

BYLAWS AND PROCEDURES LOUDOUN COUNTY PLANNING COMMISSION

ARTICLE I

PURPOSE

The Planning Commission of Loudoun County, Virginia, hereinafter referred to as "Commission," shall advise the Loudoun County Board of Supervisors on matters related to the orderly growth and development of Loudoun County.

ARTICLE II

AUTHORITY AND ESTABLISHMENT

The Commission heretofore established in 1943 shall continue as the Planning Commission as set forth in the Loudoun County Zoning Ordinance, and pursuant to authority and provisions of Sections 15.2-2200 and Section 15.2-2212, Code of Virginia. Members shall be appointed for four (4) years and terms of appointment shall run concurrently with those of the Board of Supervisors. Members of the Commission may receive such compensation as may be authorized by the Board of Supervisors.

ARTICLE III

MEMBERSHIP

- A. The Planning Commission shall consist of not fewer than five (5) nor more than fifteen (15) members, appointed by the Board of Supervisors, all of whom shall be residents of the County, qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half (½) of the members so appointed shall be owners of real property.
- B. Any vacancy in the membership shall be filled by appointment by the Board and shall be for an unexpired term only.
- C. Members may be removed by the Board of Supervisors for malfeasance in office.

ARTICLE IV

DUTIES

The Planning Commission shall have the duty and authority to do the following:

- A. Prepare and recommend a comprehensive plan for the physical development of the County, and review said plan at least once every five (5) years
- B. Prepare, review and recommend amendments to the Zoning Ordinance
- C. Prepare, review and recommend amendments to the Land Subdivision and Development Ordinance (LSDO), approve or disapprove subdivisions consistent with that Ordinance, and hear and decide appeals of decisions of the Director of Building and Development related to the LSDO consistent with the Ordinance
- D. Prepare, review and recommend amendments to the Capital Improvements Program
- E. Review and make recommendations on all proposals for amendments to the Zoning Ordinance, including but not limited to map amendments, text amendments and proposals for rezoning specific properties
- F. Review and make recommendations on applications for special exceptions
- G. Approve or disapprove applications for commission permits
- H. Elect officers from its membership
- I. Exercise general supervision of and make regulations for the administration of its own affairs
- J. Adopt rules, bylaws and procedures consistent with the ordinances of the County and the general laws of the State for the administration of its affairs
- K. Supervise its fiscal affairs and responsibilities under rules and regulations as prescribed by the Board
- L. Conduct public hearings on specific items
- M. Hear and decide all matters referred to and upon which it is required to pass by the ordinances of the County and the Code of Virginia
- N. Prepare, publish and distribute reports, ordinances and other material relating to its activities
- O. The Commission shall report yearly to the Board of Supervisors "concerning the operation of the Commission and the status of planning within its jurisdiction" as prescribed by Section 15.2-2221(5), of the Code of Virginia. Prepare and present to the Board of Supervisors an annual report, based on each calendar year, concerning the operation of the Commission and the status of

planning within the County. Staff shall prepare the report for submission to the Board of Supervisors by March 31 of the following year.

- P. Establish advisory committees when deemed advisable to perform specific functions
- Q. Review such other matters as may be directed by the Board of Supervisors or consistent with applicable law

ARTICLE V

OFFICERS

- A. The elected officers of the Planning Commission shall consist of a Chairman and a Vice-Chairman.
- B. The Chairman and Vice-Chairman of the Commission shall be elected from the members for a one (1) year term by the Commission at its first regular meeting after January 1, each year.
- C. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected. The Chairman and Vice-Chairman shall take office immediately and serve for one (1) year.
- D. Vacancies in office shall be filled by regular election procedures.
- E. The Director of Planning or his/her designee shall act as Secretary to the Commission.
- F. A representative of the Office of the County Attorney shall act as Parliamentarian. In the absence of such a representative, the Chairman shall designate a member of the Commission as Parliamentarian.

ARTICLE VI

DUTIES OF THE OFFICERS (Elected and County Staff)

- A. The Chairman shall:
 - 1. Preside over all meetings
 - 2. Appoint committees if deemed advisable
 - 3. Rule on all procedural questions (subject to a reversal by a simple majority vote of the members present)
 - 4. Assist the Secretary's staff in determination of advertisements relating to public hearings
 - 5. Carry out other duties as assigned by the Commission, or as may be appropriate under County ordinance or state law

6. May cancel a public hearing or a meeting when there is no business, or may postpone a hearing or meeting in the event of inclement weather or in the event of a serious emergency (e.g. power outage). Such postponed meetings are to be held at a time and place determined by the Chairman.
 7. The Chairman shall, in coordination with the Director of Planning or his/her representative, establish the agenda for the Planning Commission. The Chairman shall, at the beginning of each meeting, make the public aware of any changes to previously distributed meeting agendas.
- B. The Vice Chairman shall:
1. Have the powers to function in the same capacity as the Chairman in cases of the Chairman's absence or inability to act
- C. The Secretary or his/her designee shall:
1. Keep a written record of all business transacted by the Planning Commission
 2. Notify all members of all meetings
 3. Keep a file of all official records and reports of the Planning Commission
 4. Certify all maps, records, and reports of the Planning Commission
 5. Serve notice of all hearings and public meetings
 6. Attend to the correspondence of the Commission
 7. Maintain a public record of all meetings
 8. Prepare and be responsible for the publishing of advertisements and posters relating to public hearings
- D. The Parliamentarian shall advise on all questions relating to rules and parliamentary procedure.

ARTICLE VII

MEETINGS

- A. Public hearings of the Commission are meetings held after public notice pursuant to requirements of the Code of Virginia and the Zoning Ordinance and are to be held on the fourth Tuesday of each month. Public hearings are to be held at the Board of Supervisors' Meeting Room, Loudoun County Administration Building, 1 Harrison Street, Leesburg, Virginia, at 6:00 p.m. or at a time and place designated by the Chairman.

- B. In the event that the fourth Tuesday is a holiday or in the event the public hearing may not be held due to inclement weather or other conditions that make it hazardous for members to attend, the public hearing will be moved to the next day (Wednesday). In the event that Wednesday is a holiday or the Wednesday hearing may not be held due to inclement weather or other conditions that make it hazardous for members to attend, the public hearing will be held on the first Thursday of the next month.
- C. Worksessions of the Commission are non-public hearing business meetings and are to be held on the second Thursday of each month.
- D. In the event that the second Thursday is a holiday or the meeting may not be held due to inclement weather or other conditions that make it hazardous for members to attend, the meeting will be moved to the third Tuesday of the month. In the event that Tuesday is a holiday or the Tuesday meeting may not be held due to inclement weather or other conditions that make it hazardous for members to attend, the meeting will be held on the following Thursday. The meeting will be held at a place determined by the Chairman.
- E. The schedule of Planning Commission meetings is contained in Attachment 1.
- F. Special meetings of the Commission may be called by the Chairman or by two (2) members upon written request to the Secretary.
 - 1. The Secretary shall cause to be mailed in writing and communicated by telephone or email to all members, at least five (5) days in advance of a special meeting, a notice fixing the time and place and purpose of the meeting
 - 2. Notice of a special meeting shall not be required if the time of the special meeting has been fixed at a previous regular meeting or if all members are present at the special meeting or if they filed a written waiver of the required notice
- G. A majority of the membership of the Commission shall constitute a quorum.
- H. No action of the Commission shall be valid unless a quorum is present and is authorized by a majority vote of those present and voting.
- I. All meetings shall be open to the public except as provided for in the Virginia Freedom of Information Act. Items before the Commission worksession shall be open to informal consideration and action.
- J. The order of business for worksessions shall be:
 - 1. Call to order by the Chairman
 - 2. Disclosures
 - 3. Determination of a quorum
 - 4. Action Summary Review
 - 5. Commission business

6. New Business
 7. Administrative Items
 8. Adjournment
- K. Persons other than County staff will be allowed to speak if a member of the Commission believes their comments relevant to the discussion. The Chairman may limit the time of comment.

ARTICLE VIII

RECORDS

The Commission shall keep minutes of all its proceedings showing evidence presented, the names and addresses of all persons giving testimony, findings by the Commission and the vote of each member upon each question, or noting if a Commissioner is absent or fails to vote. These minutes shall be a public record. The electronic/digital recording of the meeting shall serve as the official minutes. A written summary of the Commission's actions shall be prepared by the Secretary and presented to the Commission for its approval.

ARTICLE IX (Reserved)

ARTICLE X

PUBLIC HEARINGS

The normal procedure followed for a hearing before the Commission shall be:

- A. Call to order by the Chairman
- B. Pledge of Allegiance
- C. Introduction of each application by the Chairman
- D. Staff presentation, which will include a description of properties in issue together with findings by staff (10 minutes). Questions by Commissioners
- E. Applicant's presentation (when applicable) including representatives in support of the application (10 minutes). Chairman may extend additional time if requested by the applicant prior to the meeting. Questions by Commissioners
- F. Interested witnesses in favor of or in opposition to the application (public comments): three (3) minutes for individuals and six (6) minutes for individuals who identify themselves as representatives of citizens' organizations or civic associations. This may be modified, at the Chairman's discretion. Individuals representing an organization must submit a letter from the organization authorizing that individual to speak on their behalf. No individual will be allowed to address the Commission more than once unless specifically requested by a member of the

Commission who has received the approval of the Chairman or if the individual has spoken or will speak on behalf of an organization and wishes to put his or her personal comments on the record.

- G. Questions by Commissioners may be asked of speakers at the Chairman's discretion.
- H. Rebuttal for applicant (5 minutes). This may be modified at the Chairman's discretion.
- I. Clarifications by staff (5 minutes). This may be modified at the Chairman's discretion.
- J. Close of public hearing.
- K. Commission discussion and action.

ARTICLE XI

COMMITTEES

- A. The Chairman may establish committees as deemed necessary. Each committee shall have a Committee Chairman and a Vice Chairman appointed by the Planning Commission Chairman.
- B. Committee meetings are held at the call of the Committee Chairman.
- C. A Committee report will be offered automatically as a motion.
- D. At the discretion of the Committee Chairman, public comment may be taken at the beginning of each committee meeting with a limit of three (3) minutes per speaker or a time limit as established by the Committee Chairman.
- E. Committees may be appointed by the Chairman with a majority of the members constituting a quorum.
- F. The Chairman of the Planning Commission shall serve as a member of all standing committees.
- G. As the need arises, the Chairman shall appoint one or more members of the Planning Commission to provide liaison with the Board of Supervisors, the Board's standing committees, Loudoun's towns, and Citizens Advisory Committees.

ARTICLE XII

ADDITIONAL OPERATING RULES AND POLICIES

- A. After a public hearing has been closed, it may be reopened on a majority vote of the Commission.
- B. Motions may be restated prior to a vote.
- C. Parliamentary procedure in Commission meetings shall be governed by the adopted rules of order, Roberts Rules of Order, Tenth Edition, except as modified by resolution of the Commission and so stated in this article.

- D. No new items shall be taken up in a Planning Commission worksession after 10:30 p.m., and the Commission shall adjourn promptly at 11:00 p.m., except as modified by the Commission.
- E. No new items shall be taken up in a Planning Commission public hearing after 11:30 p.m., and the Commission shall adjourn promptly at 12:00 a.m., except as modified by the Commission.
- F. Notice of public hearings and publication thereof in a newspaper with general circulation in the County shall be made as required by Section 15.2-2204, Code of Virginia and ordinances enacted by the Loudoun County Board of Supervisors.
- G. Before initiating or requesting staff assistance on substantial projects and matters of policy, individual Planning Commissioners and/or Committees shall coordinate such projects and/or matters with the entire Planning Commission.
- H. So as to better ensure integrity in the process, Planning Commissioners are strongly encouraged to have planning staff in attendance when meeting with applicants on cases coming before the Commission.
- I. The following procedures are established to provide for the enforcement of the Standards of Conduct dated October 23, 2008 (see Attachment 2). The purpose of such enforcement is to protect the integrity and dignity of the legislative process and to assure that the members of the Commission refrain from conduct harmful to the Commission or its purpose.

Any apparent violation of the Standards of Conduct should be reported by a member to the Chairman (or to the Vice-Chairman in the event of an alleged violation involving the Chairman) and to the Director of the Department of Planning. In order for any action to be taken with respect to an alleged violation, such alleged violation must be reported by the member within 30 days after the member becomes aware of the alleged violation. The Chairman (or the Vice-Chairman in the event of an alleged violation involving the Chairman) shall promptly (within no more than 7 days) call the matter to the attention of the alleged violator, make such inquiry into the matter as deemed appropriate to confirm any factual aspects related to the reported violation, and attempt to achieve a satisfactory resolution informally. If a satisfactory resolution cannot thus be achieved within 14 days after the alleged violation has been reported, three Commissioners, other than the subject Commissioner and the member reporting the violation, shall be appointed to conduct a prompt investigation of the matter and report to the Chairman, or Vice-Chairman as appropriate within 30 days after their appointment. If such investigation finds that the subject Commissioner has breached a provision of the Standards of Conduct, the Commission may impose by motion and vote of the Commission, disciplinary action which may include a formal warning, reprimand or censure; provided, however, that no Motion of reprimand or censure shall pass except by 2/3 vote of the membership of the Commission. Infractions that constitute criminal violations shall be referred to the Commonwealth Attorney.

- J. Planning Commissioners are strongly encouraged to participate in training such as the Certified Planning Commissioners Training offered by Virginia Tech through its Land Use Education Program with Plan Virginia (www.planvirginia.com).

- K. Planning Commissioners shall comply with any requests concerning security certifications, such as MOAT.
- L. It is the policy of the Planning Commission that individual Commission members may participate in meetings of Planning Commission by electronic communication means from a remote location that is not open to the public only as permitted by Virginia Code § 2.2-3708.1, as amended, and the policy included as Attachment 3.
- M. Planning Commissioners are responsible for attending all regularly scheduled meetings. It is the Commissioner's obligation to notify the Chair or Vice Chair when unable to attend a meeting.

ARTICLE XIII

AMENDMENTS

These bylaws may be amended by a two-thirds (2/3rds) vote of the membership of the Commission.

ARTICLE XIV

EFFECTIVE DATE

- A. Nothing in the foregoing "Bylaws and Procedures" shall be deemed as invalidating any official business transacted by the Planning Commission of Loudoun County, Virginia, prior to adoption of these "Bylaws and Procedures."
- B. The foregoing "Bylaws and Procedures" shall become effective upon a vote of the majority of the membership of the Commission at a regular meeting.
- C. Effective date January March 9, 2017

Jeff Salmon
Chairman

Secretary or Designee
Ricky Barker, Director of Planning

PLANNING COMMISSION MEETING SCHEDULE

Second Thursday 6:00 p.m. Briefing/Worksession

Fourth Tuesday 4:30 p.m. Planning Director's Meeting
 6:00 p.m. Public Hearing

2017 Public Hearing Schedule			2017 Worksession Schedule	
Month	Date	Time	Date	Time
February	28	6:00	9	6:00
March	28		9	
April	25		13	
May	23		11	
June	27		8	
July	25		13	
August	22		10	
September	26		14	
October	24		12	
November	28		9	
December	26		14	

Attachment 1



**LOUDOUN COUNTY PLANNING COMMISSION
STANDARDS OF CONDUCT
October 23, 2008**

Recognizing that the ethical and legal authority to affect property rights demands the highest public confidence in the legislative review process, and recognizing that such high public confidence is possible only by maintaining the integrity and dignity of public office, every member of the Loudoun County Planning Commission shall adhere to the following Standards of Conduct.

REVIEW OF THE RECORD

1. Endeavor to be a fair, unbiased and impartial fact finder, not an advocate. Refrain from expressing an opinion for or against an application before all written and oral testimony has been presented. Allow staff to complete its review of each application without interference.
2. Be well prepared for each meeting. Each applicant is owed an informed decision, which requires a comprehensive review, understanding and consideration of the record. Abstain from voting when this is not possible.
3. Attend all regularly scheduled meetings and ad-hoc committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.
4. Ensure that all issues considered by the Commission are part of the public record. Make all requests for additional information during properly noticed meetings.

PUBLIC HEARINGS AND PRIVATE MEETINGS

1. At all times during the performance of public duties, including public hearings, private meetings and email exchanges, be courteous and considerate to all citizens, colleagues, applicants and staff. Do not use abusive, threatening or intimidating language or gestures.
2. Be open minded, respectful and attentive. Give all citizens, colleagues, applicants and staff sufficient opportunity to present their views. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations or the presenters.

RESOLVING ISSUES

1. Create a positive environment in public and private meetings that is conducive to a productive dialogue between all parties, including citizens, colleagues, applicants and staff, so that all parties feel comfortable as participants or as observers.
2. Respect the right of others to have different opinions. Enter into constructive and factual discussions when attempting to resolve issues or reach a consensus.
3. Approach each issue with the goal of finding solutions taking the Comprehensive Plan into account. Work collaboratively with citizens, colleagues, applicants and staff to seek compromises that satisfy the needs of the various stakeholders.
4. Consider the scope of analysis for each application. Utilize staff and other County resources consistent with such scope.
5. Offer constructive criticism to staff only in private meetings or in executive session.

6. Be concise. Use no more time than is necessary for adequate consideration of the matters being discussed

RECOMMENDATIONS TO THE BOARD

1. Consider the strength of fact and opinion. Maintain a judicial temperament -- even in the face of controversy -- by keeping a clear focus on where the real public interest lies and on what is not only within the law but also fair.
2. Provide specific factual findings in support of decisions. The findings themselves are central to the practice of due process. Recommendations to the Board should include a clear record of all facts and relevant policies on which a decision is based, so that when the recommendation is reviewed by the Board, the applicant and other stakeholders, the analytical gap between the raw evidence and the decision is clearly and expressly bridged.
3. Do the hard work to honor the power entrusted to the Commission. The power of the Commission is based on the legal requirement that *its advice* be sought, even if it is not followed. Failing to provide a clear factual basis for each decision is an abdication of that power.
4. Acknowledge that majority-rules decision making is not always perfect. Ensure that the minority is given fair treatment and that their views are respected.
5. Avoid the formation of factions by making independent and informed decisions on each application.

Attachment 2

PLANNING COMMISSION REMOTE PARTICIPATION POLICY

A Policy for Remote Participation in Public Meetings of the Planning Commission.

It is the policy of the Planning Commission that individual Commission members may participate in meetings of Planning Commission by electronic communication means from a remote location that is not open to the public only as permitted by Virginia Code § 2.2-3708.1, as amended, and this policy. This policy shall apply strictly and uniformly to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. An individual member may participate from a remote location only if a quorum (5 members) of the Planning Commission is physically assembled at the primary or central meeting location, and the Commission has made arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

Remote participation in a meeting due to an emergency or personal matter may be approved only if, before 12:00 noon on the day of the meeting, the requesting member notifies the Chairman of the Commission that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter.

Remote participation in a meeting due to a temporary or permanent disability or other medical condition may be approved only if, before 12:00 noon on the day of the meeting, the requesting member notifies the Chairman of the Commission that such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.

As required by law, in the event of any such participation by a member from a remote location, the Commission shall record in its minutes the specific nature of the emergency, personal matter, temporary or permanent disability or other medical condition, and the location from which the Commission member participated remotely.

As required by law, remote participation that is due to an emergency or personal matter shall be limited in each calendar year for each individual member to two (2) meetings or 25 percent of the meetings of the Commission, whichever is fewer.

An individual member's request for participation from a remote location under this policy shall be considered approved upon communicating the request to the Chairman of the Commission, pending review by the County Attorney for compliance with the Code of Virginia and this policy. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

Attachment 3