

**RULES OF
PROCEDURE
FOR THE
PLANNING
COMMISSION
OF THE
CITY OF EUREKA
CALIFORNIA**

Eureka City Planning Commission

David Edmonds, Chairman
Ron Kuhnel, Vice Chairman
Dean Kessler

Michael Eagan
Robert Spencer, DDS

Department of Community Development

Kevin R. Hamblin, Director of Community Development
Sidnie L. Olson, Senior Planner
Joel Canzoneri, Senior Planner
Lisa Shikany-Meyers, Environmental Planner
Tavis Austin, Planner
Becky Caldwell, Department Secretary

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Eureka, California

**BYLAWS AND RULES OF PROCEDURE
FOR THE PLANNING COMMISSION
OF THE CITY OF EUREKA**

Preamble

This Commission was created by the City Council of the City of Eureka to direct the economic, social and physical growth and development of the City of Eureka and to insure its prosperity, health, safety, morals, happiness, and general welfare.

WE hold that these objectives are such as to challenge the vision and inspire the best effort of any citizen.

WE resolve to execute our duties with a view not only to the needs of today but also to those of the future.

WE pledge ourselves to plan and regulate without favor of prejudice to any individual, group, class, race or creed.

WE will remain always on guard against ill-considered deviations which will offend consistence or which even minutely nullify our purpose.

WE will make changes when required in the overall public interest but we will not alter plans or revise the regulations for any individual, group or organization for personal convenience, profit or caprice.

WE will seek to identify, as clearly and as detailed as possible, the aspirations, goals and objectives of various segments of the community, especially the minority elements, and to test these aspirations against formalized community plans, policies and objectives.

WE will continuously examine the City's planning program and the general planning process – beginning with analysis and formulations of goals and extending through plan preparation and implementation – to uncover any deficiencies in techniques, standards and procedures as they are related to our local basic human aspirations.

WE will be dedicated to seek removal of constraints that may hinder the planning process and plan from being more responsive to overall community welfare, such constraints imposed by tradition, statute, programs of upper-level government, and sectarian interest groups.

Article I. Objectives

The objectives and purposes of the Planning Commission of the City of Eureka are those set forth in the Government Code, State of California, Planning and Zoning Law, and amendments and supplements thereto, and those powers and duties delegated to the Planning Commission by the City Council of the City of Eureka by Ordinance No. 2878, adopted on August 15, 1961, in accordance with the enabling law and all amendments or changes.

Article II. Meetings

1. All meetings of the planning Commission of the City of Eureka shall be public and all persons shall be encouraged to attend any meeting of said Planning Commission except as otherwise provided in these Bylaws or by law.
2. Regular meetings of the Planning Commission are to be held on the second Monday of each month, at 5:30 p.m., in the Council Chamber, second floor, City Hall, 531 "K" Street, Eureka, California, or as designated by the Commission. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the following Monday, or as specified by the Commission.
3. The Planning Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the Order of Adjournment. Less than a quorum of the Planning Commission may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the Executive Secretary of the Commission may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided in the following section for special meetings unless such notice is waived as provided for special meetings. When an order of adjournment of any meetings fails to state the hour at which the adjourned meeting is to be held it shall be held at the hour specified for regular meetings.
4. Special meetings may be called at any time by the Chairman of the Planning Commission, Vice-Chairman in the absence of the Chairman or by a majority of the members of the Commission by delivering, personally or by mail, or by electronic mail, notice to each member of the Commission and to a local newspaper of general circulation, and to any radio or television station requesting such notice. Such notice must be delivered at least twenty-four (24) hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Planning Commission. Such notice may be dispensed with as to any member who, at or prior to the time the meeting convenes, files with the Executive Secretary of the Planning Commission a written waiver of notice. Such waiver may be given by telegram or by delivering, personally or by mail, or by electronic mail.
5. The annual meeting for the election of officers (Chairman and/or Vice-Chairman) shall be held on the regular meeting date in January of each year prior to the Public Hearings and the newly elected officers shall preside at that meeting.
6. A quorum of the Commission shall consist of three (3) of the five (5) members of the Commission.
7. A quorum of all members must be present at all meetings where there is a necessity to transact any official business and a quorum vote is necessary to take any official action including but not limited to reclassifications, conditional use permits, amendments to the

zoning regulations or map, general plan or these Bylaws. In case of a tie vote or deadlock the Chairman shall have the item of business placed on the next Agenda of the Commission for reconsideration and vote.

Article III. Officers – Duties of

The officers of the Commission shall consist of a Chairman, Vice-Chairman and the Executive Secretary.

Chairman

The Chairman shall have the following duties:

1. Preside at meetings of the Commission. The Chairman may at his or her discretion modify the order of the Agenda of the Planning Commission; and, the Chairman may at his or her discretion impose time limits on speakers appearing before the Commission.
2. When authorized by the Commission he or she shall execute in its name all contracts, bonds and other obligations.
3. He or she shall appoint all committees and subcommittees.
4. He or she shall have general supervision of the conduct of the affairs of the Commission and shall instruct the Executive Secretary in conducting Commission business.
5. He or she shall perform such other duties as are usually exercised by the Chairman of a Commission or a Chief Officer of a corporation.
6. He or she shall sign all communications of the Commission and all recommendations to the City Council of the City of Eureka unless otherwise authorized by him or her.

Vice Chairman

The Vice-Chairman shall have the following duties:

1. The Vice-Chairman shall perform the duties of the Chairman during the absence or disability of the Chairman.

Temporary Chairman

The Temporary Vice-Chairman shall have the following duties:

1. In the absence or disability of the Chairman and Vice-Chairman at any regular or regular adjourned meeting where a quorum of the membership is present, a Temporary Chairman can be elected by a quorum vote of the entire membership to preside at said meeting until the Chairman or Vice-Chairman is present.
2. The Temporary Chairman shall perform the duties of the Chairman during the absence or disability of the Chairman or Vice-Chairman.

Executive Secretary

The Executive Secretary shall be the Director of Community Development, who shall have the following duties:

1. The Executive Secretary shall attend all regular, regular adjourned, special, and special adjourned meetings or public hearings and keep a record of same and transcribe same properly in the minute books of the Commission.
2. The Executive Secretary shall send notice of all meetings of the Commission required to be sent under these Bylaws, State law, zoning regulations or subdivision ordinance or as directed by the Chairman.
3. The Executive Secretary shall have charge of all official books, papers, maps, and records of the Commission and shall conduct all official correspondence relative to hearings, meetings, resolutions, decisions, and other business of the Commission.
4. The Executive Secretary, or his or her assigned staff personnel, unless otherwise directed, shall attend meetings of the committees and, when directed, transcribe and preserve the records thereof.
5. The Executive Secretary shall prepare the Agenda and Staff Reports for items of business before the Planning Commission. The reports will contain factual background data and professional planning information to guide the Commission in its actions.
6. The Executive Secretary shall notify the Vice-Chairman, by telephone or in person, or by electronic mail, on the day the Chairman informs the Executive Secretary that her or she will not attend a future Commission meeting.

Article IV. Committees

1. Committees shall be appointed by the Chairman at a time deemed necessary or advisable by him or her so as to conduct Commission business properly.
2. Each committee shall consist of no fewer than two (2) and not more than three (3) members of the Commission but said overall committee may consist of more than three (3) persons.
3. Subcommittees may be appointed by the Chairman of any committee and may consist of non-members of the Commission and shall be advisory to the entire Committee.
4. The Chairman of the Commission shall appoint one (1) member of each committee as the Chairman and the committee shall meet at such time and place as directed by the Chairman of the Commission who shall serve as an ex-officio member of all standing or temporary committees.

5. The members of the committees shall serve for the duration of the committee, unless a reassignment is made of the committee personnel by the Commission Chairman, in which case they shall serve until their successors are appointed. The Commission Chairman shall make appointments to fill any vacancy in any committee.
6. All reports of committees shall be made at the direction of the Chairman of the Commission; however, no committee shall be required to make a formal report prior to the next regular Commission meeting following that meeting at which the committee was directed by the Chairman of the Commission to report on the matter of business referred to such committee.
7. All reports of committees shall be made in writing and the original copy thereof shall be filed with the Executive Secretary and become a part of the records of the Commission.
8. Reports of subcommittees shall be made orally or in writing at the request of the committee related to the subcommittee or by Chairman of the Commission and, if in writing, the original copy thereof shall be filed with the Executive Secretary and become a part of the records of the committee.

Article V. Elections and Appointments

1. The Chairman of the Commission shall be elected by the members of the Commission at the regular meeting date in January of each year and shall hold office for one (1) year.
2. The Vice-Chairman shall be elected by the members of the Commission at the regular meeting date in January of each year, immediately after the election of the Chairman, and shall hold office for one (1) year.
3. Any vacancy in the office of Chairman or Vice-Chairman of the Commission may be filled by the members of the Commission at any meeting called for such purpose after such vacancy has occurred in a manner prescribed in Article II of these Bylaws.
4. The Executive Secretary of the Planning Commission shall be the Director of Community Development of the City of Eureka or any person acting in this capacity.
5. Not later than the next regular meeting after the regular meeting date in January of each year, the Chairman of the Commission shall appoint members to standing committees and the Chairman thereof. Such appointments may be made before this meeting if the Chairman so desires.

Article VI. Order of Business

The order of business at regular meetings shall be as follows, or as modified at the

regular meeting by the Chairman of the Commission:

1. Roll Call.
2. Approval of minutes of previous meeting.
3. Public Hearings.
4. Unfinished Business.
5. New Business.
6. Reports and Communications.
7. Oral Communications.
8. Adjournment.

Article VII. Matters Pending Before the Commission

1. Every matter on which the Commission is authorized or required to act, brought before the Commission by any person, official, organization or agency, shall be presented in writing or on forms provided by the Commission for specific presentation and shall include all information necessary for a clear understanding and informed action by the Commission. Such information, when requested by the Commission, shall include maps, surveys, drawings, plans, charts, and descriptive data.
2. All matters requiring a public hearing or reports from other City Departments or outside organizations to come before the Commission shall be filed in the City Department of Community Development with the Executive Secretary at least seventeen (17) days prior to a meeting of the Commission at which the item is to be on the Agenda. Certain matters requiring public hearing may take additional lead-time in order to prepare the proper notice and documentation as required by local ordinance and State law. Other matters for Commission consideration and recommendation shall be filed with the Secretary at least one Week prior to a meeting date. The Secretary shall not accept presentations unless they are properly made or on prescribed forms properly filled out and with all required data attached.

Article VIII. The Docket and Agenda

1. Each matter or presentation shall be filed under the proper heading and shall be placed upon the docket and remain upon the docket until placed upon the Agenda or withdrawn by the applicant, presenter, sponsor or other duly authorized agent or attorney.
2. All matters docketed at least one week prior to a meeting of the Commission shall appear on the Agenda at that meeting unless the Executive Secretary, regulations or requirement necessitates a greater length of time between the date of filing a matter and

the date it appears on the Agenda.

3. The Agenda shall consist of all those cases which by reason of time of filing or continuation or other order of the Commission are to be heard at the next meeting of the Commission and the Agenda shall state that it is the Agenda for the (date) day of (month and year).
4. All matters where law requires a publication of notice shall be docketed for the next regular meeting in accordance with the notice of hearing following the publication of notice thereof.
5. When all matters cannot be disposed of on the date set, the Commission may adjourn from day to day or until the next regular meeting as it may order.
6. The Agenda of cases to be heard shall be posted in the Department of Community Development and other visible locations around City Hall not less than three (3) days before each regular meeting and the Agenda of cases to be heard at a special meeting shall be posted in the Department of Community Development and other visible locations around City Hall not less than twenty-four (24) hours before such special meeting.
7. Any matter that comes before the Commission orally, except Executive Secretary reports, which would not be shown on the posted Agenda, shall not be acted upon by the Commission until it is placed on the agenda of the next regular or special meeting.
8. The regular Planning Commission meeting in May shall be the meeting at which the Commission will commence review of the proposed Capital Improvements Program of the City of Eureka and the recommendation of the Commission shall be forwarded to the City Council prior to its budget hearing for the coming fiscal year¹[1].

Article IX. Hearings

1. Hearings shall be held in the Council Chamber, second floor, City Hall, 531 "K" Street, Eureka, California, unless the Commission designates some other time or place.
 2. The Commission may appoint one (1) or more of its members to act as a hearing examiner or examiners to preside over a public hearing and make recommendations to the Commission based upon a transcript of record of the hearing.
 3. Only those cases set forth for hearing on a given date will be heard and they shall be heard in the order in which they appear on the Agenda for that date, however, the Chairman of the Commission may modify the order of the Agenda at his or her discretion.
 4. When a matter is set for a public hearing, pursuant to advertisement, the matter shall
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be heard even though no one in favor of or in opposition to the application appears at the hearing unless the Commission, for good sufficient reason, directs otherwise.

5. Each person who speaks at the public hearing shall furnish his or her name and address to the Commission and shall thereby become a party of record; however, a member of the public shall not be required, as a condition to attendance at a meeting of the Planning Commission, to register his or her name and address, to complete a questionnaire or otherwise fulfill any condition precedent to his or her attendance.

6. Each zoning matter in the public hearing shall be heard in the following order, or as determined by the Chairman of the Commission at his or her discretion:

a. Director of Community Development or other member of the staff shall present an oral staff report and state the recommendations of the staff.

b. The applicant, or his or her representative, may make a statement in support of the application.

c. Any person either for or opposed to the application shall be heard

d. The applicant, or his or her representative may be heard in rebuttal

e. The Director of Community Development or other staff member may summarize pertinent data and present or amplify the recommendation of the staff.

7. After the close of the public hearing no witness shall testify before the Commission and no other new evidence shall be received by it provided, however, this rule shall not prohibit the members of the Commission from examining:

a. The subject land and its surroundings, either before or after the public hearing, and reporting to other members of the Commission.

b. Any part of the General Plan or Local Coastal Program as previously adopted or being considered.

c. Any public record.

d. Any file, report or map already in the office of the Department of Community Development.

e. Requesting additional information from its staff, the applicant or his or her agent, or the public.

8. Any applicant may voluntarily submit restrictive covenants with respect to the use of land in question. The applicant may impose conditions on the use and effectiveness of said restrictive covenants.

9. The applicant may withdraw any matter pending before the Commission at any time prior to the Commission acting on such matter.

10. Within forty-five (45) days following the closing of a public hearing the Planning Commission shall make a specific finding as to whether the change is consistent with the objectives of the zoning regulations prescribed in Section 155.002 of the Eureka Municipal Code, and shall recommend that the application be approved or granted, approved or granted in modified form or denied, or that the proposal be adopted, adopted in modified form or rejected.

11. No Commissioner shall participate, as a Commissioner, in any discussion or voting if he or she owns property or has a financial interest within the required notification area of any case before the Planning Commission. When a Commissioner owns property or has a financial interest within the required notification area of any case before the Planning Commission, he or she shall remove himself or herself from the dais for the duration of the discussion or voting on such case.

12. Within five (5) days following the date of a decision,
