

ORDINANCE NO. 502**AN ORDINANCE CONTINUING A PLANNING COMMISSION FOR THE CITY OF MADRAS; PRESCRIBING ITS DUTIES, AND REPEALING ORDINANCE NO. 77.**

WHEREAS, the City of Madras has engaged the League of Oregon Cities to update and improve the ordinances of the City of Madras and pursuant to that review, recommended repealing Ordinance No. 77.

NOW, THEREFORE, the City of Madras ordains as follows:

SECTION 1: CONTINUATION OF PLANNING COMMISSION

There is continued a City Planning Commission, referred to in this ordinance as "commission", for the City of Madras.

SECTION 2: POWERS AND DUTIES OF COMMISSION

Except as otherwise provided by the City Council, the commission shall have the power and duty to:

- (1) Recommend and make suggestions to the Council and other public authorities concerning the laying out, widening, extending, parking, 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 related to land development.
- (2) Recommend to the Council and other public authorities plans for regulating the 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 all public utilities, and transportation facilities.
- (3) Recommend to the Council and other public authorities, plans for promotion, development, and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits.

- (4) Make an economic survey of present and potential possibilities of the city with a view to ascertaining its industrial needs.
- (5) Study needs of existing local industries with a view to strengthening and developing local industries and stabilizing employment conditions.
- (6) Do and perform all other acts necessary or proper to carry out the provisions of this ordinance.
- (7) Study and propose, in general, such measures as may be advisable for promotion of public interest, health, safety, comfort, convenience and welfare of the city and of the area six miles adjacent.
- (8) Make recommendations to the Council for the adoption of a Comprehensive Plan for the city, or any part or element thereof. The official Comprehensive Plan shall be effective only after its formal adoption by the Council.
- (9) Recommend to the Council, ordinances intended to carry out the purposes, principles, and proposals expressed in the Comprehensive Plan.
- (10) Advise and cooperate with other planning agencies within the state, and upon request, or on its own initiatives, furnish advice or reports to any city, county, officer or department on any problem comprehended in city planning.
- (11) Promote public interest in and understanding of the Comprehensive Plan and of planning and zoning in general.
- (12) Make recommendations and present an annual report concerning the operation of the Commission and of the status of planning and zoning within its jurisdiction, to the Council, on the second Tuesday in March of each year.
- (13) Make recommendations to the Council with regard to orderly development of territory within the city.
- (14) Perform all other acts necessary or proper to carry out the provisions of ORS 227.010 to ORS 227.180, and other duties as may be prescribed by ordinances or order of the Council.

SECTION 3: MEMBERSHIP

- (1) The commission shall consist of five voting members. Commission members shall be appointed by the City Council. At all times, at least one (1) member must be a resident of the City of Madras. Not more than two (2) members may reside outside the Madras city limits but within the City of Madras Urban Growth Boundary. Not more than two (2) members may reside outside the Madras city limits but within a three mile radius of the Madras city limits. Notwithstanding the foregoing, the City Council shall endeavor to appoint residents of the City of Madras to the commission.

[Section 3, Subsection 1, Amended by Ordinance No. 728, Passed by Council on March 8, 2005.]

[Section 3, Subsection 1, Amended by Ordinance No. 866, Passed by Council on April 14, 2015.]

- (2) The Council may designate advisory, nonvoting members to provide technical advice to the voting members
- (3) A term of office on the commission shall be three (3) years. The term of office shall commence on January 1 and expire on December 31.
- (4) Vacancies shall be filled by Council appointment for the remainder of the unexpired term of the predecessor in office.
- (5) A member may be removed by the Council during his or her term for misconduct or non-performance of duty after a public hearing before the Council.
- (6) Members shall serve without compensation other than reimbursement for duly authorized expenses.
- (7) No two (2) or more members of the commission shall have the same occupation. Business persons engaged in different kinds of business shall not be prevented by this subsection from serving. Being retired shall not be considered an occupation within the meaning of this subsection. Persons principally engaged in the buying, selling, or developing of real estate for profit, including as principals, members, officers, or employees of any partnership, business entity, or corporation that principally engages in the

buying, selling, or developing of real estate for profit, shall be considered to have the same occupation.

[Section 3, Subsection 7, Amended by Ordinance No. 866, Passed by Council on April 14, 2015.]

SECTION 4: GENERAL PROCEDURES

- (1) The commission shall adopt rules and procedures for the transaction of business and shall keep a record of its resolutions, transactions, findings, recommendations, and determinations, which record shall be a public record.
- (2) The commission shall select from its voting membership, a Chairperson and Vice-Chairperson to serve for a one year term. Said member shall be eligible to serve as many terms as they are elected to serve.

[Section 4, Subsection 2, amended by Ordinance No. 520, passed March 23, 1993]

- (3) Any discussion, other than one made at a public hearing of the commission, that concerns a specific case scheduled or likely to come before the commission and that is between a voting member and an applicant, an applicant's representative, or any other person with direct interest in the matter, shall be made known and the substance of the discussion entered into the record by the member at the beginning of the commission's public hearing on the case.
- (4) 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
 - (b) The spouse, brother, sister, child, parent, father-in-law, or mother-in-law of the member; or
 - (c) Any business in which the member is then serving or has served within the previous two (2) years; or

- (d) 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.

- (5) The commission shall complete its action on all applications and requests coming before it under the zoning and subdivision ordinances, building code, and master road plan, within 120 days of the filing thereof, unless a shorter time is provided by order or ordinance.

SECTION 5: REPEAL

Ordinance No. 77 is hereby repealed. The repeal shall not invalidate any action taken by the commission under Ordinance No. 77, and should be considered a continuation of the ordinance.

Members appointed and presently serving under the terms of that ordinance shall continue to serve their present terms of office.

SECTION 6: EMERGENCY CLAUSE

The decision of the Planning Commission and the activities of the Planning Commission directly effect the health, well being, and welfare of the citizens of the City of Madras and therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the date of its passage and signing by the Mayor.

Passed by the Council and approved by the Mayor October 22, 1991.