City Hall is accessible to persons with disabilities. Program access accommodations may be provided with three (3) days’ advance notice by contacting Skyler Beebe at sbeebe@pocatello.us, 208.234.6248 or 5815 South 5th Avenue, Pocatello, ID.

PLANNING & ZONING COMMISSION (P&Z)

The Planning & Zoning Commission is a citizen advisory group to the City Council. They are charged with making recommendations concerning land use plans, planning processes and/or on matters of plan implementation. All regular meetings of the P&Z Commission are recorded for record retention and transcription.

The following is the official agenda of the Planning & Zoning Commission. Discussion and Commission action will be limited to those items on the agenda. Any citizen who wishes to address the Commission shall first be recognized by the Chair, and shall give his/her name and address for the record. If a citizen wishes to read documentation of any sort to the Commission, he/she shall first seek permission from the Chair. Oral testimony may be restricted to no more than 3 minutes per person.

AGENDA ITEM 1: ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST, EX-PARTE COMMUNICATION AND SITE VISIT.

Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if there is anything personally or professionally that would not allow an impartial or unbiased decision. Disclose if a site visit was done, location(s) of the visit, and what was seen.

AGENDA ITEM 2: APPROVAL OF MINUTES

The Commission may wish to approve the minutes from their clarification and regular meetings on February 13, 2019. (ACTION ITEM)

AGENDA ITEM 3: PUBLIC HEARING – WIRELESS COMMUNICATION FACILITIES

This time has been set aside for the Commission to hear comments from the public regarding changes to Municipal Code 15.42, Wireless Communication Facilities. (ACTION ITEM)

ADJOURN TO A TRAINING SESSION

The Commission will adjourn to a training session on the State’s open meeting laws and general land use/commission training.
Chair Ryan Satterfield called the clarification meeting to order at 6:01PM.

AGENDA ITEM #1: ROLL CALL

Present: Jared Bernt, Jack Moore, Sara O’Connor, Dorothy Ricks, Julia Sanders, and Ryan Satterfield.
Unexcused: Richard Larsen.
Staff: Matthew Lewis, Melanie Gygli, Aceline McCulla, and Merrill Quayle.

AGENDA ITEM #2: DISCUSSION TO CLARIFY ITEMS ON THE FEBRUARY 13, 2019, PLANNING AND ZONING COMMISSION MEETING AGENDA

The Commission and staff discussed the agenda items.

AGENDA ITEM #3: ADJOURN

With no further discussion, Chair Satterfield adjourned the clarification meeting at 6:30 P.M.

Submitted by ___________________________ Approved on ___________________________
Aceline McCulla, Secretary
The meeting began at 6:32 PM.

AGENDA ITEM #1: ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST, EX-PARTE COMMUNICATION AND SITE VISIT.

Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit, and what was seen.

Bernt made a site visit for agenda items 3, 4 and 5 and had nothing else to report. Moore had nothing to report. O’Connor and had nothing to report. Ricks made a site visit for agenda items 4 and 5 and had nothing else to report. Sanders previously made site visits for agenda items 3, 4 and 5 and had nothing else to report. Satterfield made a site visit for agenda items 3, 4 and 5 and had nothing else to report.

Present: Jared Bernt, Jack Moore, Sara O’Connor, Dorothy Ricks, Julia Sanders, and Ryan Satterfield.
Unexcused: Richard Larsen.
Staff: Matthew Lewis, Melanie Gygli, Aceline McCulla, and Merril Quayle.

AGENDA ITEM #2: APPROVAL OF MINUTES
The Commission may wish to approve the minutes from their clarification and regular meetings on January 9, 2019.

It was moved and seconded, (J. Moore, S. O’Connor) to approve the minutes for the clarification and regular meeting on January 9, 2019. Those voting in favor were Bernt, Moore, O’Connor, Ricks, Sanders, and Satterfield. Those voting against were none. Motion passed unanimously.

AGENDA ITEM #3: NORTHGATE TAX INCREMENT FINANCING PLAN
In compliance with the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”) and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”), the Urban Renewal Plan for the Northgate Urban Renewal Project (the “Plan”), adopted by the Pocatello Development Authority on December 19, 2018, pursuant to Agency Resolution 2018-03, will be presented to the Commission for review and determination as to its conformity with the City of Pocatello Comprehensive Plan.

Melanie Gygli, Director of the Planning and Development Services Department and Executive Director of the Pocatello Development Authority, 911 N 7 Avenue, Pocatello summarized the Urban Renewal Plan and asked that the Commission finds it conforms to the City’s Comprehensive Plan. If approved this evening, the next step would be transfer of powers agreements with Bannock County and the City of Chubbuck prior to the plan going before the City Council. The Pocatello City Council will hold a hearing tentatively scheduled for April 4, 2019, to consider adoption for the Urban Renewal Area and Plan.

The Commission asked Gygli questions about TIF processes and Gygli answered them.

It was motioned and seconded (J. Sanders, D. Ricks) that the Commission finds the Urban Renewal Plan for the Northgate Urban Renewal Project conforms to the City’s Comprehensive Plan, and authorized Chair Satterfield to sign the resolution. Those voting in favor were Bernt, Moore, O’Connor, Ricks, Sanders, and Satterfield. Those voting against were none. Motion passed unanimously.
AGENDA ITEM 4: PRELIMINARY PLAT – NORTHGATE DISTRICT DIVISIONS 1-9
Ken Pape of Portneuf Development, represented by Chris Adams of Creek Hollow & Associates, has submitted a preliminary plat to subdivide 69.880 acres (more or less) into 47 lots. The property is located north of Chubbuck Road and west of Olympus Drive. (ACTION ITEM)

Chris Adams of Creek Hollow & Associates, 611 Wilson Avenue Suite 1, Pocatello discussed the project as presented in the application materials.

Senior Planner Matthew Lewis of the City of Pocatello summarized the staff report. Lewis noted a correction on page two of the staff report, under the Right-of-Way Improvements Note section, that the bike lane would be on the south side. Lewis also discussed the restrictions in Exhibit 1, Plat Conditions 8, 9, and 11.

Lewis stated written comments were received by Idaho Department of Fish and Game Southeast Region and included in Exhibit 2.

Staff finds the proposal is compliant with all applicable standards of City Code 16.20.050, assuming compliance with conditions of approval and with the following conditions attached: 1) All conditions submitted by Public Works Department representatives as noted in EXHIBIT 1 shall be adhered to; 2) All other standards or conditions of Municipal Code not herein stated but applicable to residential development shall apply; 3) All standards of Pocatello Municipal Code 17.05.140 Site and Building Development Guidelines, shall be met at the time of final plat application submittal; 4) A building permit may not be issued unless all applicable standards of Municipal Code Section 16.24.100 are adhered to, or a subdivision surety bond and warranty bond is obtained as outlined in Municipal Code 16.24.110, prior to recording; and 5) As proposed, the applicant or the associated homeowner shall be responsible for the upkeep and maintenance of all easements designating open space shown on the preliminary plat unless otherwise approved by the Pocatello City Council.

The Commission engaged in discussion.

Sanders asked Merrill Quayle to clarify which side of the Gold Star Drive the bike/pedestrian path would be located. Merrill Quayle, Public Works Development Engineer with the City of Pocatello, clarified that the shared bike/pedestrian path would be on the south side of Gold Star Drive.

It was moved and seconded, (J. Sanders, D. Ricks) to recommend approval of the preliminary plat application from owner Portneuf Development, LLC for Northgate Divisions 1-9, finding the application does meet the standards for approval under Chapter 16.20.050 of Pocatello Municipal Code, if the conditions listed in the staff report are met. Those voting in favor were Bernt, Moore, O’Connor, Ricks, Sanders, and Satterfield. Those voting against were none. Motion passed unanimously.

AGENDA ITEM 5: PRELIMINARY PLAT – THE CROSSINGS DIVISIONS 2&3
Ken Pape of Portneuf Development, represented by Chris Adams of Creek Hollow & Associates, has submitted a preliminary plat to subdivide 64.489 acres (more or less) into 30 lots. The property is located north of Chubbuck Road and east of I-15. (ACTION ITEM)

Chris Adams of Creek Hollow & Associates, 611 Wilson Avenue Suite 1, Pocatello discussed the plan as submitted in the application materials. Adams asked the Commission to allow the developer the latitude to work with staff to establish either a defined easement or separate lot to be shown on the final plat. Adams noted the importance of and identified the need for flexibility to work with staff on Exhibit 1, Plat Condition No. 8.
Senior Planner Matthew Lewis of the City of Pocatello summarized the staff report and noted that Exhibit 1, Plat Conditions No. 10, No. 11, and No. 12 must be met. Lewis noted the importance of Exhibit 1, Plat Condition 8.

Staff finds the proposal is compliant with all applicable standards of City Code 16.20.050, assuming compliance with the following conditions: 1) All conditions submitted by Public Works Department representatives as noted in EXHIBIT 1 shall be adhered to; 2) All other standards or conditions of Municipal Code not herein stated but applicable to residential development shall apply; 3) All standards of Pocatello Municipal Code 17.05.140: Site and Building Development Guidelines, shall be met at the time of final plat application submittal; 4) A building permit may not be issued unless all applicable standards of Municipal Code Section 16.24.100 are adhered to, or a subdivision surety bond and warranty bond is obtained as outlined in Municipal Code 16.24.110, prior to recording; and 5) As proposed, the applicant or the associated homeowner shall be responsible for the upkeep and maintenance of all easements designating open space shown on the preliminary plat unless otherwise approved by the Pocatello City Council.

Merril Quayle, Public Works Development Engineer with the City of Pocatello, identified the need for flexibility on Exhibit 1, Plat Condition No. 8.

The Commission ensued with questions and Adams clarified some road questions on Lot 8, Block 6 and reiterated the need for flexibility to work with staff.

The Commission ensued in discussion.

It was moved and seconded, (J. Bernt, J. Moore) to recommend approval of the preliminary plat application from owner Portneuf Development, LLC for The Crossings Division 2 & 3 subdivisions, finding the application does meet the standards for approval under Chapter 16.20.050 of Pocatello Municipal Code, if the conditions listed in the staff report are met. Those voting in favor were Bernt, Moore, O’Connor, Ricks, Sanders, and Satterfield. Those voting against were none. Motion passed unanimously.

With no other business, Chair Satterfield closed the meeting at 7:27 PM.

Submitted by

Aceline McCulla, Secretary

Approved on
EXECUTIVE SUMMARY

To: Planning & Zoning Commission  
From: Matthew G. Lewis, Planning Division Manager  
Date: February 27, 2019  

RE: Code Section 15.42 Wireless Communication Facilities (WCF) Amendments

COMMISSION REVIEW

According to Municipal Code Section 17.02.700 C.3, the Commission shall advise and make recommendations to the City Council regarding issues of land use, land use plans, and land use ordinances/processes.

RECOMMENDATION

Staff finds that the proposed amendments to Chapter 15.42 (Wireless Telecommunications Towers and Facilities), of the Pocatello Municipal Code, are in conformance with the Comprehensive Plan and are required based on the latest ruling by the Federal Communication Commission. Following the public hearing, the Commission may wish to recommend approval or denial of the proposed changes.

BACKGROUND

The Pocatello City Council adopted modification of Chapter 15.42 in September of 2016. The Ordinance created three (3) type categories (applications) in addition to establishing “shot clock” processing rules as required by the FCC Rule Section 6409 & codified at 47 U.S.C. 1455, better known as the Spectrum Act.

The most recent rule approved on September 26, 2018 by the Federal Communication Commission (FCC) – “the Streamlining Deployment of Next Generation Wireless Infrastructure Declaratory Ruling and Third Report Order – on 5G wireless network deployment that curtails local authority results in the following:

- Limits fees local governments may assess on telecommunication companies for placement, construction or co-location of new wireless facilities.
- Constrains local governments to 60 days to evaluate applications from wireless companies to attach 5G small cells to existing structures and 90 days to review applications for equipment on entirely new structures. Small cells are akin to Wi-Fi networks in that their coverage is limited, typically 300 to 500 feet. As such, small cells in Pocatello are likely to occur at the busiest intersections such as Yellowstone and Alameda Avenues.

The current Code prohibits placement of wireless communication equipment such as small cells on City owned traffic signal however following discussions with Street operations personnel such facilities may be permitted on city owned traffic signal poles or devices provided approval is granted by Street Operations Department officials and conditions attached are adhered to. State owned facilities require review and evidence of approval in written form as part of an application.
Chapter 15.42
WIRELESS COMMUNICATIONS TOWERS AND FACILITIES

15.42.010: FINDINGS:

The communications act of 1934 as amended by the telecommunications act of 1996 ("the act") grants the federal communications commission (FCC) exclusive jurisdiction over the regulation of the environmental effects of radio frequency (RF) emissions from communications facilities and the regulation of radio signal interference among users of the RF spectrum. The regulation of towers and communications facilities will not have the effect of prohibiting any person from providing wireless communications services in violation of the act. (Ord. 2979, 2016: Ord. 2662, 2001)

15.42.020: PURPOSES:

A. The general purpose of this chapter is to regulate the placement, construction, and modification of wireless communications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless communications marketplace in the city.

B. Specifically, the purposes of this chapter are:

1. To regulate the location of wireless communications facilities in the city;

2. To protect residential areas and land uses from potential adverse impact of towers and other communications facilities;

3. To minimize adverse visual impact of wireless communications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;

4. To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single use wireless communications facilities;

5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of tower structures to support antenna and communications facilities;

6. To avoid potential damage to property caused by wireless communications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and

7. To ensure that wireless communications facilities are compatible with surrounding land uses to the greatest extent reasonably possible. (Ord. 2979, 2016: Ord. 2662, 2001)
15.42.30 : DEFINITIONS:

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACOUSTICAL ENGINEER: A professional engineer with demonstrated education, accreditation and experience to perform and certify noise measurements.

ANTENNA: Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services. Antennas include the following types:
An apparatus, designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds, including the transmitting device and any on-site equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with that antenna and added to a tower, structure, or building as part of the original installation of the antenna. For most services, an antenna will be mounted on or in, and is distinct from, a supporting structure such as a tower, structure or building. However, in the case of AM broadcast stations, the entire tower or group of towers constitutes the antenna for that station. For purposes of this section, the term antenna does not include unintentional radiators, mobile stations, or devices authorized under 47 CFR Part 15.

Ancillary Antenna: An antenna that is less than twelve inches (12") in its largest dimension and that is not directly used to provide personal wireless communication services, e.g., a global-positioning satellite antenna (GPS).

Directional (Panel) Antenna: Receives and transmits signals in a directional pattern typically encompassing an arc of one hundred twenty degrees (120°).

Omnidirectional (Whip) Antenna: Receives and transmits signals in a three hundred sixty degree (360°) pattern, and which is up to fifteen feet (15') in height and up to four inches (4") in diameter.

Parabolic (Dish) Antenna: A bowl shaped device that receives and transmits signals in a specific directional pattern.

ANTENNA SUPPORT STRUCTURE: Any building or structure other than a tower which can be used for location of communications facilities.

APPLICANT: Any person or entity that submits a siting application and the agents, employees, and contractors of such person or entity who applies for a wireless communications facility permit.

APPLICATION: The process by which the owner of a parcel of land within the city submits a request to develop, construct, build, modify, or erect a tower upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

BASE STATION: A structure or equipment at a fixed location that enables FCC licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a "tower" as defined in this section or any equipment associated with a tower.

A. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

B. The term includes, but is not limited to, radio receivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small cell networks).
C. The term includes any structure other than a tower that, at the time the relevant application is filed with the city under this chapter, supports or houses equipment described under subsections A and B of this definition that has been reviewed and approved by the city.

BUILDING: Any permanent structure built for the shelter or enclosure of person, animals, chattels or property of any kind, which is permanently affixed to the land and which has one or more floors and a roof.

CARRIER: A company that provides wireless services.

COLLOCATION: The mounting or installation of transmission equipment on an existing support structure for the purpose of transmitting and/or receiving signals for communications purposes. The mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, whether or not there is an existing antenna on the structure.

CONCEALMENT: The act of hiding something or preventing it from being known.

CONDITIONAL USE PERMIT: Uses that are allowed within a zoning district provided that certain standards (or "conditions") are met that will enhance the compatibility of the proposed use with other surrounding uses. Often conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of a specific proposal for a particular location. Application for a conditional use permit affords the city an opportunity to review the location, design, configuration, and potential impact of the proposed use on surrounding land uses.

DEPLOYMENT: The placement, construction, or modification of a personal wireless service facility.

DISTRIBUTED ANTENNA SYSTEM OR DAS: A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

ELIGIBLE FACILITIES REQUEST: Any request for modification of an existing tower or base station that, within the meaning of the spectrum act, Section 6409(a) of the Spectrum Act (47 U.S.C. Section 1455(a), as interpreted by the FCC in its Report and Order No. 14-153 and regulated by 47 C.F.R. 1.40001, does not substantially change the physical dimensions of that tower or base station, and involves: a) collocation of new transmission equipment, b) the removal of transmission equipment, or c) the replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE: Any tower or base station that exists at the time the application is filed with the city.

EQUIPMENT ENCLOSURE: A small enclosed structure, shelter, cabinet, box, or vault at the base of the support system within which are housed batteries and electrical equipment.

EXISTING STRUCTURE: Previously erected support structure or any other structure, including but not limited to, base stations, buildings, transmission towers, utility poles, light poles, traffic signal poles, or similar structures to which wireless facilities can be attached.

FAA: The federal aviation administration.

FCC: The Federal communications commission or successor agency.

FAÇADE-ATTACHED ANTENNA: Any antenna directly attached or affixed to the elevation of a building, tank, tower, or other structure.

FULLY-AUTOMATED WCF: A WCF with no on site personnel required for its daily operation.
GUYWIRE: Diagonal cables utilized to tie towers to the ground or other surfaces.

MONOPOLE: A single, freestanding pole-type structure supporting one or more antennas and include but is not limited to a utility pole and light pole.

NONAUTOMATED WCF: A WCF with on site personnel.

OMNIDIRECTIONAL (WHIP) ANTENNA: A wireless transmitting or receiving antenna that radiates or intercepts radio frequency (RF) electromagnetic fields equally well in all horizontal directions in a flat, two-dimensional geometric plan.

OWNER: Any person with fee title or a long term (exceeding 10 years) leasehold to any parcel of land within the city who desires to develop, or construct, build, modify, or erect a tower upon such parcel of land.

PHOTOSIMULATION: Computer generated photographs, renderings combining existing subject adjacent property conditions and improvements with proposed improvements.

PLANNING COVERAGE MAP: A map, maps, or plan on which are marked the service areas of other WCF sites operated by the applicant. The planning coverage map shall be considered exempt from disclosure pursuant to Idaho Code section 9-340(D) or as subsequently amended.

PUBLIC RIGHT-OF-WAY: Includes all public streets and utility easements owned by or dedicated to, the city of Pocatello, or other public entity.

REPLACEMENT: The replacement of transmission equipment, not the replacement of an existing wireless tower or the support structure on which base station equipment is located. Constructing a new support structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing support structure in order to support a facility or to accommodate collocation and removing the pre-existing support structure.

RIGHTS-OF-WAY: The area in the City on, below, or above a roadway, highway, street, sidewalk, curb, lawn strip, alley, utility easement, lighting or drainage facility, or similar property, but not including federal interstate highway, that is reserved or dedicated for use as a public right-of-way or by or for the public. The “Public Right-Of-Way” includes all public streets and utility easements owned by or dedicated to, the City of Pocatello, or other public entity.

SERVICE AREA: Contained areas within which a wireless communication facility is able to transmit clear signals, generally circular in form.

SITE: For towers outside the right of way, means the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site (for other towers and all base stations). “Site” is restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

SMALL CELL FACILITIES: A facility mounted on structures 50 feet or less in height or on structures no more than 10 percent taller than adjacent structures with an antenna nor more than three (3) cubic feet and a total wireless equipment no more than 28 cubic feet.

SMALL CELLS: Compact wireless base stations that contain their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells shall meet the two (2) parameters in subsections A and B of this definition. For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.

A. Small Cell Antenna: Each antenna shall be no more than three (3) cubic feet in volume.
B. Small Cell Equipment: Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment, communications demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cutoff switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.

SPECTRUM ACT: Section 6409(a) of the middle class tax relief act and job creation act, 47 USC section 1455(a) (providing, in part, "... a state or local government may not deny, and shall approve, any eligible facilities request for a modification of any existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.")

STEALTH DESIGN: Technology that minimizes the visual impact of wireless communications facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of stealth design include, but are not limited to, towers disguised as trees, flagpoles, bell towers, and architecturally screened roof mounted antennas.

SUBSTANTIAL CHANGES: In the context of an eligible support structure, a modification of an existing tower or base station where any of the following criteria is met:

A. Type 1: For any eligible support structure:
   1. It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or
   2. It entails any excavation or deployment outside of the current site of the tower or base station; or
   3. The proposed modification would cause the concealment/camouflage elements of the tower or base station to be defeated; or
   4. The proposed modification would not comply with the conditions associated with the prior siting approval of construction or modification of the tower or base station, unless the noncompliance is due to an increase in height, increase in width, addition of cabinets, or new e.g. that does not exceed the corresponding thresholds in this section.
   5. Small cells mounted on structures 50 feet or less in height or on structures no more than 10 percent taller than adjacent structures with an antenna nor more than three (3) cubic feet and a total wireless equipment nor more than 28 cubic feet.

B. Type 2: For an existing tower located in the public rights of way and for all base stations:
   1. The height of the tower or base station is increased by more than ten percent (10%) or ten feet (10'), whichever is greater;
   2. There is added an appurtenance to the body of that structure that would protrude from the edge of that structure by more than six feet (6'); or
   3. It involves the installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure; or
   4. It involves the installation of any new equipment cabinets on the ground if there is no preexisting ground cabinet associated with that structure.

C. Type 3: For any new tower (not in the public right-of-way):
   1. The height of the tower is increased by: a) more than ten percent (10%), or b) by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20'), whichever is greater;
2. There is added an appurtenance to the body of the tower that would protrude from the edge of the tower by: a) more than twenty feet (20'), or b) more than the width of the tower at the level of the appurtenance, whichever is greater; or

3. Towers cannot be located in public rights of way.

SUPPORT STRUCTURE: A structure designed to support small wireless facilities including, but not limited to, monopoles, vertical facilities, utility poles, city owned traffic poles, billboards, and other freestanding self-supporting structures.

TOWER: Includes any structure built for the sole or primary purpose of supporting any wireless communications facility.

TRANSMISSION EQUIPMENT: Any equipment that facilitates transmission for any commission licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber optic cable, and regular and backup power supply.

UTILITY SUPPORT STRUCTURE: Utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; streetlight standards; pedestrian light standards; traffic light structures and traffic sign structures.

WIRELESS COMMUNICATIONS FACILITY (WCF): Any facility that transmits and/or receives electromagnetic signals, including small cells, antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, and including, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, parking area, and other accessory development. However, communications facilities shall not include any satellite earth station antenna two meters (2 m) in diameter or less which is located in an area zoned industrial or commercial; or any satellite earth station antenna one meter (1 m) or less in diameter, regardless of zoning category. (Ord. 2979, 2016; Ord. 2662, 2001)

15.42.040: TYPES OF WCF PERMITS REQUIRED:

A. A type 1 WCF permit shall be required for an "eligible facilities request" which includes:
   1. Collocation of new transmission equipment;
   2. The removal of transmission equipment;
   3. The replacement or modification of transmission equipment.
   4. Distributed antenna system and small cells

B. A type 2 WCF permit shall be required for:
   1. Any modification of an eligible support structure, including the collocation of new equipment, that substantially changes the physical dimensions of the eligible support structure on which it is mounted; or
   2. Any collocation not eligible for a type 1 permit; or
   3. Any roof mounted antenna and support system for an antenna not exceeding ten feet (10') above the highest portion of the roof; or
   4. Placement of distributed antenna systems (DAS) and small cells;
   5. A new tower located in the public right of way.
C. A type 3 WCF permit shall be required for siting of any new WCF tower that is not a collocation subject to a type 1 or 2 WCF permit as outlined in this section. (Ord. 2979, 2016)

**15.42.050: WIRELESS FACILITY PERMIT PROCESS:**

<table>
<thead>
<tr>
<th>Type Of Wireless Facility</th>
<th>Time Line For City Review (Per Federal Law)</th>
<th>Deemed Granted (Per Federal Law)</th>
<th>Type of Permit</th>
</tr>
</thead>
</table>
| Collocations or modifications/replacement of wireless transmission equipment at an existing wireless tower or base station that do not "substantially change the physical dimensions of the existing wireless tower or base station" section 6409(a) facilities | 60 days after the application is submitted | Yes | Type 1 WCF permit  
Administrative review and approval by planning and development services director and/or his/her |
| Distributed antenna systems and small cells | Can be extended by mutual agreement | | |
| Other collocations that "substantially change the physical dimensions of the existing wireless tower or base station." | 90 day review after application submitted | No | Type 2 WCF permit  
See section 15.42.090 of this chapter for zoning restrictions |
| Roof mounted that do not qualify as existing base stations not to exceed 10 feet above the highest portion of the roof | | | |
| Distributed antenna systems and small cells | | | |
| New tower (not in public right of way) | 150 days after application submitted | No | Type 3 WCF permit  
See section 15.42.090 of this chapter for zoning restrictions |
| Roof mounted exceeding 10 feet above the highest portion of the roof | | | |

(Ord. 2979, 2016)

**15.42.060: PERMIT REVIEW TIME PERIODS:**

A. City Review Of Application Materials: The time frame for review of an application shall begin to run when the application is submitted, but shall be tolled if the city finds the application incomplete and


7/17
requests, in writing, that the applicant submit additional information to complete the application. Such requests shall be made within thirty (30) days of submission of the application. After submission of additional information, the city will notify the applicant within ten (10) days of this submission if the additional information failed to complete the application. If the City deems an application or supplemental submission incomplete, it shall identify in its written notice to the applicant the information and or materials it considers missing from the application.

B. Type 1 Processing Time: For type 1 modifications or collocations, the city will act on the WCF application together with any other city permits required for a proposed WCF modification within sixty (60) days, adjusted for any tolling due to requests for additional information or mutually agreed upon written extensions of time.

1. If the city determines that the application does not qualify as a type 1 eligible facilities request, the city will notify the applicant of such determination in writing and will process the application as a type 2 WCF application.

2. To the extent federal law provides a "deemed granted" remedy for type 1 WCF application(s) not timely acted upon by the city, no such application shall be deemed granted until the applicant provides notice to the city, in writing, that the application has been deemed granted after the time period in this subsection B has expired.

3. Any deemed type 1 WCF application shall be subject to following conditions:
   a. The approval of a type 1 WCF permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by the spectrum act.
   b. The proposed project shall be built in compliance with the approved plans on file with the city of Pocatello.

C. Type 2 Processing Time: For type 2 WCF permits, the city will act on the application within ninety (90) days, adjusted for any tolling due to requests for additional information or mutually agreed upon written extensions of time.

D. Type 3 Processing Time: For type 3 WCF permits, the city will act on the application within one hundred fifty (150) days, adjusted for any tolling due to requests for additional information or mutually agreed upon written extensions of time.

E. Denial of Application: In the event that the city denies a WCF application, the city will notify the applicant of the denial in writing outlining the reasons for the denial. (Ord. 2979, 2016)

15.42.070: MODIFICATIONS OR COLLOCATIONS OF ANTENNAS, DAS AND SMALL CELLS:

A. To the extent possible not otherwise covered by subsection 15.42.040A of this chapter, "eligible facilities requests", collocation, new WCF antenna arrays, DAS and small cells are permitted in all zoning districts via administrative approval provided that the antenna array or roof mounted antenna does not constitute a "substantial change" to an existing tower or base station.

B. A type 1 application with applicable fees shall be submitted.

C. If any support structure must be constructed to achieve the needed elevation or if the attachment adds more than ten feet (10') above the existing structure or roofline, the proposal is subject to a type 2 review and application. The limitation to constitute a "substantial change" to an existing tower or base station applies to cumulative increases and any previously approved additions to height made under
D. Any equipment shelter, cabinet or ancillary equipment are subject to building setbacks as required in the underlying zoning district.

E. Applicable building, mechanical, and electrical permits are required as determined by the building official.

F. Distributed antenna systems and small cells:

1. Permitted: Distributed antenna systems (DAS) and small cells are permitted in all zoning districts.

2. Review: DAS and small cells are subject to approval via administrative review only, unless installation requires the construction of a new utility support structure or building. Type 2 review is required when the applicant proposes new utility support structure or building.

3. Multiple Site DAS And Small Cells:

   a. A single application may be submitted and permit may be used for multiple distributed antennas that are part of a larger overall DAS network.

   b. A single application may be submitted and permit may be used for multiple small cells spaced to provide wireless coverage in a contiguous area. (Ord. 2979, 2016)

15.42.080: TOWER SHARING, COLLOCATION, PREFERRED TOWER LOCATIONS AND STANDARDS:

A. Tower Sharing And Collocation: New WCF facilities shall, to the maximum extent feasible, collocate on existing towers or other structures of a similar height to avoid construction of new towers, unless precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by the owner of an alternate location, or where an alternate location will not meet the service coverage objectives of the applicant.

B. New Towers: Applications for a new tower must address all existing towers or structures of a similar height within one-half (1/2) mile of the proposed site as follows:

   1. By providing evidence that a request was made to collocate on the existing tower or other structure, with no success; or

   2. By showing that locating on the existing tower or other structure is infeasible with a detailed written explanation detailing why a new tower is required.

C. Tower Height: Towers are exempt from the maximum height restrictions of the districts where located.

D. Tower Setback, Base Station And/Or Accessory Facilities: Setbacks are required based on the underlying zoning as measured from property lines to the base of the tower. Setback requirements may be modified so that a tower can be placed so as to reduce its visual impact, e.g., adjacent to trees which may partially hide the tower.

E. Separation: Towers shall be separated from all residentially zoned lands by a minimum of one hundred fifty feet (150') unless located on City owned property.

F. Lighting: Facility lighting shall be designed so as to meet, but not exceed, minimum requirements for security, safety or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA. All lighting shall be designed so as to avoid glare and minimize
G. Easements and Lease Agreements⁴: The boundaries of easements and lease areas for cell towers need to be monumented and a record of survey filed with the county.

H. Substantial Change: A modification substantially changes the physical dimensions of a tower or base station if it meets any of the following:

1. For towers outside of public rights of way ("ROW"), it increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20'), whichever is greater;

2. For existing towers in the ROW and all base stations, it increases the height of the tower or base station by more than ten percent (10%) or ten feet (10'), whichever is greater;

3. For towers outside the ROW, it protrudes from the edge of the tower more than twenty feet (20'), or more than the width of the tower structure at the level of the appurtenance, whichever is greater;

4. For existing towers in the ROW and all base stations, it protrudes from the edge of the structure more than six feet (6');

5. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;

6. It entails any excavation or deployment outside of the current site of the tower or base station;

7. It would defeat the existing concealment/camouflage elements of the tower or base station; or

8. It does not comply with conditions associated with the locality's prior zoning approval of construction or modification of the tower or base station, unless the noncompliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds. (Ord. 2979, 2016)

15.42.090: ZONING DISTRICTS AND LAND USE:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All residential districts</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>p³²</td>
<td>N</td>
<td>p⁴³</td>
<td>N</td>
<td>C⁵⁴</td>
</tr>
</tbody>
</table>

### Mixed use districts

<table>
<thead>
<tr>
<th></th>
<th>P</th>
<th>C</th>
<th>P</th>
<th>P</th>
<th>C</th>
<th>p4^3</th>
<th>N</th>
<th>C</th>
</tr>
</thead>
</table>

### All commercial districts

|       | P | P | P | P | P | p4^3 | N | C |

### Research/business park

|       | P | P | P | P | p4^3 | N | C |

### Designated historic districts

|       | R^2 | R^2 | R^2 | R^2 | R^2 | R^2 | N | R^2 |

### Industrial

|       | P | P | P | P | P | P | N | P |

---

**Notes:**

1. Mixed use districts that do not have a residential component. See section 15.42.100 of this chapter including exclusions.

2. Stealth design is required.

3. Height not to exceed 75 feet from grade to top of the structure; review and approval required from utility owner; exception: Such facilities may be **not** permitted on city or state owned traffic signal poles or devices provided approval is granted by Street Operations Department officials and conditions attached are adhered to. State owned facilities require review and evidence of approval in written form as part of an application.

4. Stealth design required; city owned property only with a public hearing before the city council.

(Ord. 2979, 2016)

### 15.42.100: GENERAL REGULATIONS:

A. Certificate Of Appropriateness: Applications submitted for a WCF permit within a nationally recognized historic district or within two hundred fifty feet (250') of the boundary of a historic district, must be reviewed by the Pocatello historic preservation commission accompanied by a certificate of appropriateness which is provided to the state historic preservation office.

B. Exclusions:

1. There is an exclusion from FCC national historic preservation act (NHPA) review for collocations on existing utility structures including utility poles and electric transmission towers only where the deployment meets specified size limitations and involves no new ground disturbance.

2. There is an exclusion for collocations on utility structures where historic preservation review is currently required under existing rules solely because the structures are more than forty five (45) years old.

3. Collocations on buildings and other non-tower structures allow exclusions permitted with the following conditions:
   a. There must be an existing antenna on the building or structure;
   b. The new antenna must comply with all zoning conditions and historic preservation conditions.
applicable to existing antennas in the same vicinity that directly mitigate or prevent adverse visual effects, such as camouflage requirements; and

c. The deployment must involve no new ground disturbance.

C. Standards And Regulations: All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agencies of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring said WCFs into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense upon fifteen (15) days' written notice via normal first class mail. Compliance with the spectrum act section 6409(a), enacted as part of the middle class tax relief and job creation act of 2012, shall be adhered to.

D. Permitted: Only one WCF shall be permitted on any one utility pole. The antenna shall be either fully concealed within the utility pole or camouflaged to appear to be an integral part of the utility pole. An antenna not flush mounted on the side of the utility pole shall be centered on the top of the utility pole to which it is attached and utilize stealth design. (Ord. 2979, 2016)

15.42.110: CONDITIONAL USE PERMIT PROCEDURES:

Conditional use permit procedures shall be followed as outlined under title 17 of this code. (Ord. 2979, 2016)

15.42.120: CONDITIONAL USE PERMIT STANDARDS:

A. Application: A CUP application shall be filed with the planning and development services department and include all fees outlined on the application.

B. Burden Of Proof: The burden of proof that the proposed conditional use complies with all criteria as listed below lies with the applicant. The applicant must prove their case with substantial and competent evidence.

C. Criteria For Review: The planning and zoning commission shall review the facts and circumstances of each proposal in terms of the following standards and determine whether there is adequate evidence showing that the requested use at the proposed location:

1. Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this code unless modified through the CUP process;

2. Is consistent with the goals and policies of the comprehensive plan of the city;

3. Conditions may be placed resulting in the use being more compatible with existing and permitted land uses within the general area;

4. Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health, safety, and welfare;

5. Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established;
6. Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.

D. Authority To Grant: The hearing body may approve, approve with conditions, or deny an application for a conditional use permit. The hearing body may impose any conditions necessary to accomplish the following:

1. The following items may be considered as part of an approved conditional use permit to help minimize potential adverse impacts on other developments and surrounding land use through the following:
   a. Increased landscaping;
   b. Screening and buffering;
   c. Use of materials;
   d. Colors to blend in with the use’s surroundings;
   e. Concealment requirements;
   f. Increased setbacks beyond that required in the underlying zoning district;
   g. Engineering reports including those consisting of noise, smoke, odor, vibration, or illumination;
   h. Increased requirements for lighting and associated shielding;
   i. Geological and environmental reports as needed;

2. Control the sequence and timing of development;

3. Control the duration of the construction period;

4. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction;

5. Require that studies addressing demographic, economic, fiscal, traffic, engineering, geologic, and environmental concerns be conducted prior to granting approval. (Ord. 2979, 2016)

15.42.130: EXEMPT FACILITIES:

The following are exempt from this chapter:

A. FCC licensed amateur (ham) radio facilities;

B. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one meter (1 m) in diameter;

C. A government owned WCF installed upon the declaration of a state of emergency by federal, state or local government, or by resolution of public necessity by the city council. Such facility shall comply with all federal and state requirements. The WCF shall be exempt from the provisions of this chapter for up to one week after the duration of the state of emergency;

D. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage of a sporting event. The WCF shall be exempt from the provisions of this chapter for up to...
one week before and after the duration of the special event;

E. Eligible facilities requests as defined under the spectrum act. (Ord. 2979, 2016)

15.42.140: MAINTENANCE:

A. Each permittee shall maintain its WCF in a good and safe condition, preserving the original appearance and concealment, disguise or screening elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping. If the permittee fails to maintain the facility, the city may undertake the maintenance at the expense of the permittee or terminate the permit, and remove the WCF at owner’s expense, at its sole option upon fifteen (15) days’ written notice via normal first class mail.

B. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Tower owners shall install and maintain towers, communications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the national electrical safety code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property. All towers, communications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. All maintenance or construction of towers, communications facilities, or antenna support structures shall be performed by city and state licensed maintenance and construction personnel. All tower owners shall maintain the towers in compliance with current RF emission standards of the FCC.

If, upon inspection, the city concludes that the tower fails to comply with such codes or standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring the tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days constitutes grounds for the removal of the tower at the owner’s expense upon fifteen (15) days’ written notice via normal first class mail.

In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued and the tower removed from the premises. (Ord. 2979, 2016; Ord. 2662, 2001)

15.42.150: MODIFICATIONS:

A. Permit: A new permit must be obtained prior to any proposed change or addition to any WCF, provided that routine maintenance or replacement of any portion of the WCF with identical equipment in conformance with this chapter shall not require application for a new permit.

B. Existing Uses: All WCFs existing on the date of passage of the ordinance codified herein shall be allowed to continue their operation as they presently exist, subject to the terms of this chapter relating to abandonment or discontinuance of use. Routine maintenance shall be permitted, but construction involving the replacement of support structure apparatus, antennas, or any exterior alteration must be done in compliance with the terms of this chapter.

C. Exception: Emergency service WCFs may obtain a waiver from the city council if required for preserving the public health and safety. Issuance of the waiver shall require a public hearing and a finding on the part of the council that the modifications cannot comply without undue burden on the
15.42.160: ABATEMENT OR DISCONTINUANCE OF USE:

A. Construction or activation of a WCF shall commence within ninety (90) days of approval of the WCF permit or the permit shall be null and void. A ninety (90) day written extension approval may be granted by the planning and development services department due to weather conditions or other extenuating circumstances beyond the control of the applicant as determined by the planning and development services department, after written request by the permittee.

B. At such time that a licensed carrier plans to abandon or discontinue operation of a WCF, the carrier shall notify the city by first class U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the WCF shall be considered abandoned, effective the day of discontinuance.

C. The carrier shall remove the WCF no later than ninety (90) days after the date of abandonment or discontinuation, properly dispose of all waste materials from the site in accordance with local and state solid waste disposal regulations, and restore the location to its before use state, landscaping and grading excepted. Removal shall include, but not be limited to, removal of antennas, support structures, equipment enclosures and security barriers from the subject property.

D. If a carrier fails to remove a WCF in accordance with this section, the city may cause the facility to be removed and all expenses of removal, disposal, and restoration shall be paid by the owner of the land where the facility is located. (Ord. 2979, 2016; Ord. 2662, 2001)
15.42.170: COMPLIANCE WITH FEDERAL REGULATIONS:

All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring said WCFs into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense upon fifteen (15) days' written notice via normal first class mail. (Ord. 2979, 2016: Ord. 2662, 2001)

15.42.180: ANTENNA SUPPORT STRUCTURE SAFETY:

The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas shall not be negatively affected by support structure failure, falling ice or other debris or interference. All support structures shall be fitted with anticlimbing devices, as approved by the manufacturers. (Ord. 2979, 2016: Ord. 2662, 2001)

15.42.190: SEVERABILITY:

If any clause, section, or other part of this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby, but shall remain in full force and effect. (Ord. 2979, 2016: Ord. 2662, 2001)

15.42.200: REPEALER:

All resolutions, ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. 2979, 2016: Ord. 2662, 2001)
Agenda

• Introductions
• Legislative refresher
• Types of decisions and rules for quasi-judicial decisions
• The distinction between policies and codes
• Conduct of meetings and decision-making
• Ways to Improve
• Questions and Answers
Introductions

- Who are you?
- Tenure on the Planning Commission?
- Why you volunteer for the Commission?
- What you hope to learn tonight?
IDAHO AUTHORITY TO PLAN

• Grants police power to cities
  - The police power includes the authority to zone.

• Mandates that cities and counties plan and implement plans

• Standards and processes for subdivisions

• Authority for cities to annex

• Authority to create easements that restrict land use
City Council may delegate certain responsibilities to a Planning & Zoning Commission and Hearing Examiner

- Cannot delegate authority to adopt ordinances and Comprehensive Plans
- Responsibilities granted to the Commission by Pocatello Municipal Code:
  - Zoning Map Amendments (PZC recommendation)
  - Zoning Text Amendments (PZC recommendation)
  - Comprehensive Plan Amendments (PZC recommendation)
  - Comprehensive Plan Text Amendments (PZC recommendation)
  - Planned Unit Developments (PUD's) (recommendation)
  - Conditional Use Permits (CUP's) > 1.5 acres (PZC Decision)
  - Subdivisions (PZC recommendation)
  - Conditional Use Permits (CUP's) < 1.5 acres (HE Decision)
  - Variances (HE Decision)
  - Sign Exceptions (HE Decision)
## DECISION-MAKERS' ROLES

<table>
<thead>
<tr>
<th>Elected Officials</th>
<th>Citizen Body</th>
<th>Planning Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elected</td>
<td>Appointed</td>
<td>Paid</td>
</tr>
<tr>
<td>Leadership</td>
<td>Volunteers</td>
<td>Technical expert</td>
</tr>
<tr>
<td>Provide direction</td>
<td>Workhorse for elected officials</td>
<td>Communicator</td>
</tr>
<tr>
<td>Set priorities</td>
<td>Make recommendations</td>
<td>Facilitator</td>
</tr>
<tr>
<td>Make decisions</td>
<td>Make decisions</td>
<td>Strategic thinker</td>
</tr>
<tr>
<td>Communicate</td>
<td>Advisory - not political</td>
<td>Problem solver</td>
</tr>
<tr>
<td>Political</td>
<td></td>
<td>Support for elected officials and commission members</td>
</tr>
</tbody>
</table>

:  

<table>
<thead>
<tr>
<th></th>
<th>Make decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Politically astute not political</td>
</tr>
</tbody>
</table>
Local Land Use Planning Act
(Idaho Code §67-65)

The power to plan and the statutory guidelines to follow.
Enumerates powers and mandatory planning duties of cities and counties

- Prepare and implement a Comprehensive Plan.
- Adopt ordinances for zoning and subdivisions.
- Adopt procedures for permits.
- Adopt standards for development.
- Provide for notice, public hearing, and record of hearings.
- Issue decisions in the form of findings of fact and conclusions of law.
- Create and maintain a transcribable record of all proceedings
A Few Words about Zoning

- An exercise of the police power to protect the health, safety, and welfare of the community.

- The broadest, most discretionary authority granted to local governments.

- The ability of government to restrict and regulate private action for the common good.

- Protects property values, community character, and unwanted encroachments on private property.
What is Zoning?

- An exercise of the POLICE POWER to protect the HEALTH, SAFETY, and WELFARE of the community.

- What is the POLICE POWER?
  - An authority granted to local government - The broadest authority granted to local government.
  - Same authority as police and fire protection.
  - Enacted through ordinances or laws of the local government. **Becomes part of the City Code.**

- Without the police power, there would be no traffic control, health codes, building codes, parking restrictions or **ZONING.**
Types of Legislative and Administrative Decisions

**Legislative**
- Comprehensive plan map
- Comprehensive plan text amendment
- Zoning regulations
- Zoning text amendments
- Subdivision regulations

**Administrative**
- Comprehensive plan map (site specific)
- Rezone
- Planned Unit Development
- Conditional Use Permit
- Subdivision
- Variance

Administrative actions requiring a public hearing and decision on the record are "quasi-judicial" decisions. Usually anything site specific is quasi-judicial.
# Quasi-judicial Decision Making

<table>
<thead>
<tr>
<th>Quasi-judicial action</th>
<th>Rules for quasi-judicial actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative actions requiring a hearing and decision on the record are &quot;quasi-judicial&quot; decisions.</td>
<td>Conflicts of Interest</td>
</tr>
<tr>
<td></td>
<td>Unbiased</td>
</tr>
<tr>
<td></td>
<td>Ex-Parte Contacts</td>
</tr>
<tr>
<td></td>
<td>Open meeting</td>
</tr>
<tr>
<td></td>
<td>Public Hearing</td>
</tr>
<tr>
<td></td>
<td>Findings and Conclusions</td>
</tr>
<tr>
<td></td>
<td>Recommendation or Decision on the record</td>
</tr>
</tbody>
</table>
# RULES FOR QUASI-JUDICIAL ACTIONS

<table>
<thead>
<tr>
<th>Conflict of Interest</th>
<th>Unbiased</th>
<th>Ex-Parte Contacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>No economic interest in decision</td>
<td>Actual or displayed bias</td>
<td>No discussions outside the hearing</td>
</tr>
<tr>
<td>Disclose in advance</td>
<td>Must be impartial and disinterested</td>
<td>Disclose in quasi-judicial (OK in legislative decisions)</td>
</tr>
<tr>
<td>Step down - no participation in the proceedings</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

13
# Rules For Quasi-Judicial Actions

## Open Meeting
- Quorum required
- Public notice
- No sequential meetings
- Meeting open to the public

## Public Hearing
- Notice required
- Right for individuals to be heard

## Decision on the record
- Transcribable record
- Individuals Identified
- Record of all written materials, maps, and exhibits
TEN COMMANDMENTS OF GOOD QUASI-JUDICIAL DECISION MAKING

1. Follow the Code
2. Avoid politics
3. Be politically correct and dignified
4. Consider all the evidence
5. Make a good record
6. Make written findings and conclusions
7. Support the decision with real evidence
8. Impose only lawful conditions
9. Do not invade the province of staff
10. Think like a judge, act like a judge, and decide like a judge
RULES FOR FINDINGS OF FACT, CONCLUSION OF LAW, CONDITIONS AND DECISION

Findings of Fact /Conclusions

- Understand the code requirements
- Identify facts relevant to the code; disregard what is not relevant to your code regulations.
- Link the facts to conclusions of law
- Conclusions must be supported by the findings of fact.

Conditions and Decision

- Conditions
  - Connect to time or action
  - Avoid the grocery list approach
- Nexus and proportionate
- Decision must be supported by the findings, conclusions and conditions
Characteristics of a Successful Commissioner

- Interest in planning
- Time
- Few conflicts
- Ability to speak clearly and concisely
- Knowledge
- Ability to Listen
- Objectivity
- Ability to make collective decisions
KNOWLEDGE

- Idaho Local Land Use Planning Act
- Comprehensive Plan
- Zoning and subdivision code
- The language of planning

Legal requirements: due process, equal protection, property rights, conflict of interest, open meetings, ex parte communication.

- Parliamentary procedures; P & Z Rules and Procedures
- Group dynamics: discussion, asking questions, consensus building decision-making.
LISTENING

- Sensitivity to the public's perspectives.
- Hearing all the sides of an issue with equal attention.
- Not making judgments before all have been heard.
- Watch your non-verbal clues
# DO'S AND DON'TS OF NON-VERBAL CUES

<table>
<thead>
<tr>
<th>DON'TS</th>
<th>DO'S</th>
</tr>
</thead>
<tbody>
<tr>
<td>• SLOUCHING/LEANING BACK</td>
<td>• REFER TO TESTIMONY</td>
</tr>
<tr>
<td>• CHATTING WITH COLLEAGUDES</td>
<td>• REFER BY NAME</td>
</tr>
<tr>
<td>• DRUMMING YOUR FINGERS</td>
<td>• LOOK 'EM IN THE EYE</td>
</tr>
<tr>
<td>• NOSE IN THE NOTES</td>
<td>• NOD AFFIRMATIVELY</td>
</tr>
</tbody>
</table>
OBJECTIVITY

• Keep the faith with the code.

• Not swayed by public pressure.

• Keeping personal bias out.

• Avoiding the slippery slope of irrelevant information.

• Fair and impartial in decisions.
Collective Decision-making

IT'S AMAZING HOW MANY CONCLUSIONS YOU CAN GET FROM THE SAME FACTS

ALMOST AS IMPRESSIVE AS THE NUMBER OF FACTS YOU CAN GET FROM THE SAME CONCLUSIONS

• Respectful and courteous.
• Listen.
• No surprises.
• Monitor your "air time".
• Do not air personal grievances in public.
Successful Meetings

1. Preparation
   - Have time to prepare.
   - Read and review all the material.
   - Ask questions.
   - Jot down notes.

2. Staff Support
   - Timely
   - Accurate
   - Objective
   - Clear and concise
Successful Meetings

3. Agenda
   - Available
   - Followed

4. Minutes
   - Summary action minutes only
   - Do not waste time on minutes

5. Role of Chair
   - Most critical role
   - Sets the tone and maintains control
   - Maintain perspective, big picture
   - Morale builder, cheerleader, create cohesion, and bridging differences
   - Expert in parliamentary procedures
Successful Meetings

6. Public Hearing
   - Have rules, available to the public and stick to them
     - Introduction
     - Staff Report
     - Questions of staff - no opinions
     - Public Hearing - hearing is closed
     - Additional questions of staff or clarification
     - Commission Discussion
     - Commission Action
   - Keep it formal but comfortable
   - Speak through the chair

7. Asking questions

8. Avoid questions of staff during the public testimony
Successful Meetings
Wording for Public Hearing

To open hearing use the gavel and say "I declare the public hearing open."

Applicant
Ask the applicant to come forward and give their presentation.

Staff
Ask staff to come forward and give their presentation.

Correspondence
Ask if any written correspondence have been submitted for the record.
Staff that did presentation will answer.

Testimony
Ask for testimony by those supporting the application.
Ask for testimony by those uncommitted on the application.
Ask for testimony by those opposed to the application.

Rebuttal by applicant
Offer rebuttal time to the applicant.

Close (or continue) public hearing
To close the hearing use the gavel and state "I declare the public hearing closed. Commissioners, this item is before you, how do you wish to proceed?"

Examples for continued hearing:
Continue and only written comments to be received.

"This public hearing will be continued until the meeting of DATE. Only written comments shall be received until DATE (Usually a couple of days before the meeting date to allow staff to make copies)"

Continue and more public testimony will be received.

A motion is usually received by the Commission to continue the hearing for public testimony. After the roll call state:

"This public hearing will be continued to date so that Commission may receive additional comments."
Public Comments

- Use sign-up sheet
- Must be recognized by chair, speak from podium and provide name and address
- Stick to time limits (3 minutes)
- Testimony in support, uncommitted, or in opposition
- Encourage fact based testimony and reasons for position
- Discourage duplication
- Provide spokesperson extra time
The Art of Asking Questions

Asking of staff

- What other alternative/conditions did you consider?
- What are we trying to accomplish with this requirement/code or policy/regulation?
- What has been the precedent on this type of request?
- Will you explain the process followed on this application?
- What feedback have you received from the residents?
- Does the applicant support the recommendations?

Asking of the Applicant

- What are your objectives?
- Can you offer other suggestions/conditions/project changes in response to the issues raised?
- Do you support the conditions/recommendations?
The Art of Asking Questions

Asking of the Public
- How will this proposal affect you?
- What are your concerns?
- Do you support the proposed conditions?
- What other changes/conditions can you suggest?

Asking of Colleagues
- What is your opinion about this item?
- What do you think this action will accomplish?
- Would you please elaborate on your position?
Commission Discussion

Preparation
- Active Listening
- Take Notes
- Ask Meaningful Questions

During the Commission Discussion
- Participate
- Ask for clarification
- Monitor "air time"
- Remember the record
- It is commission discussion - not a dialogue with staff or the public.
- Deliberate not negotiate
- Keep an open mind, but express disagreement - silence means consent.
- Do not poll - work toward consensus - not full agreement.
- Unanimous decision is not necessary.
MAKING MOTIONS
BASIC OUTLINE

1. "Move to..." and then describe the action
   A. Approve
   B. Disapprove
   C. Approve with conditions

2. If there are conditions:
   A. State them
   B. Reasons for the condition

3. Motion is seconded

4. Discussion on the motion

5. Chair calls the Question
   A. Asks if there is a need to re-state the motion
   B. Restates the motion or has recorder do so

6. Vote on the motion
MAKING MOTIONS-VARIATIONS

1. Motions to amend
   A. Casual or friendly amendments
      a. Editorial changes to the main motion
      b. Motion-maker and second agrees
   B. "Motion to amend...."
      a. More substantive or clarification
      b. Amended motion is seconded
      c. Voted on before primary motion

2. Substitute Motion
   A. An alternative to the main motion
   B. Second required
   C. If passed, the main motion dies
OTHER MOTIONS

1. "Move the previous question"
   A. Requires a second
   B. Stops discussion until motion is acted upon
   C. If it fails, goes back to discussion on main motion
   ***Only the Chair can call for the Question as an Individual***

2. Motion to table
   A. Requires a second
   B. Stops discussion until motion is acted upon
   C. If it passes, a new motion is required to re-open discussion
   D. If it is not acted upon by the end of the meeting, new notice is required for a subsequent meeting
OTHER MOTIONS

3. Motion to Continue
   A. Requires a second
   B. Continue to a date certain, does not require re-noticing 
      OR
   C. Postpone indefinitely

4. Motion to reconsider
   A. Made by someone who voted in the majority on the 
      original decision
   B. Requires a second by anyone
   C. If passed, sets aside previous action and bring the issue 
      back before the Commission.
RESOURCES


- Association of Idaho Cities: [www.idahocities.org](http://www.idahocities.org)
- American Planning Association (APA): [www.planning.org](http://www.planning.org)
- American Planning Association Idaho Chapter: [http://idahoapa.org](http://idahoapa.org)
- Planning Commissioners Journal: [www.plannersweb.com](http://www.plannersweb.com)

- The Commissioner: APA quarterly

- *The Job of the Planning Commissioner*, Albert Solnit.
- *The Planning Commissioners Guide*, David J. Allor
- *The Citizen's Guide to Planning*, Christopher Duerksen
Recipe for an Effective Planning Commission

Effective planning commissions share certain qualities. These include:

- **Ability to focus on the subject under consideration.** Focusing means not being distracted by personalities, groups or issues that do not have anything to do with the agenda item being discussed.

- **A clear view of the big picture.** A good commission has the aggregate ability to identify the main points of an issue and to concentrate on addressing those. Keeping the big picture in mind is important so that the commission doesn't bog down in excessive attention to minor detail.

- **Established rules for conducting meetings.** These needn't be as formal as Robert's Rules of Order, but they should define the responsibilities of the chairperson, the other commissioners, and the staff. They should also establish the rules for testimony, such as the length of time available, speaker identification, etc.

- **Effective leadership.** An effective chairperson assists the flow of ideas and helps keep the proceedings on track.

- **Informed commissioners.** Prior to the hearing, commissioners should have read the staff reports, reviewed the pertinent sections of the Comprehensive Plan, Zoning Ordinance or other codes, and looked through the environmental assessment if any pertinent to each agenda item.
• **Attention to legal requirements.** A commissioner must keep basic legal requirements in mind. Among them: Is the proposal consistent with the Comprehensive Plan? Does it meet all applicable zoning or subdivision ordinance requirements? Are the environmental impacts of the project, if any, being reduced or eliminated by the conditions of approval? Is the commission's decision supported by findings of fact based on substantial evidence in the record? When in doubt, ask the city attorney for their advice.

• **An open flow of ideas.** The chairperson and the other commissioners share responsibility for seeing that there is a continuing flow of ideas and discussion among all parties, including applicants, staff, members of the public, and the commissioners themselves. Be objective and ask questions.

• **A sense of pace.** The chair should be able to recognize that point in time at which testimony must be closed off so the commission can deliberate. Commissioners should hold their motions until the discussion has reached its conclusion. Both the chair and the other commissioners should know whether to continue a hearing or to make a decision.

*Source: State of California, Governor's Office of Planning and Research*
How to be a Better Planning Commissioner
Summer 1995, Stuart Meck, AJCP

For the newly appointed member, service on a planning commission can be overwhelming during the first few months. It's like you've been plopped down in a foreign country and have to learn a strange language and a new road system—and sometimes the natives aren't so friendly! Here are nine tips for the neophyte and, yes, even the veteran commission member to help sharpen performance.

1. Meet with the planning director.
Discuss where he or she thinks the commission should go during the next several years. What are the major, recurring issues facing the commission and the community? How has the commission addressed them? Is the commission split, or does it work like a team, even when individual members disagree with each other?

2. Review the commission agenda.
With the planning director's assistance, review the agenda for the first few meetings until you feel confident of your role. The agenda should be organized so that each action item has a supporting staff report. Check to see if these staff reports are both clearly written and thorough. Make certain that if commission members ask for supplemental information, those requests are answered.

3. Read and absorb.
Become familiar with the plans you oversee and the regulations that guide the commission's deliberations. At a minimum, as a new planning commission member, you should review the most recent edition of the community's comprehensive plan, the zoning ordinance, and subdivision regulations. Ask the following questions. When was the plan last updated? Have special studies or area plans been completed since then? What revisions have been made to the zoning ordinance and subdivision regulations?
4. Master the rules of procedure.
Every commission should have these rules because they determine how you conduct your meetings and decide issues. Equally important, the rules assure the public that business is conducted in an orderly, fair and democratic manner. Indeed, the commission's credibility is tied to its procedural rules and how they are applied. The rules are not cast in stone, however, and may be amended; the planning commission should feel comfortable with them. Remember, state statutes change, affecting open meetings or "sunshine" laws, ethical requirements for elected and appointed officials, and availability of public records, among others. State and federal court decisions will also influence how your planning commission conducts its business. For those reasons, it's prudent for the planning commission to evaluate its rules periodically.

5. Set aside time for long-range thinking and brainstorming.
Step back. Look at the big picture. This is really what the planning commission should be doing. If your evening meeting doesn't leave much time (or energy) for this, then schedule periodic special meetings or retreats for the commission.

6. Meet with the legislative body at least once a year.
Planning commissioners are most effective when they anticipate the needs of the elected officials who have appointed them. The commission and the legislative body need to discuss their expectations of each other. Regular meetings keep lines of communication open between the two bodies, preventing rifts and misunderstandings.
7. **Publish an annual report.**

It should contain a list of actions taken by the commission during the year, as well as a comparison between the commission's recommendations and the legislative body's actions. Use the report to convey planning advice to the legislative body and general public by proposing needed studies, plans, ordinance amendments, and capital projects.

8. **Continue to learn.**

Learn about planning and the role of planning commissions in shaping the community. APA chapters have special tracks at state conferences or annual workshops devoted to planning commissions. APA's Planners Book Service sells a number of inexpensive books expressly written for commissioners: Albert Solnit's *The Job of the Planning Commissioner*; William Toner, Efraim Gil, and Enid Lucchesi's *Planning Made Easy*; Herbert H. Smith's *A Citizen's Guide to Planning and A Citizen's Guide to Zoning*; and David J. Allor's, *The Planning Commissioner's Guide*. Training videos, such as *Meeting Management: A Mock Commission Hearing* are also available.

9. **Keep an open mind.**

Always be a statesman. You've been appointed to the planning commission because your elected officials thought you had good judgment and sound character. You'll find you'll be most effective when you remain open to new ideas and concepts that can help your community solve the complex problems of growth and change. Stuart Meck, AICP, is Principal Investigator for Growing Smart, APA's project to develop the next generation of model planning and zoning legislation for the U.S. He is a former planning director and assistant city manager.
TEN COMMANDMENTS OF GOOD QUASI-JUDICIAL DECISION-MAKING

by Michael Walter, WCIA

1. Thou shall know and follow the code.

Know your Land Use Code, know the standards applicable to land use decisions, and follow your code to the letter. In general the law does not permit Planning and Zoning Commission members to deviate from the Code or State Land Use Law.

2. Thou shall avoid playing politics.

Politics has no place in quasi-judicial decision-making PERIOD. Do not let political agendas or political motivation enter into your decision-making. Do not make decisions based on your perception of what is popular. Do not make decisions on what will get you reappointed. Do not make decisions based upon your perception of what is in the best interests of the City. Do not make decisions in retribution against a land use applicant. Do not make decisions to curry favor with an interest group. In short, political agendas have no place in good quasi-judicial decision-making. (See commandment 7. for what should be the basis for decision-making.)

3. Thou shall be politically correct and dignified.

YOU are the judge, and in the process of making a quasi-judicial decision, you are before the public and "on the record." Watch what you do, what you say, and how you act. Never use inappropriate words or conduct in hearings, in public, or in documents. Do not let personalities dictate the action you take in conjunction with a land use decision. Do not let business relationships or friendships enter into or effect your land use decision making. You should always be fair, independent, cordial, and respectful of those to whom you owe a duty: the applicant, your city, and most importantly, the public.
4. Thou shall consider all of the evidence offered

You cannot pick and choose, and you cannot be selective. Your legal obligation is to consider ALL the evidence and information offered as part of the "record." That means reviewing ALL of the staff reports, ALL studies and analysis, ALL letters and memoranda, and listening to ALL of the testimony by ALL of the parties. Do not refuse to receive or review evidence while the record is still open. Ensure that you have reviewed and considered all of the evidence before making a decision. BUT do not consider information after the record is closed, unless you re-notice and re-open the entire public hearing process.

5. Thou shall make a good record.

This commandment contains two rules. First, make a good, clear, and easily transcribed electronic record of public meetings and public hearings. This is a legal requirement. Ensure that recording and transcription equipment is up to date and in good working order, and that clear recordings are made. Hearings must conform to municipal procedures and state law.

Second, make a good administrative record of the reasons why a particular decision is made. The specific reasons or bases for the decision should be made on the record and should be CLEAR, ORGANIZED, and articulated IN CONJUNCTION with the standards of review and approval from your Municipal Code and/or State Law.

All exhibits should be identified and referenced. All witnesses should identify themselves by name, address, and other identifying criteria.

Evidence relied upon should be specifically identified in the decision. Remember, that you are making the record that will go to court if the decision is challenged. No matter how good your legal counsel, this record cannot be "cleaned up" or corrected at a later date.
6. Thou shall make written findings and conclusions

This is an easy oversight which will guarantee a judicial challenge to your decision. The purpose of findings of fact is to ensure that the decision-maker has dealt completely with all of the issues and so that the parties involved and a reviewing court may be fully informed as to the bases of the decision when it is made. Findings of fact must be made on matters which establish the existence or nonexistence of determinative factual matters. The thinking process used by the decision-maker should be revealed by the findings of fact and conclusions of law. The law requires that for every quasi-judicial decision, written findings of fact and conclusions of law be prepared. Failure to make a written findings and conclusion in conjunction with a quasi-judicial decision is arbitrary and capricious as a matter of law.

7. Thou shall support the decision with real evidence.

The law requires that there be sufficient evidence in the record to support your decision to grant, deny, or condition a land use application. The evidence must be competent, material and relevant to the issues before you. Statements of the positions of parties, summaries of the evidence presented, or general conclusions drawn from an indefinite, uncertain, undeterminative narration of general conditions and events are not adequate. Evidence based on inaccurate stereotypes or popular prejudices is not adequate. Findings based on the assumption of future non-compliance, of imposed conditions are also not adequate. Evidence cannot be speculative. Evidence to support a quasi-judicial decision can be in the form of studies, tests, surveys, reports, planning documents, correspondence, or testimony.

8. Thou shall impose only lawful conditions

Conditions must strictly follow the law authorizing the conditions. Ensure that every condition is: a) reasonable; b) clear and specific; c) has an essential nexus to the public health, safety or welfare; d) has a reasonable relationship between the proposed condition and the impact; e) is roughly proportional to the impact of the proposed land use action; and f) is capable of being accomplished.
9. Thou shall not invade the province of staff

Do not try to do everything yourself. Your role-your legal obligation- is to act as a thoughtful decision-maker. Your job is not to design, revise, or "fine tune" the applicant's project proposal. Your job is not to do independent investigation or analysis, or to meet with the applicant or other interested parties. Staff has specific responsibilities in the intake and processing of applications. Do no invade staff's role, or try to be a "hands-on" decision maker. Staff has the specialized expertise and knowledge to review the applications and determine the mechanics of a development project and to make recommendations on appropriate mitigation. Defer to staff on technical issues requiring their expertise and don't substitute your own non-expert judgment on those issues.

10. Thou shall think like a judge, act like a judge, and decide like a judge.

Remember, YOU ARE THE JUDGE in deciding quasi-judicial land use applications. Your obligation is to think like a judge, act like a judge, provide a process like a judge, and decide the land use application like a judge. Judges have an obligation to follow the law: so do you. The law requires a judge to be fair, impartial and unbiased: THE SAME REQUIREMENT APPLIES TO YOU. Judges have an obligation to consider all the evidence presented before making a decision: so DO YOU. Judges have an obligation to enter written findings of fact and conclusions of law to support their decision: so DO YOU. Judges must rely on competent, substantial evidence to support their decision; so MUST YOU. Judges have an obligation to ensure that a good competent record is made of proceedings so that a reviewing court can understand what happened at the hearing and understand the reasons for the decision: so DO YOU. Above all else, be a good judge.
## Meeting Tips

* A guide to successful meetings and decisions *

<table>
<thead>
<tr>
<th>Tip</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The agenda material is available and complete.</td>
<td>Having the agenda in advance of the meeting is critical to successful meetings and decisions. Late materials should not be accepted unless time is available for your review.</td>
</tr>
<tr>
<td>Be prepared.</td>
<td>Be sure you have read all the materials before the meeting, reviewed the relevant code provisions and understand the issues. Call staff if you have any questions or don't have all the information you feel you need to make a decision.</td>
</tr>
<tr>
<td>Don't waste quality time with routine complaints.</td>
<td>Meeting time is precious and should not be used for issues that could be resolved with staff outside the meeting.</td>
</tr>
<tr>
<td>Give advance warning.</td>
<td>If you intend to bring up an important issue, alert the chair and staff before the meeting. This is a common courtesy that will help staff prepare and avoid embarrassment.</td>
</tr>
<tr>
<td>Give colleagues time to assimilate.</td>
<td>An idea rejected may be presented later by the one who opposed it earlier.</td>
</tr>
<tr>
<td>Remember the Rules</td>
<td>Following Robert's Rules of Order, established public hearing procedures and the Commission by-laws will avoid confusion, and the meeting will run more smoothly.</td>
</tr>
<tr>
<td>Be courteous and respectful.</td>
<td>Remember you are representing the City. All who come before you deserve courtesy and your respect. Personal disagreements with your colleagues and staff should not be aired in public.</td>
</tr>
<tr>
<td>Speak through the Chair.</td>
<td>Always address your comments through the chair. This controls the proceedings, avoids confrontations, and helps in maintaining a clear record.</td>
</tr>
</tbody>
</table>
Listen.  
Listening should not be just a time when you are waiting to speak again. Some of the best suggestions will come from the least expected sources.

Monitor your "air time"  
Equal time should be available for everyone to speak. Remember even in the Supreme Court, you only get 30 minutes.

Be careful about informality.  
Using first names of audience members you know and the last ones you don't, gives an impression of bias.

Demonstrate neutrality.  
Provide a neutral position before the public hearing. Especially during breaks in hot meetings, be sensitive to perceptions.

Keep to the subject.  
Keep focused on the issues, avoid the introduction of extraneous or irrelevant comments. This is especially important in the review of quasi-judicial items.

No headlines.  
Judge what you say as whether you would want it to be a headline in the morning paper. Leave the provocative, media catching comments for the elected officials.

Remember the record.  
Remember a record is kept of your proceedings, and minutes are taken. Clear and concise statements allow your position to be better understood by the minute taker, staff and a reader of the proceedings.

Remember roles.  
The staff is there to provide you information and analysis for you to make the best decision possible. They are not the Commission and should not be asked to make a decision or be part of the deliberation on a decision.

Express disagreement.  
Silence may be interpreted by staff as agreement, and they make take action based upon that assumption.

Don't try to please everyone.  
This simply does not work and makes you look weak and indecisive.

"We've always done it this way."  
Precedent is important, but it can be an impediment.
Robert's Rules of Order

A Quick Guide to Motions for Planning and Zoning Commission Members

Although the formality of Robert's Rules can seem cumbersome, following these guidelines ensures that no decision is made without an opportunity for discussion and vote, and that the requirements of the Local Land Use Planning Act for a clear record of the proceedings are followed.

Motions are statements that describe a proposed action or decision. Typically the motion making process progresses as follows:

- A member of the Commission proposes a motion: "I move that..."
- A member of the Commission chooses to second: "I second the motion."

Types of Motions

Main motion - A motion must be made and seconded to take an action to approve, disapprove or approve with conditions. The motion may be to recommend to the City Council. For example:

- "I move that we approve....."
- "I move that we recommend approval to the City Council ....."

Friendly amendments - These are editorial changes that may be allowed if nobody objects.

Motion to amend - A more substantive change or clarification that does not change the direction of the main motion. Voted on before the main motion.

Substitute motion - Used to propose an alternative action to the main motion. If a substitute motion passes, it does away with the prior motions. If it fails, the previous motion comes back up for consideration.

Motion to call the previous question - A motion to end debate and vote on the motion at hand. If seconded and passed, the main motion is then voted on. If no second or fails, discussion continues. Only the Chair can unilaterally choose to end debate.)

Motion to table - Non-debatable. If seconded, discussion ends and must be voted on immediately. A subsequent motion to take from the table is required to reopen discussion. If it is not acted upon by the end of the meeting, new noticing is required for a subsequent meeting. Should be used infrequently in Planning and Zoning Commission proceedings.

Motion to continue or remand back to staff - Requires a second and used to provide more time for consideration of the matter. Can be continued to a date certain or postponed until the reasons for continuing have been addressed.

Motion to reconsider - Can only be made by a member on the prevailing side of a previous vote. If seconded and passed, it rescinds the previous vote and brings the motion back for discussion.