

RESOLUTION NO. *PC*__-2023

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FORT BRAGG AMENDING BYLAWS FOR THE FORT BRAGG PLANNING COMMISSION

WHEREAS, Fort Bragg Municipal Code Chapter 2.20 — PLANNING COMMISSION, provides in part that the Planning Commission shall have the power, by resolution, to adopt rules of procedure governing its meetings, its operation, its conduct of public hearings and the performance of its duties; and

WHEREAS, on February 8, 2023, the Planning Commission held a meeting to consider whether or not the existing bylaws are consistent with current practices and the Inland General Plan and the Coastal General Plan; and

WHEREAS, the adoption of bylaws is exempt from compliance with CEQA; and

WHEREAS, based on all the evidence presented, the Planning Commission finds that the attached Fort Bragg Planning Commission Bylaws (2023):

1. Are consistent with the goals and policies of the City of Fort Bragg Inland General Plan and the Fort Bragg Coastal General Plan; and
2. Are consistent with current practice of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fort Bragg does hereby amend as its rules pursuant to Section 2.20.100 that certain document entitled FORT BRAGG PLANNING COMMISSION BYLAWS (2023) as set forth more particularly in Exhibit "A" attached hereto and made a part thereof.

The above and foregoing Resolution was introduced by Planning Commissioner _____, seconded by Planning Commissioner _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 22nd day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

Jeremy Logan, Chair

ATTEST:

Humberto Arellano, Administrative Assistant

Exhibit A
FORT BRAGG PLANNING COMMISSION
BYLAWS
03/22/2023

I. PURPOSE

The purpose of the bylaws of the Fort Bragg Planning Commission is to establish its rules of procedure governing its meetings, its operation, its conduct of public hearings and the performance of its duties. (Fort Bragg Municipal Code §2.20.090 and 2.20.100)

II. MEETINGS

- A. The Commission shall hold its regular meetings on the second and fourth Wednesday of each month at 6:00 p.m. At the first regularly held meeting of the year, the Commission may adopt a specific meeting schedule that provides alternate meeting dates to avoid conflict with recognized City holidays. There will be no fourth Wednesday meetings in November and December. The meeting schedule shall be posted for public review at City Hall and on the City's website. (Fort Bragg Municipal Code§ 2.20.060, 2.20.090 and 2.20.100)
- B. The meeting place of the Planning Commission for the transaction of business is fixed and established at the Town Hall, situated on the southwest corner of North Main and Laurel Streets, and commonly known as 363 North Main Street, Fort Bragg, California or virtually if resolved by the body in accordance with AB361. The meetings will be conducted in person, via webinar and televised on local TV as well as livestreamed on the City's website. (Fort Bragg Municipal Code §2.20.100)
- C. A special meeting of the Planning Commission may be called at any time by:
 - 1. The Chair; or,
 - 2. In the Chair's absence, by the Vice-Chair; or,
 - 3. By a majority of the members of the Planning Commission; or
 - 4. The City Manager, Community Development Director, or City Staff

Unless a special meeting is called by a majority vote of the members at a regular or special meeting, a written notice must be delivered, to each member of the Planning Commission at least twenty-four hours prior to the special meeting. The notice must specify the time and place of the special meeting and the business to be considered. The notice must be posted at City Hall in the kiosk and on the City's website. The only business that may be considered at a special meeting is the business shown on the notice. (Fort Bragg Municipal Code §2.20.100)

- D. All regular and special meetings shall be open to the public. (Fort Bragg Municipal Code §2.20.100)

- E. The order of business of the Planning Commission shall be as follows:
1. Call to Order
 2. Pledge of Allegiance
 3. Roll Call
 4. Public Comments on (1) Non-Agenda Items & (2) Consent Calendar Items
 5. Matters from Staff
 6. Matters from Commissioners
 7. Consent Calendar
 8. Disclosure of Ex Parte Communications on Agenda Items
 9. Public Hearings
 10. Conduct of Business
 11. Adjournment
- (Fort Bragg Municipal Code §2.20.100)

- F. The adjournment time for all Commission meetings shall be 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote. Further, if it appears that the meeting will adjourn, the Planning Commission shall vote upon which items are to be continued to a future meeting. If a public hearing is underway at adjournment, the Planning Commission may continue the meeting to a future date certain. (Fort Bragg Municipal Code §2.20.100)

III. **OPERATIONS**

- A. There shall be five (5) members of the Planning Commission appointed by the City Council. Each member of the City Council may submit the name of a resident of the City as a nominee for a seat on the Planning Commission. The City Council as a whole shall vote to appoint the nominee, the appointment requiring the affirmative vote of at least three (3) City Councilmembers. (Fort Bragg Municipal Code §2.20.020)
- B. Planning Commission members shall be seated for a potential term coinciding with that of the nominating City Councilmember, provided, however, that the commissioners serve at the will of the City Council. The City Council may remove any Planning Commissioner at any time through the affirmative vote of at least four (4) of the City Councilmembers. (Fort Bragg Municipal Code §2.20.020)
- C. A majority of appointed Planning Commissioners constitutes a quorum for the transaction of business. (Government Code §36810)
- D. At the first regularly held meeting of the year, the Planning Commission shall select one of its members as Chair and one member as Vice-Chair of the Commission. In case of the absence of the Chair, the Vice-Chair shall act as the Chair. If the Chair and Vice-Chair leave the Commission, and there are no officers, the Commission shall elect a Chair and Vice-Chair as the first order of business of the meeting. (Fort Bragg Municipal Code §2.20.050)

- E. At the first regularly held meeting of the year, the Commission may discuss and adopt a work schedule for the year as a guide for work on the General Plan of the City. (Fort Bragg Municipal Code §2.20.100)
- F. The Community Development Director or designee shall provide updates to the Commission of all major current planning projects and all long range planning activities at the request of the Chair.
- G. After the close of the calendar year, the Commission may discuss and prepare a summary report of its work for the calendar year. The report may be submitted to the City Council and may be used for reporting to County, State or Federal agencies. (Fort Bragg Municipal Code §2.20.010)
- H. To allow for efficient consideration of planning and zoning matters, Ad Hoc committees may be appointed to consider specific matters and report to the Commission. Ad Hoc committees will be appointed by the Chair, after consultation with the Commission as to the purpose and composition of the committee. Not more than two commissioners may be appointed to an Ad Hoc committee. (Fort Bragg Municipal Code §2.20.100)
 - 1. At the first meeting of each Ad Hoc committee, one member shall be elected as Chair. The Chair shall be responsible to direct the committee and to report to the Commission when the committee believes it has completed its task. The Chair shall ensure that proper notices are posted at City Hall for meetings of the Ad Hoc committee. The Chair shall account for member participation and attendance at meetings or other work related to the task, including records of action or progress. The Chair may report to the Commission periodically, about progress and/or about member attendance. Each member of an Ad Hoc committee is responsible to attend meetings of the committee. Committee meeting dates shall be set by a consensus of the committee.
 - 2. If one or more members of an Ad Hoc committee is/are absent from one (1) meeting that has been set by consensus, the Chair shall attempt to contact the member and determine his/her interest in serving on the committee. The Chair shall report to the Commission, requesting a replacement member, if the member is not willing to continue or if failure to attend meetings continues.
 - 3. Final Ad Hoc committee recommendations shall be presented to the Commission by the Chair in writing. When the committee report is received, the Commission may receive majority and minority opinions from committee members.
 - 4. If the Commission has a vacancy, all Ad Hoc committee activities shall cease until the Commission is fully seated with all five members, in order to avoid any Brown Act violations.
- I. The Chair shall decide all questions of order.
(Fort Bragg Municipal Code §2.20.100)
- J. The Chair may make or second any motion before the Planning Commission and present and discuss any matter as a member of the Planning Commission.
(Fort Bragg Municipal Code §2.20.100)

- K. In the event of a tie vote, the motion shall fail.
(Fort Bragg Municipal Code §2.20.100)
- L. A motion to reconsider shall not be in order except on the same day or at the next session of the Commission after which the action for reconsideration took place. Such motion must be made by a member who voted with the majority on the question, except that a member who was necessarily absent may, at the next meeting at which he or she is present, have a right to move a reconsideration of the same. A motion to reconsider shall require a majority vote. Whenever a motion to reconsider fails, further reconsideration shall not be granted.
- M. No member of the Planning Commission shall be permitted to interrupt another during debate or discussion of any subject. (Fort Bragg Municipal Code §2.20.100)
- N. 1. Every member of the Planning Commission present shall vote on every question or matter when put, except when disqualified from voting by operation of law, or unless the Planning Commission for special reasons entered in the minutes, excuses the member from voting on a particular matter then under consideration. Should a member abstain from voting, they shall state the reason for abstaining, and said reason shall be recorded in the minutes of said meeting. (Fort Bragg Municipal Code §2.20.100)
2. Any member of the Planning Commission who votes in the minority, on any question or matter, may file a minority opinion. The minority opinion may be verbal at the time of the vote, or written and submitted for inclusion into the minutes of the question or matter. A minority opinion shall be shown as the personal comments of an individual member and not subject to change by a majority of the Commission. A written minority opinion must be submitted to the Planning Director between the vote on the question or matter and the beginning of the next regular meeting when the minutes on the question or matter are considered.
- O. When the Commission revises staff recommendations on an application and the applicant is not present or represented, the Commission shall defer a decision until the applicant can be present or represented, unless that applicant has submitted a formal written request for the Commission to consider their project application without the applicant's presence.
- P. Each member of the Planning Commission is responsible to attend Commission meetings. Section 2.20.080 of the Fort Bragg Municipal Code shall be enforced for each member. Section 2.20.080 reads as follows: In the event a member of the Commission does not attend meetings for a period of 60 days, unless excused for cause by the Chairperson of the Commission, the office of the member shall be deemed to be vacant and the term of the member ipso facto terminated. The Secretary of the Commission shall immediately notify the Mayor of the termination.
- Q. If the Planning Director determines that a substantial question of interpretation on a planning matter needs the review of the Planning Commission, the Planning Director shall introduce the matter at the next regular meeting. The matter may apply to City ordinances or to a current project. The Planning Director shall provide a written report to the Planning Commission including the following:
1. A statement of the substantial question for review.

2. A reference to ordinances in the Municipal Code that apply to the substantial question.
3. A reference to the portions of the General Plan that may apply.
4. A reference to previous actions by the Commission or City Council that may apply.

After the Planning Commission has studied the substantial question, it shall adopt a finding to be used by the Planning Director for all future interpretations/applications of the planning regulation.

IV. PUBLIC HEARINGS

On any matter before the Planning Commission that requires a public hearing, the following procedure shall be followed:

- A. The Chair will announce the item from the agenda;
- B. The Chair will open the public hearing, stating the time:
 1. The Community Development Director and/or planner will present a staff report and answer questions of the Commissioners;
 2. If it is apparent that there is considerable public interest in the matter, the Chair may poll the audience for an indication of the number of persons who wish to address the Commission; and,
 3. The Chair may:
 - a) Impose a three (3) minute time limit on each person who addresses the Commission;
 - b) Request that testimony be combined through a spokesperson where possible; and,
 - c) Limit each person who has addressed the Commission to a single opportunity to clarify their testimony.
- C. The applicant shall be given an opportunity to present the matter and answer questions from staff or Commissioners, unless they waive that right by letter in advance of the meeting;
- D. Members of the public and/or public agencies will be given an opportunity to present their comments;
- E. For meetings held in person, speakers before the Planning Commission shall approach the public podium and give their comments. They may also provide their name, address, and whether they live or work in the City prior to addressing the Commission;
- F. For meetings held virtually via webinar comments can be made in real-time while the item is open to public comment by the Planning Commission.
- G. Spoken public comments are restricted to three minutes each, unless the Chair provides a longer period for public comments. All written comments or emails received before or during the meeting that have not been published with the agenda packet will be forwarded to the Commissioners as soon as possible after receipt and will be available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, California, during normal business hours.

All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible.

- H. Questions from the public or Commissioners should be directed through the Chair, unless the Chair decides to manage questions in a different manner;
- I. When all comments have been presented to the Commission, any of the following options may be selected:
 - 1. Continue the public hearing until a future date certain if there are issues raised during the hearing that need further clarification or information for application review;
 - 2. Continue the public hearing to an unspecified date if there are issues raised during the hearing that need further clarification or information for application review; in this situation the public hearing shall be re-noticed.
 - 3. Leave the public hearing open while the Commission discusses action proposed to be taken, if the Chair wants to provide an opportunity for further input from the public or the applicant during the deliberation process; and,
 - 4. Close the public hearing, stating the time. The Commission shall then discuss the action to be taken. (Fort Bragg Municipal Code §2.20.100)
- J. For current planning approvals, at the close of the deliberations, a Planning Commissioner shall make a motion to:
 - 1. Adopt the resolution adopting the CEQA document for the review of the project if CEQA review was required; and, if seconded, the Commission will act on the CEQA resolution prior to consideration of the planning resolution; and
 - 2. Adopt the planning permit(s) resolution subject to all special and standard conditions; or
 - 3. Adopt the planning permit(s) resolution subject to all special and standard conditions as modified by the Commission. The Commissioner shall clearly state for the record any proposed modifications, additions or deletions to any special conditions prior to making a motion; or
 - 4. Provide direction to staff to prepare a resolution for denial of the permit. The Commission members indicating that they would vote for denial of the permit shall identify the reasons for denial of the application.
- K. After the motion is made by a Commissioner, it must be seconded by another Commissioner. If there is no second, the motion dies. The Chair will ask for a vote of the Commission only after a motion is made and seconded.
- L. After the Commission votes, the Community Development Director or Planning Staff shall describe the appeal process and timeline (to the City Council, and if relevant, to the Coastal Commission).
- M. For recommendations to City Council on legislative matters, the Planning Commission shall provide recommendations and suggested changes to any proposed ordinance. Recommendations may be made by minute order or by resolution depending on statute.