

**NORMAN PLANNING COMMISSION
STUDY SESSION MINUTES**

JUNE 13, 2019

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Study Session in the Executive Conference Room of the Norman Municipal Building, 201 West Gray Street, on the 13th day of June, 2019. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least forty-eight hours prior to the beginning of the meeting.

Chair Sandy Bahan called the meeting to order at 6:34 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Lark Zink
Neil Robinson
Chris Lewis
Sandy Bahan
Tom Knotts
Dave Boeck
Erin Williford
Steven McDaniel

MEMBERS ABSENT

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A quorum was present.

STAFF MEMBERS PRESENT

Jane Hudson, Interim Director, Planning &
Community Development
Roné Tromble, Recording Secretary
Beth Muckala, Asst. City Attorney

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Item No. 2, being:

PLANNING COMMISSION TRAINING REFRESHER AND ZONING PRIMER

Ms. Muckala presented information to the Planning Commission and responded to their questions. (See attached PowerPoint.)

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Item No. 3, being:

ADJOURNMENT

The meeting adjourned at 7:24 p.m.


Norman Planning Commission

Norman Planning Commission

Commissioner Refresher

June 13, 2019



Authority and Function

- Decisional vs. Recommending Authority
- Decisional
 - Consent docket
 - Short form plats/certificates of survey
- Recommending
 - Non-consent docket
 - Chiefly zoning-related decisions:
 - Special Use
 - Re-zoning to new Zoning District
 - Land Use Plan (Norman 2025 Plan) Amendment
 - Re-zoning to planned unit development (PUD/SPUD/CCPUD)

Authority and Function Cont'd

- Duty to Vote
 - Abstention is a procedural mechanism, at odds with purpose of PC
 - Conflict could require recusal:
 - Reasonably foreseeable benefit/detriment/employment consequence?
 - If yes, it is actual or potential?
 - If actual, then recuse.
 - If potential, then disclose and participate.
- Personal Opinion
 - No duty to advance political/personal positions
 - Decisional Standard: “promote public health, safety, morals and general welfare”
 - Points of Reference: City code, state statute, and federal law.

Open Meetings Act

- Subject to OMA per City Code
 - No less than 24 hours' notice
 - Opportunity for public to attend in person
 - Videoconference, but still open to public
 - Limited to topics/action items on agenda
- What is a meeting?
 - Majority of body that is conducting business.
 - No worries for informal gatherings not discussing business.
 - But beware public statements – announcing position on PC business accessible to other PC's could be an OMA violation.
 - “Reply all” emails and texts

Open Records Act

- What is a record?
 - Information received by public official in official capacity
 - Limited exceptions
 - Agenda packet
 - Materials from personal investigation (must disclose/provide)
- Value of Information
 - Personal blog from out-of-state non-expert reliable?
 - Article by recognized expert in field of study published by recognized periodical?
 - Be ready to own what you bring to the discussion.

Meeting Procedure

- **Roberts' Rules/Parliamentary procedure:**
 - Voluntarily followed
 - Streamline discussion, avoid confusion
 - Staff presentation/questions answered
 - Applicant usually present for questions/explanation
- **Motion Practice**
 - Stated affirmatively, second to move to discussion/vote
 - Motions that can "kill": tabling, postponing indefinitely (main motion still discussed)
 - Others Change Discussion: amending, withdrawing, posting to time certain
 - Debate:
 - Commissioners: direct to chair, be courteous, avoid blame
 - Chair: control floor, order of speech (firsts before seconds)
- **Oft Forgotten Tools**
 - Point of Order – get PC back on topic
 - Time Limit – don't need to call question, just set a topic-based time limit
 - Divide the Question – when you want part to go forward but not all
 - Reconsideration – can only ask for if you are a winner that's changed your mind

Zoning Primer – Basic Principals

- **Federal law: *Euclidean Zoning*:** US Supreme Court formally recognized local zoning authority.
- **State Statute**
 - “For the purpose of promoting health, safety, morals or general welfare . . . a municipal governing body may regulate and restrict . . .”
 - Cities must have a regulating plan
- **Norman 2025 Land Use Plan**
 - Goals
 - Managed growth, infrastructure-supported growth
 - Diverse housing/density
 - Environmental impacts, managed development, greenbelt development
 - Core area stability and enhancement
 - Amendments
 - Change in Circumstances PLUS
 - Change would not result in adverse
 - Land Use OR
 - Traffic Impacts on surrounding property

Zoning Primer – Zoning Ordinance

- **Pre-Development Meetings**
 - Amendments to land use plan
 - Rezoning parcel larger than 40 acres
 - Granting a special use
 - Construction of commercial communications tower
- **Public Hearing and Protests**
 - 20 days’ notice of hearing, additional hearings at City Council
 - 350’ notice radius, protests can force a super-majority vote
 - PC is recommending body – notes of comments go in City Council Agenda Packet
- **Denial of Rezoning**
 - Generally not revisited within a year’s time.

Legal Challenges

- **Facial Attack: “What rules should apply to me?”**
 - Ordinances have as much specificity and as many defined terms as possible.
 - Land use plan considered, but secondary to zoning ordinance.
- **As-applied Attack: “How should the rules be applied to me?”**
 - Strong deference to municipal decisions
 - District Court: Decides if municipal decisions has “substantial relation to the public health, safety, morals or general welfare” and that is does not constitute “an unreasonable, arbitrary exercise of police power.”
 - Appellate Court: Decides if “physical facts” in record make it “fairly debatable” that District Court followed correct standard.
 - Example of “physical fact”: property’s location near a parking lot

Utilizing the City Attorney’s Office

- **Who is Our Client?**
 - Represents the City, not the officials or agents individually
 - Called upon to defend an official action of the City, including an action by a body, including PC
- **What about the Applicants’ Attorney(s)?**
 - Private attorneys appear on behalf of their client, figuratively stand in their shoes for the proceedings
 - Have a personal interest, will advocate for their client’s position, and may even make legal argument
 - They are NOT providing the City legal counsel, the City is NOT their client.

Legal Considerations

- **Please DO:**
 - Ask the City Attorney to provide you with the standard for your review per City Code and applicable regulations
 - Ask to hear language from applicable regulation relating to application
 - Ask for potential explanation regarding legal implications or considerations based on language in ordinance, resolution, or application materials.
- **Please CONSIDER how you ask:**
 - Asking for an explanation of what PC may consider?

OR

 - Asking for a legal argument supporting a particular conclusion?

Questions?

