

Item

Review and discuss revised *"Policies and Procedures of the Tulsa Metropolitan Area Planning Commission."*

Background

The TMAPC Policies and Procedures document has been revised multiple times over the years. In 2015, the TMAPC adopted a significantly overhauled version of their policies and procedures and in 2016, the TMAPC made additional revisions to reflect changes resulting from adoption of the new City of Tulsa Zoning Code. Since that time, the Subdivision and Development Regulations have been adopted and other organizational changes have taken place to necessitate additional amendments. These changes, in addition to cleanup items and the need to reflect existing practices are the basis for the proposed revisions.

The proposed revisions were presented at a TMAPC Work Session on March 4, 2020. As a result of that discussion, two minor amendments (on pages 5 & 7) have been incorporated into the document.

Staff Recommendation

Adopt the revised *"Policies and Procedures of the Tulsa Metropolitan Area Planning Commission."*

Attachment(s)

Draft revisions to *"Policies and Procedures of the Tulsa Metropolitan Area Planning Commission"*

**POLICIES AND PROCEDURES
OF THE
TULSA METROPOLITAN AREA PLANNING COMMISSION**

**ARTICLE 1
MEMBERSHIP AND OFFICERS**

1.1 Name. The name of this Commission is the Metropolitan Area Planning Commission of Tulsa County, Oklahoma, commonly referred to as the Tulsa Metropolitan Area Planning Commission (the "Commission" or "TMAPC").

1.2 Number of Commissioners. In accordance with the provisions of OKLA. STAT. tit. 19, §863.5, the TMAPC shall consist of eleven (11) members (individually a "Commissioner"), selected as follows: Six (6) are appointed by the Mayor of the City of Tulsa and approved by the City Council, and three (3) are appointed by the Board of County Commissioners of Tulsa County. The Mayor (or a person designated by the Mayor as an alternate) and the Chairman of the Board of County Commissioners (or a person designated by the Chairman of the Board as an alternate) shall be ex officio members of the Commission and shall be entitled to vote on all matters.

1.3 Term / Vacancies / Compensation. Appointed Commissioners shall serve for terms of three (3) years, and shall continue to serve until their successors are appointed by the Mayor for City appointees or by the County Commission for County appointees. Vacancies occurring, otherwise than through the expiration of a term, shall be filled only for the unexpired term in the same manner as set out in Section 1.2 above. All appointed Commissioners shall serve without compensation and shall hold no other municipal or County office.

1.4 Removal. Once qualified, a Commissioner can thereafter be removed during such Commissioner's term of office only for cause and after a public hearing held before the governing body by which such Commissioner was appointed.

1.5 Absentees. In order to properly conduct business, Commissioners must attend as many meetings as practical. If a Commissioner fails to attend ten (10) regularly scheduled meetings (excluding work sessions) during a twelve (12) month period, the Commission may contact the appointing body to request that the Commissioner be removed and replaced.

1.6 Officers.

(a) Annually, at the first regular meeting in January, the Commission shall elect from its appointed members a Chair, a First Vice-Chair, a Second Vice Chair and a Secretary. No Commission member shall hold the same office for more than two (2) consecutive full one-year terms. Any vacancy in office shall be filled by the Chair for the unexpired term only.

(b) The duties of the Chair shall include:

(1) Presiding over meetings when present, unless the Chair designates another member to preside;

(2) Appointing Commissioners to serve on other governmental agency boards and committees;

(3) Establishing ad hoc committees as the Chair deems necessary and appointing members and chairs to those committees;

(4) Signing official documents of the Commission; and

(5) Representing the Commission before other governmental bodies, unless the Chair designates another Commissioner or a member of the TMAPC staff.

(c) The First Vice-Chair shall assume all of the duties of the Chair during the Chair's absence.

(d) The Second Vice-Chair shall assume all of the duties of the Chair during the Chair's and the First Vice Chair's absence.

(e) The Secretary shall assume all duties of the Chair in the event the Chair, First Vice-Chair and Second Vice-Chair are absent. In addition, the Secretary shall:

(1) Read the opening statement and rules of conduct prior to the public hearing portion of the agenda;

(2) Collect and stamp exhibits of each meeting for the official record; and

(3) Attest the Chair's signature on all documents.

In the event the Secretary is not present, the Chair or acting Chair may appoint another Commissioner to assume the Secretary's duties.

(f) Each of the officers named above shall be entitled to participate in discussion and vote on any question before the Commission, whether occupying the position of the Chair or not.

ARTICLE 2 MEETING PROCEDURES

2.1 Meeting Schedule and Agenda.

(a) The Commission shall meet regularly in accordance with its approved calendar, generally on the first and third Wednesday of each month in the Tulsa City Council Chambers or in another designated location.

(b) Special meetings may be called at the request of the Chair. Such meetings shall be held in the regular meeting place of the Commission or in another designated location.

(c) Items to be placed on the TMAPC agenda shall meet the cut-off dates as specified on the official TMAPC schedule. Unless authorized by the Chair or the ~~INCOG Land Development Services Manager~~ Director of the Tulsa Planning Office, new items shall not be added to the final agenda after the agenda packet is mailed to the Commission.

2.2 Notification. The Commission shall consider only public hearing items that have been properly advertised, as required by law, and only those items in which all fees have been paid, including fees for legal advertising.

2.3 General Procedures.

(a) If a meeting procedure is not addressed by these Policies and Procedures, the ~~Chairman~~ shall decide the procedure based on the tradition of the Commission. The Commission may by majority vote establish a procedure differing from the procedure recommended by the Chair. The Chair and the Commission may refer to any book or treatise on rules of order or parliamentary procedure for guidance.

(b) A member of TMAPC staff shall serve as TMAPC Recording Secretary. The TMAPC Recording Secretary shall keep complete minutes of all public hearings of the Commission and shall receive all District Court appeals from any Commission action.

(c) When the public wishes to communicate with members of the Commission, the most appropriate way is through letter or e-mail correspondence to the TMAPC Recording Secretary, who will deliver it to the Commissioners. If an individual wishes to speak personally with the Commissioners, the individual must call the TMAPC Recording Secretary and leave a message to that effect. TMAPC staff will not release addresses or telephone numbers of Commissioners without the approval of the particular Commissioner. Ex parte communication is discouraged. (See Section 5.3 hereof)

(d) The Commission may grant a continuance of a scheduled public hearing or other business item at the request of the applicant, TMAPC staff, or another interested party. Except for requests by TMAPC staff, a request for a continuance should be made in writing and must contain the reasons for the request. In considering the request, the Commission may consider the timeliness of the request, the reasons given for the request, and the inconvenience created.

2.4 Public Hearing Procedures.

(a) TMAPC staff recommendation on advertised matters shall be written and made part of the file (public record) five (5) days in advance of the advertised public hearing date.

(b) Commissioners shall address only the presiding Chair for recognition and shall confine their remarks to the question under debate.

(c) Any member of the public may address the Commission at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state his or her name and address. Speakers will be given five (5) minutes to speak on an item; however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.

(d) The Chair may rule a comment out of order if it is redundant, irrelevant, indecorous or untimely.

(e) The order of business for a public hearing shall be determined by the Chair; however, the following is provided as a guide:

(1) The Chair announces the application.

(2) The Chair asks TMAPC staff for a summary of the case and the physical facts of the area involved. TMAPC staff presents its recommendation, together with the reasons for the recommendation, and whether the request is in conformance with the Comprehensive Plan.

(3) The Chair calls on the applicant for a presentation, not to exceed fifteen (15) minutes. If the applicant presents a significantly changed application from that submitted for TMAPC staff review (as determined by TMAPC staff and the Commission at the time of the presentation), such action is considered grounds for continuance.

(4) The Chair calls on interested parties or protestants. Those wishing to speak must use the sign-in sheet. Each speaker is allowed five (5) minutes to speak on an item; provided, however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.

(5) The applicant is given the opportunity to rebut, and is allowed no more than ten (10) minutes to speak. If the applicant, in the Chair's opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.

(6) The Chair announces the public hearing is closed on the case and opens the review session, during which the Commissioners will discuss the case among themselves and make a recommendation.

(7) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Commission and permitted by the Chair.

(8) The vote shall be taken and the Chair shall announce the vote.

(f) Before a motion is made, there shall be an opportunity for discussion of the case by the Commissioners and for each Commissioner to make comments. After a motion is made, there shall be further opportunity for discussion by the Commissioners, and the maker of the motion may refine the terms of the motion pursuant to such discussion. When the motion is formalized, the Chair shall restate the motion, state the name of the maker of the motion and the member seconding the motion, and call for a vote. If a Commissioner desires to amend the motion following the Chair's restatement of the motion but prior to the Chair's call for a vote, the Commissioner suggesting the amendment may ask unanimous consent to modify the motion. If any Commissioner objects to the modification of the motion, the Commissioner proposing the amendment shall move that the motion be amended. The motion to amend must be seconded, is debatable, and must be adopted by a majority vote of the members present.

(g) The Commission shall not consider and staff shall not accept a new ~~rehear a~~ zoning application on the same property with the same request for a period of six (6) months after action on the application has been taken by the Commission.

(h) The transmittal of applications for a zoning map amendment to the City Council or County Commission in those instances where the applicant, TMAPC staff and Commission are all in agreement and there are no interested parties will occur following the Commission hearing without minutes. All other applications will be transmitted when the meeting minutes are drafted.

(i) A motion to reconsider an item on which a vote has been taken may be made only by a Commissioner who voted with the prevailing side and can only be heard during the same meeting where the vote was taken or the next succeeding meeting. If a motion to reconsider is adopted, the Commissioners shall consider the need for additional notice to interested persons before a vote is taken on the item being reconsidered.

2.5 Quorum and Votes Required.

(a) Six (6) Commissioners shall constitute a quorum for the conduct of any Commission business, except at work sessions where four (4) Commissioners shall constitute a quorum.

(b) A modification of the Tulsa Metropolitan Area Subdivision and Development Regulations (Subdivision Regulations) shall require six (6) the affirmative votes of two thirds (2/3) of by the Commission. ~~ers present and voting.~~ See Section 1-100 of the Subdivision Regulations 1.10.4.

(c) An amendment to the Tulsa Comprehensive Plan, including the Tulsa City/County Major Street and Highway Plan, shall require six (6) affirmative votes by the Commission. See OKLA. STAT. tit. 19, § 863.7.

(d) Except as set forth above or as otherwise required by applicable law, any matter (zoning related or otherwise) coming before the Commission shall be decided by a majority vote of the Commissioners present.

(e) In the event the final vote on any zoning matter before the Commission results in a tie, such tie vote shall result in the matter being transmitted to the City Council or County Commission as a tie vote, without recommendation.

2.6 Work Sessions.

(a) The Commission shall meet as a committee of the whole in a special meeting (work session) at the call of the Chair when applicable work items or educational opportunities arise. The Chair or the Chair's designee shall preside.

(b) The purpose of the work session shall be to discuss work items and Commission issues, to share other information and determine whether work items are ready to be considered at regular TMAPC meetings. Work sessions may also be used to provide educational opportunities

and to allow Commissioners a forum to discuss various planning matters outside of their normal work items.

(c) The Commission shall take no final action on work items while in work sessions.

(d) Public comments are not allowed at work sessions unless approved by the Chair prior to the meeting. The appropriate process is for a member of the public to contact TMAPC staff (~~Land Development Services Manager~~ Director of the Tulsa Planning Office) who will communicate the request to the Chair.

ARTICLE 3 DEVELOPMENT REVIEW POLICIES

3.1 Applications.

(a) Sufficient supporting information shall be filed with an application in order for the TMAPC staff and Commission to evaluate the proposal. If TMAPC staff concludes that sufficient supporting information has not been provided, TMAPC staff shall consider the application as incomplete and shall not place the item on the agenda.

(b) In order to help alleviate potential conflicts and assure that interested parties have adequate information, the Commission encourages applicants in zoning cases to meet with owners of property in the area prior to public hearings. Failure of the applicant to meet with the neighbors may result in a continuance by the Commission.

(c) In cases where the mandatory or optional development plan ~~(of a Planned Unit Development (PUD), Corridor (CO), or other development plan)~~ that is recommended by the Commission differs from the plan that was submitted by the applicant, a revised plan reflecting the Commission's recommendation shall be prepared and submitted to the TMAPC staff for transmittal to the City Council or County Commission with the minutes of the meeting.

~~(d) Applicants proposing developments using a combination of private street(s) and a variance of the required thirty feet (30') of frontage on a public street shall be required to develop their project as a PUD or Corridor Development, excepting a proposed townhouse development.~~

3.2 Zoning Initiated by TMAPC. As a general rule, the TMAPC will not initiate applications for zoning changes without the consent of the owner or his agent, unless such application is requested by the proper legislative body City Council or County Commission.

~~3.3 Subdivisions and Lot Splits.~~

~~(a) As a general rule, the platting requirement for Wireless Communication Facilities shall be waived by the Commission.~~

~~(b) No lot split applications which require modification of a provision of the Subdivision Regulations shall be processed on the consent agenda of the TMAPC. Such lot splits~~

~~shall require a ten (10) day written notice to abutting property owners (including lot owners separated only by a residential street).~~

3.3 Consent Agenda. The Director of the Tulsa Planning Office may designate certain matters that are routine or minor in nature for placement on the consent agenda, including but not limited to development plan minor amendments, plans for change of access, and covenants implementing approved development plans.

ARTICLE 4 CITY OF TULSA COMPREHENSIVE PLAN

The TMAPC derives its authority to adopt and amend a comprehensive plan under the provisions of OKLA. STAT. tit. 19, § 863.7. The Comprehensive Plan of the Tulsa Metropolitan Area was originally adopted on June 29, 1960, and was subsequently amended on numerous occasions. The current Comprehensive Plan for the City of Tulsa was adopted by the TMAPC on July 6, 2010 and approved by the Tulsa City Council on July 22, 2010 and retains various small area and functional plans. The 2010 Comprehensive Plan has been and will likely continue to be amended from time to time.

4.1 Regularly Scheduled Updates and Maintenance. The Comprehensive Plan states that the Land Use Plan and Stability and Growth Map “should be updated at five year intervals with projections toward the future. Housekeeping updates and maintenance to reflect development approvals should be made annually.” (p. LU-77) TMAPC staff will establish a system to track all housekeeping amendments needed to reflect development approvals and present a Comprehensive Plan amendment to the TMAPC annually, generally in July. These annual amendments will include updates to the Land Use Plan and, if necessary, changes to the Areas of Stability and Growth Map. It is expected that ~~City of Tulsa~~ the Tulsa Planning Office will prepare an update to the Comprehensive Plan in five (5) year intervals based on new data and updated projections and recommending adjustments to the Plan.

4.2 Small Area Plan Adoption process. The Comprehensive Plan outlines a process for adoption of small area plans in the Appendix, pp. 9 & 10. It generally states that when the small area plan has been drafted, following the multi-agency review and public participation process, the draft plan document will be presented to the TMAPC at a work session. At the work session, the TMAPC will review the small area plan for content and consistency with the Comprehensive Plan. Also, the TMAPC will announce if and when the document is ready for public hearing. Notice must be published at least fifteen (15) days prior to the public hearing. The TMAPC will conduct the public hearing, consider the plan based on the findings of fact and public testimony presented, and consider adoption of the small area plan as an amendment to the Comprehensive Plan. ~~The same process and procedures shall be followed for adoption of Sector Plans (formerly known as Urban Renewal Plans).~~

4.3 Privately initiated Comprehensive Plan amendments.

(a) Amendments of the Comprehensive Plan Generated by Proposed Zoning Changes. During the initial review of an zoning application to the TMAPC ~~for approval of Zoning, PUD, Corridor Development Plan or PUD Amendment~~, TMAPC staff shall determine if the proposal is consistent with the Comprehensive Plan map designation. If TMAPC staff determines that the proposal is inconsistent with the Comprehensive Plan map designation, and further determines that the deviation from the purpose and intent of the Comprehensive Plan is minor in nature, the zoning application ~~for approval of Zoning, PUD, Corridor Development Plan or PUD Amendment~~

shall be set for hearing by the TMAPC and, if approved, the Comprehensive Plan shall be amended to reflect the approved land use as a part of the annual housekeeping amendments. If TMAPC staff determines that the proposal is inconsistent with the Comprehensive Plan map designation, and further determines that the proposal represents a significant deviation from the purpose and intent of the Comprehensive Plan, an application to amend the Comprehensive Plan shall be required to run concurrently with the zoning application for approval of Zoning, PUD, Corridor Development Plan or PUD Amendment. In such instance, TMAPC staff shall inform the applicant, within fifteen (15) days of receipt of the zoning application for approval of Zoning, PUD, Corridor Development Plan or PUD Amendment, that an application to amend the Comprehensive Plan is required and shall provide an application form for completion by the applicant. The requirement for a concurrent application for Comprehensive Plan amendment may necessitate an extended timeframe of review.

(b) Other Amendments to the Comprehensive Plan. Other amendments to the Comprehensive Plan may be initiated by the TMAPC upon request of TMAPC staff or an applicant. Should any person or entity request a text amendment of the Comprehensive Plan or a small area plan or a map amendment that pertains to property that is not under their ownership, the party requesting the amendment shall submit a Comprehensive Plan amendment application on the form provided by the TMAPC staff. The TMAPC staff shall review and present the application to the TMAPC within thirty (30) days of receipt of the application, and the TMAPC shall determine whether to initiate the requested amendment. Should the TMAPC initiate the requested amendment, the TMAPC staff shall, in coordination with City of Tulsa Planning staff, prepare a timeline for TMAPC staff review and recommendation regarding the proposal and shall submit the timeline to the TMAPC at its next scheduled meeting.

4.4 Relationship of various initiatives to the Comprehensive Plan. It is the purpose and intent that the Comprehensive Plan be a guide for many initiatives, however, few necessitate being adopted as a comprehensive plan amendment. The table below provides guidance on how various initiatives should be reviewed and/or included in the Comprehensive Plan.

Items	Adopt as an Amendment	Issue Conformance statement
Small area plans, & neighborhood plans & sector plans		
Plan and Land Use Map	X	X
Goals, objectives, policies, recommendations	X	X
Major Street and Highway Plan	X	X
GO Plan	X	X
Other types of plans, studies & initiatives		X
Capital Improvement Plans		X
Sector Plans (former Urban Renewal Plans)		X
Tax Increment Financing (TIF)		X
Project Plans		X

4.5 — Amendments to Other Types of Plans, Studies and Initiatives. Other types of plans, studies and initiatives may necessitate a Comprehensive Plan conformance review, both at the time of their origin, as well as for future amendments. If a plan, study or initiative has been issued a statement of conformance with the Comprehensive Plan and/or adopted by the Commission, TMAPC staff will administratively review proposed amendments and review against applicable plan policies. TMAPC staff will issue an updated statement providing specific justification to support the proposed amendments if they are in fact in conformance with the Comprehensive Plan. If TMAPC staff finds proposed changes to be inconsistent with the Comprehensive Plan, a TMAPC staff report and draft statement of conformance will be developed and provided to the Commission for action.

4.65 Comprehensive Plan and amendment notification process. OKLA. STAT. tit. 19, §863.26 requires that notice is provided for all Comprehensive Plan public hearings by one publication in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing. The Commission has established additional notification procedures to inform nearby property owners of public hearings to consider adoption of Comprehensive Plans or amendments.

Comprehensive Plan or amendment	Newspaper notice	300' radius mailing	Sign posted on the property
Comprehensive Plan or amendment with citywide implications	X		
Not concurrent with a zoning case	X	X	
Concurrent with a zoning case	X	X	X*

*Signs only posted when required by concurrent zoning application

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**ARTICLE 5
CODE OF ETHICS**

5.1 Definitions.

(a) "Private benefit" means a direct or indirect benefit not shared by the general public that could be reasonably expected to impair a Commissioner's objectivity or independent judgment.

(b) "Organizational interest" exists when a Commissioner is an officer, director or board member of a company, business, or organization that takes an official position before the Commission.

(c) "Ex parte communication" means a private communication with a Commissioner from a party with an interest, financial or otherwise, in a particular matter before the Commission.

5.2 Conflict of Interest.

(a) A conflict of interest exists whenever a Commissioner:

(1) may receive a private benefit; or

(2) has an organizational interest regarding a matter before the Commission;

or

(3) has any economic interest, directly or indirectly, in a matter before the Commission or in action to be taken by the Commission.

The possibility, not the actuality, of a conflict of interest governs. *The question is, "Would a reasonable person believe me to be unbiased and impartial?"*

(b) A Commissioner experiencing a conflict of interest shall declare such Commissioner's interest publicly, abstain from voting on the matter, and shall refrain from any deliberations on the matter. When possible, the Commissioner should leave the public hearing room.

(c) A Commissioner experiencing a conflict of interest shall not discuss the matter in any venue with any fellow Commissioner, TMAPC staff or other officials involved in decision making on the matter for the purpose of influencing a decision thereon.

5.3 Ex Parte Communication.

(a) Although not forbidden, ex parte communication has the potential to influence a Commissioner's decision on matters before the Commission. The Commissioner who receives ex parte communication must disclose such ex parte communication prior to or at the commencement of public discussion of the subject matter.

(b) The Commissioner shall also evaluate whether, as a result of this communication, such Commissioner can remain unbiased and impartial and should either abstain or participate accordingly. As with a potential conflict of interest, the appearance, not the actuality, of bias should govern.

5.4 Release of Information.

(a) No Commissioner or TMAPC staff member shall use or transmit to others for private benefit any information derived from Commission activities unless and until such information is made available to the public at large.

(b) No Commissioner or any person appearing before the Commission shall knowingly misrepresent facts or distort or omit information for the purpose of achieving a desired outcome.

5.5 Appearance of Commissioners at City Council.

(a) Only a Commissioner designated by the Chair shall be the official spokesperson for the Commission. The official spokesperson for the Commission shall, to the best of his or her ability, present an unbiased record of the proceedings and the decision of the Commission. The official spokesperson shall not present new facts or arguments that were not made available at the hearing before the Commission.

(b) Nothing herein would deprive a Commissioner of the right to speak at a public hearing in the Commissioner's individual capacity subject to the following. If a Commissioner chooses to speak at a public hearing, and he or she has not been designated as the spokesperson by the Chair, that Commissioner must state that:

(1) Though they are a Commissioner, they are before the City Council as an individual, and not on behalf of the Commission; and

(2) They have no authority to make representations regarding the Commission's public meetings, thought processes, or decision-making.

If a Commissioner other than the one designated by the Chair intends to speak at a public hearing on a matter upon which the Commission has previously voted, he or she must notify all members of the Commission of that intention at least twenty (24) hours prior to the public hearing.

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Date Adopted: _____, 2020

Chairman

ATTEST:

Secretary

[Signature Page to Policies and Procedures of TMAPC]