

April 2017

**Planning Commission
of the
County of Goochland, Virginia**

Bylaws & Rules of Procedure

The following Bylaws and Rules of Procedure are adopted by the Goochland County Planning Commission to enable it to discharge effectively its duties and responsibilities and to facilitate the exercise of its authority and powers as outlined in A Resolution To Create A Planning Commission For Goochland County, dated April 7, 1970, and §§ 15.2-2200 et. seq., Code of Virginia (1950, as amended).

Section 1. Powers and Duties

- 1.1 The powers and duties of the Planning Commission are defined in Article 2, Chapter 22, Title 15.2 of the Code of Virginia.

Section 2. Meetings

- 2.1 Annual Meeting. The annual meeting of the Planning Commission shall be the first regular meeting in the month of April of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Planning Commission. A nominating committee may be established by the Planning Commission in the month of January of each year for the purpose of identifying candidates for each office and recommending such to the Commission at its Annual Meeting.

2.2 Regular Meetings.

- 2.21 Date, Time, Place. Regular meetings of the Planning Commission shall be held in the Board Meeting Room in the Goochland County Administration Building or such other location designated by the Commission at its annual meeting. Dates and times of regular meetings will be established annually at the Commission's Annual Meeting. At such meetings the Commission shall consider all matters properly brought before the Commission without the necessity of prior notice thereof given to any members. A regular meeting may be canceled or rescheduled by the Commission at a prior meeting. In the event that there are no matters anticipated for consideration by the Commission at any upcoming meeting, County Staff shall notify Commission members and the public that such meeting will be postponed until the next regularly scheduled monthly meeting.

At regular meetings, the Commission may hold public hearings to consider all matters for which the Commission has been authorized. In addition, the Commission may have a work

session to discuss the business of the Commission and other matters which may come before it.

Agenda Items will not be called after 11:00 pm without a majority vote of the Commission members present.

When a matter is set for public hearing pursuant to required advertisement, the matter shall be heard even if no proponents or opponents to the application appear at the hearing, unless the matter is deferred or withdrawn. In the absence of a personal appearance by the applicant or agent, the Commission may proceed to consider the application or defer it to another meeting.

All motions to defer an item shall be to a date certain.

An application may be withdrawn by the applicant at any time prior to the Commission acting on the application. However, if the application had been scheduled for a meeting, then the Commission shall acknowledge the withdrawal of an application at that meeting.

All persons who speak at the hearing shall do so from the lectern and furnish their names and addresses to the Commission. A speaker shall only speak once on any item unless the Commission asks the speaker to answer questions.

No person may address the Commission unless they have first been recognized by the Chairman. Each person who desires to speak shall be given time to present oral or written comments. Comments shall be directed to the Commission, not to the audience.

Presentations by the applicant are limited to ten minutes. Presentations by individuals and representatives of groups are limited to three minutes. The applicant's rebuttal time is limited to three minutes. Staff shall be permitted an opportunity to respond to the presentations in accordance with Section 5.2. The time used to respond to questions from the Commission will be excluded from the presentation time limits. The Chairman may vary the time limits at his discretion.

Neighborhood associations and other organizations may select a spokesperson to present their comments. At the sole discretion of the Chairman, a neighborhood spokesman may be allowed more than three minutes.

Successive speakers who either support the application or who oppose the application are encouraged to address different issues and not be repetitive.

- 2.3 Special Meeting. Special meetings of the Planning Commission may be called by the Chairman. In addition, any two members of the Commission may request a special meeting in writing. Written notice thereof shall be mailed to all the members not less than five days in advance of a special meeting, except that members may waive the right to five days' notice in a writing filed with the Secretary of the Commission.

At times, there may be more than two Planning Commission members who wish to attend a community meeting for a proposed or pending land use application. When that occurs, a special meeting shall be deemed to have been called by the Chairman. At those special meetings, the Commission will not consider any motion, vote, or take any other official action, however it shall comply with Virginia Freedom of Information Act requirements, including the maintenance of minutes.

- 2.4 Recessed Meeting. Any regular or special meeting may be adjourned to a definite date by a majority vote of a quorum of members. Recessed meetings may be held at any time by the Planning Commission.
- 2.5 Public Meetings. All meetings of the Planning Commission shall be public; provided, however, meetings closed to the public may be held in accordance with the Virginia Freedom of Information Act.
- 2.6 Quorum. At any meeting of the Planning Commission, a quorum shall consist of three members of the Commission. No action shall be taken in the absence of a quorum, except to recess the meeting to a subsequent date. If disqualifications of Commission members should occur as a result of the provisions of the State and Local Government Conflict of Interests Act, the remaining members shall have authority to act for the Commission by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members. (Va. Code § 2.2-3112(C))
- 2.7 Voting and Motions. At all meetings of the Planning Commission, each member shall be entitled to cast one vote. Voting shall be by voice, or when necessary by a show hands, and need not be recorded by yeas and nays unless requested by a member of the Commission. Commission members shall comply with the Virginia State and Local Government Conflict of Interests Act.

The affirmative vote of the majority of members (unanimous vote of quorum) shall be necessary for the adoption of any resolution or other voting matter.

A tie vote on any motion means the defeat of the motion for lack of a majority vote. When a tie vote occurs and no other motion is passed on an item, the item shall (i) be carried over to the next regularly scheduled meeting or (ii) to a time, date, and place specified by a majority vote of the Commission. If the item cannot be carried over due to a statutory time limit, and the item requires Board of Supervisors action, the item will be forwarded to the Board with a report of the tie vote.

All motions made by a member shall require a second in order to be considered by the Commission.

- 2.8 Order of Agenda for a Regular Meeting.

2.81 Order of Business. At any regular meeting of the Planning Commission, the following shall be the regular order of business:

PRE-MEETING STAFF REVIEW (optional) – To be held immediately prior to the Planning Commission meeting to review upcoming cases, to be briefed on Board of Supervisors meeting actions by staff, or to discuss special topics

Call to order by Chairman

Pledge of Allegiance

Invocation

Roll Call/Determination of a quorum

Minutes of last preceding meeting

Public comment period

Scheduled Matters

Public Hearings

Unfinished Business

New Business

Reports

Other Business

Adjournment

2.82 Formal Action. Each formal action of the Planning Commission required by law, ordinance, resolution, rule, or regulation may be embodied in a formal resolution duly entered in full upon the Minute Book after an affirmative vote as provided in Section 2.7. Motions may be restated by the Chairman before a vote is taken. The names of persons making and seconding motions shall be recorded.

2.83 Public Records. All official records of the Commission, as defined by the Virginia Freedom of Information Act, shall be open to inspection and copying under the terms of the Act.

2.9 Procedural Compliance. Only Planning Commission members shall have standing to raise noncompliance with these Rules of Procedure, and only at the time of the violation. Failure of the Planning Commission to comply with these Rules of Procedure shall not invalidate any action taken by the Planning Commission. Procedural issues not covered by these Rules of Procedure may be guided by a modified Robert's Rules of Order, latest edition; however, the failure of the Planning Commission to comply with Robert's Rules of Order shall not invalidate any action taken by it.

Section 3. Officers.

3.1 Officers. The officers of the Planning Commission shall consist of a Chairman and a Vice Chairman, elected by the Commission at the annual meeting for a term of one year. A

candidate receiving a majority vote of the membership of the Planning Commission shall be declared elected and shall serve for one year or until his/her successor shall take office. The Planning Director or designee shall be the Secretary of the Commission.

3.2 Duties of Officers. The duties and powers of the officers of the Planning Commission shall be as follows:

3.21 Chairman.

To preside at all meetings of the Commission.

To call special meetings of the Commission in accordance with these Rules of Procedure.

To sign all official documents involving the authority of the Commission.

To decide all points of order or procedure.

To appoint the membership of each committee and to designate the Chairman of each such committee.

To see that all actions of the Commission are properly taken.

3.22 Vice Chairman. During the absence, disability or disqualification of the Chairman, the Vice Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman. The Vice Chairman will be responsible for keeping time during meetings, ensuring an efficient and productive outcome.

3.23 Secretary.

To keep the minutes of all meetings of the Commission in an appropriate Minute Book.

To give or serve all notices required by law or by these Rules of Procedure.

To prepare, with the Chairman, the agenda for all meetings of the Commission

To be custodian of Commission records.

To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.

To handle funds allocated to the Commission in accordance with its directives, the law, and County regulations.

To examine all applications, maps and plats to ensure the conformity of each with applicable requirements of County Ordinances.

To sign all official documents involving the authority of the Commission.

3.3 Vacancies. Should any vacancy occur on the Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Board of Supervisors by the Secretary. Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accordance with Section 3.1, such officer to serve the unexpired term of the office in which such vacancy shall occur.

Section 4. Committees and Subcommittees.

- 4.1 Committees and subcommittees shall be established by majority vote of the Commission as deemed necessary.
- 4.2 Each committee shall consist of no fewer than two people, and no fewer than one member of the Commission.
- 4.3 Committee and subcommittee meetings shall be open to the public. Notice of such meetings shall be made in accordance with the Virginia Freedom of Information Act. At least one copy of all agenda packets and, unless exempt, all materials furnished to members of a committee or subcommittee shall be made available for public inspection at the same time such documents are furnished to the members of the committee or subcommittee.
- 4.4 The members of committees and subcommittees shall be appointed by the Chairman of the Commission, subject to review by the Commission. Members shall serve for the duration of the committee's assignment or mission for which it was created. Any vacancy on a committee or subcommittee shall be filled by the Chairman, subject to review by the Commission.

Section 5. Hearings.

- 5.1 Public Interest. In addition to those required by law, the Planning Commission may hold public hearings on matters when it decides that such hearings will be in the public interest. Notice requirements set forth in § 15.2-2204, Code of Virginia (1950, as amended) shall be observed when discretionary public hearings are held by the Planning Commission.
- 5.2 Order of Hearings. When conducting public hearings the order outlined below shall be observed.

Brief description of issue by the Chairman or his designee.
Planning Staff Presentation.
Presentation by applicant (if necessary – limited to 10 minutes).
Public Hearing (speakers limited to 3 minutes).
Applicant's rebuttal (if necessary – limited to 3 minutes).
Staff response (if necessary).
Chairman or his designee summarizes issue before the Planning Commission.
Commission discussion and vote.

Section 6. Amendment of Bylaws and Rules of Procedure.

- 6.1 Amendments. These Bylaws and Rules of Procedure may be amended at any meeting of the Planning Commission provided that notice of said proposed amendment is given to each member in writing at least five days prior to said meeting.
- 6.2 Suspension of Rules. These Bylaws and Rules of Procedure may be suspended, in whole or in part, only upon a majority vote of the members of the Planning Commission present at a meeting.

Section 7. New Members.

- 7.1 Orientation. The Planning Commission chairman and County staff may hold a new member orientation as needed to introduce new Planning Commission members to the Bylaws and Rules of Procedure of the Commission. At this time, relevant materials including, but not limited to, the Comprehensive Plan and zoning/subdivision ordinances will be distributed.

Section 8. Proffer Acceptance Policy.

- 8.1 Proffer Acceptance. In the event that additions or modifications to proffered conditions are desired by the applicant or owner of the property which is the subject of a rezoning request, the same shall be made in writing not less than eight days prior to the meeting at which the Commission makes its recommendation regarding said rezoning request to the Board of Supervisors. Amended proffers shall be accompanied by a “blackline” version of the proffers illustrating the amendment or modification by underlining new language and striking through deleted language.
- 8.2 Waiver of Policy. The Commission shall retain the right to waive this deadline upon a majority vote of the members of the Planning Commission present at a meeting.

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