

## PLANNING BOARD

Tuesday, February 24, 2026 at 4:30 PM  
Room 24 (Basement Level of City Hall)  
and Zoom



## MEMBERS

Joseph Zamboni, Chair  
Kelsey Robertson, Vice Chair  
Michael Joseph Fox  
Brandon Mazer  
Nicholas Messina  
David Silk  
Austin Smith

The Planning Board will conduct this meeting in a hybrid format via Zoom pursuant to the Remote Meeting Policy adopted by the Planning Board. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the Agenda Center following the meeting. For more information on how to use zoom, please go here: <https://content.civicplus.com/api/assets/18148b5d-f26e-472f-8d2c-245db97e5c27>. For public comment via Zoom, you will need to use the “raise your hand” feature. To raise your hand via the telephone, please hit \*9. You will be un-muted by the host when it is time for public comment. Please note that the placement of items on this agenda are subject to change – please check the agenda center prior to the meeting for the item start time.

## PUBLIC COMMENT INFORMATION

To submit written public comment on an agenda item, email [planningboard@portlandmaine.gov](mailto:planningboard@portlandmaine.gov). Submissions must be received by 12:00 pm the day before the Planning Board meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

Join from PC, Mac, iPad, or Android:

<https://portlandmaine-gov.zoom.us/j/82950107415>

Phone one-tap:

+13126266799,,82950107415# US (Chicago)

+16469313860,,82950107415# US

Join via audio:

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

## **AGENDA:**

### **PUBLIC HEARING - 4:30 PM**

#### **1. ROLL CALL AND DECLARATION OF QUORUM**

#### **2. COMMUNICATION AND REPORTS**

#### **3. REPORT OF ATTENDANCE AT THE MEETING HELD ON FEBRUARY 10, 2026**

##### Public Hearing

Text Amendments to Article 7 of the Land Use Code: Fox, Mazer, Messina, Robertson, Smith, Silk, and Zamboni present.

57 Castine Avenue: Fox, Mazer, Messina, Robertson, Smith, Silk, and Zamboni present.

#### **4. REPORTS OF DECISIONS AT THE MEETING HELD ON FEBRUARY 10, 2026**

- i. Map and Text Amendments to the Land Use Code; City of Portland, Applicant. Robertson motioned, and Mazer seconded a motion to table the public hearing to a date uncertain. Vote 7-0.
- ii. Major Site Plan and Subdivision; 57 Castine Avenue; Habitat for Humanity of Greater Portland, Applicant. Robertson motioned, and Mazer seconded a motion to waive Technical Manual Section 1, Figure I-1 – Local Street Cross Section, which requires two travel lanes at a width of fourteen feet in both directions for a two-way local street and instead allow for a reduced travel lane width of twelve feet in both directions. Vote 7-0. Robertson motioned, and Mazer seconded a motion to waive Site Plan Standard Section 13.6.1.B.2, which requires sidewalk installation along property frontages and instead not require the installation of sidewalks along property frontages. Vote 5-2 (Smith and Robertson opposed). Robertson motioned, and Mazer seconded a motion to approve the Subdivision application. Vote 7-0. Robertson motioned, and Mazer seconded a motion to approve the Site Plan application. Vote 7-0. Robertson motioned, and Mazer seconded a motion to adopt the findings contained in the February 10, 2026 Staff Report and draft approval letter, and to authorize the Board Chair to sign the approval letter as drafted. Vote 7-0.

#### **5. NEW BUSINESS**

- i. Amendments to the Planning Board's Rules. The Planning Board will hold a hybrid public hearing to consider amendments to the Board's rules.

**Planning and Urban Development**

Andrew Graminski, AICP

*Planning & Development Review Manager*



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**To:** Portland Planning Board

**From:** Andrew Graminski, Planning & Development Review Manager

**Re:** Amendments to the Planning Board's Rules

**Date:** February 18, 2026

Staff has prepared amendments to the Planning Board's Rules to address minor clerical updates, make technical corrections and codify existing Board practices. The revisions also ensure consistency with procedures used by other City Boards and Committees. The Board will ultimately review and vote on the amendments during a public hearing.

In accordance with Article IX, Section 3 of the current Rules, these amendments were provided in advance of any formal consideration at their February 10, 2026 meeting.

If the Board votes to incorporate the amendments, the rules will be filed with the Clerk's office and Planning & Urban Development and then placed on a City Council agenda as a communication item requiring a public hearing. No rules will take effect until after 45 days from the date of filing.

## **RULES OF THE PORTLAND PLANNING BOARD**

### **ARTICLE I. GENERAL PROVISION**

- Section 1. These rules are supplementary to the provisions of Chapter 14 of the Municipal Code as it relates to the procedures of the Planning Board and are adopted pursuant to the authority granted in Section 14-25(b) of said Code.
- Section 2. Roberts Rules of Order shall supplement these rules and shall control procedures not covered by these rules.

### **ARTICLE II. OFFICERS AND DUTIES**

- Section 1. The officers of the Board shall be the Chair and Vice Chair.
- Section 2. The Chair and Vice Chair shall be elected annually by the regular members at the last regular meeting in December.
- Section 3. The Chair shall appoint chairs and members for those committees as may be appropriate.

### **ARTICLE III. MEETINGS**

- Section 1. Regular meetings shall be held on the second and fourth Tuesdays of each month at 7:00 p.m. or as otherwise noticed, in City Hall or at such other location of which notice is given. Where a regular meeting day falls on a recognized holiday, the regular meeting shall be held on the following Tuesday.
- Section 2. Special meetings may be called by the Chair at its discretion or upon the request of the City Council or four or more members, provided that twenty-four hours notice is given each member.
- Section 3. Meetings of any committee of the Board shall be held at the call of the Board or the committee Chair or by agreement of at least two committee members.
- Section 4. The Chair, in consultation with the Director of Planning and Urban Development or the Chief Planner, shall set the agenda for workshops, public hearings, and other meetings.
- Section 5. The Board may, by a majority vote, specify a date for an agenda item.

## **ARTICLE IV. ORDER OF BUSINESS**

Section 1. All regular meetings of the Board shall proceed as follows:

- a. Roll call and declaration of quorum
- b. Reading and approval of minutes of the previous meeting
- c. Communications
- d. Unfinished business
- e. New business
- f. Adjournment.

## **ARTICLE V. NOTICE**

Notice shall be given in accordance with Section 14-32 of the Municipal Code; provided, however, that each city councilor and all those individuals or entities included on the most current neighborhood and citizen list maintained by the planning authority, shall also be given the notice afforded under Section 14-32 of the Municipal Code.

Notice of a pending application for subdivision or major site plan review or for a proposed rezoning, including any contract or conditional rezoning, shall be posted in a timely fashion on the City of Portland web page.

Notice of the planning board agenda shall be posted in a timely fashion on the City of Portland web page.

## **ARTICLE VI. CONDUCT OF PUBLIC WORKSHOPS AND HEARINGS**

### **A. PUBLIC WORKSHOPS**

A workshop meeting provides the opportunity for the Planning Board to determine whether an application is complete and ready for public hearing. It is not deliberative in nature but rather is a vehicle by which the Planning Board undertakes a preliminary review of an application, provides comment to the applicant on any items needed to complete an application, and schedules the matter for a public hearing.

Section 1. Order of Proceedings. The following order of proceedings shall govern all public workshops conducted by the Board:

- A. The Planning Director of his/her designee may summarize the application and proposal and may comment on any items to be submitted prior to sending the application to a public hearing.

- B. The applicant may present information to the Board explaining the nature of its application and to inquire of the Board as to any issues to be addressed in advance of or at the public hearing.
- C. Public Comment: Members of the public, or a duly authorized agent or attorney, may offer verbal comments or statements relevant to matters under discussion by the Planning Board. The duration of each speaker's remarks shall be limited at the discretion of the Chair. The Chair's decision to limit the comment time per project may be based on managing the agenda in order to address all items scheduled.

Members of the public also may submit written comment relative to the application either before or at a public workshop or public hearing and such written comment shall become part of the official Planning Board record.

- D. After the close of the public comment session, the Planning Board shall come to a consensus as to whether the application is/not complete and may/not be scheduled for public hearing. No public comment shall be allowed at this time.
- E.. After the close of the public comment session, the Planning Board may identify issues of concern regarding the application and shall come to a consensus on whether the application is sufficiently complete and ready to schedule for public hearing.

The Planning Board may comment or ask questions at any time.

## B. PUBLIC HEARINGS

A public hearing shall be held by the Planning Board pursuant to the City Ordinance and upon the submission of a complete application.

Section 1. Order of Proceedings The following order of proceedings shall govern all public hearings conducted by the Board:

- A. The Planning Director or his/her designee may summarize the application and proposal.
- B. The Planning Department staff shall give its report, commentary and recommendation, if any.
- C. The applicant shall present its opening statement and any testimony or other evidence.

- D. Other City departments, staffs, and officials may present reports, commentary, and recommendations.
- E. Public Comment. Members of the public may offer evidence or statements relevant to the project under consideration. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period for an additional three (3) minutes. The Board may grant an initial or any further extensions upon a majority vote of those present and voting.
- F. After the close of the public comment period, answers shall be provided by the applicant or by staff as needed to questions raised during the public comment. The applicant shall be allowed to respond to public comment at this time.
- G. Response. Members of the public may respond to new issues raised by answers or information provided by the applicant or by staff. It shall be within the discretion of the Chair to determine whether a response is appropriate. In making this determination, the Chair shall decide whether the response constitutes facts or information that could not have been presented during the public comment period. The Board may override such a determination by the Chair by a majority vote.
- H. After the close of a public hearing and after responses to new issues have been completed, the Board shall commence its deliberations. No public comment shall be allowed during these deliberations, except as requested by the Board.

Cross-examination by the applicant and members of the public shall be conducted as directed by the Chair. The Planning Board may ask questions at any time.

Section 2. Rights of all persons. Any person may appear and testify at a public hearing, either in person or by duly authorized agent or attorney, as provided thereof and may submit documentary evidence; provided, however, that the Chair may exclude irrelevant material or unduly repetitious evidence, unless a majority of the Board votes to allow such material or evidence. Members of the public shall also have the right to examine evidence at the public hearing and reproduce any documents produced at the hearing at a later time to be arranged with staff at the expense of the person requesting the information.

Section 3. Rights of applicant. The applicant shall, in addition, have the following rights:

- a. to present witnesses and offer rebuttal evidence;
- b. to cross-examine all witnesses testifying in opposition to the applicant's position through the Chair, or, with permission of the Chair, directly; and
- c. to examine and reproduce any documents produced at the hearing.

Section 4. The rules of evidence shall not be strictly applied.

Section 5. Submission of Exhibits. Exhibits presented by an applicant or by a member of the public shall be numbered and become part of the record. The applicant or member of the public may provide a photograph or photocopy instead of an original model or document. Said photograph or photocopy shall be numbered and shall become part of the record.

Section 6. No new agenda items will be begun after 10:00 p.m. unless at least four members of the Board vote to suspend this rule. Any agenda items that have not begun before 10:00 p.m. shall be automatically tabled to the next regularly scheduled meeting or to a date determined by the Board. Before 9:30 p.m. the Planning Board may, at the discretion of the Chair, temporarily suspend consideration of the agenda item currently under review in order to determine whether remaining agenda items will be reached before 10:00 p.m. The Board will at that time notify the proponents of those agenda items which will not be reached, that the items will be tabled until the next regularly scheduled meeting or a date determined by the Board. Any item tabled under the provisions of this rule shall be considered as unfinished business at the next regularly scheduled meeting or at the meeting date specified by the Board.

## **ARTICLE VII. DELIBERATIONS, VOTING, DECISIONS.**

Section 1. As to any matters not requiring a hearing, the Board may meet and deliberate at any properly called meeting, regardless of the presence of a quorum, or may continue consideration of such matter to any later meeting. However, no final action shall be taken on such a matter without a quorum being present.

Section 2. No member absent from a significant portion of a public hearing shall be qualified to vote upon the matter heard unless that member shall first certify for the record that she/he has reviewed the entire record of any such portion of the hearing during which she/he was absent and has fully informed her/himself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

- Section 3. Recommendations to the City Council shall include findings of fact and the reason or reasons for such recommendation and shall contain a separate statement setting forth the recommendation of the Board.
- Section 4. The Board will take no final or binding vote on any matter that is a final decision rather than merely a recommendation unless it shall first have stated its findings, reasons, and conclusions at a meeting open to the public. Where a vote on a matter results in a failure to approve, the Board shall immediately vote upon a motion to either table or deny the project. A motion to deny shall include the findings, reasons and conclusions of the Board supporting a denial.
- Section 5. Any one or more members of the Board may file minority or dissenting reports in support of any position concerning any matter brought before the Board.
- Section 6. When a vote is completed it shall be in order for any member who voted in the majority, in the negative in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless four (4) members consent to such reconsideration.
- Section 7. Any item finally acted upon and not thereafter reconsidered shall not again be considered for a period of one year succeeding the Board's final action on the original item if the Board determines it to be in the same or substantially the same form.
- Section 8. In the event of a tie vote, the matter shall be tabled to the next meeting, where it shall be considered as unfinished business.

#### **ARTICLE VIII. TIME LIMITS.**

- Section 1. In any case where these rules or any other statute, code or ordinance provides that the failure of the Board to act within a fixed period shall be deemed a grant or denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision shall be appealable in the same manner as any

other decision but, on such appeal, shall be entitled to no presumption of correctness. Time limits for hearings and decisions shall be those set forth in State statutes and City ordinances.

**ARTICLE IX. AMENDMENT OF RULES.**

Section 1. These rules may be amended by an affirmative majority vote of the members of the Board.

Section 2. The proposed amendment must be presented in writing at a regular or special Board meeting preceding the meeting at which the vote is taken.

## RULES OF THE PORTLAND PLANNING BOARD

Adopted on Month, XX, 20XX  
Communicated to Council on Month, XX, 20XX  
Effective from Month, XX, 20XX

### ARTICLE I. GENERAL PROVISION

- Section 1. These rules are supplementary to the provisions of ~~Chapter 14 City of Portland~~the Municipal Land Use Code (“Code”) as ~~it they~~ relates to the organization, operation and procedures of the Planning Board (“Board”) and are adopted pursuant to the authority granted to the Board in Section ~~14-25(b)2.1.9.C~~ of ~~said the~~ Code.
- Section 2. Roberts Rules of Order shall supplement these rules and shall control procedures not otherwise covered by the Code and these rules.

### ARTICLE II. OFFICERS AND DUTIES

- Section 1. The officers of the Board shall be the Chair and Vice Chair.
- Section 2. In the event of a vacancy or absence in the positions of Chair or Vice Chair, the Board shall elect acting pro tempore officers from its number who shall possess all the authorities and duties of the respective office for the duration of the absence or until the permanent officer resumes their role.
- Section ~~32~~. The Chair and Vice Chair shall be elected annually by the regular members at the last regular meeting in December.
- Section ~~43~~. The Chair shall appoint chairs and members for those committees as may be appropriate.

### ARTICLE III. MEETINGS

- Section 1. ~~Regular-Unless otherwise noticed,~~ meetings ~~shall be are~~ held on the second and fourth Tuesdays of each month, commencing at 47:300 p.m. or as otherwise noticed, in City Hall or at such other location of which notice is given. Where a regular meeting day falls on a recognized holiday, the regular meeting ~~shall may~~ be held on the preceding or following Tuesday. Meetings may be held in a hybrid format via Zoom or other medium pursuant to the Remote Planning Board Policy as adopted by the Board.

Section 2. Special meetings may be called by the Chair at its ~~discretion, or~~ upon discretion, upon the request of the City Council, or by four or more Board members, provided that twenty-four hours' notice is given to each member and notice to the public is given as required.

Section 3. Meetings of any committee of the Board shall be held at the call of the Board, ~~or~~ the committee Chair, or by agreement of at least two committee members.

Section 4. The Chair, in consultation with the Director of Planning and Urban Development or ~~the Chief Planner, their designee~~ shall set the agenda for workshops, public hearings, and other meetings.

~~Section 5. The Board may, by a majority vote, specify a date for an agenda item.~~

#### ARTICLE IV. ORDER OF BUSINESS

Section 1. All regular meetings of the Board shall proceed as follows:

- a. Communications
  - b. Public Workshop
  - c. Public Hearing
    - a. Roll call and declaration of quorum
    - b. Reading of attendance and decisions of the previous meeting
    - c. Unfinished business
    - d. New business
  - d. Adjournment
- ~~a. Roll call and declaration of quorum~~  
~~b. Reading and approval of minutes of the previous meeting~~  
~~c. Communications~~  
~~d. Unfinished business~~  
~~e. New business~~  
~~f. Adjournment.~~

#### ARTICLE V. NOTICE

Notice shall be given in accordance with Section ~~14-322.1.8.B~~ of the Municipal Land Use Code; ~~provided, however, that each city councilor and all those individuals or entities included on the most current neighborhood and citizen list maintained by the planning authority, shall also be given the notice afforded under Section 14-32 of the Municipal Code.~~

Notice of a pending application for subdivision or major site plan review or for a proposed rezoning, including any contract or conditional rezoning, shall be posted in a timely fashion on the City of Portland web page.

Notice of the planning board agenda shall be posted in a timely fashion on the City of Portland web page.

## ARTICLE VI. CONDUCT OF PUBLIC WORKSHOPS AND HEARINGS

### A. PUBLIC WORKSHOPS

A workshop meeting provides the opportunity for the Planning & Urban Development Department and applicant to present to the Planning Board an application in order to solicit feedback from the Board and for the Board informally to determine whether ~~an~~ the application is ~~complete and~~ ready for a public hearing. It is not deliberative in nature but rather is a vehicle by which the Planning Board undertakes a preliminary review of an application, provides comments to the applicant on any items needed to complete an application, and if appropriate schedules the matter for a public hearing.

Section 1. Order of Proceedings. The following order of proceedings shall govern all public workshops conducted by the Board:

- A. The Planning & Urban Development Director ~~of his/her~~ or their designee ~~may summarize~~ reviews a narrative report that typically summarizes the application, plans and/or proposal, identifies relevant standards, and advises to the extent to which the application is complete, provides feedback from peer reviewers if any and public comments received as of the date, and may comment on any items that need ~~to be~~ addressed or submitted prior to ~~sending-noticing~~ the application ~~to for~~ a public hearing.
- B. The applicant ~~may~~ presents the application- information to the Board explaining the nature of its application, answering any questions the Board may have and to inquire of the Board as to any issues to be addressed in advance of or at the public hearing.
- ~~C.~~ C.- Public Comment: Members of the public may offer evidence or statements relevant to the project under consideration. Members of the public, or a duly authorized agent or attorney, may offer verbal comments or statements relevant to matters under discussion by the Planning Board. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period by an additional three (3) minutes. The Board may grant an initial or any further extensions upon a majority vote of those present and voting. The duration of each speaker's remarks shall be limited at the discretion of the Chair. The Chair's decision to limit the comment time per project may be based on managing the agenda in order

~~to address all items scheduled. Once the public comment period has ended, no further public comment is permitted except by majority vote of the Board.~~

D. Members of the public also may submit written comments relative to the application either before or at a ~~public~~ workshop or public hearing and such written comment shall become part of the official ~~Planning~~ Board record.

~~E. E. After the close of the public comment session, the Planning Board shall come to a consensus as to whether the application is/not complete and may/not be scheduled for public hearing. No public comment shall be allowed at this time.~~

~~E. After the close of the public comment session, the Planning Board may identify issues of concern and questions regarding the application, and shall come through the Chair obtain responses from the applicant and/or Planning & Urban Development Staff, and endeavors to reach a consensus on whether the application is sufficiently complete and thus ready to schedule for public hearing.~~

The ~~Planning~~ Board may comment or ask questions at any time.

## B. PUBLIC HEARINGS

~~A Public hearing shall be held as required by the Planning Board various statutes, codes, and ordinances pursuant to which matters are brought before the City Ordinance and upon the submission of a complete application Board.~~

Section 1. Order of Proceedings The following order of proceedings shall govern all public hearings conducted by the Board:

A. The Director of Planning & Urban Development or their Director or his/her designee may summarize the application and proposal and review any written.

~~B. The Planning Department staff shall give its report prepared for the Board, and provide, commentary and make recommendation, if any.~~

~~B. The applicant shall present its opening statement application and proposal, provide any testimony or other evidence in support of the application and be available to answer questions.~~

~~C. Other City departments, staffs, and officials and peer reviewers may present reports, commentary, questions and recommendations.~~

~~D.E.~~ Public Comment. Members of the public may offer evidence or statements relevant to the project under consideration. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period ~~for~~ by an additional three (3) minutes. The Board may grant an initial or any further extensions upon a majority vote of those present and voting. Once the public comment period has ended, no further public comment is permitted except by majority vote of the Board.

~~E.F.~~ After the close of the public comment period, answers the Chair shall be provided by review and seek responses to relevant questions through the applicant, ~~or by staff or peer reviewers~~ as needed to questions raised during the public comment. The applicant shall be allowed to respond to public comment ~~at this time.~~

~~F. — Response. Members of the public may respond to new issues raised by answers or information provided by the applicant or by staff. It shall be within the discretion of the Chair to determine whether a response is appropriate. In making this determination, the Chair shall decide whether the response constitutes facts or information that could not have been presented during the public comment period. The Board may override such a determination by the Chair by a majority vote.~~

~~F.H.~~ After the close of a public hearing and after responses to new issues have been completed, the Board shall commence its deliberations. ~~No public comment shall be allowed during these deliberations, except as requested by the Board.~~

~~G. — Cross examination by the applicant and members of the public shall be conducted as directed by the Chair.~~ The ~~Planning~~ Board may ask questions at any time.

Section 2. Rights of all persons. Any person may appear and testify at a public hearing, either in person or by duly authorized agent or attorney, as provided thereof and may submit documentary evidence; provided, however, that the Chair may exclude irrelevant material or unduly repetitious evidence, unless a majority of the Board votes to allow such material or evidence. Members of the public shall also have the right to examine evidence at the public hearing and reproduce any documents produced at the hearing at a later time to be arranged with staff at the expense of the person requesting the information.

Section 3. Rights of applicant. The applicant shall, in addition, have the following rights:

- a. to present witnesses and offer rebuttal evidence;
- b. to cross-examine all witnesses testifying in opposition to the applicant's position through the Chair, or, with permission of the Chair, directly; and
- c. to examine and reproduce any documents produced at the hearing.

Section 4. The rules of evidence shall not ~~be strictly applied~~.

Section 5. Submission of Exhibits. Exhibits presented by an applicant or by a member of the public shall be numbered and become part of the record. The applicant or member of the public may provide a photograph or photocopy instead of an original model or document. Said photographs or photocopies shall be numbered and shall become part of the record.

Section 6. No new agenda items will ~~be begun~~ begin after 10:00 p.m. unless at least four members of the Board vote to suspend this rule. Any agenda items that have not begun before ~~11:00~~ 10:00 p.m. shall be automatically tabled to the next regularly scheduled meeting or to a date determined by the Board. Before 9:30 p.m. the ~~Planning~~ Board may, at the discretion of the Chair, temporarily suspend consideration of the agenda item currently under review in order to determine whether remaining agenda items will be reached before 10:00 p.m. The Board will at that time notify the proponents of those agenda items which will not be reached, that the items will be tabled until the next regularly scheduled meeting or a date determined by the Board. Any item tabled under the provisions of this rule shall be considered as unfinished business at the next regularly scheduled meeting or at the meeting date specified by the Board.

## ARTICLE VII. DELIBERATIONS, VOTING, DECISIONS.

Section 1. ~~As to any matters not requiring a hearing, Following the close of a public hearing on an application or proposal,~~ the Board may meet and deliberate at any properly called meeting, regardless of the presence of a quorum, or may continue consideration of such matter to any later meeting. However, no final action shall be taken on such a matter without a quorum being present.

Section 2. No member absent from a significant portion of a public hearing shall be qualified to vote upon the matter heard unless that member shall first certify for the record that ~~she/he~~ the member has reviewed the entire record of any such portion of the hearing during which ~~she/he~~ the member was absent and has become fully informed ~~her/himself~~ of the essential facts

and issues of the matter being heard so as to be able to cast an informed and independent vote.

Section 3. ~~Recommendations~~ Any recommendations made to the City Council shall include findings of fact and the reason or reasons for such recommendation and shall contain a separate statement setting forth the recommendation of the Board.

Section 4. The Board will take no final or binding vote on any matter that is a final decision rather than merely a recommendation unless it shall first have stated its findings, reasons, and conclusions at a meeting open to the public. The Board can incorporate by reference and adopt as its own proposed findings prepared by the Director of Planning & Urban Development or their designee. Where a vote on a matter results in a failure to approve, the Board shall immediately vote upon a motion to either table or deny the project. A motion to deny shall include the findings, reasons and conclusions of the Board supporting a denial.

Section 5. Any one or more members of the Board may file minority or dissenting reports in support of any position concerning any matter brought before the Board.

Section 6. ~~When a vote is completed it shall be in order for any member who voted in the majority, in the negative in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless four (4) members consent to such reconsideration. Any member who voted on the prevailing side of a motion may move for its reconsideration during the same meeting or at the next regular scheduled meeting, after which the opportunity for reconsideration expires but not afterwards.;~~ Once a motion for reconsideration has been decided, that specific vote may not be reconsidered again. A motion to reconsider a vote from a previous meeting shall only be in order if the item is included on the meeting agenda or if four (4) members consent to its consideration. If a motion to reconsider passes but the item was not on the agenda, the deliberation and vote on the matter shall be postponed until the next scheduled meeting for which it is properly listed on the agenda. The Board shall not accept comment from the applicant or the public while entertaining a motion to reconsider or when acting upon the decision being reconsidered except by majority vote by the Board to accept new evidence.

Section 7. Any item finally acted upon and not thereafter reconsidered shall not again be considered for a period of one year succeeding the Board's final action on the original item if the Board determines it to be in the same or substantially the same form.

Section 8. In the event of a tie vote, the matter shall be tabled to the next meeting, where it shall be considered as unfinished business.

#### **ARTICLE VIII. TIME LIMITS.**

Section 1. In any case where these rules or any other statute, code or ordinance provides that the failure of the Board to act within a fixed period shall be deemed a grant or denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision shall be appealable in the same manner as any other decision but, on such appeal, shall be entitled to no presumption of correctness. Time limits for hearings and decisions shall be those set forth in State statutes and City Ordinances.

#### **ARTICLE IX. AMENDMENT OF RULES.**

Section 1. These rules may be amended by an affirmative majority vote of the members of the Board.

Section 2. The proposed amendment must be presented in writing at a regular or special ~~Board~~ meeting preceding the meeting at which the vote is taken.

Section 3. For any amendment to become effective the process set forth in Section 2.1.8.C of the Code must also be followed.

#### **ARTICLE X. WAIVER**

Section 1. Any rule, which is not required by the statutes of the State or by the Code or other City Ordinance, may be waived by majority vote of the Board.

## **RULES OF THE PORTLAND PLANNING BOARD**

Adopted on Month, XX, 20XX  
Communicated to Council on Month, XX, 20XX  
Effective from Month, XX, 20XX

### **ARTICLE I. GENERAL PROVISION**

- Section 1. These rules are supplementary to the provisions of City of Portland Land Use Code (“Code”) as they relate to the organization, operation and procedures of the Planning Board (“Board”) and are adopted pursuant to the authority granted to the Board in Section 2.1.9.C of the Code.
- Section 2. Roberts Rules of Order shall supplement these rules and shall control procedures not otherwise covered by the Code and these rules.

### **ARTICLE II. OFFICERS AND DUTIES**

- Section 1. The officers of the Board shall be the Chair and Vice Chair.
- Section 2. In the event of a vacancy or absence in the positions of Chair or Vice Chair, the Board shall elect acting pro tempore officers from its number who shall possess all the authorities and duties of the respective office for the duration of the absence or until the permanent officer resumes their role.
- Section 3. The Chair and Vice Chair shall be elected annually by the regular members at the last regular meeting in December.
- Section 4. The Chair shall appoint chairs and members for those committees as may be appropriate.

### **ARTICLE III. MEETINGS**

- Section 1. Unless otherwise noticed, meetings are held on the second and fourth Tuesdays of each month, commencing at 4:30 p.m. Where a regular meeting day falls on a recognized holiday, the regular meeting may be held on the preceding or following Tuesday. Meetings may be held in a hybrid format via Zoom or other medium pursuant to the Remote Planning Board Policy as adopted by the Board.
- Section 2. Special meetings may be called by the Chair at its discretion, upon the request of the City Council, or by four or more Board members, provided

that twenty-four hours' notice is given to each member and notice to the public is given as required.

Section 3. Meetings of any committee of the Board shall be held at the call of the Board, the committee Chair, or by agreement of at least two committee members.

Section 4. The Chair, in consultation with the Director of Planning and Urban Development or their designee shall set the agenda for workshops, public hearings, and other meetings.

#### **ARTICLE IV. ORDER OF BUSINESS**

Section 1. All regular meetings of the Board shall proceed as follows:

- a. Communications
- b. Public Workshop
- c. Public Hearing
  - a. Roll call and declaration of quorum
  - b. Reading of attendance and decisions of the previous meeting
  - c. Unfinished business
  - d. New business
- d. Adjournment

#### **ARTICLE V. NOTICE**

Notice shall be given in accordance with Section 2.1.8.B of the Land Use Code.

Notice of a pending application for subdivision or major site plan review or for a proposed rezoning, including any contract or conditional rezoning, shall be posted in a timely fashion on the City of Portland web page.

Notice of the planning board agenda shall be posted in a timely fashion on the City of Portland web page.

#### **ARTICLE VI. CONDUCT OF PUBLIC WORKSHOPS AND HEARINGS**

##### **A. PUBLIC WORKSHOPS**

A workshop meeting provides the opportunity for the Planning & Urban Development Department and applicant to present to the Board an application in order to solicit feedback from the Board and for the Board informally to determine whether the

application is ready for a public hearing. It is not deliberative in nature but rather is a vehicle by which the Board undertakes a preliminary review of an application, provides comments to the applicant on any items needed to complete an application, and if appropriate schedules the matter for a public hearing.

Section 1. Order of Proceedings. The following order of proceedings shall govern all public workshops conducted by the Board:

- A. The Planning & Urban Development Director or their designee reviews a narrative report that typically summarizes the application, plans and/or proposal, identifies relevant standards, and advises to the extent to which the application is complete, provides feedback from peer reviewers if any and public comments received as of the date, and may comment on any items that need to be addressed or submitted prior to noticing the application for a public hearing.
- B. The applicant presents the application to the Board explaining the nature of its application, answering any questions the Board may have and to inquire of the Board as to any issues to be addressed in advance of or at the public hearing.
- C. Public Comment: Members of the public may offer evidence or statements relevant to the project under consideration. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period by an additional three (3) minutes. The Board may grant an initial or any further extensions upon a majority vote of those present and voting. Once the public comment period has ended, no further public comment is permitted except by majority vote of the Board. Members of the public also may submit written comments relative to the application either before or at a workshop or public hearing and such written comment shall become part of the official Board record.
- D. After the close of the public comment session, the Board may identify issues and questions regarding the application, and through the Chair obtain responses from the applicant and/or Planning & Urban Development Staff, and endeavors to reach a consensus on whether the application is sufficiently complete and thus ready to schedule for public hearing.

The Board may comment or ask questions at any time.

B. PUBLIC HEARINGS

Public hearing shall be held as required by the various statutes, codes, and ordinances pursuant to which matters are brought before the Board.

Section 1. Order of Proceedings The following order of proceedings shall govern all public hearings conducted by the Board:

- A. The Director of Planning & Urban Development or their designee may summarize the application and proposal and review any written report prepared for the Board, and provide commentary and make recommendation, if any.
- B. The applicant shall present its application and proposal, provide testimony or other evidence in support of the application and be available to answer questions.
- C. Other City departments, staff, officials and peer reviewers may present reports, commentary, questions and recommendations.
- D. Public Comment. Members of the public may offer evidence or statements relevant to the project under consideration. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period by an additional three (3) minutes. The Board may grant an initial or any further extensions upon a majority vote of those present and voting. Once the public comment period has ended, no further public comment is permitted except by majority vote of the Board.
- E. After the close of the public comment period, the Chair shall review and seek responses to relevant questions through the applicant, staff or peer reviewers as needed to questions raised during the public comment. The applicant shall be allowed to respond to public comment.
- F. After the close of a public hearing and after responses to new issues have been completed, the Board shall commence its deliberations.

The Board may ask questions at any time.

Section 2. Rights of all persons. Any person may appear and testify at a public hearing, either in person or by duly authorized agent or attorney, as provided thereof and may submit documentary evidence; provided, however, that the Chair may exclude irrelevant material or unduly repetitious evidence, unless a majority of the Board votes to allow such material or evidence. Members of the public shall also have the right to examine evidence at the public hearing and reproduce any documents produced at the hearing at a later time to be arranged with staff at the expense of the person requesting the information.

Section 3. Rights of applicant. The applicant shall, in addition, have the following rights:

- a. to present witnesses and offer rebuttal evidence;
- b. to cross-examine all witnesses testifying in opposition to the applicant's position through the Chair, or, with permission of the Chair, directly; and
- c. to examine and reproduce any documents produced at the hearing.

Section 4. The rules of evidence shall not apply.

Section 5. Submission of Exhibits. Exhibits presented by an applicant or by a member of the public shall be numbered and become part of the record. The applicant or member of the public may provide a photograph or photocopy instead of an original model or document. Said photographs or photocopies shall be numbered and shall become part of the record.

Section 6. No new agenda items will begin after 10:00 p.m. unless at least four members of the Board vote to suspend this rule. Any agenda items that have not begun before 10:00p.m. shall be automatically tabled to the next regularly scheduled meeting or to a date determined by the Board. Before 9:30 p.m. the Board may, at the discretion of the Chair, temporarily suspend consideration of the agenda item currently under review in order to determine whether remaining agenda items will be reached before 10:00 p.m. The Board will at that time notify the proponents of those agenda items which will not be reached, that the items will be tabled until the next regularly scheduled meeting or a date determined by the Board. Any item tabled under the provisions of this rule shall be considered as unfinished business at the next regularly scheduled meeting or at the meeting date specified by the Board.

## **ARTICLE VII. DELIBERATIONS, VOTING, DECISIONS.**

Section 1. Following the close of a public hearing on an application or proposal, the Board may meet and deliberate at any properly called meeting, regardless of the presence of a quorum, or may continue consideration of such matter to any later meeting. However, no final action shall be taken on such a matter without a quorum being present.

Section 2. No member absent from a significant portion of a public hearing shall be qualified to vote upon the matter heard unless that member shall first certify for the record that the member has reviewed the entire record of any such portion of the hearing during which the member was absent and has become fully informed of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

- Section 3. Any recommendations made to the City Council shall include findings of fact and the reason or reasons for such recommendation and shall contain a separate statement setting forth the recommendation of the Board.
- Section 4. The Board will take no final or binding vote on any matter that is a final decision rather than merely a recommendation unless it shall first have stated its findings, reasons, and conclusions at a meeting open to the public. The Board can incorporate by reference and adopt as its own proposed findings prepared by the Director of Planning & Urban Development or their designee. Where a vote on a matter results in a failure to approve, the Board shall immediately vote upon a motion to either table or deny the project. A motion to deny shall include the findings, reasons and conclusions of the Board supporting a denial.
- Section 5. Any one or more members of the Board may file minority or dissenting reports in support of any position concerning any matter brought before the Board.
- Section 6. Any member who voted on the prevailing side of a motion may move for its reconsideration during the same meeting or at the next regular scheduled meeting, but not afterwards. Once a motion for reconsideration has been decided, that specific vote may not be reconsidered again. A motion to reconsider a vote from a previous meeting shall only be in order if the item is included on the meeting agenda or if four (4) members consent to its consideration. If a motion to reconsider passes but the item was not on the agenda, the deliberation and vote on the matter shall be postponed until the next scheduled meeting for which it is properly listed on the agenda. The Board shall not accept comment from the applicant or the public while entertaining a motion to reconsider or when acting upon the decision being reconsidered except by majority vote by the Board to accept new evidence.
- Section 7. Any item finally acted upon and not thereafter reconsidered shall not again be considered for a period of one year succeeding the Board's final action on the original item if the Board determines it to be in the same or substantially the same form.
- Section 8. In the event of a tie vote, the matter shall be tabled to the next meeting, where it shall be considered as unfinished business.

#### **ARTICLE VIII. TIME LIMITS.**

- Section 1. In any case where these rules or any other statute, code or ordinance provides that the failure of the Board to act within a fixed period shall be deemed a grant or denial of an application, such failure shall, not-

withstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision shall be appealable in the same manner as any other decision but, on such appeal, shall be entitled to no presumption of correctness. Time limits for hearings and decisions shall be those set forth in State statutes and City Ordinances.

#### **ARTICLE IX. AMENDMENT OF RULES.**

- Section 1. These rules may be amended by an affirmative majority vote of the members of the Board.
- Section 2. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.
- Section 3. For any amendment to become effective the process set forth in Section 2.1.8.C of the Code must also be followed.

#### **ARTICLE X. WAIVER**

- Section 1. Any rule, which is not required by the statutes of the State or by the Code or other City Ordinance, may be waived by majority vote of the Board.