

## Planning Commission of the Town of Vienna Bylaws and Rules of Procedure

### Article I – Bylaws

#### Section 1 – Purpose and Applicable Legislation

**Purpose:** The Planning Commission of the Town of Vienna (“Commission”) is a statutorily required commission and exists and serves as an advisory commission to the Town Council for the Town of Vienna to assist in promoting the orderly development of the locality and its environs. The Commission is charged with an independent body, assisting the Town Council with improving the public health, safety, convenience, and welfare of their citizens and planning for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational, and recreational facilities; that the need for mineral resources and the needs of agriculture, industry, and business be recognized in future growth; that the concerns of military installations be recognized and taken into account in consideration of future development of areas immediately surrounding installations and that where practical, installation commanders shall be consulted on such matters by local officials; that residential areas be provided with healthy surroundings for family life; that agricultural and forestal land be preserved; and that the growth of the community be consonant with the efficient and economical use of public funds.

in the improvement of public health, safety, convenience, and welfare of the citizens. To this end, the Planning Commission will consider and advise the Town Council, as required, on plans for the future development of the Town so that residential areas may be provided with healthy surroundings, so that the needs and rights of industry, business, and individual property owners may be recognized, and so that transportation systems, utility, health, and recreational facilities and land use in the Town may develop in a manner consistent with the efficient and economical use of public funds. [Source: Fairfax]

**Applicable Legislation.** The Planning Commission is governed by the provisions of Virginia Code Sections 15.2-2200, 15.2-2210 through 15.2-2222.1, 15.2-2225, 15.2-2227, 15.2-223-, 15.2-2225, 15.2-2227, 15.2-2232, and 15.2-2233, by Sections [insert here] of the Town Code and by [insert here] of the Vienna Subdivision Ordinance and Zoning Ordinance, Chapters 17 and 18 of the Town Code. Other legislation applicable to the Planning Commission includes the Virginia Freedom of Information Act (Virginia Code Sections 2.2-3700 through 2.2-3714) and the State and Local Government Conflict of Interest Act (Sections 2.2-3100 through 2.2-3131). [Source: Leesburg]

#### Section II – Planning Commission Responsibilities

The responsibilities of the Planning Commission are as follows:

- A. It shall prepare a Comprehensive Plan

**Commented [BS1]:** This language comes from the Virginia Code, Section 15.2-2210

**Commented [BS2]:** This language comes straight out of the Virginia Code, Section 15.2-2200

**Commented [MM3]:** These are the references from Leesburg bylaws. Was going to ask Cindy or Steve B to take a look

**Commented [DM4R3]:** 15.2-223-?

**Commented [PC5]:** CP comment: Assuming section reference above is to 15.2-2223 (Comprehensive plan to be prepared and adopted; scope and purpose.)

**Commented [WIBJ6]:** Have we verified codes to insure they are up to date? I think that once we are through with this audit, we can have someone in the Staff verify all codes, etc.

**Commented [DM7]:** Add more responsibilities, such as recommendations to Town Council for rezoning plans, subdivisions, certain site plans, and zoning ordinance amendments?

**Commented [MM8]:** MG Comment: Can we assign our own responsibilities – or does TC have to grant? If the latter, do we need TC approval of bylaws/

**Commented [MM9R8]:** The first item is statutorily required of the PC. I disagree with approval by TC of PC bylaws.

**Commented [M10]:** Can we assign our own responsibilities – or does TC have to grant? If the latter, do we need TC approval of bylaws/

**Commented [DM11R10]:** I believe our responsibilities are assigned by statute with respect to the Comprehensive Plan. Based on the certification course, no, the TC does not need to approve the bylaws.

**Commented [WIBJ12]:** I think that I remember that the Town Attorney said this was our responsibility, I think we need to put our thoughts together in order to condense these responsibilities.

1. The Comprehensive Plan shall be reviewed at least once every five years to determine whether it should be revised or amended and shall make recommendations regarding such revisions and/or amendments.

a. Assistance and recommendations on specific features of the Comprehensive Plan may be requested from members of the Town staff and boards and commissions, but ultimate responsibility for preparing the Comprehensive Plan, and any revisions or amendments thereto, shall remain with the Planning Commission. [Source: Fairfax]

~~b. Proposals to the Comprehensive Plan may not be considered favorably by the Planning Commission if substantially the same proposal was considered unfavorably by the Planning Commission or Town Council during the previous year, unless there has been a significant change in circumstances relating to the nomination. Persons having matters for consideration should submit a summary of the proposed amendment to the Planning and Zoning Department. This summary should identify the item of concern and explain why the amendment is proposed. Proposals shall be examined by the Planning and Zoning Department staff, with recommendations submitted to the Planning Commission. [Source: Falls Church]~~

2. See Article II – Rules of Procedure for additional information related to the Comprehensive Plan.

~~B. Annual Report~~

~~The Planning Commission shall prepare a written Annual Report to the Town Council and, at the direction of the Town Council, present said report to the Town Council. [Source: Fairfax]~~

~~1. The Commission, or Planning and Zoning Director, or staff, as delegated, shall file a report on all actions taken by the Planning Commission during the past calendar year or fiscal year. [Source: Falls Church]~~

~~2. A minority of the Planning Commission shall have the right to file a separate statement(s) to accompany the annual report embodying the recommendations or actions of the majority. [Source: Falls Church]~~

**Section III – Membership, Election of Officers, Vacancies**

4. Membership - The Planning Commission shall consist of not less than five nor more than fifteen XXX members, in the discretion of the Town Council and appointed by the Town Council for two-year terms. Each commissioner shall be a qualified voter of the Town, actually residing within the Town limits, who holds no office of profit under the Town government. [Source: Falls Church]. ~~Upon appointment, the Clerk to the Planning Commission shall provide to each new Commissioner a copy of the Town of Vienna code sections relevant to planning and zoning, the current Comprehensive Plan and a copy of these PC by laws, together with any addenda to same. Said copies may be provided by hard copy [Source: Fairfax].~~

- Training Requirements - Each commissioner shall begin the Virginia Certified Planning Commissioners’ program within two years of appointment and, when

**Commented [DM13]:** Need to consider whether to revise or delete this text.

**Commented [MM14]:** MG suggests deleting. I think it is an area for discussion.

**Commented [PC15]:** CP comment: As staff to the Fairfax City Planning Commission, I prepared a draft annual report for them because it was in their bylaws.

**Commented [M16]:** This seems to me to box us in and complicate life. I'd rather leave us with open-ended authority to do as we see fit on Comp Plan.

**Commented [WIBJ17]:** I think the responsibilities listed in items 1, 2, and 3, this section are more than sufficient. I would eliminate the remainder of item 5.

**Commented [WIBJ18]:** I agree with Mike, Cindy and staff's annual report would be all that is necessary. I believe this the past practice.

**Commented [DM19R18]:** I think the language should be changed to make sure the DPZ shares the annual report with the PC before it is submitted to TC. I don't recall seeing an annual report since joining.

**Commented [M20]:** State law already says we must do this. But, again, I don't see need to memorialize it further. As an aside, Cindy has told me writes an annual report that would cover what PC does. I have to follow up on that so I can review before she files it.

**Commented [MM21]:** MG recommends deleting. I suggest discussion especially about allowing a minority of the PCs to file a separate statement. The annual report should be prepared by the PC and not Town staff alone.

MG Comment: We review these things, but this language ("final determination", "Mandatory recommendations") makes it sound like we have final authority, which we don't. I think this should be revised to make clear we review and recommend

**Commented [BS22]:** The state code provides the discretion of the governing body set the size, it can be by resolution and is not necessarily required to be in the Town Code.

**Commented [PC23]:** CP comment: There is no reference in the Charter of the Town of Vienna with regards to the membership of the Planning Commission. The only reference to members is in Chapter 17 - Subdivisions, Sec. 17-3., which states "members shall be appointed for terms of two years or to fill the unexpired term of a vacant seat on the commission." The Planning Commissions of other similarly-sized jurisdictions (Cities of Fairfax and Falls Church, Towns of Herndon and Leesburg) each consist of 7 members, which is also the size of their governing bodies (Mayor and 6 councilmembers).

possible, participate in training opportunities such as conferences or workshops throughout their term. [Source: Fairfax]

- Informational Materials to New Commissioners - Upon appointment, the Clerk to the Planning Commission shall provide to each new Commissioner a copy of the Town of Vienna code sections relevant to planning and zoning, the current Comprehensive Plan and a copy of these PC Bylaws, together with any addenda to same. Said copies may be provided by hard copy.

B. Election of Officers

1. The Commission shall organize and elect officers annually at the first regular meeting in the month of January. The officers shall consist of a Chair and Vice Chair. Officers will be elected from seated members of the Commission. [Source: Falls Church]
2. A candidate receiving a majority vote shall be declared elected. The new Chair shall take office immediately and serve for one year or until a successor shall take office. The Chair shall serve no more than two consecutive one-year terms. [Source: Falls Church]
3. A vacancy in either office shall be filled immediately by regular election procedures for the unexpired term of the office vacated. [Source: Fairfax]
4. In the absence of both officers, the senior member present, with the most consecutive service, according to the records of the Clerk, shall assume the duties of the Chair. [Source: Falls Church]
5. The Director of Planning and Zoning shall appoint a staff person from the Town of Vienna's Planning and Zoning Department to serve as Clerk of the Commission. [Source: Fairfax]

**Commented [MM24]:** MG Comment: We've always done this in executive session.

**Commented [M25]:** we've always done this in executive session

**Commented [MM26R25]:** Do you mean work session?

**Commented [WIBJ27]:** Mike is correct we hold elections in executive session (in private) on the first available meeting of the new year.

C. Vacancies; Removal of Commissioners

Vacancies on the Planning Commission shall be filled through appointment by the Town Council for the unexpired portion of the term of the member who has resigned or who has been removed. Commissioners may be removed by the Town Council as permitted by the Virginia Code §15.2-2212, which currently allows for removal for malfeasance or non-malfeasance in office and. ~~A commissioner may also be removed by the Town Council~~ in the event that a member is absent from any three consecutive meetings of the Planning Commission or is absent from any four regular meetings of the Planning Commission within any 12-month period. [Source: Fairfax]

**Commented [BS28]:** This language comes from the State Code

**Commented [MM29]:** MG Comment: Does this belong in our bylaws? Seems to me this is province of TC and only goes in our bylaws if we can remove a member – and I don't think I want that authority

**Commented [WIBJ30]:** I think that this section is correct as it appears to me to leave all removal options up to the town council.

**Commented [MM31R30]:** The authority to remove lies with the TC but the bylaws just spell out the conditions under which it could happen. This doesn't give any authority to the PC. I agree this is something that would have to be reviewed and approved by TC with respect to the bylaws. We need input from TC.

**Commented [M32]:** Does this belong in our bylaws? Seems to me this is province of TC and only goes in our bylaws if we can remove a member – and I don't think I want that authority

Section IV – Meetings

- A. Meeting Time and Place - Regular meetings of the Planning Commission shall be held at ~~[insert time]~~ 8 p.m. on the second ~~and fourth Wednesday~~ ~~Second and fourth Wednesdays~~ January through June, August, and September; the second Wednesday in October, November, and December. *See Article II – Procedures for information on meeting procedures, agenda, public hearings, and minutes.*
- B. Quorum – A majority of the members of the Planning Commission shall constitute a quorum. No action of the Planning Commission shall be valid unless authorized by a majority of those present and voting. (Source: Fairfax). A quorum is established based on Commissioners present in the chamber and participating remotely per the conditions set forth in the Town of Vienna’s policy on electronic participation of Commissioners.
- C. Work Sessions - Work sessions shall be called by the Commission Chair or the Director of Planning and Zoning when deemed necessary or at the request of two Commission members. At the discretion of the Commission, work sessions with developers will be held at the concept stage for all significant developments entering the special exemption and/or site plan process. Written notice of work sessions shall be provided, as required by the Virginia Code’s Freedom of Information Act. [Source: Falls Church]
- D. Special and Closed Meetings - Special Meetings shall be called, with at least five ~~(5)[insert number]~~ days written notice, by the Chair or Director of Planning and Zoning, either when deemed necessary or at the request of any two Commissioners. [Source: Falls Church]. Closed meetings may be called for any purpose permitted by the Virginia Freedom of Information Act. [Source: Fairfax]

**Commented [DM33]:** Need to insert current time for 2019 but amend bylaws after making decision to change time for 2020, if applicable.

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**Section V– Voting**

- A. The privilege of making motions, substitute motions, amendments to motions, and voting on all official acts of the Commission shall reside in the Planning Commission members only. [Source: Fairfax]
- ~~B. A voice vote shall be recorded on all official acts of the Planning Commission. [Source: Leesburg] When the vote is recorded without roll call, any member may request the Planning Commission Clerk to have the minutes reflect their separate opinion after the statement of vote. [Source: Falls Church]~~
- C. Majority vote is more than one-half of the votes cast, ignoring abstentions, at a legal meeting, where a quorum is present. A failure to obtain a majority vote shall be deemed denial. [Source: Falls Church]

**Commented [MM34]:** MG proposes deleting

**Commented [WIBJ35]:** Delete

**Conflict of Interest:** Any member who owns or whose family member has any material financial interest in the land to be rezoned or to be approved or in the outcome of the decision in any such proceeding shall make a full, public disclosure of the exact nature of their interest and shall refrain from voting or participating in any way in such proceeding relating thereto. For details and elaboration see the Code of Virginia, “Virginia Conflict of Interest Act,” Title 2.1, Chapter 22, Sections 347 through 357, which are herein adopted through reference. [Source: Falls Church]

**Commented [WIBJ36]:** We should read the Code of Virginia. “Virginia Conflict of Interest Act,” Title 2.1, Chapter 22, Sections 347 through 357, to insure we need all of this or just the reference to the code.

**Commented [M37]:**

**Commented [MM38]:** MG Comment: Do we need something on recusal – because you know somebody etc, even though you do not have a financial interest? Or, do we just let members decide?

Also proposes adding “or whose family member” after “owns”

**Commented [M39]:** Do we need something on recusal – because you know somebody etc., even though you do not have a financial interest? Or, do we just let members decide?

**Section VI – Bylaw Amendments**

The foregoing bylaws may be amended by a recorded vote of the members present provided notice of intent has been given the members during the course of a regular or special meeting. [Source: Leesburg and Falls Church]

~~The Rules of Procedure Committee shall be composed of at least three members comprised of the Chair, the Vice Chair, and the most recent past Chair or most senior Commissioner. They shall be empowered to propose such amendments to the Planning Commission bylaws as may be proper and appropriate to attain maximum efficiency of Commission business and to provide fair and informative public hearings. [Source: Falls Church]~~

**Commented [MM40]:** MG proposes deleting

**Commented [WIBJ41]:** I agree delete this section.

**Commented [MM42R41]:** I think it should be left for discussion among the PCs

### Section VII – Effective Date; Adoption of Bylaws

Nothing in the foregoing Bylaws shall be deemed as invalidating any official business transacted by the Planning Commission prior to adoption of these Bylaws.

The foregoing Bylaws and/or amendments shall become effective 10 days following majority vote of the members present in a regular or special meeting. [Source: Falls Church]

The Planning Commission hereby adopts these Bylaws, in accordance with the requirements of Title 15.2, Chapter 22, Article 2 of the Code of Virginia and the Town Code, to set forth certain responsibilities and procedures of the Planning Commission. These Bylaws, as adopted, shall remain in effect until amended by the Planning Commission, ~~however, Town staff shall~~, at least every two years, and more often as required by changes to the Code of Virginia and other applicable laws, report to the Planning Commission on any suggested modifications to these Bylaws. [Source: Fairfax]

**Commented [WIBJ43]:** "...by the Planning Commission. However, Town Staff..."

Submitted: \_\_\_\_\_  
Michael Gelb, Chair

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Michael Gelb, Chair	Vote:
Steven Kenney, Vice Chair	Aye/Nay
Walter I. Basnight, Jr.	Aye/Nay
Sharon Baum	Aye/Nay
Sarah Couchman	Aye/Nay
Mary S. McCullough	Aye/Nay
Andrew Meren	Aye/Nay
David Miller	Aye/Nay

**Commented [WIBJ44]:** Most importantly, since sections have come from several sources (Falls Church, Fairfax, etc.) there are significant formatting differences. For example, some sections end each list item with a semi-colon, others with a period. Elsewhere, code citations are noted differently (See Section I, Applicable Legislation, Line 2 and Section III, F. 1.). I would strongly recommend that after the Commission agrees on the document, we have an editor go over it to ensure that there is continuity in terms of format throughout.

## Article II

### Rules of Procedure

#### Section I – General Duties

The Planning Commission shall:

- A. Organize and elect officers annually at the first regular meeting in the month of January.
- B. Adopt rules of procedures and exercise general supervision over its affairs. The provisions of Robert’s Rules of Order shall govern the Planning Commission at its meetings unless the Town Code provides otherwise an then the Town Code will control. [Source: Leesburg]
- C. Keep a complete record of its proceedings; and provide for the custody and preservation of its papers and documents to comply with the Library of Virginia retention requirements;
- D. Establish a program with priorities for the ensuing year. [Source: Falls Church]
- E. May request joint work sessions with the Town Council, Board of Architectural Review Board, and the Board of Zoning Appeals to review areas of mutual interest. [Source: Falls Church]
- F. Adopt bylaws governing the conduct of its business and meetings [Source: Leesburg]
- G. Specific Functions

The Planning Commission has authority in the Virginia Code and ~~insert Town Code if applicable~~ Town Code and is delegated certain important powers and responsibilities which include, but are not limited to the following: (Source: Falls Church)

1. ~~Final determination~~, Through a motion to recommend to Town Council: approve
  - i. Comprehensive Plan amendments
  - ii. Rezoning (map) amendments
  - iii. Zoning ordinance (textual) amendments
  - iv. Site plans in the CMP, PR, and PC Zoning Districts
  - ~~v.~~ Site plan modifications of requirements
  - ~~vi.~~ Subdivision preliminary and/or final site plans;
  - ~~iii.~~ Continuous Use Permits
2. ~~Mandatory recommendations To Town Council, through motion or resolution include:~~ Through a motion to recommend to Board of Zoning Appeals:
  - i. Conditional use permits
  - ~~i.~~ Comprehensive Plan amendment (by resolution)
  - ii. Rezoning (map) amendments
  - iii. Zoning ordinance (textual) amendments

~~Special exception applications are forwarded to the Board of Zoning Appeals. [Source: Falls Church]~~

#### Section II – Comprehensive Plan Review

**Commented [PC45]:** CP comment: This is repetitive of Section III. B. in the bylaws

**Commented [WIBJ46]:** Maybe we can call this Comp Plan update review. Kill 2 birds with one stone. (both D and E)

**Commented [MM47]:** MG Comment: I suppose this makes sense, but I am honestly not sure I want to add this to our workload.

**Commented [M48]:** I suppose this makes sense, but I am honestly not sure I want to add this to our work load

**Commented [WIBJ49]:** Seems like another major project to add to our already busy year. I am wondering if the TC would want to entertain this as a add to their schedule as well as BZA, BAR, etc.

**Commented [WIBJ50]:** Change, Final determination, “To review, vote and then forward the commission’s decision to the Town Council for the following:(language is ruff needs editing)

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**Commented [WIBJ51]:** Change, Mandatory recommendation, “To review, vote and then forward the commission’s decision to the Town Council for the following:(language being the same as above is ruff needs editing)

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**Commented [PC52]:** CP comment: Should this section be in the bylaws?

The Comprehensive Plan shall be composed with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the area, which will, in accordance with present and probable future needs and resources, best promote the health, safety, order, convenience, prosperity or general welfare, as well as efficiency and economy in the process of development.

**Commented [WIBJ53]:** Word change "economic to economy"

In review of the Comprehensive Plan, the Commission shall

A. Establish guidelines and make recommendations for the preparation, maintenance, and review of a Comprehensive Plan for the development of the Town. Such Plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the Planning Commission's long-range recommendations for the general development of the territory covered by the Plan. It may include the designation of and consider the following:

1. Areas for various types of public and private development and use, such as types of residential, commercial, industrial, conservation, recreation, public service, floodplain and drainage, and other areas, which ~~part of the Plan~~ may be ~~known as part of the Projected-Future~~ Land Use Plan ~~including a Land Use Intensity Plan~~;
2. History of community population changes ~~and~~ population densities,
3. Employment and economic factors,
4. A comprehensive system of transportation facilities such as streets, roads, highways, parkways, bikeways, and other like facilities, and parking conditions;
5. A system of community service facilities such as parks, schools, playgrounds, public buildings and institutions, ~~and~~ community centers;
6. Areas for redevelopment and other treatment;
7. Areas and sites for preservation of historic landmarks to be a part of the Historic Sites map;
8. Environmental, conservation and sustainability of Town resources as well as drainage conditions and flood control and preventive measures;
9. ~~The design and location of statuary and other works of art;~~
10. Any other matters relating to the subject matter and general purposes of the Plan; and
11. The location of uses and development of areas beyond the Town considered for boundary adjustments.

**Commented [WIBJ54]:**

**Commented [WIBJ55]:** Add "and"

**Commented [MM56]:** *WB Comment: I suggest that we need to have further discussion of this item in terms of considering specific sites and/or designs for public art.*

**Commented [WIBJ57]:** I suggest that we need to have further discussion of this item in terms of considering specific sites and/or designs for public art. This really falls under the Purview of the ARB.

**Commented [MM58R57]:** May also want to reference coordination with the Public Arts Committee

B. In the preparation and periodic review of the Comprehensive Plan, the Planning Commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and the probable future requirements of the community. [Source: Fall Church]

C. In its review of the Comprehensive Plan, the Planning Commission shall consider such matters as the following: [Source: Falls Church]

1. Probable future economic and population growth of the community, and requirements for land areas for housing, industry, water supplies, parks, and other public purposes.
2. The status of progress made on implementation of Comprehensive Plan goals, objectives, policies and programs.

**Commented [WIBJ59]:** Change Probably to Probable

- ~~3.—Proposed amendments to the Comprehensive Plan requested by the Town Council, Planning Commission, staff, and by residents or landowners of the Town of Vienna. All proposed amendments must satisfy one of the following criteria:~~
- ~~i.—Significant changes have occurred in the area of concern since the adoption of the Plan as amended;~~
  - ~~ii.—The adopted Plan contains provisions which unreasonably limit the ability of the Town to achieve the objectives of the Plan;~~
  - ~~iii.—Oversights or inconsistencies are contained in the adopted Plan as they affect the area of concern. [Source: Falls Church]~~

### Section III – Duties of Officers

#### A. Duties of Officers

1. The Chair shall:
  - a. Preside at all meetings, hearings, and work sessions and shall have the duties normally conferred by parliamentary procedures of such officers. [Source: Falls Church and Fairfax]
  - b. ~~Decide all points of order—, [Redundant to above?]~~
  - c. Appoint committees/subcommittees, special and ~~standing~~standing, unless objection is raised, in which event appointment shall be subject to approval by majority vote.
  - d. Prepare correspondence to Town Council regarding actions by the Planning Commission.
  - e. Carry out other duties as are assigned by majority vote. [Source: Falls Church]
  - f. The Chair shall have the privilege of discussing all matters before the Commission and to vote thereon. [Source: Fairfax and Leesburg]
2. The Vice Chair shall assume the duties of the Chair in the absence or incapacity of the Chair. [Source: Fairfax, Leesburg, Falls Church]
3. The Planning Commission Clerk shall be responsible for the following:
  - a. Performing such duties as required in carrying out Section VI pertaining to minutes.
  - b. Presenting for approval to the Commissioners the minutes of the preceding meeting.
  - c. Having available for use at all meetings all related minutes of the ~~Architectural Review Board~~~~Board of Architectural Review~~ and Board of Zoning Appeals matters related to the review of the Planning Commission.
  - d. Appointing a temporary Planning Commission Recording Secretary, as needed.
  - e. Shall make materials for its current meeting available to the public electronically to the extent possible, as well as hard copy if requested.
  - f. Prepare, publish, and distribute reports and other materials relating to activities of the Planning Commission. [Source: Falls Church]

**Commented [WIBJ60]:** I do not think it hurts to have this reiterated.

### Section IV – Representation/Joint Appointments

The Planning Commission may approve members to serve as liaisons to other commissions and committees in accordance with the Town Charter or ordinances, or request of Town Council. [Source: Leesburg]

## Section V – Meeting Procedures

### A. Rules of Procedures

Robert’s Rules of Order shall govern parliamentary procedures at Planning Commission meetings. [Source: Fairfax and Leesburg]

### B. Material Submission

The Planning Commission will not consider any material given to them unless it was submitted XX days prior to their scheduled meeting. Notwithstanding the above, the Commission authorizes Department of Planning and Zoning staff to substitute a more reasonable time frame to consider submitted materials based on the totality of the circumstances surrounding the particular use. The Commission further directs staff to make this rule known to all applicants and to direct applicants to submit any material directly to staff for distribution to the Planning Commission. [Source: Leesburg]

**Commented [BS61]:** This may be problematic for a public hearing format, but I have no issue with putting a deadline for submission of materials by an applicant.

### C. Order of Business

The order of business for business meetings of the Planning Commission, as far as is consistent with the purpose of the meeting, shall be as follows:

Call to Order

Roll call and existence of quorum

~~Approval of Minutes~~

Adoption of the Agenda

Commissioner Disclosures

Chairman’s statement

Regular business

Public hearings

Report of the Director of Planning and Zoning

Old Business

New Business

~~Approval of Minutes~~

Adjournment

**Commented [MM62]:** MG Comment: what about when a member of the public brings something to a public hearing and shares it. I wouldn’t want to be forced to ignore that – though I understand the argument that it’s unfair to the process.

**Commented [MM63R62]:** We could change it to “by noon on the day of a scheduled work session or regular meeting.” I believe PCs should have a chance to review materials before the meeting.

**Commented [M64]:** what about when a member of the public brings something to a public hearing and shares it. I wouldn’t want to be forced to ignore that – though I understand the argument that it’s unfair to the process.

**Commented [WIBJ65]:** I agree with Mike, however I do believe we should impose a time frame like we have for other areas which states, if I remember correctly, that any material to be submitted for consideration should be given to the Planning and Zoning staff by close of business on the Friday before the next scheduled Planning Commission Meeting.

D. Invitation to Appear - For all meetings, invitations may be offered to such person or persons who may, in the opinion of a Commissioner, or staff, by reason of special knowledge, contribute to the discussion of a matter. The Architectural Review Board and other development review boards may be invited to concept work sessions with developers for significant developments, when appropriate, and at the request of the Commission. (Source: Falls Church)

**Commented [MM66]:** MG Comment: Do we need this? We may want to change things based on experience. As long as our agenda is in public domain, I don’t see value of this

**Commented [M67]:** Do we need this? We may want to change things based on experience. As long as our agenda is in public domain, I don’t see value of this

**Commented [WIBJ68]:** Stated procedure for education of future, new Commissioners and even New TC Member. It would be in print and would not be necessary to amend except for some extreme condition.

## Section VI – Agenda

- A. In accordance with the Virginia Code’s Freedom of Information Act provisions, the Planning and Zoning Department staff, in consultation with the Chair of the Planning Commission, shall prepare and post the agenda.
- B. Planning Commission meeting materials shall be delivered to Planning Commission members electronically on ~~Friday~~Wednesday prior to the Wednesday meeting and made available to applicants and the public prior to the Wednesday meeting.
- C. Information for inclusion in the Commission’s meeting materials must be received by the date determined by the Department of Planning and Zoning’s operational procedures and applicable Town of Vienna ordinances. Materials which are presented at the meeting, but which are not provided in the package of meeting materials, may be cause for deferral of the item.
- D. The Planning Commission may continue deliberations of an agenda item and no further public or formal notice shall be necessary provided that a specific future date and time be set for continuation or disposition at the time of initial consideration.
- E. If an applicant or their agent fail to appear without explanation, the agenda item shall be automatically continued to a specific future meeting.
- F. Items of unfinished business shall be continuously carried over to succeeding meetings under the title of “Old Business” until final disposition occurs. [Source: Fall Church]

**Commented [MM69]:** MG Comment: I’d like more time, but we’d have to check with Cindy. I know at beginning of year she said this was her plan, but it hasn’t worked out that way. Proposes changing “Friday” to “Wednesday”

**Commented [M70]:** I’d like more time, but we’d have to check with Cindy. I know at beginning of year she said this was her plan, but it hasn’t worked out that way

**Commented [WIBJ71]:** If Wednesday is not always possible, at least by Thursday of the prior week. Friday is too late in some circumstances.

**Commented [MM72]:** WB Comment: Shall we define “prior” as it applies to materials being made available to applicants and the public.

## Section VII – Public Hearings

The Planning Commission recognizes the requirement for the timely review and orderly consideration of applications, but aAt least one public hearing shall be held on each site plan application or subdivision plat application which requires Commission ~~approval~~review. Such public hearing shall be held only after written notice has been given in accordance with [insert appropriate Code/Ordinance citation here], When appropriate, ~~t~~The Planning Commission may continue the hearing to a date certain or may hold additional hearings on the same matter without additional written notice. [Source: Falls Church]

Advertisement of a Planning Commission public hearing on Comprehensive Plan amendments shall be accomplished in accord with the requirements of Virginia Code §15.2-2204 (1950 as amended), ~~[insert citation] of the Town code.~~ [Source: Falls Church]

- A. Hearing Procedures:  
The procedures for a public hearing shall be conducted as follows:
  1. Call of public hearing by Chair
  2. Staff description of application together with statement of findings, comments, and recommendations. Ten minutes maximum, unless additional time is granted.
  3. Applicant’s presentation on their own behalf or represented by an attorney or agent. 10 minutes maximum, unless additional time is granted.
  4. Interested parties’ presentation and public comment on the application. Each speaker, whether representing themselves or an organization, shall be limited to five minutes with no rebuttal time.
  5. Applicant’s rebuttal. XX minutes maximum, unless additional time is granted.

**Commented [MM73]:** MG proposes changing to “review”

**Commented [WIBJ74]:** “To review, vote and then forward the commission’s decision to the Town Council. (I believe we need to use this or similar language over again and again to emphasize our authority and limitations.

**Commented [MM75R74]:** I disagree. We can talk to Steve B but we approve a motion to recommend the application to the TC. Maybe clarity will help

**Commented [M76]:** I’m not too keen on limiting applicants and staff’s time. But I guess we should leave it in to see how others feel.

**Commented [MM77]:** MG Comment: I’m not keen on limiting applicants and staff’s time. But I guess we should leave it to see how others feel.

**Commented [WIBJ78]:** I am not sure I agree with limitations for Applicant, Attorneys and town staff.

**Commented [MM79]:** MG Comment: we’ve been doing three minutes most of the time. When we have a big crowd, five minutes makes for a very long evening – and most people don’t need that much time.

Need to add discretion to allow comments by citizens for applications such as subdivisions.

**Commented [M80]:** we’ve been doing three minutes most of the time. When we have a big crowd, five minutes makes for a very long evening – and most people don’t need that much time.

**Commented [WIBJ81]:** I believe that Mike is correct, and I believe this should be written in stone and that no rebuttal time should be allowed. Using the podium light system and if we hold the line after a few meetings it will work well going forward. (Also, I think a real short explanation of this process should be read by the chairman before all meetings)

6. Close of public hearing by Chair.
  7. Commission-Staff discussion on proposal.
  8. Commission action including questions to the applicant and/or public. [Source: Falls Church]
- B. The Planning and Zoning Department staff shall provide visual aids and other materials to the extent possible to assist the Commission, television audience, and citizens present, to understand a proposal. Staff shall encourage applicants to provide such information as well. Arrangements for such visual aids shall be made in advance of the meetings whenever possible, in order to avoid confusion and delay at the meetings. [Source: Fall Church]
- C. The absence of personal appearance by an applicant, their attorney or agent, to present the case, may cause deferral without prejudice, to a future date. [Source: Falls Church]

### Section VIII – Minutes

- A. The Planning Commission shall record the proceedings of all regular and special meetings.
- B. The Planning Commission Clerk shall be responsible for taking and transcribing the minutes of the proceedings on all regular and special meetings to include:
1. The names and addresses of petitioners and all witnesses giving testimony;
  2. All information required under Virginia Code §2.2-3707, including the following:

Minutes shall be in writing and shall include (i) the date, time, and location of the meeting; (ii) the members of the public body recorded as present and absent; and (iii) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with § 2.2-3708, the identity of the members of the public body at each remote location identified in the notice who participated in the meeting through electronic communications means, the identity of the members of the public body who were physically assembled at the primary or central meeting location, and the identity of the members of the public body who were not present at the locations identified, but who monitored such meeting through electronic communications means.

- 2- ~~Insert Town requirements for minutes based on Town Code and/or Charter~~
3. Summary of the Planning and Zoning Department director’s report.
- C. ~~Copies of draft approved minutes shall be sent only to Commissioners for approval. They shall be available in the Department of Planning and Zoning for public review, until such time as approved minutes are available, at which time only approved minutes shall be copied, distributed to interested parties, and Approved minutes shall be made publicly available via the Town’s website.~~
- D. The Planning Commission Clerk shall sign each set of approved minutes. Copies of the approved minutes and recording media of Commission meetings and other official actions shall be filed in the Planning and Zoning Department as public record as required by the Library of Virginia. [Source: Falls Church]

**Commented [MM82]:** MG Comment: I guess we do “verbatim minutes” so somebody must do this. – or do we just keep it on tape. Does Jennifer literally transcribe? Does somebody else? We should check before we put this in. Or, maybe we just say the clerk is responsible for providing minutes.

**Commented [M83]:** I guess we do “verbatim minutes” so somebody must do this. – or do we just keep it on tape. Does Jennifer literally transcribe? Does somebody else? We should check before we put this in. Or, maybe we just say the clerk is responsible for providing minutes.

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**Commented [WIBJ84]:** I think we are doing this and it is the procedure we follow

**Commented [BS85]:** Pursuant to Va. Code Section 2.2-3707, Draft Minutes are public records

**Commented [MM86]:** MG Comment: What is current practice?

**Commented [M87]:** what’s current practice

**Section IX - Outside Meetings with the Public or Applicants, Avoidance of Meetings when the Commission is not Assembled**

- A. Meeting with Applicants and Town Residents and Business Interests - A public meeting of the Planning Commission is the optimal setting for the receipt of input from the public about any pending application within the Commission’s jurisdiction. However, if an individual member believes it is necessary to meet with the public or applicants about a matter pending before the Planning Commission, such a meeting is permitted pursuant to the guidelines set forth below.
1. All meetings shall be conducted pursuant to Virginia Code § 2.2-3700 et seq.
  2. Commissioners shall disclose all meetings by reporting them verbally at the next Planning Commission meeting at the “Commission Disclosure” section of the agenda; such disclosures shall include whether the matter is a conflict of interest or a personal interest for the Commissioner, pursuant to Virginia Code § 2.2-3100 et seq.
  3. The purpose of such meetings is limited to fact finding and clarification for all parties.
  4. Commissioners shall be careful not to make a commitment of their voting intent.
  5. Commissioners are encouraged to contact the Department of Planning and Zoning staff prior to such meetings to gather facts about the application. The staff will attend such meetings if requested by the Commissioner.
  6. Any information received by an individual member, whether in person, by telephone, in writing, or by electronic mail, that is relevant to any application pending before the Commission should be forwarded promptly to the Planning and Zoning Director for distribution to the entire Planning Commission.

As used in this section, the term “public” includes, but is not limited to (1) any individual or group supporting or opposing an application or matter before the Planning Commission; (2) any individual or group offering comments on or seeking to influence an application or matter before the Planning Commission. “Public” does not include persons employed by the Town of Vienna or elected or appointed to any seat on the Vienna Town Council or Planning Commission. [Source: Leesburg]

- B. Avoidance of “Meeting” When Commission Members are not Assembled
1. The Freedom of Information Act statute, VA Code Ann. Subsection 2.2-3707(B) states, in part, that no meeting shall be conducted through telephonic, video, electronic, or other communication means where members are not physically assembled to discuss or transact public business. Therefore, all electronic communications, except as defined below, between Planning Commissioners and/or Planning and Zoning Department staff shall be one-on-one to avoid a public meeting.
  2. Exceptions
    - a. A maximum of two Planning Commissioners may have simultaneous or virtually simultaneous communications with one another by email, telephone, or other means of electronic communication.
    - b. Staff may send information to the Planning Commission collectively in an electronic format. However, to avoid the impression of a public meeting, Planning

**Commented [MM88]:** MG Comment: I don’t really have an objection to anything here, but I hate to overcomplicate life with a lot of rules.

**Commented [MM89R88]:** Gives clarity to all PCs as to the rules and procedures if they meet with people outside of a PC meeting.

**Commented [M90]:** I don’t really have an objection to anything here, but I hate to overcomplicate life with a lot of rules.

**Commented [WIBJ91]:** I see Mikes point however, these items will benefit new commissioners.

**Commented [M92]:** this makes no sense. it suggests that somebody who supports an application is not a member of public. In truth, though, I’d delete the definition – or indicate that it means anybody other than a member of the governing body (TC). One other point, this definition implies that we could talk to somebody without reporting it they simply as for information – but aren’t taking a position on the application. That’s a fine line

**Commented [MM93]:** MG Comment: this makes no sense. it suggests that somebody who supports an application is not a member of public. In truth, though, I’d delete the definition – or indicate that it means anybody other than a member of the governing body (TC). One other point, this definition implies that we could talk to somebody without reporting it they simply as for information – but aren’t taking a position on the application. That’s a fine line

**Commented [MM94R93]:** Don’t believe Mike read the text correctly. Definition means that we can meet with proponents/opponents of an application whether an individual or group. TC and staff are not considered “public” therefore our interaction is not limited by this section.

**Commented [MM95]:** WB Comment: I believe we need more clarity – or at least further discussion – of this item

**Commented [WIBJ96]:** I think we need to change the language to make this easier to understand.

**Commented [DM97R96]:** What do you think of the following revision?

A maximum of two Planning Commissioners may have communications with each other by email, telephone, or other means of electronic communication regarding business before the Commission.

Commissioners should reply only to the originator or the Planning and Zoning Department Director (or their designee) in an electronic format.

- c. If a quorum call or request for comments is required from Commission members, staff will request that individuals respond only to the originator and not to the group and Commission members will not use the “Reply All” function. [Source: Fall Church)