

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 643

AN ORDINANCE AMENDING ORDINANCE NO. 611 OF THE CITY OF SHERWOOD WITH RESPECT TO APPOINTMENT, REQUIREMENTS AND PROCEDURES OF THE CITY PLANNING COMMISSION PURSUANT TO THE REQUIREMENTS OF CHAPTER 739, OREGON LAWS 1973, AND DECLARING AN EMERGENCY

WHEREAS, the City of Sherwood has heretofore exercised the functions and duties prescribed by Chapter 227, Oregon Revised Statutes, through a City Planning Commission and its City Council under its general authority, and

WHEREAS, there was enacted during the 1973 legislative session Chapter 739, Oregon Laws 1973, which amended certain sections of Chapter 227, Oregon Revised Statutes, prescribing powers and duties of planning commissions and creating new provisions, and

WHEREAS, the City deems it in the public interest to amend its ordinances to conform to the changes in procedure contemplated by Chapter 739, Oregon Laws 1973,

NOW, THEREFORE,

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: Section 2 of Ordinance No. 611 be, and the same is hereby amended to read as follows:

"Section 2: Appointment-Membership:

"(a) The City Planning Commission of Sherwood, Oregon, shall consist of nine members to be appointed by the Council. Commission members shall receive no compensation for their services as such members, but shall be reimbursed for duly authorized expenses.

"(b) Not more than two (2) members of the Commission may be City officers who shall serve as ex officio non-voting members. A member may be removed by the City Council, after hearing, for misconduct or non-performance of duty. Any vacancy shall be filled by the City Council for the unexpired term of the predecessor in office.

"(c) No more than two voting 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 employes of any corporation, that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession."

Section 2: Section 3 of Ordinance No. 611 be, and the same is hereby, amended to read as follows:

"Section 3. Officers, Minutes, Quorum and Voting:

"(a) The City Planning Commission of Sherwood, Oregon, shall at its first meeting in each odd-numbered calendar year elect a president and vice-president who shall be voting members and who shall hold office during the pleasure of the Commission, and the Commission shall elect a secretary who need not be a member of the Commission and the secretary shall keep accurate records of all Commission proceedings, and the Commission shall on the 1st day of October each year make and file a report of all of its transactions with the City Council.

"At the first meeting of the Commission, the voting members shall choose their term of office by lot, as follows:

- 1 for a term of 1 year
- 2 for a term of 2 years
- 2 for a term of 3 years
- 2 for a term of 4 years

"Immediately thereafter the members shall notify the Council in writing of such allotments. Each of their successors shall hold office for four (4) years.

"(b) A majority of members of the Commission shall constitute a quorum. A majority vote of those voting members, not less than a quorum, present at an open meeting of the Commission shall be necessary to legally act on any matter before the Commission. The Commission may make and alter rules and regulations for its government and prescribed procedures consistent with the laws of the State of Oregon, the City Charter and the City's ordinances. The Commission shall meet at least once a month.

"(c) The City Council does hereby assign to the Commission the use of the City Hall of the City of Sherwood in which to hold the Commission's meetings, transact its business and keep its records.

"(d) 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: 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 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.

"(e) A member of the Planning Commission shall disclose

to the Commission prior to any hearing on a petition for a permit, or with respect to any contested case any pre-hearing or ex parte contacts with the applicant, officers, agents and employees or any of the parties to a contested case concerning the permit sought or the question at issue. A member of the Commission shall disqualify himself or be disqualified by the remaining members of the Commission present at a hearing when it appears that the impartiality or objectivity of any member has been compromised by pre-hearing or ex parte contact."

Section 3: Section 4 of Ordinance No. 611 is hereby amended to read as follows:

"Section 4. Powers and Duties:

"(a) Except as otherwise provided by law, the Commission shall be vested with all powers and duties and procedures as set forth in Chapter 227, Oregon Revised Statutes, and particularly those set forth in §227.090 thereof.

"(b) The Commission may employ consulting advice on municipal problems, a secretary and such clerks as may be necessary and pay for their services and for such other expenses as the Commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the Commission, out of funds that may be authorized for such purposes by the City Council."

Section 4: Section 5 of Ordinance No. 611 is hereby amended to read as follows:

"Section 5. Conduct of Hearings:

All hearings conducted by the Planning Commission regarding contested cases, or regarding issuance of a permit, the granting of approval of a proposed use for land for which approval is a matter of discretion and is required pursuant to ORS 227.239, or any ordinance, rule or regulation adopted pursuant thereto including conditional uses, special exceptions, variances, special design zone or other similar permits, including, but not limited to conditional use, shall be construed in accordance with the procedure of conduct of hearings which has been or which shall be adopted by the City Council of the City of Sherwood."

Section 5: Inasmuch as Chapter 739 Oregon Laws 1973, became effective on October 5, 1973, and it is necessary for the peace, health and safety of the people of the City of Sherwood that Ordinance No. 611 be brought into conformity therewith with the least possible delay, an emergency is declared to exist and this ordinance

shall become effective by its passage by the Council
and approval by the Mayor.

PASSED: By ~~unanimous~~ vote of all Council members present, after
being read three times by number and title only, this
23rd day of January, 1974.

Marysie Stewart
Recorder - City of Sherwood

APPROVED: By the Mayor, this 23rd day of January, 1974.

Jack O. Harper
Mayor - City of Sherwood