

ORDINANCE NO. 131

AN ORDINANCE ESTABLISHING A NEW CITY PLANNING COMMISSION IN COMPLIANCE WITH OREGON REVISED STATUTES; PRESCRIBING THE POWERS AND DUTIES OF THE NEW CITY PLANNING COMMISSION; AND REPEALING ORDINANCE NO. 5.

WHEREAS, the Wilsonville City Council enacted a City Planning Commission Ordinance No. 5 on April 7, 1969, which has never been amended and is now obsolete and contra in certain respects to the Oregon Revised Statutes Chapter 227 which pertain to "CITY PLANNING AND ZONING," and the required amendments and modifications justify a new Ordinance for the City's Planning Commission. Therefore:

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: REPEAL OF ORDINANCE NO. 5. Ordinance No. 5 enacted April 7, 1969, is hereby repealed.

Section 2: REESTABLISHMENT AND MEMBERSHIP. The City Planning Commission for the City of Wilsonville is hereby reestablished and the terms of office of all of the present Planning Commission Members appointed under Ordinance No. 5 shall end on the dates designated thereunder. The Planning Commission shall consist of seven (7) members who are not elected officials or employees of the City.

Section 3: APPOINTMENT AND REMOVAL. Members of the City Planning Commission shall be appointed by the City Council and may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in the office. The Planning Commission shall be given the opportunity to make recommendations to the City Council for the filling of any vacancy.

Section 4: NON-VOTING PARTICIPANTS. The Mayor, Planning Commission Advisors, and City Attorney shall be entitled to sit with the Commission and take part in its discussions, but shall not have the right to vote.

Section 5: TERM OF OFFICE. Subsequent to the effective date of this ordinance, all future members of the Planning Commission shall be residents of the City of Wilsonville and shall be appointed for a term of four years.

Section 6: LIMITATIONS ON BUSINESS ENGAGEMENTS. Not more than two (2) 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 employees of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than two (2) voting members shall be engaged in the same kind of business, trade or profession.

Section 7: ELECTION OF OFFICERS. The Planning Commission annually shall elect a Chairman, Vice Chairman and a Representative to the Design Review Board who shall be voting members. This election shall take place at the regular January meeting each year.

Section 8: COMPENSATION. Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses.

Section 9: EMPLOYMENT OF ASSISTANTS. The Planning Commission shall have power and authority to employ consulting advice on municipal problems, and such clerks as may be necessary and to pay for their services and for such other expenses as may be lawfully incurred, but all compensation and expenses authorized by this Ordinance shall be paid out of such funds which are first budgeted by the City Council and placed at the disposal of the Planning Commission for such purposes.

Section 10: MEETING PLACE. The City Council shall assign to the Commission an office or headquarters in which to hold its meetings, transact its business and keep its records.

Section 11: MEETINGS AND QUORUM. The Commission shall meet at least once a month and may make and alter rules and regulations for its government and procedure consistent with the laws of this State and with the City Charter and Ordinances. A majority of the members of the Commission constitutes a quorum. A majority of those present may take action on an issue.

Section 12: DUTIES. Except as otherwise provided by law, it shall be the duty of the Commission and it shall have power to:

(1) Recommend and make suggestions to the City Council and to all other public authorities concerning laying out, widening, extending, parking and locating of streets, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishing of zones of districts limiting the use, height, area and bulk of buildings and structures.

(2) Recommend to the City Council and all other public authorities plans for regulations 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 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.

(3) Do and perform all other acts and things necessary or proper to carry out the provisions of this Ordinance and of Oregon Revised Statutes 227.010 to 227.150, and all amendments thereto.

(4) Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare of the City and of the area six miles adjacent thereto.

Section 13: SUBDIVISION PLATS. All subdivision plats and replats of land located within the City limits and all plans for vacating or laying out, widening, extending and locating streets and parking areas or plans for public buildings and public parks shall be submitted by the Commission to the City Council with a written report. Unless the Council orders otherwise within 15 days of its receipt of such submission the Commission Chairman is authorized to sign the plat.

Section 14: COPIES OF OTHER DOCUMENTS TO BE SUBMITTED TO PLANNING COMMISSION. Copies of all Petitions or Applications and

copies of all proposed Ordinances relating to zones and zoning, subdivisions and land partitioning, public improvements, public parks and recreation facilities, sales or acquisition of City property, proposed vacations of streets and alleys and boundary changes shall first be submitted to the Planning Commission before the City Council acts on such matters and said Commission shall make its recommendations thereon in writing to the Council. If required by the Council or Ordinances of the City, the Planning Commission shall first hold a public hearing on such matters and at such time and place as may be directed by the Council. Before taking final action on any such matters, the City Council shall carefully consider the reports and recommendations of the Planning Commission.

Section 15: INVESTIGATIONS AND RECOMMENDATIONS. The City Planning Commission may make investigations and recommendations to any person, partnership, firm, corporation, or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered, but such recommendations 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 Ordinances of the City of Wilsonville. Any person, partnership, firm, corporation or public authority having charge of the construction, placing or designing of buildings or other structures and improvements in the City may request that the Planning Commission issue a report thereon.

Section 16: POWERS. The City Planning Commission shall have all the powers which are now or may hereafter be given to it under the General Laws of the State of Oregon.

Section 17: RECOMMENDATIONS TO BE IN WRITING. All recommendations made to the City Council by the Planning Commission shall be in writing.

Section 18: CONFLICTS OF INTEREST. A member of the Planning Commission shall disclose any actual or potential conflict of interest before participating in any Commission proceeding or action on a planning matter involving action on a particular parcel of real estate. A member of the Planning Commission shall not participate as a member of the Commission if he has an actual conflict of interest. A member of the Planning Commission may participate as a member of the public at large in cases where he has an actual conflict of interest.

An actual conflict of interest arises when any of the following persons have direct or substantial financial interest in the particular parcel of real estate or in property immediately adjacent to that real estate:

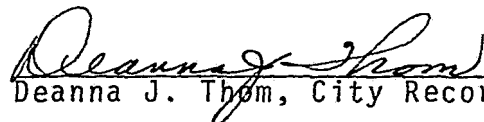
- a.) the member or his spouse
- b.) a brother, sister, child, parent, father-in-law or mother-in-law of the member.
- c.) any business associate of the member within the previous two years, a prospective partner, an employer or prospective employer.

If a member of the Planning Commission shows evidence of or declares a potential conflict of interest, members of the public or other members of the Commission may challenge his participation in Commission proceedings on the particular issue involved. Following such a challenge the member of the Planning Commission may either withdraw from participation or explain the invalidity of the challenge. In cases of potential conflict, the Commission member, himself, will decide on his final participation.

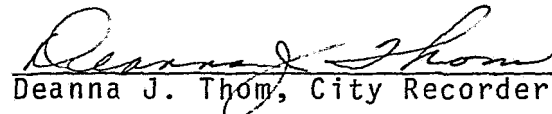
A potential conflict of interest arises when the member has an indirect financial interest in the particular parcel of real estate or in property immediately adjacent to that real estate or exhibits bias toward the real estate, its owners, or its tenants.

Section 19: EXPENDITURES. The City Planning Commission shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money, except as herein provided, and then only after the City Council has first authorized such expenditures for said purpose by adoption of a budget including a line item for such expenditures, and place the same at the disposal of the Planning Commission, or has otherwise adopted a Resolution to provide the administrative method by which the said funds shall be drawn and expended.

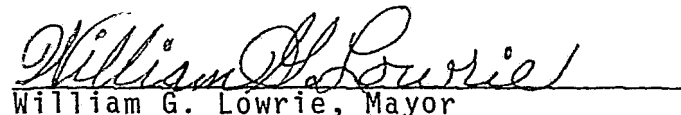
Submitted to the Wilsonville City Council and read the first time at a regular meeting thereon on the 4th day of September, 1979; and scheduled for second reading at a regular meeting of the Council to be held on the 17th day of September, 1979 commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.


Deanna J. Thom, City Recorder

ENACTED by the Wilsonville City Council on the 17th of September, 1979, by the following vote: Yeas 5. Nays 0.


Deanna J. Thom, City Recorder

Dated and signed by the Mayor this 21st day of September, 1979.


William G. Lowrie, Mayor