



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

9/9/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Klamath County Plan Amendment
DLCD File Number 004-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, September 21, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

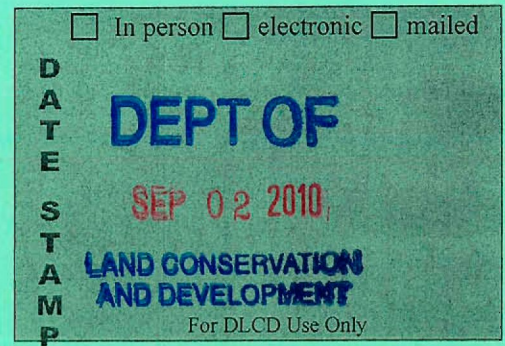
*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Leslie Wilson, Klamath County
Jon Jinings, DLCD Community Services Specialist

<paa> N

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **KLAMATH**

Local file number: **CLUP 4-10**

Date of Adoption: **8/30/2010**

Date Mailed: **8/31/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/10/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Internal Rules of Procedure for County Planning Commission.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **n/a**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-10 (18354) [16313]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

n/a

Local Contact: Les Wilson, Planner III

Phone: (541) 883-5121 Extension: 3085

Address: 305 Main Street

Fax Number: 541-885-3644

City: Klamath Falls

Zip: 97601-

E-mail Address: lwilson@co.klamath.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF KLAMATH**

ORDINANCE 44.85

**IN THE MATTER OF AN ORDINANCE AMENDING THE COMPREHENSIVE
PLAN POLICIES TO CHANGE THE RULES GOVERNING GENDER SPECIFIC
LANGUAGE AND TO CLARIFY ACTIVITIES FOR TODAY'S LEGAL
ENVIRONMENT**

COMPREHENSIVE PLAN PART 1 (POLICIES)

**Goal 1 Policy 1
Incorporation of Goal 1 Policy 2**

WHEREAS, the Klamath County Planning Department requests, as part of the Comprehensive Plan and Land Development Code Update Program, to amend County Plan Goal 1 for areas outside the jurisdictional boundaries of incorporated cities and town within Klamath County; and

WHEREAS, this amendment will be applied subject to all applicable provisions of the Klamath County Comprehensive Plan; and

WHEREAS, the Klamath County Planning Department submitted no request for an exception to Statewide Planning Goals and presented the request in due form for consideration; and

WHEREAS, the Klamath County Planning Department published proper public and agency hearing notice as required by Code and State Law; and

WHEREAS, the Klamath County Planning Commission held a joint public hearing on August 24, 2010 before the Board of County Commissioners; and

WHEREAS, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact identified in the Staff Report, the Klamath County Planning Commission concluded the application was in conformance with Article 49, a legislative amendment, of the Comprehensive Plan, and forwarded a recommendation of Approval for Planning File CLUP 4-10 (ORD. 44.85) to the Board of County Commissioners; and

WHEREAS, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact identified in the Staff Report and recommendation by the Planning Commission, the Board of County Commissioners, on August 24, 2010 APPROVED amending the Klamath County Comprehensive Plan by adoption of Ordinance 44.85.

NOW, THEREFORE, THE BOARD OF COMMISSONERS OF KLAMATH COUNTY ORDAINS AS FOLLOWS:

SECTION 1

1. The Board of County Commissioners; hereafter referenced as the "Board", recognizes that Land Use Planning Goal 1 Citizen Participation was last amended by Ordinance 44.22, June 22, 1992.
2. The Board takes note that from time to time such changes to planning documents are necessary for the benefit of the residents of Klamath County, Oregon.
3. Under provisions of the Klamath County Land Development Code, legal responsibilities for public notification; and, the Planning Commission conducting one or more public hearings on the proposed amendment and has submitted its recommendation to the Board. The Board finds that this Ordinance is based on that recommendation and any modifications made by the Board, is a result of the public hearing process.
4. The Board finds and takes public notice that it is in receipt of all matters and information necessary to consider this Ordinance in an adequate manner, and that this Ordinance complies with the Statewide Planning goals and other relevant standards and criteria set forth in Chapters 195, 197, and 215 of the Oregon Revised Statutes, and the Klamath County Land Development Code.

SECTION 2

The following exhibits, attached hereto and incorporated herein by reference, are hereby adopted as an Amendment to the Klamath County Comprehensive Plan as follows:

1. Exhibit A amends and adds to Part 1 of the Comprehensive Plan (Policies, Goal 1, Policy 1) and "*the County shall provide for continued citizen involvement opportunities after plan acknowledgment*"; by creating Policy 2 which identifies the Organizational structure of the Planning Commission and acceptable practices; by and through incorporation the exact copy of the Planning Commission Internal Rules of Procedure and labeling the Rules as Goal 1 Policy 2.

SECTION 3

All other Comprehensive Plan provisions that have been adopted by prior ordinance, that are not expressly amended or repealed herein, shall remain in full force and effect.

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427 (2009 Edition).

SECTION 5

If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect, and any provision of a prior land use ordinance amended or repealed by the stricken portion of this Ordinance shall be revived and again be considered in full force and effect.

SECTION 6

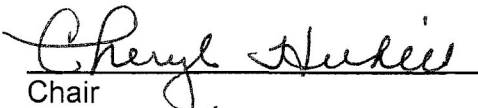
The County Counsel and the Community Development Department – Planning Division, hereafter known as the Planning Department are authorized to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance, including deleting and adding textual material and maps, renumbering pages or sections, and making any technical changes not affecting the substance of these amendments as necessary to conform to the Klamath County Comprehensive Plan format.

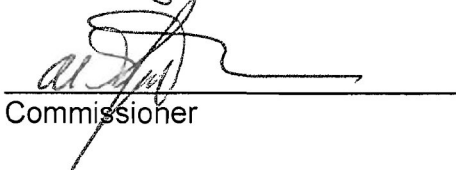
SECTION 7

This Ordinance shall take effect thirty (30) days after adoption.

DONE and DATED this 30th day of AUGUST, 2010

KLAMATH COUNTY BOARD OF COMMISSIONERS


Chair


Commissioner


Commissioner

Reviewed by County Counsel

ATTEST:


Recording Secretary

**KLAMATH COUNTY
PLANNING COMMISSION**



*INTERNAL
RULES OF PROCEDURE*

1ST KLAMATH COUNTY PLANNING COMMISSION

	September 8, 1959	ORD. # 1
<hr/>		
FORMALLY ADOPTED:	January 10, 1975	ORD. # 24
AMENDMENT:	April 6, 1976	Unable to Locate ORD
REPEALED/ADOPTED:	October 12, 1977	ORD. # 17
AMENDMENT:	March 1979	Unable to Locate ORD
AMENDMENT:	February 19, 1981	Unable to Locate ORD
AMENDMENT:	January 26, 1982	Unable to Locate ORD
AMENDMENT:	May 18, 1983	Unable to Locate ORD
AMENDMENT:	April 03, 1986	ORD. 45.6
AMENDMENT:	December 01, 1986	ORD. 44.13
RE-ADOPTED:	November 15, 1990	ORD. 45.17
AMENDMENT:	August 16, 1991	ORD. 44.20
AMENDMENT:	June 22, 1992	ORD. 44.22
DRAFT REVISION:	June 11, 2009	No Hearing Scheduled
AMENDMENT HEARING:	August 24, 2010	ORD 44.85

PLANNING COMMISSION

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INTRODUCTION

The Klamath County Planning Commission Internal Rules of Procedure are designed to encourage and promote uniform and consistent administration of county planning and zoning operations. By developing a written set of rules and procedures, the county takes a step toward consistent administration which results from having written rules and procedures concerning its operations. Such consistency is valuable to the extent that it is successful in bringing about the administration of ordinances and planning procedures in such a way that each citizen is treated equally. The Planning Commission rules are designed to assure that the Planning Commission conducts its business in an orderly manner and in conformance with duly adopted procedures. The remainder of the Internal Rules of Procedure provides procedures and guidelines for the administration of the county planning, zoning and related processes. It should be noted for emphasis for both proponents and opponents in any case that facts **MUST** be in the hearing record if those facts are to be considered on appeal. It is the obligation of proponents and opponents to introduce those facts at the hearing.

2009 – 2010 PLANNING COMMISSIONTERMS OF SERVICE

Chair	Randy Shaw	January 1, 2008	December 31, 2011
Vice Chair	Robert Moore	March 20, 2007	December 31, 2011
	Judy Armstrong	October 25, 2005	December 31, 2010
	Michelle Barry	March 24, 2009	December 31, 2011
	Richard Kehr	February 11, 2004	February 23, 2010
	Evelyn Oldenkamp	March 20, 2007	December 31, 2011
	Ernie Palmer	February 8, 1995	December 31, 2010
	Biagio Sguera	March 24, 2009	December 31, 2012
	Tim Thompson	February 23, 2010	December 31, 2012
	(1) Vacancy		

Exhibit E Hearing Version ORD 44.85

KLAMATH COUNTY PLANNING COMMISSION INTERNAL RULES OF PROCEDURE

AUTHORITY FOR ADOPTION: ORS 215.020; ORS.215.030; and ORS 215.040(4)

SECTION 1 ORGANIZATION OF THE PLANNING COMMISSION

- A. The Planning Commission shall, at its regular meeting in July each year, elect and install one of its members to serve as Chair and another to serve as Vice Chair for two consecutive terms, except as approved by unanimous consent of the Planning Commission members voting on the question.
- B. Nominations for officers shall be oral motion, duly made and seconded, placing a name for Planning Commission consideration. At the close of nominations, the Planning Commission shall vote orally upon the names which were nominated for the relevant office.

SECTION 2 PRESIDING OFFICER

- A. The Chair of the Planning Commission shall be Presiding Officer at all Planning Commission meetings.
- B. The Vice Chair shall be Presiding Officer in the absence of the Chair and shall have, at such times, the authority to sign appropriate documents.
- C. In the absence of the Chair and Vice Chair, the remaining members shall elect a temporary Presiding Officer, who shall have, at such times, the authority to sign appropriate documents.
- D. All decisions of the Presiding Officer shall be subject to review by a majority of Planning Commission Members upon motion duly made and seconded, which motion shall have priority over all other matters.
- E. The Presiding Officer shall rule on objections, acceptability of exhibits, stipulations and other such similar matters as may come before the Commission, and may take any such matter under advisement and make any such ruling in a timely manner. When a matter is called for a vote, the Presiding Officer shall, before a vote is taken, state the question before the Planning Commission in general terms and shall announce the decision of the Planning Commission after such vote. The Secretary to the Planning Commission shall sign all documents memorializing Planning Commission action after approval by the Planning Commission.

Exhibit E Hearing Version ORD 44.85

SECTION 3 SECRETARY TO THE PLANNING COMMISSION

- A. The Planning Director of Klamath County, or his deputy, shall serve as Secretary to the Planning Commission and shall keep an accurate, permanent and complete record of all proceedings made before the Planning Commission. The Planning Director may appoint an authorized representative to record proceedings and keep permanent records.
- B. The Secretary to the Planning Commission shall be responsible for the preparation of Planning Commission minutes.
- C. The Planning Director, or his deputy, shall assist the Planning Commission by performing the following duties:
 - 1. Conduct all correspondence of the Commission, send out all notices required by law or ordinance, attend all meetings and hearings of the Commission, keep the agenda and minutes of the Commission, keep the agenda and minutes of the Commission's proceedings, compile all required records and maintain the necessary files and indexes.
 - 2. Enter in the minutes the number of appeals of applications to the Planning Commission, the name of the appellant or applicant, a short description of the premises, the nature of the appeal or application, and the final disposition after the case has been disposed of.
 - 3. Enter in the minutes all continuances, postponements, date of sending notices, and other steps taken or acts done by the Commission or its officers on behalf of the Commission.
 - 4. Enter in the minutes the decision relating to each case acted on by the Commission and the full reasons for its decision.

SECTION 4 MEETINGS

- A. The Planning Commission shall meet regularly at the following dates and times:
 - 1. On the fourth Tuesday of each month at 6:00 pm.

NOTE: *For new matters only; no new matters shall be called for consideration after 10:30 pm without the approval of a majority of the Planning Commission members present and voting.*

Exhibit E Hearing Version ORD 44.85

- B. The Planning Commission may cancel or reschedule any of its regular meetings and provide for special meetings by action at its regular meeting. The Planning Director, after consultation with the Planning Commission Chair may order a special meeting in order to remove items from an overloaded agenda.
- C. All Planning Commission meetings shall be open to the public.
- D. Actions of the Planning Commission are limited to the prepared agenda.
- E. The Planning Commission may schedule work sessions.
- F. For adjournment only: by majority vote of members present, decides to extend business beyond that time.

SECTION 5 PROCEDURES OF QUASI-JUDICIAL HEARINGS

- A. All quasi-judicial hearings shall be held as follows and shall be limited with respect to time as set forth herein.

Order of Procedure

1. Chair will officially open hearing. (See name of applicant and request).
2. Chair will call for abstentions from Commission (conflict of interest).
3. Chair will then request planning staff presentation.
 - a. It will be assumed that the members of the Planning Commission have reviewed the Planning Staff presentation consisting of maps, staff reports and other written commentary.
 - b. Planning Department staff will only comment when asked by members of the Commission for specific information.
4. Chair will ask for proponent to come forward and be sworn in.
5. Chair will then ask for proponent's testimony (15 minute limit).
6. Chair will then call for opponents to come forward and first be sworn in, qualify themselves as to standing, if qualified, and then they may testify.

"To have standing persons must have participated either orally or in writing at the Planning Commission's Public Hearing, or must have prior to or at the hearing submitted written testimony regarding the land use action and must at the time of the land use action show they are adversely affected by the final decision."

- a. Rebuttal: Generally surrebuttal to the proponent or opponent's rebuttal is allowed. However, since most proceedings are for purposes of fact finding, surrebuttal discretionary with the Presiding Officer.
- b. After all testimony is taken, the Chair shall close or continue the hearing.
- c. Following the testimony the Chair will ask for a motion. The motion will include adequate findings of facts and conclusions of law.
- d. After the motion is seconded the Chair will call for a vote on the motion; after discussion by the Planning Commission.

Order of Witnesses or Expert Testimony

1. Witnesses shall sign up before hearing begins on the agenda item.
2. The order of witnesses is generally up to the party presenting them. Each party should present his witnesses one at a time. The Chair has the right to rule upon the admissibility of testimony that is repetitive or irrelevant. In the event the Chair shall rule the testimony of a witness out of order for the foregoing reason(s), the witness shall only be permitted to testify after a motion to that effect has been passed by a majority of the Planning Commission members then present.
3. Each person providing testimony, excluding staff, must be placed under oath or affirmation before testifying.

SECTION 5A PROCEDURES FOR JOINT JUDICIAL HEARINGS

A Planning Commission (PC) quorum will be required at joint hearings with the Board of County Commissioners (BOCC). All judicial hearings or meetings shall be held as follows:

1. The PC Chair will receive gavel from the BOCC Chair.

Exhibit E Hearing Version ORD 44.85

2. The PC Chair will call for abstentions from Commission (conflict of interest).
3. The PC Chair will then request planning staff presentation.
 - a. It will be assumed that the members of the Planning Commission have reviewed the Planning Staff presentation consisting of maps, staff reports, and other written commentary.
 - b. Planning Department staff will only comment when asked by members of the Commission for specific information.
 - c. The PC Chair will ask for proponent to come forward and be sworn in.
4. The PC Chair will then ask for proponent's testimony (15 minute limit).
5. The PC Chair will then call for opponent's to come forward and first be sworn in, qualify themselves as to standing, if qualified, and then they may testify.

"To have standing persons must have participated either orally or in writing at the Planning Commission's Public Hearing, or must have prior to or at the hearing submitted written testimony regarding the land use action and must at the time of the land use action show they are adversely affected by the final decision."
6. Rebuttal: Generally, surrebuttal to the proponent or opponent's rebuttal is allowed. However, since most proceedings are for purposes of fact finding, surrebuttal discretionary with the Presiding Officer.
7. The Chair will close the Planning Commission hearing to the public testimony and ask for a motion for recommendation to the Board of County Commissioners.

The motion will include adequate findings of fact and conclusions of law.

- a. After the motion is seconded, the Chair will call for a vote on the motion, after discussion by the Planning Commission.
- b. The Chair of the Planning Commission will then pass the gavel back to the Chair of the Board of County Commissioners.

Exhibit E Hearing Version ORD 44.85

SECTION 6 COMMUNICATIONS FROM THE PUBLIC

- A. The Planning Commission may provide for a system by which written communications from the public shall be made part of the Planning Commission agenda.

- B. The Planning Commission may provide a system for oral communications from the public.
 - 1. Persons addressing the Planning Commission shall do so from the podium upon first gaining recognition of the Presiding Officer and after stating their name and address.

 - 2. The Presiding Officer may limit the time and number of appearances concerning an item under consideration in the interest of facilitating the orderly business of the Planning Commission.

SECTION 7 ORDER AT MEETINGS

- A. The Presiding Officer shall preserve order and decorum and decide questions of order subject to appeal to a majority vote of the Commission.

- B. A person or persons creating a disturbance or otherwise obstructing the orderly process of Planning Commission business may be ejected from the meeting. There shall be no adverse demonstration such as clapping, cheering and display of signs or placards.

- C. Any matters not covered herein shall be determined Klamath County Legal Counsel or by County Planning Director, as permitted by law.

- D. In the event of emergencies, public disorder in any hearing or meeting, or public speakers who refuse to recognize the chair or yield the floor at the Chair's request, the Chair may with proper/appropriate discretion, exercise any of the following measures:
 - 1. Immediately declare a recess.

 - 2. Ask for a motion from the Commission to lay the matter on the table immediately.

 - 3. Declare the meeting adjourned.

 - 4. Declare the meeting adjourned to a place and time certain.

5. Request appropriate assistance in securing removal of uncooperative persons from the hearing or public meeting.

SECTION 8 CONDUCT OF HEARING BEFORE THE PLANNING COMMISSION

- A. In all proceedings there shall attach the right to notice of the proceedings if required by statute or ordinance, the right to be heard and the right to have a record kept of the proceeding.
- B. In all proceedings proponents and opponents shall have the following rights:
 1. The right to notice as provided for by applicable statute or ordinance requirements, however, failure of notice shall not invalidate a decision reached at a public hearing if good faith attempt was made to make notification.
 2. The right to be heard, provided that:
 - a. No person has the right to be disorderly, abusive or disruptive of the orderly transaction of Planning Commission business.
 - b. No person has the right to present irrelevant, immaterial or incompetent testimony.
 - c. The Planning Commission reserves the right to limit the time of any of the presentation by any party or by any witness.
 3. The right to be represented by an authorized representative if one so chooses.
 4. The right to present relevant material and competent evidence, provided, however, that the reports prepared by Klamath County personnel shall be deemed relevant, material and competent unless objected to by any part to the proceeding with good cause therefore, as ruled upon by the Chair.
 5. The right to transcript of the proceedings upon payment of a fee set by the Board of County Commissioners.
 6. The right to access the record of the proceedings at reasonable times, places and circumstances.

7. The right to present rebuttal testimony and evidence, if the party has standing.
 8. The right to findings adopted by the Planning Commission as the basis of its decision after a fair hearing has been conducted.
 9. The right, insofar as possible, to have the Planning Commission members free from personal interest or prehearing contacts on matters heard by them. Planning Commission members shall reveal any substantial interest or prehearing contact made to them with regard to the proceeding at the commencement of such proceeding. If such interest or contact impairs a Commissioner's ability to vote on the matter, the Commissioner shall so state and shall abstain therefrom to the end that the proceeding is fair and has the appearance of fairness. Any Planning Commissioner abstaining from a hearing will also remove him or herself from the decision.
- D. In all proceedings the applicant shall either represent himself or be represented by an authorized representative. In the event that an applicant represents himself, he shall have the right to call and examine such witnesses as he may desire subject to the provisions of Paragraph B of this section.
- E. In order to provide such rights and conduct Planning Commission business in an orderly manner, the Commission as a body may view property when proper public notice is provided.
- F. In all such hearings the burden is upon the applicant to justify the application on the merits.
- G. The standards for the Commission shall be the standards in the ordinances with due consideration for the furtherance of the public interest.
- H. Groups of citizens having similar view may be requested to appoint a spokesperson to give their views and any person except the Planning Commission members and staff, speaking at a public hearing, shall first identify himself by name and address, and if appearing in a representative capacity, identify whom they represent.

SECTION 9 AGENDA

- A. The order of business at all meetings shall be determined by the agenda which shall be delivered in advance of the meeting to the Planning Commission members.
- B. Any item may be taken out of order by majority vote of Planning Commission members, provided that notice is not impaired.

SECTION 10 ATTENDANCE, QUORUM AND VOTING

- A. Voting on any action shall be by majority vote of the total Planning Commission Members present and with a minimum of three (3) votes necessary to carry any decision.
- B. Attendance of at least five (5) Planning Commission members shall be necessary for a quorum.
- C. If the vote is not a majority vote as defined in Section A, those members not in attendance shall review the record of the agenda item. They may be permitted to vote on that item at the following monthly public hearing.
- D. Each Planning Commission member is deemed to have notice of all prior proceedings.
- E. Voting shall be expressed by roll call vote when called for by the Secretary to the Planning Commission. Planning Commission members abstaining shall be counted as voting affirmatively. All votes shall be recorded by the Secretary to the Planning Commission or his/her designee.
- F. Unless otherwise provided in Section 2 (D), if a tie vote results from a member's absence or abstention, that item shall be continued for decision to the next regular meeting of the Planning Commission or special meeting to which notice of such item has been duly given.

SECTION 11 MOTION, RESOLUTIONS, ORDERS AND APPEALS

- A. Items may be continued to any subsequent meeting upon majority vote of the Planning Commission and with concurrence of the County Planning Director and upon confirming legal time constraints for processing an application are adhered to. A motion to continue an item shall specify the date, time, or event upon which continuation is to

be based. A list of continued items, showing the date at which an item is continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary of the Planning Commission and made available to the public and to the Planning Commission members at their request.

- B. Local land use appeals shall be made within 12 days to the appropriate reviewing authority.

SECTION 12 REMOVAL OF MEMBER FOR CAUSE

- A. ORS 215.030 (2) provides as follows: "A Commission member may be removed by the governing body, after hearing for misconduct or nonperformance of duty." The Klamath County Planning Commission hereby declares its policy and recommendation to the Klamath County Board of County Commissioners that the following shall be considered by the Planning Commission as prima facie evidence of misconduct or nonperformance of duty:
 - 1. Failure to attend three consecutive Planning Commission meetings without being excused by a vote of the Planning Commission.
 - 2. Consistent failure to have read staff reports in advance of a meeting where such item is to be considered by the Planning Commission.
- B. In the event the Chair shall find that a member of the Planning Commission has been guilty of such misconduct or nonperformance, the Chair shall advise the Klamath County Planning Director of such fact, in writing, and the Klamath County Planning Director shall then submit the evidence to the Board of County Commissioners of Klamath County for appropriate action with ORS 215.030.
- C. Nothing in the foregoing section is intended to be in derogation of the powers of the Klamath County Commissioners as delegated to them by ORS 215.030.

SECTION 13 PUBLICATION OF RULES

- A. These rules shall be available at the County Planning Department.
- B. A copy of these rules shall be available at all Commission meetings.

- C. A copy of these rules shall be distributed to each Planning Commissioner.

SECTION 14 AMENDMENT AND SUSPENSION OF RULES

- A. Any rule of procedure not required by law or Ordinance of this County may be amended, suspended, or repealed at any time by majority vote of the Planning Commission members.
- B. Any rule or procedure not required by law or Ordinance may be temporarily suspended by consent of the majority of the Planning Commission members.

SECTION 15 RULES FOR LEGISLATIVE HEARINGS

- A. For the public's benefit, legislative-type hearings refer to the type of actions this body is responsible for when relating to:
1. Rule Making
 2. Entire or partial ordinance review and adoption.
 3. Encompassing issues that have widespread, futuristic long range and substantial effects countywide.
- B. All hearings will be held on each Tuesday of the week, except for the week of the regular Planning Commission Hearing, or when a majority of the Planning Commission members agree to hold a hearing on a different day.
- C. There shall be no audience demonstration or other conduct which will disrupt this hearing, or as spelled out in Section 6.
- D. Sign in at the side table if you wish to speak.
- E. Individuals may speak only after being recognized by the Chair, must come forward, and must state their full name and address for the record.
- F. Each witness may be given a time limit in minutes in which to testify. (This time limit will depend upon the number of people that sign up to speak.)

Exhibit E Hearing Version ORD 44.85

- G. The Commission will consider only testimony and information that is relevant to the agenda items.
- H. The Commission will not allow immaterial or repetitious testimony.
- I. Those testifying need not be sworn in.
- J. The Commission will hear all testimony from the audience first, then review letters and any other written testimony that relates to the agenda.
- K. Rebuttal to testimony from a witness either by the Planning Commission or another witness may or may not be allowed.
- L. Voting on any legislative action shall be by majority vote of the Planning Commission members present. Attendance of at least five (5) Planning Commission members shall be necessary for a quorum.

REVISION APPROVED THIS _____ DAY OF _____, 20__.

FOR THE BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Reviewed by County Counsel

Attest: _____
Secretary to the Planning Commission

Klamath County
Planning Department
305 Main Street
Klamath Falls, OR 97601



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08/31/2010

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