



City of Escondido

Planning Commission Bylaws

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Planning Commission Resolution No. 2022-05

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Section A: Introduction.

1. The Escondido Planning Commission (“Planning Commission” or “Commission”) is established pursuant to Chapter 20 of the Escondido Municipal Code, and is authorized by Government Code section 65100 et. seq.
2. The Planning Commission serves in an advisory capacity to the City Council on land use policy planning matters which guide the future development of the City.
 - a. Planning Policy Matters.
 - i. The Planning Commission considers and provides recommendations to the City Council on land use policies and documents including, but not limited to, the Escondido General Plan, specific plans, and the Escondido Zoning Code. These and other documents establish development standards and design parameters for future development projects and improvements in the City.
 - b. Development Projects.
 - i. The Planning Commission has decision-making authority on various development projects and serves in an advisory capacity to the City Council on other projects, as described in the Escondido Zoning Code.
 - ii. The Planning Commission shall hear appeals of administrative decisions and decisions made by the

Zoning Administrator pursuant to section 33-1303 of the Escondido Zoning Code.

- iii. Decisions of the Planning Commission can be appealed to the City Council pursuant to section 33-1303 of the Escondido Zoning Code.

Section B: Planning Commission Meetings.

1. Type of Meetings.

a. Regular Meetings.

- i. Regular meetings of the Planning Commission shall be held at 7:00 p.m. on the second and fourth Tuesdays of each month.
- ii. Regular meetings may be canceled by the Director of Development Services or their designee if there is no business to be conducted by the Commission.

b. Special Meetings.

- i. Special meetings of the Planning Commission may be scheduled from time-to-time at the determination of the Director of Development Services or their designee if there is urgent business to be conducted.

2. Location:

- a. All regular and special meetings of the Planning Commission shall be held in the Council Chambers of the City of Escondido, California. Changes to the location shall be properly identified in

any public hearing notices and agendas prepared for said meeting.

- b. Further changes in the location of meetings may be authorized if required pursuant to state mandates and public health emergencies. This includes virtual meetings.

3. Posting and Distribution of Agenda.

- a. At least 72 hours before a regular meeting, the Secretary of the Planning Commission or their designee shall post a certified copy of the agenda specifying the time and location of the regular meeting in a place accessible so as to be available for review by members of the public, and on the City of Escondido's website (www.escondido.org).

- b. The Planning Commission agenda shall be delivered to Planning Commissioners via email unless otherwise requested by individual Commissioners.

4. Order and Description of Business.

- a. Regular business of the Planning Commission shall be taken up for consideration in substantially the following order, except as may be otherwise ordered by the Planning Commission Chair, or Vice-Chair in the absence of the Chair:

- i. Call to Order

- ii. Flag Salute: The Chair or their designee shall lead the Pledge of Allegiance.

- iii. Roll Call: The Minutes Clerk shall call role and identify any Planning Commissioners who are not present.
- iv. Consideration of Minutes: The Planning Commission shall review the minutes of the prior meeting, and shall approve or approve with modifications said meeting minutes.
- v. Written Communications: The City Planner or their designee shall identify any written communication that has been provided on the dais for the Planning Commission's consideration. Under state law, items provided to the Commission as written communications can have no action taken unless they are specifically related to an item on the Planning Commission's agenda.
- vi. Oral Communications: The Chair shall provide an opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission which is not on the current agenda. Under state law, no action can be taken on items presented under Oral Communications.
- vii. Public Hearings: The Planning Commission shall hold public hearings on items for which have been duly noticed pursuant to the Escondido Zoning Code and state law.
- viii. Current Business: The Planning Commission shall consider items on the agenda for which no public hearing notice is required.

- ix. Future Agenda Items: This is an opportunity for Planning Commissioners to identify items of interest within the jurisdiction of the Commission which they would like to discuss at a future meeting, by following the process stated in section B(5)(c)(ii) of these laws. No discussion on these items is permitted.
- x. Oral Communications: This is a second opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission which is not on the current agenda. Under state law, no action can be taken on items presented under Oral Communications.
- xi. Planning Commissioner Reports: Commissioners are afforded the opportunity to provide information regarding activities related to issues in the Commission's purview. No discussion on these items is permitted.
- xii. City Planner Report: The City Planner or their designee shall provide information to the Commission on activities related to issues in the Commission's purview. Items tentatively identified to be presented to the Planning Commission over the next three months will also be identified. Discussion shall be limited to requests by Commissioners for clarification.
- xiii. Adjournment

- b. In the event that both the Chair and Vice-Chair are not able to attend a meeting, the City Planner shall coordinate with an individual Commissioner to call the meeting to order. The first order of business will be to select an acting Chair to serve in that role for the remainder of the meeting.

5. Content of Agenda.

- a. Under state law, the Planning Commission is limited to consideration of items which are on a posted agenda.
- b. The City Planner shall be responsible for preparation of the agenda.
- c. Items may be placed on an agenda by city staff, or upon the request of at least two members of the Planning Commission present at the meeting at which the item is identified.
 - i. Items placed on the agenda by city staff:
 - 1. Items placed on the agenda by city staff shall be accompanied by a staff report or other written materials providing sufficient information to enable the Planning Commission to consider and deliberate upon the item.
 - ii. Items placed on the agenda by the Planning Commission:
 - 1. Any Planning Commissioner may request an item be considered at a future meeting during the Future Agenda Items portion of the agenda.

2. No discussion of the requested item shall be allowed. As such, a Commissioner should be as clear with their request as possible.
3. Request by a Planning Commissioner shall require the concurrence of at least one additional Commissioner prior to the item being placed on a future agenda.
4. City staff will prepare a memorandum as part of the agenda packet identifying the item and the Planning Commissioner who initially requested it be placed on the agenda. No staff report or other written information will be provided by city staff.
5. The Planning Commissioner who requested the item be placed on the agenda may provide staff with written information to be included with the agenda packet.
6. Placement of items on the agenda by members of the Commission shall be for discussion purposes only. No action shall be taken by the Commission and city staff will not take further action on such items unless instructed to do so by the City Council or City Manager.
7. No item shall be placed on the agenda by the Planning Commission that relates to a specific

development project that is under review by City staff, nor to any policy issue identified in the Planning Commission Work Plan or other topic anticipated to be brought forward to the Commission in the coming 12 months.

- d. Development projects shall be considered prior to policy items or other current business items.
 - e. Items placed on the agenda by staff shall be considered before items placed on the agenda at the request of the Planning Commission.
 - f. At the beginning of a Planning Commission meeting, the City Planner shall be authorized to recommend to the Chair that the order of Public Hearing or Current Business items on the agenda be modified, and shall state the reason for the recommendation. It shall be the Chair's sole discretion as to whether to accept the recommendation.
6. Manner of Addressing the Planning Commission - Time Limit.
- a. Each person wishing to address the Commission shall fill out a speaker slip and provide it to the Minutes Clerk prior to the item being considered by the Commission.
 - b. When called upon by the Planning Commission Chair, each person addressing the Commission shall step up to the microphone, shall state their name and city of residence in an audible tone of voice for the record, and shall limit their address

to three minutes. If significant numbers of persons desire to speak on a given item, the presiding officer has the discretion to limit speaking times and/or alter the sequence of hearing matters on the agenda.

- c. Longer time limits may be permitted for a project proponent or appellant, or for a spokesperson representing an organized group of individuals present at the meeting. This shall generally be limited to 15 minutes, unless additional time is requested by the proponent, appellant or group spokesperson ahead of time. In such an instance, staff will communicate with the Chair who will have sole discretion as to whether to grant such extra time. Said request and the Chair's decision on it shall be stated by the Chair prior to the proponent, appellant, or spokesperson's comments.
 - i. A spokesperson representing a group of individuals shall be allotted a maximum of three minutes per member of the group in attendance. Each member of the group shall fill out a speaker slip identifying the name of the individual who will be speaking on behalf of that group.
- d. Any member of the public, a project proponent or appellant shall be permitted to provide a multimedia presentation to the Commission. A request to provide such a presentation must be made, and the electronic content provided to staff, at least 24 hours prior to the meeting. Presentations provided by the public shall be allotted a maximum of three minutes.

- e. City staff presentations and responses to Commission questions are not governed by the time limits described in this section.

7. Commission Action on Agenda Matters.

- a. When a motion is made, it shall be stated clearly and concisely by its mover. After a motion is made and seconded, it may be stated by the presiding officer before debate. A motion may be withdrawn by the mover without consent of the Commissioners.
- b. The presiding officer shall at any time by majority consent of the Commissioners, permit a Commissioner to propose the reordering of agenda items.
- c. If a question contains two or more divisible propositions, the presiding officer may, and upon request of a Commissioner shall, divide the same.
- d. The Planning Commission shall take action on the following agenda items only:
 - i. Minutes of prior meetings;
 - ii. Public Hearing items;
 - iii. Certain Current Business items as detailed in any staff report prepared for said items; and
 - iv. Decisions to place items on a future agenda.
- e. Action cannot be taken on any oral or written communications related to items not on the agenda.
- f. Prior to the request for a motion and second by any Commissioner on an agenda matter, the Commission shall be

allowed to hear any presentation by staff or member of the public, ask questions, and discuss among themselves the matter to be decided. At the conclusion of the presentation, questions and discussion by Commissioners, a request for a motion and second may be made and a roll call vote shall be taken. A motion that fails to obtain a second or a majority vote shall die.

g. Precedence of Motions

i. When a motion is before the Commission, no motion shall be entertained except (precedence in order indicated):

1. To adjourn
2. To fix hour of adjournment
3. To lay on the table
4. For the previous question
5. To postpone to a certain day
6. To refer
7. To amend
8. To postpone indefinitely

ii. A motion to adjourn shall be in order any time, except as follows:

1. When repeated without intervening business or discussion
2. When made as an interruption of a Commissioner while speaking
3. When the previous question has been ordered

4. While a vote is being taken
- iii. A motion to adjourn "to another time" is debatable only as to the time to which the meeting is adjourned.
 - iv. A motion to table or lay on the table is not debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" only by adding it to the agenda of the next regular meeting, to be discussed at the following regular meeting.
 - v. A motion for previous question shall close debate on the main motion and shall be undebatable. The statement by a Commissioner of "question" does not accomplish the same purpose. If a motion fails, debate is reopened; if motion passes, then vote shall be taken on the main motion.
 - vi. A motion to amend shall be in order and is debatable only as to amendment. A motion to amend an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable and amendments are to be voted first, then the main motion is amended.

- vii. A motion to postpone indefinitely shall be fully debatable and if the same is adopted, the principal motion shall be declared lost. A motion to postpone to a definite time shall be amendable and debatable as to propriety of postponement and time set.
- viii. A motion to refer shall not be debatable except for the propriety of referring.
- h. Closing Time of Planning Commission Meetings.
 - i. No agenda item may be introduced after the hour of 10:00 p.m.; however, the meeting may be extended beyond 10:00 p.m. upon a majority vote of the Commission.
 - ii. Items not introduced at a Planning Commission meeting as a result the time limitations described above shall be placed on the next available agenda.
- i. Meeting Minutes.
 - i. The Minutes Clerk is instructed to prepare action minutes for each Planning Commission meeting. The Planning Commission Clerk shall add a brief description/topic for oral communication speakers and note whether the speaker was speaking in favor or opposition to agendized items.
 - ii. The Commission shall keep action minutes and records of all its meetings, resolutions, transactions, findings and determinations, and the vote shall be recorded with each

motion, order or resolution. Audio recordings, action minutes, records, resolutions, transactions, findings and determinations shall be of public record and be posted online.

iii. Activities and processes regarding meeting minutes may be changed as a result of direction from the City Clerk's office. Such changes shall not require immediate amendment to these bylaws, but shall be incorporated into said bylaws as part of any subsequent update.

j. Cancellation of Meetings.

i. Regular meetings may be cancelled from time to time due to a lack of business or for other reasons. A meeting cancellation notice shall be provided by the Secretary.

Section C: Roles and Responsibilities.

1. General.

a. The Commission is not involved in the administration or operation of City departments.

b. Commissioners should not contact the media or speak on behalf of the advisory body unless authorized to do so.

2. Commissioners.

a. Pursuant to Municipal Code Section 20-2, the Planning Commission is comprised of seven Commissioners, each of whom shall be entitled to vote on all items on the agenda except where a conflict of interest may exist.

3. Officers.

- a. The Planning Commission shall select a Chair and Vice-Chair at the first regular meeting held after March 31st of each year.
- b. The Chair shall have the following responsibilities:
 - i. Preside at and conduct all meetings of the Commission;
 - ii. Administer all rules of the Commission;
 - iii. Rule upon other business transacted by the Commission;
 - iv. Appointment of all committees and subcommittees;
 - v. Preserve order and decorum at all meetings of the Commission;
 - vi. Ensure equal ability for input from all Commissioners;
 - vii. Allow for adequate and complete public participation; and
 - viii. Represent or appoint another Commissioner to represent the Commission before the City Council. Such representation shall reflect the view of the majority of the Commission on any particular matter upon which the Commission has acted.
- c. The Vice-Chair shall, in the absence of the Chair, exercise all responsibilities of the Chair.

4. Selection of Officers.

- a. Selection of Chair and Vice-Chair shall be included on the agenda for the first regular meeting after March 31st of each year.
- b. When called for by the Chair, Commissioners may nominate any Commissioner, including themselves, for the role of Chair.

- c. The Chair shall ask the nominated Commissioners if they have interest in serving in the role of Chair.
- d. Each nominated Commissioner shall be allowed adequate time to make a statement to the Commission regarding their qualifications, desire, and other reason(s) they should be considered for the position.
- e. Upon completion of Commissioner statements, the Chair shall call for a vote. Each Commissioner will have the ability to vote for any nominated Commissioner.
- f. In the event that no Commissioner succeeds in gaining a majority of votes, the Commissioner with the fewest votes shall be eliminated from consideration and another vote shall be held. This process shall continue until one Commissioner has received a majority of votes.
- g. Selection of the Vice-Chair shall occur immediately after selection of the Chair, utilizing the same procedure identified above.

5. Committees and Subcommittees.

- a. Creation.
 - i. Committees and subcommittees shall be appointed by the Chair at the time deemed necessary or advisable so as to conduct Commission business properly.
 - ii. Each committee shall consist of no fewer than two and no more than three Commission members.

- iii. The members of committees shall serve for the duration of the committee unless a reassignment is made of the committee personnel by the Chair, in which case they shall serve until their successors are appointed.
 - iv. The Commission Chair shall fill any vacancy in committees.
- b. Reporting.
- i. All reports of committees and subcommittees shall be made at the direction of the Chair; however, no committee shall be required to make a formal report prior to the next regular Commission meeting following that meeting at which the committee was directed by the Chair of the Commission to report on the matter of business referred to such committee.
 - ii. Reports of committees and subcommittees shall be made orally or in writing. If in writing, the original copy thereof shall be filed with the Secretary and become a part of the administrative record.

6. Staff Support.

- a. City staff shall provide support to assist the Planning Commission in carrying out their responsibilities.
- b. City Staff shall serve in the following roles:
 - i. The City Planner or their designee shall serve as the Secretary of the Planning Commission.

- ii. The City Attorney or their designee shall serve as the Parliamentarian of the Planning Commission. In said role, the City Attorney or their designee shall advise upon all questions of interpretations of these bylaws and any other questions of a parliamentary nature which may arise at a Planning Commission meeting.
 - iii. The City Engineer or their designee shall be available to provide technical expertise to the Commission related to civil engineering and land development issues.
 - iv. The City Planner shall make provisions for a Minutes Clerk to be present and serve at Planning Commission meetings.
- c. The City Planner or their designee shall be responsible for preparation and publication of the Planning Commission agenda.
 - d. The City Planner or their designee shall be available to discuss matters related to future Planning Commission business with individual members of the Commission outside of Planning Commission meetings.

7. Commissioner Conduct.

- a. Each member of the Commission shall act in a courteous and respectful manner to all members of the Commission, including providing each member the full opportunity to ask questions, voice opinions and make statements without interruption during Commission meetings.

Section D: Correspondence and Communication.

1. This section shall apply to all official correspondence and communication related to projects and policy topics which are within the purview of the Planning Commission. It does not apply to correspondence and communication related to topics not within the purview of the Planning Commission.
2. Communication between Planning Commission and Staff.
 - a. In the event that Staff and members of the Commission shall have a need to communicate outside of public meetings or other public setting, communication shall occur in full compliance with the Ralph M. Brown Act and any other laws and regulations governing public meetings.
 - b. In the event that staff has a need to communicate with all members of the Planning Commission, that communication shall be undertaken independently between staff and no more than three Commissioners at a time.
 - c. In the event that individual Commissioners have a need to communicate with staff, that communication shall occur directly with the City Planner or their designee.
3. Public Correspondence with Planning Commissioners.
 - a. Members of the public may contact the Planning Commission from time-to-time on subject matters within the Commission's general purview. Staff understands that members of the Planning Commission do not have City of Escondido email

addresses and respects Commissioners' privacy should they not wish to have their email addresses made available to the general public. As such, staff will accommodate public correspondence with members of the Planning Commission as follows:

- i. Staff has created an escondidoplanningcommission@escondido.org email address that the public can use to send emails to all members of the Commission. Emails sent to that address will be redirected (as blind copies) to the Commissioners' email addresses on file with the City Clerk's office, with a copy sent to the City Planner and City Attorney or their authorized designees.
- ii. Emails may also be sent to members of Planning Division staff with a request to forward to individual Planning Commissioners or to the full Commission.
- iii. Comments on duly noticed public hearing items or other items on a published Planning Commission agenda which are made through the City Clerk's office's Public Comment webpage will be forwarded to escondidoplanningcommission@escondido.org.

Comments provided through this means which are received less than 24 hours before the meeting will be provided to Commissioners on the dais, and the first three minutes read into the record by the Minutes Clerk.

- iv. The time limits above do not apply to weekends and city holidays.
 - b. Correspondence received by staff as hard copies will be scanned in _____ and _____ emailed _____ to escondidoplanningcommission@escondido.org.
 - c. Members of the public may wish to discuss or meet with Commissioners related to proposed projects or other issues of concern to them. Should requests from a member of the public be received by staff, staff will forward the request to the Commissioners.
 - i. It is the prerogative of individual Commissioners if they wish to accommodate such meetings/discussions. Any Commissioner who wishes to do so should contact the individual to make arrangements. Staff can assist in this role if necessary.
 - ii. Staff will inform the individual that their request has been forwarded on to the Commissioners and that either staff or any member of the Commission will respond if the Commissioner wishes to accommodate said request.
- 4. Communication and Correspondence Between Commissioners.
 - a. Individual Planning Commissioners shall not communicate with more than two other Commissioners via any means on items within the purview of the Planning Commission.

- b. This section does not pertain to personal communication between Commissioners on items not within the purview of the Commission, however care should be taken to ensure that any correspondence and communication not related to Planning Commission business does not inadvertently transition into that related to Planning Commission business.
5. Commissioner's communications, including those using a personal email address, may be subject to disclosure under the Public Records Act.

Section E: Amendments

1. These bylaws may be added to, amended, or revised at any meeting of the Planning Commission by a majority of a quorum of the Planning Commission by proper notice in advance of the meeting.