, the Planner’s staff report or relevant State law. Any material produced in relation to, support or opposition of, the proposed use must be submitted to the Recorder to be included in the record. Failure to address a pertinent criterion at this hearing will preclude an appeal based on that criterion. Any party may request that the record for this hearing be held open for at least seven days; however, this request must be made prior to the close of this hearing, and is subject to the requirements of ORS 227.178 which requires the governing body of a city or its designee to take final action on an application for a permit, including resolution of all appeals within 120 days after the application is deemed complete. The City received and deemed the application complete onXXX, XX^d, XXXX.*

Comments are limited to three minutes. Persons wishing to speak must first be recognized by the chair, and must state their name and address. If you are representing another person or entity, please state who that is and what your connection to that person or entity is.”

I’ll hand the sign-in sheet (if we are conducting an in-person meeting or will recognize participants that elect to be recognized by virtual means) to the chair and he/she can start going through the names. I will keep a list as well to ensure that we follow the order of testimony correctly You’ll want to take proponents comments first, opponents second and neutral testimony last,

The applicant gets three minutes to respond to each opponent. If the applicant gives new information during their rebuttal, the opponent that they addressed gets an additional three minutes to respond. Once someone starts talking you’ll want to make sure they don’t get interrupted. If a person has a specific objection to the proposed use, they need to make that objection at this time.

“I will take any Proponents’ testimony first.” Please indicate that in a virtual meeting it is important for those wishing to speak, at each juncture, to only identify themselves if they are proponents at this time

Let anyone who has signed in for public comment and is in support of the application make public comment at this time. (as we don’t have a sign in sheet, we will ask participants to identify themselves for the record and they can then offer

their testimony.

"I will now take any Opponents testimony. Please keep in mind that the applicant gets three minutes to respond to each opponent. If the applicant gives any new information during their rebuttal, the opponent in turn gets an additional three minutes to respond."

Let anyone who has signed in for public comment and is in opposition to the application make public comment at this time. Please follow the standards as described above in the proponent's category.

"I will now take any Neutral testimony."

Let anyone who has signed in for public comment and has not listed their position to the application make public comment at this time. Please follow the standards as described above in the proponent's category.

"Are there any questions from the commission about comments received at this time?"

This gives the commissioners a chance to clarify anything they've heard. Since we are still in the public hearing I would suggest that the commission stay on topic with what has been said during the public comment.

"Is there a request to keep the record open?"

If such a request is made, the commission needs to leave the record open for at least seven days. If this happens, the chair should set a date to reconvene and the hearing will be concluded at that time. There are no special noticing requirements for reconvening. Once this is done the commission chair can close the public hearing. Please state the time for the record.