

Ordinance No. 80-O-327 repealed by Ordinance 91-O-483, effective 9-18-1991

ORDINANCE NO. 80-O-327

AN ORDINANCE CREATING A CITY PLANNING COMMISSION, PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF; PRESCRIBING THAT AUTHORITY AND JURISDICTION OF SUCH COMMISSION; PROVIDING FOR THE EXPENDITURE OF FUNDS, INCLUDING NECESSARY DISBURSEMENTS INCURRED BY ITS MEMBERS; AND GRANTING POWERS TO SAID COMMISSION. [Adopted February 27, 1980]

Sections:

- Section 1. Creation of City Planning Commission.
- Section 2. Definition.
- Section 3. Qualifications of Members.
- Section 4. Terms of office.
- Section 5. Removal/vacancies.
- Section 6. Election of chairperson and vice-chairperson.
- Section 7. Staffing, expenses and compensation.
- Section 8. Quorum, rules, meetings.
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- Section 10. General duties and responsibilities of the commission.
- Section 11. Particular duties of the commission.
- Section 12. Submittal of all maps, plats and replats of land within the city limits to be submitted to the commission.
- Section 13. Submittal of all maps, plats and replats of land within the urban growth area and area of mutual interest to be submitted to the commission.
- Section 14. Renaming of streets or roads.
- Section 15. Ordinance and petitions pertaining to land use to be submitted to planning commission.
- Section 16. Recommendations to persons, copartnerships, corporations, or public authority.
- Section 17. Receiving of gifts, bequests, or devises of property.
- Section 18. Violations.
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The city of Brookings ordains as follows:

Section 1. Creation of City Planning Commission. There is hereby created a City Planning Commission for the city of Brookings which shall henceforth be known as the Brookings City Planning Commission.

Section 2. Definition. The term "Commission" as used in this ordinance shall mean and be the Brookings City Planning Commission.

Section 3. Qualifications of Members.

A. The commission shall consist of seven voting members to be appointed by the mayor with the approval of the city council. These members shall not be officials or employees of the city. In addition to the members appointed by the mayor, the city manager and the city engineer shall serve as ex-officio non-voting members of the commission.

B. No more than two of the voting members may engage 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 that engages principally in the buying, selling or developing of real estate for profit. No more than two of the members appointed by the city council shall be engaged in the same kind of business trade or profession.

Section 4. Terms of office. At the first meeting of the commission, which shall be not later than 30 days after all appointments to the commission have been made and accepted, the seven appointed members shall choose their term of office by lot, as follows:

- A. One for one year;
- B. Two for two years;
- C. Two for three years;
- D. Two for four years;

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and they shall immediately thereafter notify the mayor and the city council in writing of such allotment. Their successors shall hold office for four years. Any vacancy shall be filled by the mayor with the approval of the council for the unexpired portion of the term.

Section 5. Removal/vacancies. A member may be removed by the city council, after hearing, for misconduct or nonperformance of duty. A member who is absent from two consecutive meetings without the permission of the commission chairperson is rebuttably presumed to be in nonperformance of duty, and the city council shall declare the position vacant unless finding otherwise following the hearing.

Section 6. Election of chairperson and vice-chairperson. At its first meeting of each calendar year, the commission shall elect a chairperson and vice-chairperson to serve a one year term. The chairperson and vice-chairperson shall be eligible for re-election and shall be elected from among the voting members of the commission.

Section 7. Staffing, expenses and compensation.

A. The city manager shall provide the commission with a secretary who shall keep an accurate record of planning commission proceedings.

B. The city shall provide the commission with such other staff and consultation service as is deemed necessary by the commission and city council.

C. The expenses of the commission and those incurred by staff and consultants to the commission shall be met by such funds as are budgeted by the city council for such purposes.

D. Members of the commission shall receive no compensation but shall be reimbursed for duly authorized expenses.

Section 8. Quorum, rules, meetings.

A. Four members of the commission appointed by the mayor shall constitute a quorum.

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B. The commission may make and alter rules and regulations for its government and procedure consistent with the laws of the state of Oregon and with the charter and ordinances of the city of Brookings.

C. The commission shall meet at least once a month, at such time and place as may be fixed. All meetings of the commission shall be open to the public.

D. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records. Special meetings may be called at any time by the chairperson or by three members, by notice served upon each member of the commission at least 24 hours before the time specified for the proposed meeting. Notice of a previously unannounced meeting shall be provided to the news media at least 24 hours prior to the meeting.

Section 9. Conflict of interest and disclosure. 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 interest:

A. The member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law;

B. Any business in which he is then serving or has served within the previous two years;

C. Any business with which he is negotiating for or has as arrangement or understanding concerning prospective partnership or employment.

Any actual or potential interest shall be disclosed at the meeting or the commission where the action is being taken.

Section 10. General duties and responsibilities of the commission.

A. It shall be the duty of the commission and they shall have the responsibility to prepare, adopt and maintain a Comprehensive General Plan for the future growth and development of the city of Brookings.

The commission shall base its decisions relating to land use, public facilities, transportation, housing and related matters on the Brookings Comprehensive General Plan as now or hereafter constituted.

The commission shall conduct an overall review of the Brookings Comprehensive General Plan that may be proposed from time to time by the public, the commission, or the city council. Said amendments shall be based upon further studies or changed community priorities or conditions.

The commission shall formulate and recommend to the city council various programs, policies and ordinances intended to implement the Brookings Comprehensive General Plan.

B. The commission shall review any annual Capital Improvement Program for submittal to the city council.

C. The commission shall review and submit recommendations to the city council regarding the city boundary changes or any public program for the acquisition and development of public facilities and transportation.

D. The commission shall review and take final action on all proposed subdivisions and minor land partitions.

E. The commission shall conduct public hearings, prepare and maintain accurate minutes and records of these hearings, and perform such other duties relating to the city's land use control ordinance, including zoning and subdivision regulations, as may be prescribed by state law and city ordinance.

F. At the request of the city council, the planning commission shall perform such other duties relating to some aspect of community planning and development.

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G. The commission shall submit an annual report to the city council by the first day of October of each year, on the activities of the commission.

H. The commission shall forward copies of the minutes of its proceedings to the city council on a monthly basis.

I. The commission shall also have all the powers which are now, or may hereafter be given to it, under the general laws of the state of Oregon or the charter or ordinances of the city of Brookings.

Section 11. Particular duties of the commission. It shall be the particular duty of the commission and they shall have the power, except as otherwise provided by law, to recommend and make suggestions to the city council and to all other public authorities concerning the laying out, widening, extending, parking, and locating of streets, sidewalks, and boulevards, the relief of traffic congestion, the betterment of housing and sanitary conditions, and the establishment of zones of districts limiting the use, height, area, and bulk of buildings and structures; to recommend to the city council and all other public authorities plans for the 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 the future growth and development of the city in order to secure to the city and its inhabitants, sanitation, proper service of all public utilities, harbor, shipping, and transportation facilities; to recommend to the city council and all other public authorities plans for the promotion, development, and regulation of the industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits; to advertise the industrial advantages and opportunities of the municipality for industrial settlement, and to encourage industrial settlement within the municipality, and to make an economic survey of the present and potential possibilities of the municipality with a view to ascertain its industrial needs, and to study the needs of existing local industries with a view to strengthening and developing local industries and stabilizing employment conditions; to do and perform any and all other acts and things necessary or proper to carry out the provisions of this ordinance; and in general to study and to propose such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city of Brookings, and the Urban Growth Area and the Area of Mutual Interest.

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Section 12. Submittal of all maps, plats and replats of land within the city limits to be submitted to the commission. All maps, plats and replats of land laid out in building lots and streets, alleys, or other portions of the same intended to be dedicated for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city limits of the city of Brookings, and all plans for plats for vacating or lying out, widening, extending, parking, and locating streets or plans for public buildings shall first be submitted to the commission and a report thereon from the commission secured in writing before approval shall be given by the city council.

Section 13. Submittal of all maps, plats and replats of land within the urban growth area and area of mutual interest to be submitted to the commission. All plans, plats, or replats of lands laid out in lots or plats, including the streets, alleys, and other portions of the same intended to be dedicated to public or private use in that portion of a county of the state of Oregon within the urban growth area and area of mutual interest of the city of Brookings, shall first be submitted to the commission and approved by it before they shall be recorded. It shall be unlawful to receive or record such plan, plat, or replat or deed in any public office unless the same shall bear thereon the approval, by endorsement, of the commission.

Section 14. Renaming of streets or roads. Within the urban growth area and area of mutual interest outside the city limits of the city of Brookings it shall be the duty of the commission to recommend to the city council that renaming of any existing, street, highway or road, other than a county road or state highway if, in the judgment of said commission, such renaming is in the best interest of the city of Brookings urban growth area and area of mutual interest. Upon receiving such recommendation, the city council shall afford persons particularly interested, and the general

public, an opportunity to be heard at a time and place to be specified in a notice of hearing published in a newspaper of general circulation within the municipality and such urban growth area and area of mutual interest, not less than once within the week prior to the week within which said hearing is to be held. After such opportunity for said hearing has been afforded, the city council, by ordinance, shall rename the street or highway in accordance with the recommendation, or by resolution shall reject the recommendation.

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The recorder, or other authorized municipal official, shall cause a certified copy of each such ordinance to be filed for record with the county clerk or recorder of the county in which such urban growth area and area of mutual interest is located; and he shall file a like copy with the county assessor and county surveyor.

Section 15. Ordinance and petitions pertaining to land use to be submitted to planning commission. Copies of all proposed ordinances or petitions for the establishment or amendment, or alteration of the boundaries of any zone or district contemplated or referred to by this ordinance, and copies of all ordinances or petitions proposing regulation or limitation of the use, height, area, bulk and construction of buildings to be submitted to the city council shall, before the same are presented to the city council, be first submitted by the recorder to the commission for recommendation, and the recorder shall immediately so notify the city council, and said commission shall make the recommendation thereon in writing to the city council; provided, however, the commission shall first hold a public hearing at such time and place as may be directed by the city council and make a careful and appropriate investigation thereon; and before final action shall be taken by the city council, or any department or officer of the city of Brookings, on the location or design of any public building, bridge, statue, park, parkway, boulevard, playground, or public grounds, the same shall be submitted to the Commission for consideration and report; and provided further, that unless the city council definitely names a longer period for the return of a report specified herein, the approval of the commission to any matter so referred to it in accordance with the provisions of this ordinance shall be deemed to have been given at the end of 30 days after the receipt of the same in writing by its secretary unless the commission shall submit a report thereon prior to that time; and provided further that the city council may, in its discretion, and upon request of the commission, give an extension of time to the commission at any time; but such extension of time shall be in writing and signed by the mayor pursuant to a resolution duly adopted by the council.

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Section 16. Recommendations to persons, copartnerships, corporations, or public authority. The commission may make recommendations to any person, copartnership, corporation, or public authority with reference to the location of buildings, structures, or works to be erected, constructed, or altered by or for such person, copartnership, corporation, or public authority;

provided, however, such recommendation 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 by the ordinance of the city of Brookings. Any person, copartnership, or public authority having charge of the construction, placing or designing of buildings or other structures and improvements or objects of art within the corporate limits of the city of Brookings or the urban growth area and area of mutual interest, may call upon the commission for a report thereon.

Section 17. Receiving of gifts, bequests, or devises of property. The commission may receive gifts, bequests, or devises of property to carry out any of the purposes of this ordinance, which property shall be set over to the city of Brookings to be used by it in furtherance of the purposes of this ordinance, pursuant to the recommendation of the commission. It is further provided that the commission shall have the power and authority to recommend and make suggestions to the city council and other public authorities concerning the acceptance from the United States of America or any of its agencies, such funds as may be made available to municipalities for any of the purposes contemplated by this ordinance; and the city council shall have the power to accept from the United States of America or any of its agencies such funds as may be made available to such municipalities for any of the purposes contemplated by this ordinance, and to enter into such contracts and agreements with the United States, or any of its agencies as may be necessary, proper, and convenient, not contrary to laws of the state of Oregon.

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Section 18. Violations. It shall be unlawful for any person, being the owner or agent of the owner of any land located within any subdivision hereafter platted lying within the territorial jurisdiction of the commission, as the same has been prescribed herein, to transfer or sell, or agree to sell or negotiate to sell any land by reference to, or exhibition, or other sue of a plat of such subdivision, before such plat has been approved by such planning commission and recorded or filed in the office of the appropriate recorder of either the city of Brookings or the county which such jurisdiction extends.

Section 19. Penalties. Any person found guilty of a violation of this ordinance shall be punished by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment in the city jail for a period of not less than 25 days, nor more than 50 days, or by both such fine and imprisonment.

Section 20. Repeal. Ordinance No. 52-O-036, enacted February 10, 1953, is repealed.

Passed by the council and approved by the mayor February 27, 1980.