

ORDINANCE NO. 391

AN ORDINANCE REVISING RULES AND REGULATIONS OF THE PLANNING COMMISSION; REPEALING ORDINANCE NO. 239; AMENDING ARTICLE VI, SECTIONS 9.800 THROUGH 9.820 OF THE DEVELOPMENT ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, the City has experienced difficulty in obtaining planning members and Council directed staff to revise the number of members and update the Planning Commission ordinance.

The City of Drain ordains as follows:

Section 1. Establishment. The Planning Commission for the City of Drain, Oregon was established by Ordinance No 239 in 1977.

Section 2. Members.

- (1) The city planning commission shall consist of three members (3) appointed by the city council.
- (2) Eligible members shall have been residents of the City for at least one year, except that one member may reside outside the city limits and inside the city's Urban Growth Boundary. A member shall become ineligible if a change in eligibility occurs.
- (3) The terms of office shall be three years, of which terms shall be staggered in such a manner that at least one position shall be appointed in each year of three consecutive years. There shall be no limitation on reappointments.
- (4) No member shall be an employee or officer of the city, but the City Administrator and/or the Administrative Assistant shall be entitled to sit with commission, take part in its discussion, but shall not have the right to vote.
- (5) Upon expiration of a term of office, Council shall reappoint the member or publicly announce the vacancy and solicit applications. Selection shall be made by Council.
- (6) A member may be removed by the City Council, after a hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the city council for the un-expired term of the predecessor in office.
- (7) No more than one member shall be engaged principally in the buying, selling or developing of real estate for profit as an individual, or be a member of any partnership or officer or employee of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than one member shall be engaged in the same kind of business, trade or profession.
- (8) The Planning Commission may make and alter rules and regulations for its operations and procedures consistent with the laws of this State and with the City Charter and ordinances of the City of Drain, subject to review and approval by the City Council. Membership shall comply with State statute.

Section 3. Presiding Members.

- (1) At its first meeting of each year, the Commission shall elect a Chair who shall have voting member status. The term of office shall be one year, although the officers shall hold office at the discretion of the Commission. Officers are eligible for re-election.
- (2) In the absence of the Chair, an interim Chair shall be selected from the remaining two members.

Section 4. Compensation. Members of the Planning Commission shall receive no compensation but shall be reimbursed for authorized expenditures. The Commission shall keep an accurate record of all its expenses and submit a request for reimbursement to the City's Office Manager/Accounting Clerk.

Section 5. Quorum. A majority of the members of the Planning Commission shall constitute a quorum. If a quorum cannot be obtained because of a conflict of interest and/or if a quorum of two cannot be achieved by the next Planning Commission meeting, the issue will be forwarded to the City Council.

Section 6. Meetings. The Planning Commission shall schedule a meeting at least once a month dependant on a presentable agenda issue (no agenda/no meeting). Meetings at other than regularly scheduled times may be announced at a prior meeting and thereby made a part of the record. A special meeting may be called by the Chair or at the request of two Commission members for a time not to be earlier than twenty-four hours of notice is given. All meetings shall be open to the general public.

Section 7. Employment of Staff. The Planning Commission, upon approval of the City Council, shall have power and authority to employ consulting advice (ie: Umpqua Regional Council of Governments) on municipal problems. Staff reports shall be presented by the City Administrator and/or the Administrative Assistant or by a professional consultant. Staff shall document and maintain accurate records of the proceedings.

Section 8. Powers and Duties. The Commission shall have the powers and duties which are now or may hereafter be assigned to it by Charter, ordinances, or resolutions of the City and by general laws of the State. The Commission shall rule on all requests in regards to the authority implemented by the Development Ordinance, Development Standards, Public Improvement Code, and other zoning ordinances.

The Planning Commission shall function primarily as a comprehensive planning body by proposing policy and legislation to the City Council and by implementing regulations relating to the growth and development of the community. The function of the Planning Commission may include the following:

- (1) Study and review all elements of the Comprehensive Plan and make recommendations to the City Council in order to comply with State laws and to respond to changing circumstances.
- (2) Study and review the Development Ordinance, Development Standards, and Public Improvement Code or any other ordinances which implements the Comprehensive Plan and review these ordinances to assure compliance with the plan and State laws.
- (3) Review and recommend to City Council detailed plans which relate to public facilities and services, housing, economic development, transportation, recreation, energy conservation, and natural resources for the betterment of community growth and assist in the development of funding sources for public projects in these subject areas.

- (4) Cooperate with other planning groups and public, semi-public, civic, and private planning and development activities.
- (5) Make and file with the City Council minutes of all meetings of the Commission.

Section 9. Gifts, Bequests, etc. The Planning Commission may receive gifts, bequests or devises of property to carryout any of the purposes of this act, and shall have control and disposition over the same unless this ordinance shall be repealed, in which case such control shall be vested in the City Council.

Section 10. Sale of Lots in a Subdivision. It is unlawful for any person, being the owner or agent of the owner of any land located within any subdivision hereafter platted lying within territorial jurisdiction of the Planning Commission, to transfer or sell or agree to sell or negotiate to sell any such land by reference to or exhibition or other use of a plat of such subdivision before such plat has been approved by the Planning Commission and City Council and recorded or filed in the office of the County Clerk.

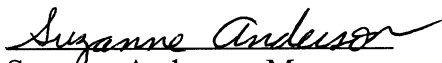
Section 11. Severability. The sections of this ordinance are severable. The invalidity of a section shall not effect the validity of the remaining sections.


Section 12. Abatement and Penalties. A violation of this ordinance shall be punishable in accordance with the Development Ordinance and/or resolution adopted by City Council.

Section 13. Repealed. Ordinance No 239, passed May 10, 1977 is hereby repealed.

Section 14. Emergency Clause. With ordinance No. 239 being repealed, in effect, a planning ordinance doesn't exist. Hence, the provisions contained herein affect the public welfare and safety, and therefore, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage by the City Council and approval by the Mayor.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DRAIN, DOUGLAS COUNTY,
OREGON, THIS 12th DAY OF MAY 2003.**


Suzanne Anderson, Mayor

ATTEST:

Carl A. Patenode, City Administrator