

**ORDINANCE NO. 643**

**AN ORDINANCE AMENDING SECTION 31 OF THE WILLAMINA MUNICIPAL CODE**

**WHEREAS**, the City of Willamina has adopted Code of Ordinances (hereinafter called "Code"); and

**WHEREAS**, the City Council wishes to amend Title III, Section 31 of said Code as set forth in the attached Exhibit A;

**NOW THEREFORE THE CITY OF WILLAMINA ORDAINS AS FOLLOWS:**

**Section 1.** Section 31.15 through 31.22 of the Code is hereby replaced in its entirety by the attached Exhibit A Sections 31.10 through 31.500.

First Reading: 03/08/12

Second Reading: 04/12/12

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF THE CITY OF WILLAMINA** this 12<sup>th</sup> day of April, 2012, by the following vote and effective on the 30<sup>th</sup> day following adoption.

YEAS	<u>ADAMS, BALLER, BRAMALL, LONG, SKYBERG, TONEY</u>
NAYS	<u>None</u>
ABSTAIN	<u>None</u>
ABSENT	<u>None</u>



Vernon Mosser  
Vernon Mosser, Mayor

ATTEST:

Sue C Hollis  
Sue C Hollis, City Recorder

*Attachment – Exhibit A*

*F/ORDINANCES/ORDINANCE.643.ADOPTED*

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#### **31.10**      **Re-establishment**

There is hereby established a city Planning Commission (hereafter called “Commission”) which is an advisory committee to the City Council.

#### **31.20**      **Membership**

- (1) The Commission shall consist of seven (7) members who are not elected officials, members of the City Budget Committee, or employees of the City. At the discretion of the City Council, appointees to the Commission may reside outside the City Limits. Appointees residing outside the City Limits must own a business or property within the City Limits, or have demonstrated through other means, such as civic or volunteer activity, that they have a sincere interest in the future of the City of Willamina. At no time shall a quorum of the Commission reside outside the City Limits. The City Manager, or his/her designee, or if no City Manager exists, the City Recorder and other City staff members designated by him/her, including but not limited to the City Planner, Planning Secretary, City Engineer and City Attorney, shall be entitled to sit with the Commission and take part in its discussions, but shall not have the right to vote. Commission members who serve on the Budget Committee at the time of adoption of this amendment to the Municipal Code will be permitted to retain their membership until their term expires.
- 2) No more than two (2) voting members of the Commission may engage principally in buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of occupation, business, trade or profession.
- (3) No voting member shall be related to another voting member of the Commission nor to a member of the City Council closer than the third degree of either blood relationship or through affinity.

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- (4) Members serve at the will of Council. Members may also be removed by the City Council, after hearing, for misconduct or nonperformance of duty. A member who is absent from three (3) consecutive meetings without an excuse approved by the Commission is presumed to be in nonperformance of duty and the City Council shall declare the position vacant unless finding otherwise following the hearing. Upon failure of a member to attend three (3) meetings in a 12-month period, the Commission may recommend termination of that appointment to the City Council and the Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.
- (5) In the event that any member of the Commission changes residence after appointment so that s/he no longer resides within the City, his/her membership on the Commission shall be reviewed by the City Council as to whether termination of their appointment is necessary.

**31.30 Term of Office**

Commission members shall be appointed by the City Council for terms of up to three (3) years, said terms to end on December 31 of the year of expiration. Terms of Planning Commissioners shall be staggered in order to establish an approximately equal number of expiring terms each year. Commissioners may be considered for reappointment at the discretion of City Council. Appointees to fill a vacancy on the Commission shall serve for the remainder of the unexpired term.

**31.40 Method to Fill Vacancies**

The City Council shall determine the method to be used for recruiting and filling vacancies on the Commission.

**31.50 Presiding Members**

The Commission shall elect its own Chairperson and Vice-Chairperson from its members at its first meeting in January of each year. In the event of vacancy or removal in the Chairperson or Vice-Chairperson's position, the Commission shall fill the same by election at its next regular meeting.

**31.60**      **Duties and Powers of Presiding Members**

(1)      Chairperson:

- a.      Preside at all meetings of the Commission.
- b.      Sign all documents of the Commission.
- c.      Review Planning Commission agendas with staff.
- d.      Encourage active discussion of all items brought before the Commission.
- e.      In conjunction with staff, orient new members to the Planning Commission.
- f.      Report to the Council on the activities of the Planning Commission at least once a year.
- g.      See that all actions of the Commission are properly taken.

(2)      Vice-Chairperson:

During the absence, disability, or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

**31.70**      **Meetings**

- (1)      One regular monthly meeting will be held on the first Tuesday of each month at 7:00 PM in the Council Chambers at City Hall. If no agenda items are scheduled before the Commission, the regularly scheduled meeting will be cancelled. If the first Tuesday is a legal holiday, the meeting will be held on the 1<sup>st</sup> Wednesday at the same time and place. The date and time of the regularly scheduled monthly meeting may be changed upon request of the Chairperson or by a majority of the voting members of the Commission. Meetings of the Commission shall be open to the public and are subject to the requirements of Oregon's Public Meeting Laws. Commission meetings are only allowed to be held in Executive Session pursuant to Oregon Public Meetings Law.

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- (2) Four (4) voting members of the Commission shall constitute a quorum for the transaction of business. The Chairperson has full voting rights as a member of the Commission. A lesser number may adjourn the meeting to a later date.
- (3) Robert's Rules of Order are hereby adopted for the government of the Commission in all cases not otherwise provided for in these rules or the Land Use and Development Code.
- (4) Deadline for filing for placement on the agenda for applications shall be in accordance with the requirements of the Land Use and Development Code and other City Ordinances. Every effort shall be made to have written agendas available seven (7) calendar days prior to the meeting.
- (5) When dealing with legislative matters, at its discretion Commission may review and reconsider any issue at any time that material facts surface that were not previously made available.
- (6) Each member of the Commission who has knowledge of the fact that he or she will not be able to attend a scheduled meeting of the Commission shall notify the Planning Secretary at the earliest possible opportunity and, in any event, prior to 4:00 PM on the date of the meeting. The Planning Secretary shall notify the Chairperson of the Commission in the event that the projected absences will produce a lack of a quorum.
- (7) In the event that the Commission does not contain enough members to constitute a quorum, any agenda action item may be referred to the City Council for action, including final disposition as the Council deems appropriate, at the first Council meeting after notice and time requirements have been met. The Commission may also reschedule the action item for a future date and time certain provided that the timeline for a decision on a land use action can still be met. The City Planner will determine whether the timeline can be met in this latter case.

**31.80      Compensation**

Members of the Commission shall receive no compensation other than reimbursement of expenses authorized by the City Council.

**31.90      Expenditures**

The Commission shall have no authority to make expenditures on behalf of the City or to obligate the City for payment of any sums of money except as specifically provided by prior written authorization by the Council authorizing such expenditures by appropriate resolution, which resolution shall provide the administrative method by which such funds shall be drawn and expended. If the Commission requests staff or City Planner assistance for a project, such as a grant application or special study, the City Recorder will determine if the request must be approved by the City Council.

**31.100    Staff Services**

The Planning Secretary, or his/her designee, shall keep a record of Commission proceedings, prepare and disseminate agendas, and post meeting notifications.

**31.200    Training**

To the extent that City funds permit, or that land use or other specialists may be willing to provide without charge, training for the Commission or individual members thereof may be made available at the discretion of the City Council.

**31.300**      **Ethics**

Commission members shall abide by all applicable ethical standards and practices, including but not limited to, those required by Oregon Revised Statutes Chapter 244 (Government Ethics).

**31.400**      **Conflict of Interest**

A member of the Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: The member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served within the previous two (2) years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.

**31.500**      **Powers and Duties of the Commission**

The Commission has the power and authority to make recommendations and suggestions to the Council and other public officials and individuals concerning, but not necessarily limited to, the following, as well as to make certain other decisions as outlined in the Development Code. Such recommendations and suggestions shall be in writing.

- (1) Laying out, widening, extending and locating of public thoroughfares, parking of vehicles, relief of traffic congestion;
- (2) Betterment of housing and sanitation conditions;
- (3) Establishment of districts for limiting the use, height, area, bulk and other characteristics of buildings and structures related to land development;

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- (4) Review of the Comprehensive Plan as directed by City Council, or at the time of Periodic Review as scheduled by the state, and recommend amendments to the Plan to the City Council;
- (5) Determine appeals of Type I development permits and land use actions and accept and determine Type II land use actions pursuant to the Land Use and Development Code;
- (6) Upon holding a public hearing, make a recommendation to the City Council regarding Type III and IV land use actions, including amendments to the Comprehensive Plan, Development Code, and zone changes;
- (7) Review public programs that are referred to it for recommendation, such as property acquisition or disposition, public building or other public facility proposals and transportation or right-of-way plans. Report as to the program's conformity with the Comprehensive Plan and Land Use and Development Code;
- (8) Prepare and periodically review land development regulations at the request of City Council, including but not limited to zoning, subdivision, and land partitioning and make recommendations to the City Council; and
- (9) Formulate and recommend various programs, policies, and ordinances intended to implement the Comprehensive Plan at the request of the City Council;
- (10) Perform other duties related to some aspect of community planning and development at the request of the City Council