

ORDINANCE 2019-01

AN ORDINANCE ESTABLISHING A PLANNING COMMISSION FOR THE CITY OF WHEELER, ESTABLISHING RULES, AND REPELAING ALL PREVIOUS PLANNING COMMISSION ORDINANCES & HEARING PROCEDURES.

THE CITY OF WHEELER ORDAINS AS FOLLOWS:

Section 1. Repeal.

City of Wheeler Ordinance #76-01 and Ordinance 97-05 shall each be repealed in their entirety. Further, all prior Ordinances and Resolutions, including Resolution 95-03, pertaining to the Planning Commission, which are in conflict with the provisions herein, are repealed in their entirety.

Section 2. Policy.

The City intends this Ordinance to establish and set duties of a Planning Commission to assist the Council in planning for the orderly growth and development of the City and to further legislative policies of the State as shown in ORS Chapter 227.

Section 3. Membership.

The Planning Commission shall consist of not less than five (5) or more than nine (9) members, excluding the non-voting members. Membership shall be limited to residents of the City, residents of the Urban Growth Area, and non-residents who own property or a business that operates within the City or its Urban Growth Area. No more than two (2) members of the Planning Commission may reside outside the City limits of Wheeler. No more than two (2) members of the Planning Commission may be City officers, who shall serve as ex-officio nonvoting members. No more than two (2) voting members may engage principally in the buying, selling, or developing of real estate for profit as individuals or be members or officers of any business entity that engages principally in the buying, selling or developing of real estate or profit. No more than two (2) members shall be engaged in the same kind of occupation, business, trade or profession. A majority of members of the Commission, including the Chair, constitutes a quorum. The Commission may make and alter rules and regulations for its government and procedures consistent with laws of the State of Oregon and with the City Charter and Ordinances.

Section 4. Term.

The term length of each Planning Commission position shall be four years. The Planning Commission Chair shall appropriately stagger the term ending dates of the current Planning Commissioners, and a Commissioner whose term has expired may apply for the same position on the Commission.

Section 5. Officers.

The Planning Commission shall elect officers at its first meeting held in each calendar year. There shall be a Chair, a Vice-Chair and a Secretary. Each shall hold office for one year or until a successor is elected. Officer terms can have an extension beyond four years, with the approval of the City Council. The Planning Commission is encouraged to ensure that each member can perform the position of Chair and Vice-Chair and to rotate these leadership positions every four years.

Section 6. Vacancies.

The office of a member of the City Planning Commission becomes vacant immediately, upon any of the following events occurring: death, adjudicated incompetence, and recall from office or written resignation.

Upon a majority vote of the City Planning Commission, a vacancy may be declared in the following cases: Absence of a member for two consecutive meetings without the consent of the members of the Planning Commission, or ceasing to meet the Planning Commission membership requirements in section 3 above, or ceasing to be a qualified elector under State law.

Any person wishing to be a member of the Planning Commission shall complete an application that will be reviewed by the City Council which will confirm or deny that application. The newly appointed member's term begins immediately upon the appointment and continues until the expiration of the term of the position being filled.

Section 7. Meetings.

The Planning Commission will normally meet once per month for the purpose of responding to a land use application or to undertake Section 9, Powers and Duties, outlined in this Ordinance. A proposed schedule of meetings will generally be approved by the Planning Commission at its first meeting held in each calendar year. Meeting dates are subject to change or cancellation consistent with public meeting laws. The City Council may request that the Planning Commission provide a report or recommendation about a specific topic or may request that the Planning Commission to table any topic, except for land use applications. To facilitate citizen involvement, a citizen can submit a topic in writing or in person for discussion that is consistent with the Section 9, Powers and Duties, in this Ordinance, provided however, that the Commission shall make a determination as to whether or not they will address that topic.

Section 8. Report to the Council

To facilitate an ongoing communication between the Planning Commission and City Council, the Planning Commission shall provide the agenda and minutes of each Planning Commission meeting to the City Council. The Planning Commission shall be responsible for keeping the City

Council advised of pending public hearings or other matters which will require decisions of the City Council.

Section 9. Powers and Duties. The powers and duties of the Planning Commission shall be as follows:

- A. Recommend and make suggestions to the Council concerning the laying out, widening, extending, and locating of public thoroughfares, parking of vehicles, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of districts for limiting the use, height, area, bulk and other characteristics of buildings and structures relating to land development.
- B. Recommend plans for regulating future growth, development and beautification of the City 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 public utilities, including appropriate public incentives for overall energy conservation.
- C. Do and perform all other acts and things necessary or proper to carry out provisions of ORS Chapter 227 and the requests of the City Council as they relate to the Planning and Zoning within the City jurisdiction.
- D. Conduct public hearings and make quasi-judicial land use decisions as may be properly before it.
- E. Study and propose such measures as are advisable for the promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and in the City's Urban Growth Boundary, and to this end work with and participate in discussions with the City Council, the State, regulatory agencies, with the City Councils and Planning Commissions and Councils of neighboring Cities and Counties.

Section 10. Review.

All subdivisions, partitions, street vacations and street improvement requests and all plans or plats for vacating or laying out, widening, extending or locating streets shall be submitted to the Planning Commission prior to submission to the City Council. The Planning Commission shall consider all proposals within timelines required by law. The Planning Commission shall submit to the City Council a recommendation for approval or denial supported by findings of fact that address the applicable criteria and any other recommendations deemed appropriate by the Planning Commission.

Section 11. Preparation of Ordinances or Amendments.

The Planning Commission may prepare, on its own motion or at the request of the City Council, such Ordinances or amendments to as may be considered necessary to promote the orderly growth and development of the City. All such Ordinances or amendments shall be considered by the Planning Commission at a public hearing before submission of such Ordinance for City Council consideration for approval.

Section 12. Budget and Expenditures.

A budget necessary to support the activities of the Planning Commission shall be provided by the City Council. The City Manager shall manage the contract with the City Planner and will determine the appropriateness of suggested expenditures.

Section 13. Oregon Statewide Planning Goal One: Citizen Involvement.

The City Council may schedule an annual meeting with the Planning Commission for the purpose to review the consistency of Planning Commission performance with Oregon Statewide Planning Goal One Citizen Involvement and the Wheeler Comprehensive Plan.

PASSED and ADOPTED by the City Council this ____ day of _____, 2019 and APPROVED by the Mayor this ____ day of _____, 2019.

CITY COUNCIL

WHEELER, OREGON

	Aye	Nay	Absent/Abstain
_____ Heidi Stacks, President	___	___	___/___
_____ Dave Bell, Councilor	___	___	___/___
_____ Jim King, Councilor	___	___	___/___
_____ Dawn Sea Kahrs, Councilor	___	___	___/___
_____ Jay Verburg, Councilor	___	___	___/___

ATTEST: Stevie S. Burden, Mayor

DATE:

Juliet Hyams, City Manager