

ORDINANCE NO. 577

AN ORDINANCE ESTABLISHING A NEW CITY PLANNING COMMISSION IN COMPLIANCE WITH THE PROVISIONS OF CHAPTER 227, OREGON REVISED STATUTES, AS AMENDED BY CHAPTER 739 OF THE 1973 REGULAR SESSION OF THE OREGON LEGISLATIVE ASSEMBLY; PRESCRIBING THE POWERS AND DUTIES OF THE NEW CITY PLANNING COMMISSION; AND REPEALING ORDINANCE NO. 383.

WHEREAS, the Canby City Council enacted a City Planning Commission Ordinance No. 383 on July 6, 1954, which has never been amended and is now obsolete and contra in certain respects to the newly amended provisions of Oregon Revised Statutes Chapter 227 which pertain to "CITY PLANNING AND ZONING," and those amendments and modifications justify a new Ordinance for the City's Planning Commission. Therefore:

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: REPEAL OF ORDINANCE NO. 383. Ordinance No. 383 enacted July 6, 1954, is hereby repealed, and the terms of office of all of the present Planning Commission Members appointed under that Ordinance shall end on the effective date of this Ordinance.

Section 2: REESTABLISHMENT AND MEMBERSHIP. A new City Planning Commission for the City of Canby is hereby reestablished and shall consist of seven (7) members.

Section 3: APPOINTMENT AND REMOVAL. Members of the City Planning Commission shall be appointed by the City Council and may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in the office.

Section 4: NON-VOTING PARTICIPANTS. The Mayor 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.

Section 5: TERM OF OFFICE. All members of the Planning Commission shall be appointed within ten (10) days after the effective date of this Ordinance for the following terms of office, and their successors shall be appointed for like periods:

One (1) for one year
Two (2) for two years
Two (2) for three years
Two (2) for four years

Section 6: LIMITATIONS ON BUSINESS ENGAGEMENTS. Not more than two (2) members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership or officers or employees of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than two (2) members shall be engaged in the same kind of business, trade or profession.

Section 7: ELECTION OF CHAIRMAN AND APPOINTMENT OF SECRETARY. The Planning Commission, when appointed, and annually thereafter, shall elect a Chairman and Vice Chairman who shall be voting members and the Planning Commission shall appoint and fix the compensation of a Secretary who need not be a member of the Commission.

Section 8: COMPENSATION. Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses.

Section 9: EMPLOYMENT OF ASSISTANTS. The Planning Commission shall have power and authority to employ consulting advice on municipal problems, and such clerks as may be necessary, and to pay for their services and for such other expenses as may lawfully be

incurred, but all compensation and expenses authorized by this Ordinance shall be paid out of such funds which are first budgeted by the City Council and placed at the disposal of the Planning Commission for such purposes.

Section 10: MEETING PLACE. The City Council shall assign to the Commission an office or headquarters in which to hold its meetings, transact its business and keep its records.

Section 11: MEETINGS AND QUORUM. The Commission shall meet at least once a month and may make and alter rules and regulations for its government and procedure consistent with the laws of this State and with the City Charter and Ordinances. A majority of the members of the Commission constitutes a quorum.

Section 12: DUTIES. Except as otherwise provided by law, it shall be the duty of the Commission and it shall have power to:

(1) Recommend and make suggestions to the City Council and to all other public authorities concerning laying out, widening, extending, and locating of streets, parking, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishing of zones of districts limiting the use, height, area and bulk of buildings and structures.

(2) Recommend to the City Council and all other public authorities plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of

the City in order to secure to the City and its inhabitants sanitation, proper service of all public utilities, and transportation facilities.

(3) Do and perform all other acts and things necessary or proper to carry out the provisions of this Ordinance and of Oregon Revised Statutes 227.150, and all amendments thereto.

(4) Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare of the City and of the area six miles adjacent thereto.

Section 13: SUBDIVISION PLATS. All subdivision plats and replats located within the City limits and all plans or plats for vacating or laying out, widening, extending, and locating streets and parking or plans for public buildings and public parks shall first be submitted to the Commission by the Superintendent of Public Works, and a report thereon from the Commission secured in writing before approval is given by the proper municipal official.

Section 14: SUBDIVISION PLATS WITHIN SIX MILES OF CITY LIMITS. All subdivision plats, replats and all plats or deeds dedicating land to public use in that portion of Clackamas County within six (6) miles outside the limits of the City of Canby shall be first submitted to the City Planning Commission, and approved by the Commission before they shall be recorded.

Section 15: COPIES OF OTHER DOCUMENTS TO BE SUBMITTED TO PLANNING COMMISSION. Copies of all Petitions or Applications and copies of all proposed Ordinances relating to zones and zoning, subdivisions and land partitioning, building regulations, and building codes, public improvements, public parks and recreation facilities, sales or acquisitions of City property, streets and alleys and boundary changes shall first be submitted to the Planning Commission before they are presented to the City Council and said Commission shall make its recommendations thereon in writing to the Council. If required by the Council or other Ordinances of the City, the Planning Commission shall first hold a public hearing on such matters and at such time and place as may be directed by the Council. Before taking final action on any such matters, the City Council shall carefully consider the reports of the Planning Commission.

Section 16: INVESTIGATIONS AND RECOMMENDATIONS. The City Planning Commission may make investigations and recommendations to any person, partnership, firm corporation or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered, but such recommendations shall not have the force or effect of a law or Ordinance except when so prescribed by the laws of the State of Oregon or Ordinances

of the City of Canby. Any person, partnership, firm, corporation or public authority having charge of the construction, placing or designing of buildings or other structures and improvements in the City may call upon the Planning Commission for a report thereon.

Section 17: POWERS. The City Planning Commission shall have all the powers which are now or may hereafter be given to it under the General Laws of the State of Oregon; and it may receive gifts, bequests or devises of property to carry out any of the purposes of this act, and shall have control and disposition over the same, unless this Ordinance or this provision of this Ordinance should be repealed, in which case such control shall be vested in the City Council.

Section 18: RECOMMENDATIONS TO BE IN WRITING. All recommendations made to the City Council by the Planning Commission shall be in writing.

Section 19: CONFLICTS OF INTEREST. A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:

- a. The member or his spouse,
- b. A brother, sister, child, parent, father-in-law or mother-in-law.
- c. Any employee, partner or business associate with whom he has been engaged in business 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.

Section 20: HEARINGS OFFICER. The City Council may appoint or designate one or more qualified persons as Planning and Zoning Hearings Officer, to serve at the pleasure of the City Council. The Hearings Officer shall have the power to conduct hearings on Applications for Permits or of contested cases under rules and regulation adopted by the Council. If the Council appoints or designates a person or persons as Planning and Zoning Hearings Officer, the Council shall by Resolution adopt a procedure for the conduct of hearings, and the procedure shall be applicable to all requests for Permits and to the determination of contested cases. As used in this Section, unless the context requires otherwise:

- (1) "Contested case" means a proceeding in which the legal rights, duties or privileges of specific parties under general rules or policies provided by the Council, or any Ordinance, rule or regulation adopted pursuant thereto, are required to be determined only after a hearing at which specific parties are entitled to appear and be heard.
- (2) "Hearing" means a quasi-judicial hearing authorized or required by the Ordinances and regulations of the City.
- (3) "Hearings Officer" means a Planning and Zoning Hearings Officer appointed or designated by the City Council under the provisions of this Section of this Ordinance.
- (4) "Permit" means authority or approval of a proposed use of land for which approval is a matter of discretion and is required pursuant to any Ordinance, rule or regulation of the City, and the term includes but is not limited to conditional use, special exceptions, variance, special design zone and other similar Permits.

Section 21: EXPENDITURES. The City Planning Commission shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money, except as herein provided, and then only after the City Council has first authorized such expenditures for said purpose by adoption of a budget including a line item for such expenditures, and place the same at the disposal of the Planning Commission, or has otherwise adopted a Resolution to provide the administrative method by which the said funds shall be drawn and expended.

Passed on first reading of the Canby City Council at a *regular* meeting thereof on the *3rd* day of *September*, 1974; ordered posted in three (3) public and conspicuous places in the City of Canby as provided by the Canby City Charter, and to come up for final reading and action of the Canby City Council at a *regular* meeting thereof to be held on Monday, *October 7*, 1974, at the hour of 8:00 o'clock p.m. at the Canby City Hall.

ATTEST:


PAUL N. ROTH, Mayor


J. R. RICHARDSON, City Recorder

Passed on final reading of the Canby City Council this *7th* day of *October*, 1974, by the following vote: Yeas 4, Nays 0.

ATTEST:


PAUL N. ROTH, Mayor


J. R. RICHARDSON, City Recorder