

## BYLAWS

### WASCO COUNTY PLANNING COMMISSION

*Adopted: September 19, 2012*

**WHEREAS**, the Wasco County Planning Commission wishes to adopt BYLAWS in order to provide RULES AND PROCEDURES for its members, meetings and activities. Therefore, the Wasco County Planning Commission and Board of Commissioners hereby adopted the following:

#### SECTION I – ORGANIZATION OF THE PLANNING COMMISSION

- A. The Wasco County Planning Commission (“Commission”) shall be composed of seven members, and may have up to two alternate members (“Alternate”), appointed by the Wasco County Board of Commissioners (“Board”).
- Alternate members shall be expected to attend all meetings and serve in a participatory role.
  - An Alternate member shall serve as a regular member when a regular member is absent.
  - If two Alternates are designated to be on the Commission, one should be designated as the first Alternate and the other designated as the second Alternate.
  - In the event a member of the Commission is absent, the first Alternate would assume a voting role. If two members of the Commission are absent, both Alternates would assume a voting role.
- B. The (“Commission”) shall, at or before its first meeting in each year, elect or install one of its members to serve as Chairperson and another to serve as Vice-Chairperson. Nominations for Chairperson and Vice-Chairperson shall be by oral motion, duly made and seconded, placing a name for Commission consideration.
- C. Members of the Commission shall be appointed for four-year terms, or until their respective successors are appointed and qualified.
- D. New members or Alternates of the Commission may receive an evaluation from the Commission Chairperson and Planning Director during or after their initial term.
- E. A member of the Commission or Alternate who misses three (3) meetings in one year may be asked to resign, or may be removed upon a motion, second, and majority vote by the Commission. Any vacancy shall be filled by the Board for the unexpired term of the predecessor in the office.
- F. A member of the Commission or Alternate may be removed by the Board for findings of

misconduct, nonperformance of duty, or three unexcused absences from regular meetings in one year. Any vacancy shall be filled by the Board for the unexpired term of the predecessor in the office.

- G. Members of the Commission and Alternates shall serve without compensation other than reimbursement for duly authorized expenses.
- H. Diversity in experience, background, and geography in the county among Commission members is encouraged. As such, members of the Commission shall be residents of the various geographic areas of Wasco County. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit, as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession.
- I. Each appointed member shall be heard and vote upon any matter before the Commission, provided however, that no member shall vote or participate in any matter as to which he may be disqualified pursuant to Section V of these rules. The Chairperson is a voting member of the Commission.
- J. The Chairperson of the Commission shall be the Presiding Officer at all Planning Commission meetings.
- K. The Vice-chairperson shall perform the duties of the Chairperson in the absence of the Chairperson and shall have at such times the authority to sign appropriate documents.
- L. In the absence of the Chairperson and Vice-Chairperson, the remaining members shall elect a temporary Presiding Officer.
- M. All decisions of the Chairperson shall be subject to review by a majority of the Commission members present upon motion duly made and seconded. The motion shall have priority over all other matters.
- N. A majority of the appointed members, when present at any Commission meeting, shall constitute a quorum. A quorum is not necessary for the Commission to conduct work sessions, continue agenda items or to talk about discussion items.
- O. When a matter is called for a vote, the Chairperson shall, before a vote is taken, state the question before the Commission in general terms, and shall announce the decision of the Commission after such vote.
- P. Decisions shall be rendered by those planning commissioners present, and the majority vote of those members present shall prevail. In cases of a tie vote, the decision shall be deemed a denial of the motion before the Commission.
- Q. A member of the Commission may not vote on minutes for a meeting that a member did not attend. A member may not vote on a project that has been heard at a series of meetings, where the member has not been present at all meetings where the project was considered. However, a member of the Commission may vote if that member has listened to the tape recording of the meeting(s) from which they were absent.
- R. The Commission will normally meet at 3 p.m., on the first Tuesday of each month in such

location approved by a majority of the Commission. When such regular meeting date falls upon a legal holiday, the following Tuesday shall be the regular meeting date.

- S. In addition to the established regular meeting dates, the Commission shall meet or conduct special meetings, at such other times, dates and places as may be deemed appropriate or necessary.
- T. A regular meeting shall be cancelled if no business is scheduled for discussion. The Planning Department shall notify Commission members if a meeting is to be cancelled.

**SECTION II - METHOD OF NOMINATION & APPOINTMENT: Members and alternates shall be nominated, appointed or re-appointed according to the following procedures:**

- A. Selection of applicants to the Commission shall be accomplished through an open process when there is a vacancy or a reappointment is not recommended, which shall include, at a minimum:
  - 1) Notification to the Wasco County Planning Commission Advisory Committee (“Advisory Committee”) by the Planning Director.
  - 2) A public service announcement sent to local media outlets, inviting application by a specified date.
- B. Candidates for membership or alternate position shall submit an application for consideration to the Advisory Committee and Board. It shall be the responsibility of the Planning Department to advise applicants of the time commitment required of members for the review of staff reports and regular attendance and expectations at meetings. Applicants shall indicate their ability to meet this commitment prior to consideration of their candidacy.
- C. The Advisory Committee will undertake the process necessary to identify and recommend candidates for the Commission. The Advisory Committee shall review all applications and forward a recommendation for appointment to the Board. The Advisory Committee shall be composed of:
  - Commission Chairperson
  - Commission Vice Chairperson
  - Board of County Commissioner or designee
  - Wasco County Planning Director
  - Planning Commissioner appointed by a city’s planning commission (e.g., City of The Dalles, Dufur, Mosier).

The Advisory Committee may call any applicant for membership to appear for a personal interview before the Committee. Interviews shall be held at such time and place as the Chairperson directs. The Board may interview any or all applicants prior to making an appointment. Said appointment shall be made as soon as practicable after the close of the application period.

- D. A member of the Commission whose term is expiring shall be notified 90 days prior by the Planning Department. If the member desires to be reappointed, the Advisory Committee reserves the right to: 1) conduct an interview; 2) make a recommendation to the Board; and/or 3) require the member to re-apply as provided in the Commission bylaws. The Board may interview the member before making the reappointment. Said process shall take place in a practicable timeline and will determine whether the position will be advertised.

E. Before taking office, each appointed member shall execute the following oath or affirmation:

*"I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and of the State of Oregon, and that I will diligently apply the ordinances of Wasco County, and that I will faithfully discharge the duties of Wasco County Planning Commissioner to which office I have been appointed."*

### **SECTION III - PLANNING COMMISSION STAFF**

- A. The Wasco County Planning Director or a member of the Director's staff shall serve as Secretary to the Commission and shall keep an accurate, permanent and complete record of all proceedings before the Commission.
- B. The Planning Director shall be responsible for the preparation of Commission minutes.
- C. Subject to the direction of the Board and the Commission and its Chairperson, the Planning Director and the Director's staff shall perform the following duties:
- 1) Conduct all correspondence of the Commission, send out all notices required by law or ordinances, attend all meetings and hearings of the Commission, keep the dockets and minutes of the Commission's proceedings, compile all required records, and maintain the necessary files and indexes.
  - 2) Enter into the record the number of appeals or applications, the name of the appellant or applicant, a short description by address and legal description of the premises; the nature of the appeal or application; and the final disposition after the case has been disposed of.
  - 3) Enter in to the record all continuances, postponements, dates of sending notices, and other steps taken or acts done by the Commission or its officers on behalf of the Commission.
  - 4) Record in to the minutes the decision relating to each case acted on by the Commission, together with the vote of each member of the Commission, those absent or failing to vote being so marked, together with all other actions of the Commission and the full reasons for its decisions.
  - 5) The Planning Director shall not permit any records of the Commission to be removed from the Planning Department's Office without authority of the Chairperson, except that he may produce records and files for inspection upon the request of a court of competent jurisdiction. Upon request, the public records and writings of the Commission shall be available for examination and copying by any interested person at the Planning Department's Office during the regular office hours thereof, provided that such inspection or copying will not endanger the safety of such public records or writing.
- D. The District Attorney or his deputy shall act as legal advisor to the Commission in the conduct of all hearings.
- E. In addition to the Planning Director and the District Attorney, the following officers of the County, or their delegates, shall be considered staff to the Commission: the Roadmaster, the Surveyor, North Central Public Health District employees, the Assessor, and the County Extension Agents. The Commission Chairperson shall recognize members of the staff in all proceedings before the Commission.

### **SECTION IV - INITIAL HEARING ON PROPOSED ACTIONS**

- A. Hearings on proposed actions shall be conducted in compliance with Chapter 2 of the Wasco County Land Use and Development Ordinance or Wasco County National Scenic Area Land Use and Development Ordinance.
- B. To the extent practicable, the Commission shall conduct a hearing upon an application within sixty days of an application being deemed complete and in the order in which the applications are deemed complete by the Planning Department.
- C. In all cases, the Commission shall enter findings based upon evidence in the whole record before it to justify its decision.
- D. No action shall be taken unless a staff report is prepared by the Planning Director and mailed or sent to the members of the Commission at least seven days prior to the hearing.
- E. The action at the public hearing may be to approve the application as submitted, deny the application, or approve the application with conditions deemed necessary to carry out the intent of the Wasco County Comprehensive Plan or Columbia River Gorge National Scenic Area Management Plan. The hearing may be continued to a date certain upon majority vote of the Commission. A continuance shall also be granted to any party so requesting if new information regarding the application has been presented by the applicant after the notice of public hearing is sent.
- F. If there is no continuance, the record shall remain open for at least seven days, only if a party so requests.
- G. In all cases, the Chairperson shall state the Commission's decision upon the close of the hearing.
- H. If the application is denied by the Commission or by the Board upon review, no new application for the same request shall be accepted for at least one year from the date of final order on the action.
- I. Conditional approvals shall be limited as follows:
  - 1) Time limitations shall be set by the Commission in which compliance with conditions shall be met.
  - 2) Such conditions shall be conceived to fulfill public needs for protection from potentially adverse effects of the proposed use and public service demands created by the proposed use.
  - 3) Changes or alterations to conditions may be processed as a new application.
- J. The Commission may adjourn any hearing in order to obtain additional information it feels is necessary to make reasonable decision. Persons previously notified need not be notified of the resumption of said hearing, unless the Commission so orders, if the date and time of the continued hearing is announced at the adjournment of the initial hearing.
- K. The following persons only, if making a appearance of record, are hereby defined as "parties," and shall be entitled, either themselves or through counsel, to a full hearing before the Commission and, upon such participation, to review by the Board and the Courts:

- 1) The applicant.
- 2) Those persons entitled to personal notice pursuant to Chapter 2 of either the Wasco County Land Use and Development Ordinance or the Wasco County National Scenic Area Land Use and Development Ordinance.
- 3) Other persons that demonstrate to the Commission that the proposed action affects a substantial right of those persons.

L. Appearance of record shall mean either:

- 1) An oral statement made at the initial hearing on the proposed action. The statement shall clearly identify the individual and his or her address, and the identity of the person being represented, if applicable; or
- 2) A written statement submitted prior to the closing of the hearing, signed by the individual making the statement or his or her representative, and clearly indicating how the individual has standing as a party. The statement shall be submitted to the Planning Director, Planning Department staff or to the Commission at the hearing.

M. A verbatim record of the proceeding shall be made by oral, written, or mechanical means, which record need not be transcribed except upon review of the record.

N. The Commission Chairperson may set reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing and the Chairperson may exclude or limit cumulative, repetitious or immaterial matter.

O. All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be returned when the period for review has expired, but shall otherwise be preserved by the Planning Director. Evidence may be received subject to a later ruling as to its admissibility.

## **SECTION V - CONFLICT OF INTEREST AND EX PARTE CONTACT**

A. A Commission member shall not participate in any proceedings in which any of the following has a direct or substantial financial interest: the member, the member's spouse, brother, sister, child, parent, parent in-law, cousin, niece, nephew, employer or partner in any business of which he or she is then a member or has been a member within the previous two years, or in any business with which he or she is negotiating, or has an arrangement or understanding concerning prospective partnership or employment.

B. Any actual or potential financial or other interest that would lead to bias or partiality shall be disclosed at the hearing where the action is considered.

C. Any party to any action may, in relation to an action, challenge the impartiality of any member before or during the hearing on the action. A challenge must include the facts relied upon by the challenging party, relating to the members alleged bias, prejudgment, or personal interest, or other facts from which the party has concluded that the member cannot participate in the decision in an impartial manner.

D. In the event of a challenge for bias, the member shall respond in a statement of capacity to participate in the hearing, which shall be part of the record. The statement shall refer to the

challenge and include the reasons why the member wishes to participate or be disqualified. The statement of capacity to hear shall not be subject to cross examination, but shall be subject to rebuttal by the challenging party.

- E. The members of the Commission shall not:
  - 1) Communicate, directly nor indirectly, with any party or his representatives in connection with any issue involved except upon notice and an opportunity for all parties to participate; nor,
  - 2) Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed; nor,
  - 3) Inspect the site with any party or their representative unless all parties are given an opportunity to be, present.
- F. If *ex parte* contact cannot be avoided by a member of the Commission, disclosure of the contact should be made by the member at the opening of the appropriate hearing. Such disclosure shall be subject to the same rules as for a statement of bias or conflict of interest.
- G. Requests for disqualification based upon bias or *ex parte* contact, pursuant to subsections A through F of this section, shall be considered by the entire Commission present, and be granted upon majority consent (excluding the individual disclosing or challenged concerning bias or *ex parte* contact). The Commission shall consider the evidence in the record and decide whether the individual can reasonably be expected to render an impartial decision.
- H. In the event a member of the Commission is disqualified, the remaining members shall hear the application. In the event of no quorum, the application will be rescheduled to a future meeting.

## **SECTION VI - BURDEN OF PROOF**

The burden of proof is placed upon the applicant seeking approval of the proposed action. Such proof shall show that:

- A. The proposed action complies with applicable statewide planning goals, Oregon Revised Statutes and Oregon Administrative Rules, and the Wasco County Comprehensive Plan or Columbia River Gorge National Scenic Area Management Plan.
- B. The proposed action is in accordance with the applicable standards and criteria of the Wasco County Land Use and Development Ordinance or Wasco County National Scenic Area Land Use and Development Ordinance.
- C. Granting the request is in the public interest, and that public interest is best served by granting the request at this time.

## **SECTION VII – REPEAL & SEVERABILITY**

These bylaws repeal and replace all previous versions.

If any part of these bylaws is for any reason held invalid, such shall not affect the remainder of these bylaws.

**SECTION VII – AMENDMENTS**

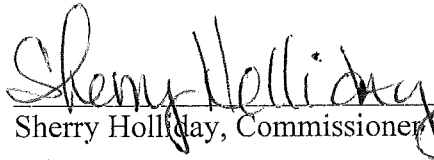
Any member of the Board, Commission or Planning Department may propose amendments to these bylaws. An amendment must be approved by the Board to become effective.

**Adopted this 19<sup>th</sup> day of September 2012**

Wasco County Board of Commissioners

  
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Rod Runyon, Chair

  
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Scott Hege, Commissioner

  
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Sherry Holliday, Commissioner