

ORDINANCE NO. 91-O-483

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; GRANTING POWERS TO SAID COMMISSION; AND REPEALING ORDINANCE NO. 80-0-327. [Effective December 18, 1991]

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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. At least five of the voting members shall be electors of the City of Brookings; two may be electors who reside within the City of Brookings adopted Urban Growth Boundary. These members shall not be officials or employees of the city. In addition to the members appointed by the mayor, the city planning director shall serve as ex-officio non-voting member 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;

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. All vacancies on the commission shall be filled by appointment by the mayor with the approval of the council, for the unexpired term.

Section 6. Election of chairperson and vice-chairperson. At its last 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. The newly elected officers will take their seat at the first meeting of the next calendar year. [As amended by Ordinance No. 98-O-483.a, effective February 11, 1998]

Section 7. Staffing, training, 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.

E. Training sessions for the continuing education of commission members shall be provided at least annually.

F. Prior to the first regularly scheduled meeting of the planning commission following the new member's appointment, said member shall be entitled to at least a one hour orientation meeting with the city's planning director.

G. New members of the commission shall receive, upon appointment, at a minimum:

1. The Comprehensive Plan
2. The Land Development Code
3. "Land Use Planning in Oregon" by Mitch Rohse
4. Ordinance No. 91-O-483
5. Ethics Guide for Public Officials
6. Resolution No. 91-R-501
7. Current zoning map
8. Current city budget
9. Urban Growth Boundary Management Agreement

Section 8. Quorum, rules, meetings.

A. Four voting members of the commission shall constitute a quorum.

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 special meeting shall be provided in accordance with State Public Meeting Law (ORS 192).

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 financial interest:

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

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

C. Any business with which the member 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, and such disclosure shall be entered into the minutes of the meeting.

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 annually any Capital Improvement Program.

C. The commission may 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's duties and responsibilities are further defined in the city's Land Development Code.

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

F. The commission shall submit a written annual report to the city council by the first day of January of each year, to be presented orally at the January council meeting.

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

H. The commission shall 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.

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:

- A. The laying out, widening, extending, location of streets, parking, sidewalks, and the relief of traffic congestion;
- B. Housing and sanitary conditions;
- C. The establishment of zones and districts;
- D. Limitations on the use, height, area, and bulk of buildings and structures;
- E. Plans for the regulation of the future growth, development, and beautification in respect to its public and private buildings, works, streets, grounds, and vacant lots;
- F. Plans consistent with the projected 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;
- G. Plans for the promotion, development, and regulation of the industrial and economic needs of the community in respect to private and public enterprises.

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 shall be submitted to the commission for its approval and all plans for plats for vacating or laying out, widening, extending, and locating streets, or plans for public buildings may be submitted to the commission.

Section 13. Renaming of streets or roads.

A. It shall be the duty of the commission to recommend to the city council the renaming of any existing street, highway or road if, in the judgment of said commission, such renaming is in the public interest.

B. Within the Urban Growth Area and Area of Mutual Interest outside the city limits of the City of Brookings the commission shall have the authority to recommend to the county planning commission the renaming of streets, highways or roads.

Section 14. Ordinance and petitions pertaining to land use to be submitted to planning commission. Copies of all proposed ordinances or petitions for the

establishment or alteration of the boundaries of any zone or district contemplated or referred to by this ordinance, and copies of all ordinances or petitions relating to the city's Land Development Code and the city's Comprehensive Plan, shall be first submitted by staff to the commission for recommendation, and staff 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 on said ordinances or petitions.

Section 15. 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.

Section 16. Repeal of Ordinance No. 80-O-327. Ordinance No. 80-O-327, is hereby repealed in its entirety.

Effective December 18, 1991