



# City of Rockaway Beach

## Planning Commission Meeting Agenda

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**Date:** Thursday, February 15, 2024  
**Time:** 5:00 P.M.  
**Location:** Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

**Watch live stream here:** <https://corb.us/live-stream>  
**View meeting later here:** <https://corb.us/planning-commission/>

**Join here to attend remotely:**

**Planning Commission Meeting**

Meeting ID: 831 2935 3543

Passcode: 797789

Dial by your location

253 215 8782 US (Tacoma)

1. **CALL TO ORDER** – Bill Hassell, Planning Commission President
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**  
**President:** Bill Hassell  
**Commissioners:** Pat Olson, Zandra Umholtz, Sandra Johnson, Georgeanne Zedrick, Stephanie Winchester, and Nancy Lanyon  
**City Councilors:** Charles McNeilly, Mayor; and Mary McGinnis, Planning Commission Liaison
4. **APPROVAL OF MINUTES**
  - a. January 18, 2024 Meeting Minutes
  - b. January 25, 2024 Special Meeting Minutes
5. **PRESENTATIONS, GUESTS & ANNOUNCEMENTS** – None Scheduled
6. **STAFF REPORTS**
7. **PUBLIC HEARING** – None Scheduled
8. **CITIZEN INPUT ON NON-AGENDA ITEMS**
9. **OLD BUSINESS**
  - a. Discussion of New Planning Commission Ordinance
10. **NEW BUSINESS** – None Scheduled
11. **PLANNING COMMISSION COMMENTS & CONCERNS**
12. **ADJOURNMENT**



# City of Rockaway Beach

## Planning Commission Meeting Minutes

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**Date:** Thursday, January 18, 2024  
**Location:** Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

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### 1. CALL TO ORDER

Planning Commission President Hassell called the meeting to order at 5:00 p.m.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

Start time: [05:00:50 PM \(00:00:35\)](#)

[Position #2 - Stephanie Winchester: Present](#)

[Position #3 - Pat Olson: Absent](#)

[Position #7 - Georgeanne Zedrick: Present](#)

[Position #5 - Bill Hassell: Present](#)

[Position #1 - Zandra Umholtz: Absent](#)

[Position #4 - Sandra Johnson: Present](#)

[Position #6 - Nancy Lanyon: Present](#)

**President:** Bill Hassell

**Commissioners:** Sandra Johnson, Georgeanne Zedrick, Stephanie Winchester, and Nancy Lanyon

**Excused:** Pat Olson, and Zandra Umholtz

**Council Members Present:** Charles McNeilly, Mayor; and Mary McGinnis, Planning Commission Liaison

**Staff Present:** Mary Johnson, City Planner; and Melissa Thompson, City Recorder

### 4. APPROVAL OF MINUTES

Start time: 5:01 p.m.

Zedrick made a **motion**, seconded by Winchester, to approve the November 16, 2023 minutes as presented,

The **motion carried** by the following vote:

Position #2 - Stephanie Winchester: Approve

Position #7 - Georgeanne Zedrick: Approve

Position #5 - Bill Hassell: Approve

Position #4 - Sandra Johnson: Approve

Position #6 - Nancy Lanyon: Approve

## 5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS – None Scheduled

## 6. STAFF REPORTS

Start time: 5:02 p.m.

City Planner Johnson provided updates on the following:

- Planning Department permit approvals for November and December 2023
- Anchor Street Project groundbreaking (site prep) is taking place
- Tillamook County Visitors Association (TCVA) Facilities Grant for the Anchor Street playground to be considered by County
- Lake Lytle – City taking over January 1<sup>st</sup>; new signs in production; applying for grants
- Salmonberry Trail – no update – Oregon Department of Transportation (ODOT) submitted agreement to DOJ with incorrect project name
- FEMA Community Assessment Visit (CAV) was December 8<sup>th</sup>; City will have code updates to make; must get VE properties into compliance and elevate propane tanks; will update Floodplain Development forms
- Biological Opinion (Biop) - should have update on this in coming months – model code should be coming out in Spring
- Middle housing code update – completed scope with Cascadia Partners; waiting on the rest of Tillamook County to complete, then to Department of Justice (DOJ) for review
- Attended Department of Land Conservation & Development (DLCD) meeting regarding Goals 16 (estuaries), 17 (coastal lands), and 18 (beaches); learned about new mapping tools

McGinnis requested that City Planner Johnson confer with the City Manager and City Recorder about providing the City Council with highlights from her staff report.

Commissioner Johnson inquired about flood insurance discounts. City Planner Johnson explained that the City was currently part of the National Flood Insurance Program (NFIP). She explained that after the City has completed certain activities and code updates to improve our Community Rating System (CRS) rating, residents may be able to receive a 10-15% discount on flood insurance.

City Planner Johnson answered questions for Hassell regarding flood mitigation work.

## 7. PUBLIC HEARING

Start time: 5:14 p.m.

- a. Variance #23-05: Consideration of an Application for Variance at Unimproved Real Property at Tillamook County Assessor's Map # 1N1005BA Lot #9900 to Increase the Building Height and Reduce the Front Yard Setback**

McNeilly and McGinnis recused themselves from the meeting.

Hassell opened the public hearing at 5:14 p.m.

Hassell read opening statements, public hearing disclosure statements and procedures, and testifying instructions. He explained that the Applicants are Stuart M. and Karen C. Hunt. Hassell said the hearing will be on an application requesting approval of a variance for a reduction in the front yard setback and building height to construct a new home. This property is in the R1 zone, which has a 15' front yard setback and 29' building height. The Applicants seek to reduce the front yard setback 3'3", for a 11'7" front yard setback. The Applicants seek to build a 39' home, which is 10' above the 29' building height limit.

Hassell invited Commissioners to declare any bias or conflicts of interest. None were declared and there were no challenges from the audience on the basis of bias.

Hassell invited Commissioners to declare any ex-parte contact. Winchester reported that she tried to visit the site and may have identified the correct location, but wasn't certain. Johnson and Zedrick reported that they visited the site.

City Planner Johnson presented the Staff Report, introducing it with a PowerPoint presentation. (A copy of the presentation is included in the hearing record.)

City Planner Johnson clarified for the Commission the process for determining building height based on the City's zoning ordinance.

In response to a request from Zedrick, City Planner Johnson clarified the applicant's request for the setback reduction.

City Planner Johnson reported that written testimony in opposition to the request was received from Doug Sellers, Nirmala and Sanjay Dhar, and Doug Circosta.

City Planner Johnson read-aloud additional written testimony in opposition to the request that was received at the hearing from Nancy O'Neal.

The Agent for the Applicants, Ben Koontz, Lewallen Architecture, introduced himself and gave testimony on the request, responding to questions raised by the Planning Commissioners. He explained that the goal was not to obstruct anyone's view, and he thought that they achieved that. He commented that the home would be a much smaller home, if not for the need to go down into the soil.

Winchester inquired if the architects attempted to design a home that would meet the existing codes. Koontz responded that to get what the client wanted on the main level of the house, the building would exceed the height limit, even if the roof were made flat.

Lanyon inquired about the Applicant's knowledge regarding CC&Rs. Koontz responded that he was unaware of CC&Rs and would have to inquire with the Applicants.

Koontz answered clarifying questions for Zedrick regarding the height of the house and garage at street level.

The Agent for the Applicants acknowledged that the home had been designed to the specifications of the Applicant's request and they had not attempted to meet the criteria of the Rockaway Beach Zoning Ordinance.

Johnson asked if, without taking into consideration the desires of the owner, it would be possible to construct a home on the lot that complied with the ordinances. Koontz responded that he believed that it would be possible with a smaller size home, but it would not meet the needs of the current property owner.

Doug Circosta, a resident on North Slope Way, testified that existing properties with slopes on Pacific View comply with the City's code. He indicated that he was not trying to stop development. He noted that the drawings seemed to indicate that the roof is the portion that exceeds the Pacific View height limit, and that it could be designed with a variance for a lesser height that would comply. He suggested that a house could be designed that met the criteria.

Rosario Circosta, a resident on North Slope Way, testified that she was happy to be part of the community. She testified that her husband, Doug Circosta, is an architect, and his opinion that a house could be designed that met the criteria is an informed and professional opinion.

Earl Dunn, resident on Longview Loop, testified that others had expressed what he wanted to say, and he thought the Applicant could get the home lower.

Winchester inquired if other variances had been approved in the neighborhood. City Planner Johnson said that no variance had been approved in that neighborhood in the past 10 years.

The Agent for the Applicants declined to provide rebuttal to the opposing testimony.

City Planner Johnson said that she appreciated the public's desire for the Planning Commission to consider CC&Rs in their deliberations, but the Planning Commission must only consider the applicable criteria outlined in the City Zoning Code.

The Agent for the Applicant requested the record be left open an additional seven days to allow for the submission of additional written testimony.

Winchester made a **motion**, seconded by Johnson, to close the Public Hearing and keep the record open until January 25, 2024 for additional written arguments.

The **motion carried** by the following vote:

Position #2 - Stephanie Winchester: Approve

Position #7 - Georgeanne Zedrick: Approve

Position #5 - Bill Hassell: Approve

Position #4 - Sandra Johnson: Approve

Position #6 - Nancy Lanyon: Approve

Thompson noted that the Planning Commission would meet again on the matter and receive additional written testimony at 5:00 p.m. on January 25, 2024.

Haskell declared the Public Hearing closed at 5:56 p.m.

City Planner Johnson confirmed for Commissioner Johnson that the Commissioners who were not present at the meeting would be able to participate in the deliberation and decision at the meeting on January 25<sup>th</sup>. Johnson added that they would be able to review the video for this meeting.

McNeilly and McGinnis rejoined the meeting at 5:57 p.m.

## **8. CITIZEN INPUT ON NON-AGENDA ITEMS**

Start time: 5:57 p.m.

No audience members wished to comment.

## **9. OLD BUSINESS – None Scheduled**

## **10. NEW BUSINESS**

### **a. Discussion of Planning Commission Ordinance**

Start time: 5:58 p.m.

McGinnis explained her reasoning for wishing to update the Planning Commission Ordinance. McGinnis clarified for Commissioner Johnson that that the Planning Commission was identified as the City's citizen involvement committee. McGinnis noted that the Planning Commission would recommend the new ordinance to the Council, and the Council would approve and adopt it.

City Planner Johnson referred to the copies of the Rockaway Beach Planning Commission ordinance and City of Bend Planning Commission ordinance in the packet. She explained that she had discussed the City's ordinance with DLCD, and that Bend has one of the strongest ordinances. Johnson explained that she liked the straightforward and simple provisions in the Bend ordinance. She suggested that the Commission could piece together what it wants from other cities' ordinances in order to draft an ordinance that fits for Rockaway Beach.

City Planner Johnson asked the Commission to consider what they like and don't like about the current ordinance and Bend example, and were welcome to email her with any suggestions. There was discussion regarding the role of the Commission, specific provisions in the ordinances, brief discussion regarding desire for a timeline, and resources that could be utilized.

There was discussion regarding the importance of updating the Comprehensive Plan, and necessary updates to the land use code.

City Planner Johnson explained that she will present a draft ordinance at the next meeting.

## **11. PLANNING COMMISSION COMMENTS & CONCERNS**

Start time: 6:23 p.m.

Lanyon said that this was wonderful and thanked City Planner Johnson for her work.

Winchester mentioned that she purchased a County parks parking pass and it still mentioned the Lake Lytle parking lot. City Planner Johnson said that she would mention it to County Commissioner Bell.

Commissioner Johnson urged everyone to review the City Council meetings and minutes as there were a lot of exiting things going on. She shared that she was happy to be receiving the information that City staff provided, and thanked them for their work.

Zedrick thanked staff for their diligence, noting that it made it easier for the Commission to do their work. She mentioned that she received an email regarding registering for training that she initially thought was spam. City Planner Johnson explained that it was for the CIS Learning Center, and that she would have the Office Manager resend the link.

Hassell congratulated everyone that had been involved in the Emergency Preparedness group, noting the success of the emergency shelter during a recent power failure.

City Planner Johnson and City Recorder Thompson confirmed for Lanyon that Commissioners would be notified when it was time to file their Statement of Economic Interest (SEIs).

## 12. ADJOURNMENT

Start time: 6:29 p.m.

Johnson made a **motion**, seconded by Winchester, to adjourn the meeting at 6:30 p.m.

The **motion carried** by the following vote:

Position #2 - Stephanie Winchester: Approve

Position #7 - Georgeanne Zedrick: Approve

Position #5 - Bill Hassell: Approve

Position #4 - Sandra Johnson: Approve

Position #6 - Nancy Lanyon: Approve

MINUTES APPROVED THE  
15<sup>TH</sup> DAY OF FEBRUARY 2024

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William Hassell, President

ATTEST

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Melissa Thompson, City Recorder

# City of Rockaway Beach

## Planning Commission Special Meeting Minutes



**Date:** Thursday, January 25, 2024  
**Location:** Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

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### 1. CALL TO ORDER

Planning Commission President Hassell called the meeting to order at 5:00 p.m.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

Start time: [05:01:06 PM \(00:00:44\)](#)

[Position #2 - Stephanie Winchester: Present](#)

[Position #3 - Pat Olson: Absent](#)

[Position #7 - Georgeanne Zedrick: Present](#)

[Position #5 - Bill Hassell: Present](#)

[Position #1 - Zandra Umholtz: Present](#)

[Position #4 - Sandra Johnson: Present](#)

[Position #6 - Nancy Lanyon: Present](#)

**President:** Bill Hassell

**Commissioners:** Sandra Johnson, Georgeanne Zedrick, Zandra Umholtz, Stephanie Winchester, and Nancy Lanyon

**Excused:** Pat Olson, and Mayor Charles McNeilly

**Staff Present:** Luke Shepard, City Manager; Mary Johnson, City Planner; and Melissa Thompson, City Recorder.

### 4. OLD BUSINESS

#### a. Variance #23-05: Consideration of an Application for Variance at Unimproved Real Property at Tillamook County Assessor's Map # 1N1005BA Lot #9900 to Increase the Building Height and Reduce the Front Yard Setback

Start time: [05:01:36 PM \(00:01:14\)](#)

Hassell stated that old business before the Planning Commission was the consideration of an Application for Variance at Unimproved Real Property at Tillamook County Assessor's Map # 1N1005BA Lot #9900 to Increase the Building Height and Reduce the Front Yard Setback

Hassell explained that the Commission held a Public Hearing on the matter on January 18, 2024, and after the staff report, receipt of correspondence, applicant's presentation, public testimony and Commission questions, the Commission moved to close the Public Hearing and keep the record open until January 25, 2024 for additional written arguments.



Hassell explained the order of business, noting that since the Public Hearing was closed after comments were heard on January 18<sup>th</sup>, there would be no public comment.

There were no biases or conflicts of interest declared.

Commissioner Johnson reported that she made another site visit to the subject property.

City Planner Johnson reported that staff received additional written testimony from the Agent for the applicant, and that copies were included in the meeting packet.

City Planner Johnson gave a presentation, providing a review of the matter. She reviewed the criteria for granting a variance. (A copy of the presentation is included in the meeting record.)

Hassell inquired about any considerations regarding slopes in the Comprehensive Plan. City Planner Johnson responded that there were none that she was aware of. Hassell noted that the building height was calculated on an average. City Planner Johnson confirmed that an average is used for determining building height, and that it is defined in the City's code.

Winchester noted that at the January 18<sup>th</sup> hearing, City Planner Johnson clarified that there were no other requests for height variances in the area that she recalled. Winchester inquired about variances in other areas, and Johnson responded that most variances were for setbacks in yards. City Planner Johnson further clarified for Winchester the method for determining building heights as defined in the City's code.

Commissioner Johnson inquired about finish levels. City Planner Johnson responded that she was unsure how to answer the question regarding finish levels, but noted that the applicant provided the average height on their application. The Commissioners reviewed the applicant's drawings.

Zedrick commented that after reviewing the evidence and the criteria, it appears that the need for a variance is based on this particular structure, rather than something smaller, and the applicant possibly put it upon themselves, as referenced in criteria 4.

Umholtz commented that she didn't see extenuating or special circumstances that would prevent someone from building a home, it would just prevent them from building a home of this magnitude.

Commissioner Johnson concurred with the assessments of Zedrick and Umholtz. She said that she did not believe all four criteria had been met. She questioned whether the safety criteria had been met regarding the front yard setback variance request. Johnson expressed concerns that the area is very steep, and the street is the only ingress and egress to the subdivision, and any further washing of the hillside could be detrimental to the whole neighborhood. Johnson said based on the safety factor, she would want to deny the front setback request. As far as the height request, she noted that the Applicant's Agent indicated that a home could be designed to meet code requirements, but just couldn't be built to meet the needs of the Applicant. Johnson noted that plans seemed to show that the design was raising the height more than necessary. She commented that since the Applicant was requesting the variance for their own purposes, that they created the need for the variance, and it should not be granted.

Winchester agreed with Johnson and noted that the Agent for the Applicant indicated that they had not attempted to design a home to meet the City's ordinance requirements.

Lanyon commented that she concurred with all of the Commissioners comments.

Hassell questioned whether adjacent lots were buildable. City Planner Johnson explained that from a zoning perspective, we never say that any lot is not buildable, and it would require a geologic report to show what could be built.

Umholtz made a **motion**, seconded by Winchester, to deny the Variance Application #23-05.

The motion **carried** by the following vote:

[Position #1 - Zandra Umholtz: Motion](#)  
[Position #2 - Stephanie Winchester: 2nd](#)  
[Position #2 - Stephanie Winchester: Approve](#)  
[Position #7 - Georgeanne Zedrick: Approve](#)  
[Position #5 - Bill Hassell: Approve](#)  
[Position #1 - Zandra Umholtz: Approve](#)  
[Position #4 - Sandra Johnson: Approve](#)  
[Position #6 - Nancy Lanyon: Approve](#)

## 5. ADJOURNMENT

Start time: [05:25:54 PM \(00:25:32\)](#)

Johnson made a **motion**, seconded by Umholtz, to adjourn the meeting.

[Position #4 - Sandra Johnson: Motion](#)  
[Position #1 - Zandra Umholtz: 2nd](#)  
[Position #2 - Stephanie Winchester: Approve](#)  
[Position #7 - Georgeanne Zedrick: Approve](#)  
[Position #5 - Bill Hassell: Approve](#)  
[Position #1 - Zandra Umholtz: Approve](#)  
[Position #4 - Sandra Johnson: Approve](#)  
[Position #6 - Nancy Lanyon: Approve](#)

MINUTES APPROVED THE  
15<sup>TH</sup> DAY OF FEBRUARY 2024

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William Hassell, President

ATTEST

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Melissa Thompson, City Recorder

**§ 31.01 PLANNING COMMISSION.**

A. *Establishment.* The Rockaway Beach Planning Commission is established, and shall have the authority and responsibility provided by this code and State Law.

Commented [CP1]: NEW - City of Bend

B. *Duties and powers.* The Planning Commission is the appointed citizen body that provides recommendations to the City Council on land use policies; makes land use decisions on planning applications; and provides a public forum for community values, visioning and strategic thinking on long range planning. The Planning Commission shall have the following duties:

Commented [CP2]: NEW - City of Bend

1. Review those land use applications within its jurisdiction pursuant to applicable law.
2. Review and act on quasi-judicial decisions on land use applications and appeals of land use decisions pursuant to the City's land use procedures.
3. Periodically review the Comprehensive Plan, as prioritized in by the City Council through its goal setting process or as otherwise directed by the City Council.
4. Act as the Citizen Involvement Committee within the City of Rockaway Beach Urban Growth Boundary. As directed by the City Council, this role may include working with stakeholder groups or citizen advisory committees, to help inform refinement and other land use plans, and/or facilitating community engagement on land use issues with groups such as neighborhood associations or coalitions.
5. Make recommendations to the City Council on Type IV legislative land use actions.

Commented [CP3]: NEW - City of Bend

C. *Membership.*

1. The Rockaway Beach Planning Commission shall consist of seven members. The Commission members shall be appointed by the City Council.
2. A minimum of six members shall be legal residents of the City. One member may be a registered voter in Tillamook County and living as a full-time resident within the City's Urban Growth Boundary.
3. No more than two 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 is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession.
4. Not more than two members may be city officers who shall serve as ex-officio nonvoting members.
5. Members shall hold office for four years. Any vacancy shall be filled by the City Council for the unexpired portion of the term. A member may be removed by the City Council, after hearing, for misconduct or nonperformance of duty.

Commented [CP4]: ORS 227.030

Commented [CP5]: REVISED - City of Manzanita

6. A vacancy shall be filled by the Mayor with approval of the City Council for the unexpired portion of the term.
7. At its first meeting each July, the Planning Commission shall elect a President and Vice-President to serve one-year terms. The President and Vice-President shall be voting members.
8. Four members of the Planning Commission shall constitute a quorum.
9. The Planning Commission may make and alter rules and regulations for its government and procedure consistent with the laws of Oregon, the City Charter and Ordinances.
10. The Planning Commission shall meet at least once a month, unless business does not require such a meeting, in which case the President, with the consent of the City Manager, may cancel such meeting. Planning Commission meetings shall be held at such times and places fixed by the Commission.
11. Members of the Planning Commission shall receive no compensation for their services.
12. City staff shall perform administrative functions for the Planning Commission.

**Commented [CP6]:** NEW - City of Yachats

**Commented [CP7]:** NEW - City of Springfield; City of Silverton

**Commented [CP8]:** NEW - City of Newburg

**Commented [CP9]:** NEW - City of Springfield

**Commented [CP10]:** NEW - City of Bend

**§ 31.01 PLANNING COMMISSION.**

A. *Planning Commission established.*

1. A city Planning Commission of the City of Rockaway Beach is hereby created. The Commission shall consist of 7 residents of the city, appointed by the City Council. ~~At the first meeting of the Commission, the 7 appointed shall choose their term of office by lot as follows: one for 1 year, 2 for 2 years, two for 3 years, and 2 for 4 years. Immediately thereafter, the members shall notify the City Council in writing of the allotment.~~ Their successors shall hold office for 4 years. Any vacancy shall be filled by the City Council for the unexpired term of the predecessor in office. A member may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. One (and only one) citizen registered to vote in Tillamook County and living as a full time resident within the city's Urban Growth Boundary (UGB) may serve on the Planning Commission, in any seat prescribed above. The term of a person so appointed shall be for the term, or unexpired term, of the appointed seat.
2. Not more than 2 members of the Planning Commission may be city officers who, if appointed by the City Council, shall serve as ex-officio nonvoting members. No more than 2 voting 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 that is engaged principally in the buying, selling or developing of real estate for profit. No more than 2 voting members shall be engaged in the same kind of business, trade or profession.

B. *Officers; terms of office.* The Commission, at its first meeting, shall elect a President and Vice-President, who shall be voting members and who shall hold office until the following July 1, when election of new officers shall be held to serve for a term of 1 year. ~~The Commission shall elect a Secretary, who need not be a member of the Commission. The Secretary shall keep an accurate record of all Commission proceedings. The Commission shall, on October 1 of each year, make and file a report of all its transactions with the City Council.~~

C. *Quorum; meetings.* Four members of the Commission shall constitute a quorum. The Commission may make and alter rules and regulations for its government and procedure consistent with the laws of Oregon and with the city charter and ordinances. It shall meet at least once a month. ~~The City Council shall assign to the Commission an office or headquarters in the City Hall, if possible, in which to hold its meetings, transact its business and keep its records.~~

D. *Expenses and disbursements.* ~~The Commission may employ consulting advice on municipal problems, a Secretary and the Clerks as may be necessary and pay for their services and for the other expenses as the Commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of~~

~~the Commission, out of funds at the disposal of the Commission, as authorized by the City Council.~~

E. *Compensation.* The Commissioners shall receive no compensation for their services ~~as the Commissioners but shall be reimbursed for duly authorized expenses.~~

F. ~~*Duties and powers.* The powers and duties of the Commission shall be as follows. Except as otherwise provided by law, the Commission may:~~

~~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 establishment 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. Recommend to the City Council and all 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. Advertise the industrial advantages and opportunities of the municipality and availability of real estate within the municipality for industrial settlement;~~

~~5. Encourage industrial settlement within the municipality;~~

~~6. Make an economic survey of present and potential possibilities of the municipality with a view to ascertaining its industrial needs;~~

~~7. Study needs of existing local industries with a view to strengthen and develop local industries and stabilizing employment conditions; and~~

~~8. F. Study and propose in general the measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and of the area 6 miles adjacent thereto.~~

G. *Reporting.* ~~The time within which the City Planning Commission shall report on any matter or class of matters referred to it in accordance with the provisions of the Rockaway zoning code shall be in accordance with the code; and in default of the report within the period, the Planning Commission shall forfeit the right further to suspend action with regard to the particular matter on which it has so defaulted. However, in any specific case, the City Council may grant the longer period as it may deem proper within which the Commission may make its report.~~

- H. ~~Subdivision; streets; public buildings.~~ All subdivision plats located within the city limits, and all plans or plats for vacating or laying out, widening, extending, parking and locating streets, or plans for public buildings, shall first be submitted to the Commission by the applicant or other proper municipal officer, and a report thereon from the Commission secured in writing before approval is given by the proper municipal official.
- I. ~~Recommendations and approval.~~ Whenever a copy of a plan, plat or description is filed with the City Planning Commission, the Commission shall, within 60 days, report to the City Council its recommendations in relation thereto. The City Council shall then consider the same and direct the City Planning Commission either to certify its approval thereof or to refuse to approve of the same; and the Commission shall act at once in accordance with the directions.

*(Prior Code, Ord. 116, passed 11-25-1975; Am. Ord. 10-411, passed 10-27-2010)*

**ORS 227.090**

Powers and duties of commission

1. Except as otherwise provided by the city council, a city planning commission may:
  - a. Recommend and make suggestions to the council and to other public authorities concerning:
    - A. The laying out, widening, extending and locating of public thoroughfares, parking of vehicles, relief of traffic congestion;
    - B. Betterment of housing and sanitation conditions;
    - C. Establishment of districts for limiting the use, height, area, bulk and other characteristics of buildings and structures related to land development;
    - D. Protection and assurance of access to incident solar radiation; and
    - E. Protection and assurance of access to wind for potential future electrical generation or mechanical application.
  - b. 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 public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and harbor, shipping and transportation facilities.
  - c. 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 industrial pursuits.
  - d. Advertise the industrial advantages and opportunities of the city and availability of real estate within the city for industrial settlement.
  - e. Encourage industrial settlement within the city.
  - f. Make economic surveys of present and potential industrial needs of the city.



- g. Study needs of local industries with a view to strengthening and developing them and stabilizing employment conditions.
  - h. Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 (Definition for ORS 227.030 to 227.300) to 227.170 (Hearing procedure), 227.175 (Application for permit or zone change) and 227.180 (Review of action on permit application).
  - i. Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and of the area within six miles thereof.
2. For the purposes of this section:
- a. "Incident solar radiation" means solar energy falling upon a given surface area.
  - b. "Wind" means the natural movement of air at an annual average speed measured at a height of 10 meters of at least eight miles per hour. [Amended by 1975 c.153 §3; 1975 c.767 §4; 1979 c.671 §3; 1981 c.590 §8; 1987 c.447 §118]

**ORS 227.030****Membership**

1. Not more than two members of a city planning commission may be city officers, who shall serve as ex officio nonvoting members.
2. A member of such a commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.
3. Any vacancy in such a commission shall be filled by the appointing authority for the unexpired term of the predecessor in the office.
4. No more than two voting members of the commission 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 members shall be engaged in the same kind of occupation, business, trade or profession. [Amended by 1969 c.430 §1; 1973 c.739 §2; 1975 c.767 §3]

## Chapter 2.24

### PLANNING COMMISSION

#### Sections:

- 2.24.010 City planning commission created.
- 2.24.020 Membership and rules.
- 2.24.030 Vested interest.
- 2.24.040 Conflict of interest.
- 2.24.050 Officers.
- 2.24.060 Quorum - Meetings - Voting.
- 2.24.070 Conduct of hearings.
- 2.24.080 Hearings officer.

Ordinance History: #635, 838, 949, 1034, 1220, 1259, 1351, 1358, 1458, 1461, 1492, 1511, 1541, 1557, 1562, 1598, 1635

2.24.010 City planning commission created.  
There is created a city planning commission.

2.24.020 Membership and rules.

- A. The planning commission consists of seven members appointed by the council according to the selection procedures set forth as follows:
1. Vacancies shall be announced at council meetings, be posted in local newspapers and city information areas. Notice of vacant positions shall occur for a minimum of two weeks, or for sufficient time to ensure that an adequate number of applications are received.
  2. When a vacancy occurs within six months of a previous recruitment, the council has the option of selecting an applicant from the previous applicant pool without further recruitment.
  3. Not more than two of the appointed members may be nonresidents of the City. The nonresident members must reside within the boundaries of the Bandon School District No. 54.
  4. The Councilors and Mayor shall express their preferences for nomination orally or by a written, weighted preference ballot. The mayor will announce the results of a written ballot, or results will be posted in the council chambers.
  5. A councilor shall nominate a candidate during a regular council meeting. If that candidate is rejected, another name shall be placed in nomination by a council member. The mayor votes to break a tie. Appointment by the council shall not occur sooner than four weeks from the announcement of the vacancy, unless the council chooses to use Step 2 above and fill the vacancy immediately.
- B. No person is eligible to serve on the Planning Commission if that person's spouse is a member of the City Council or a member of the Planning Commission.

- C. If a Planning Commissioner's spouse is elected or appointed to the City Council, that Planning Commissioner's position shall automatically be deemed vacant upon the date the councilor-spouse assumes office.
- D. The term of office shall be four years, expiring on June 30<sup>th</sup>. Members whose terms have expired may continue to serve until their replacement is appointed.
- E. There is no limit on the number of terms a member can serve.
- F. A Planning Commissioner's seat is forfeited if he/she moves outside the city if there are already two members who reside outside the city.
- G. Planning Commissioners serve at the pleasure of the mayor and city council and may be removed from office after a hearing for misconduct or nonperformance of duty.
- H. The efficiency and productivity of the Planning Commission is contingent upon the regular attendance and participation of all its members. The chairperson, or in the chairperson's absence, the vice chairperson, will notify the mayor or city recorder if a commissioner misses two consecutive meetings. The mayor will contact the commissioner to determine the cause of the absence, and whether the commissioner wishes to continue serving. The commissioner will be considered to have resigned upon missing two additional consecutive regular meetings or 50% of meetings in any six month period. Should the commissioner not be able to regularly attend future meetings, he or she will be encouraged to resign. This resignation will not be a bar to future applications for appointment to the Planning Commission or a different committee. If an illness or other valid reason renders a commissioner temporarily unable to attend, the mayor may confer with the chairperson and extend an excused absence up to three months.
- I. Vacancies shall be filled in the same manner as original appointments.

2.24.030 Vested interest.

- A. Not more than one voting member of the planning commission 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 is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of occupation, trade or profession.
- B. A planning commissioner who owns or occupies property that is in violation of the regulations and standards of the Bandon Municipal Code shall not be permitted to sit on the planning commission until such time as the violation is corrected. The mayor will notify the planning commissioner of the violation. If the violation is not corrected within a four-month period, the council may ask the planning commissioner to resign and/or appoint a temporary planning commissioner until such time as the violation is corrected.

2.24.040 Conflict of interest.

- A. A member of the planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or 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 planning commission where the action is being taken.

- B. A planning commission member with an actual conflict of interest in the matter under discussion and debate will normally not only step down from the dais but will also leave the room to avoid influencing the outcome of the discussion. Leaving the room shall not be necessary when the abstention is due to being in the notice area if no other real conflict of interest exists.
- C. Conflict of Interest: If a planning commission's vote is necessary to meet a requirement of a minimum number of votes to take official action, the member is eligible to vote but not to participate in any discussion or debate on the issue out of which the actual conflict arises [ORS 244.120(2)(B)]
- D. No planning commissioner shall engage in the promotion or advocacy of any position or issue pending before the planning commission, or on appeal from the planning commission, outside of planning commission meetings or hearings.
- E. No planning commissioner shall represent himself or herself as an applicant. When a planning commissioner has an application before the planning commission, he/she shall be represented by an outside party, and shall not be present in the chambers during the time the matter is discussed.
- F. If a planning commissioner owns property or resides within the notification area of a particular application, that planning commissioner shall not participate in the proceedings and may not act as an opponent or proponent of the application from the floor during the discussion at the Planning Commission or the Council.
- G. Engaging in conduct in violation of this section shall be considered misconduct for the purpose of this chapter.

2.24.050 Officers.

At its first meeting in July of alternate years, the planning commission shall choose a chairperson and a vice-chairperson who shall hold office for two years. If the chairperson is not present or unable to serve, the vice-chair shall assume the responsibilities of the chairperson. In the case where the chair is unable to fulfill the term, the vice-chair shall serve as the chair for the remainder of the term and a new vice-chair will be selected at the next regular meeting of the commission.

2.24.060 Quorum - Meetings - Voting.

- A. Quorum and voting requirements shall be as specified in Chapter 2.12.

The commission shall meet as directed the City Council unless there is no business to conduct. Special meetings of the commission may be called at any time by the chairperson or by three voting members of the commission by written notice served upon each member of the commission at least twenty-four (24) hours before the time specified for the proposed meeting. Notice of such meeting shall be posted no less than twenty-four (24) hours prior to the meeting.

2.24.070 Conduct of hearings.

In the conduct of any hearings required or authorized to be held by the commission by statute or ordinances of the city, the definitions as adopted by ORS 227.160 or other applicable statute, and as the same may be amended or added to, are adopted.

2.24.080 Hearings officer.

At any time, the planning commission may appoint a person to serve as hearings officer

to conduct reviews and render decisions on limited land use decisions and to carry out other duties and responsibilities as specifically delegated by the planning commission, provided;

- A. The hearings officer is a member of the planning commission who has been selected by majority vote of the commission, and who has been a member of the planning commission for not less than six months; and
- B. Appointment of the hearings officer can be terminated at any regular meeting by a majority of the members present, at which point the planning commission shall assume all duties of the hearings officer, including final action on all applications pending before the hearings officer prior to termination; and
- C. The hearings officer may refer any matter to the planning commission for consideration and action; and
- D. If the hearings officer is not available to review an application in a timely manner due to absence or illness, the application shall be reviewed by the chair of the planning commission or the full planning commission acting in the hearings officer's stead.

### **1.20.030 Planning Commission.**

A. *Powers and Duties.* The Bend Planning Commission is established, and shall have the authority and responsibility provided by this code and State law. The Planning Commission is the appointed citizen body that provides recommendations to the City Council on land use policies; makes land use decisions on planning applications; and provides a public forum for community values, visioning and strategic thinking in long range planning. The Commission shall have the following duties:

1. Review those land use applications within its jurisdiction pursuant to applicable laws.
2. Review and act on quasi-judicial decisions on land use applications and appeals of land use decisions pursuant to the City's land use procedures.
3. Periodically review the Comprehensive Plan, as prioritized in a work plan approved by the City Council through its goal setting process or as otherwise directed by the City Council.
4. Act as the Citizen Involvement Committee within the Bend Urban Growth Boundary and advise the City Council on citizen involvement programs. As directed by the City Council, this role may include working with stakeholder groups or citizen advisory committees, to help inform refinement and other land use plans, and/or facilitating community engagement on land use issues with groups such as neighborhood associations or coalitions.
5. Make recommendations to the City Council on Type IV legislative land use actions.

B. *Membership.*

1. The Bend Planning Commission consists of seven members who are not officials or employees of the City. All voting members shall be residents of the City.
2. No more than two voting members of the Commission may engage principally in 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 members shall be engaged in the same kind of occupation, business, trade or profession.
3. No Commission member shall serve more than two full terms or 10 years if appointed mid-term, whichever is greater.
4. Consideration shall be given to including representatives of the various geographical parts of the City of Bend.
5. The Commission shall elect a chair and vice-chair to serve one-year terms. Election of the officers shall be held at the first meeting of the Commission in each calendar year, but failure to hold the election at the first meeting in a calendar year shall not invalidate any action by the Commission.

6. City planning staff shall perform administrative functions for the Planning Commission.
7. Four members of the Commission shall constitute a quorum. The Commission may act by a majority of those voting while a quorum is present. The Commission shall meet in accordance with its bylaws. The Commission may adopt and amend rules and regulations to govern the conduct of its business. [Ord. NS-2395, 2020; Ord. NS-2299, 2017; Ord. NS-2285, 2017; Ord. NS-2159, 2011]

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**The Bend Code is current through Ordinance NS-2481, passed June 21, 2023.**

Disclaimer: The city recorder's office has the official version of the Bend Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

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TITLE 2  
CHAPTER 3

**PLANNING COMMISSION (PC) – ENABLING PROVISIONS**

SECTION:

- 2-3-1: Establishment
- 2-3-2: Membership
- 2-3-3: Term of Office
- 2-3-4: Appointments, Vacancies & Removal
- 2-3-5: Chairperson & Vice-Chairperson
- 2-3-6: Powers and Duties
- 2-3-7: Conflict of Interest and Bias
- 2-3-8: Meetings

**2-3-1: ESTABLISHMENT:** A Planning Commission is hereby established for the City.

**2-3-2: MEMBERSHIP:** The Commission shall consist of seven (7) members.

**A. RESIDENCY REQUIREMENT:**

1. Five (5) members of the Commission shall have their permanent residence within the city limits of the City of Florence.
2. Two (2) members may have their permanent residence outside the city limits but within the Florence Urban Growth Boundary.
3. Appointees shall have resided within the City or within the City's Urban Growth Boundary, as applicable, for at least six (6) months prior to the time of appointment.

**B. COMMITTEE REPRESENTATION:**

1. No more than two (2) voting members of the Commission 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.
2. No more than two (2) members shall be engaged in the same kind of occupation, business, trade or profession.

**C. EX-OFFICIO MEMBERSHIP:** In addition to the committee membership, the following non-voting ex-officio positions may be appointed:

1. Up to two (2) City Staff members.

**2-3-3: TERM OF OFFICE:** Members shall be appointed for a term of four (4) years. Membership terms will be staggered so that approximately  $\frac{1}{4}$  of the membership terms will expire each year.

**2-3-4: APPOINTMENTS, VACANCIES AND REMOVAL:** Appointments, vacancies and removals shall occur in the manner dictated in Title 2 Chapter 1.

**2-3-5: CHAIRPERSON & VICE-CHAIRPERSON:** The Commission shall elect a Chairperson & Vice-Chairperson in the manner dictated in Title 2 Chapter 1.

**2-3-6: POWERS AND DUTIES:** The Planning Commission shall have the powers and duties which are now, or may hereafter, be assigned to it by charter, ordinance, or resolutions of the City and the general laws of the State of Oregon. The Planning Commission shall serve as a comprehensive planning body with the authority to propose policy and legislation to the Council, conduct hearings, and take such actions concerning specific land development proposals as required by the Florence City Code. In addition to any other powers provided by state law or the charter, ordinances, and resolutions of the City, and except as otherwise provided by the City Council, the Planning Commission:

- A. May review, recommend amendments, and implement the Florence Comprehensive Plan including associated detailed plans related to public facilities and services, and subarea plans which relate to specific areas of the community.
- B. May conduct hearings, prepare findings of fact, and take such actions as are necessary or warranted concerning specific land development proposals.
- C. May study, and propose such measures regarding land development as may be advisable for promotion of the public interest, health, safety, comfort, convenience and welfare.
- D. Shall, at the request of the City Council perform other duties relating to some aspect of community planning and development.
- E. Authorized to serve as the City of Florence's Citizen Involvement Advisory Committee per ORS 197.160.

**2-3-7: CONFLICT OF INTEREST AND BIAS:**

- A. All members of the Planning Commission are public officials and must abide by the ethics laws of the State of Oregon.
- B. **CONFLICT OF INTEREST:**
  - 1. A member of the Planning 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;
    - b. The member's spouse, brother, sister, child, parent, father-in-law or mother-in-law;
    - c. Any business in which the member is then serving or has served within the previous two years; or
    - d. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
  - 2. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being made.
- C. **BIAS:** A member of the Planning Commission shall not participate in any quasi-judicial Commission proceeding or action in which the member has a bias that would preclude the Commissioner from making an impartial decision.

**2-3-8: MEETINGS:**

- A. **QUORUM:** Four (4) members of the Planning Commission shall constitute a quorum.

**B. PUBLIC MEETINGS:**

1. Meetings of the Planning Commission shall be open to the public.
2. Meetings, which will be held at times other than the time regularly scheduled for Planning Commission meetings, may be announced at a prior meeting and thereby made a part of the meeting's records.
3. The chair, upon his or her own motion, may, or at the request of three (3) members of the Commission, shall, by giving notice to the members of the Commission, call a previously unannounced special meeting of the Commission for a time not earlier than twenty-four (24) hours after the notice is given.
4. Notice of a previously unannounced meeting shall be submitted to a newspaper of general circulation in the City, posted at the City Hall, and to the extent feasible, provided to interested persons at least twenty-four (24) hours prior to the meeting. All Planning Commission notices shall comply with the notice requirements of the above section as well as the land use notice requirements in Title 10.

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1-See Section 1-9-1 and Title 2, Chapter 1 of this Code

Amended by Ord #3 Series 1993

Amended by Ord #3 Series 1994 – amended by Ord. 20, 2008

Amended by Ord #13 Series 1994

Section 2-3-2: Membership was amended by Ord. 20, 2008 effective Dec 18, 2008

Amended by Ord. No.3, Series 2012 effective Nov 9, 2012

Amended by Ord. No. 5, Series 2015 – effective April 17, 2015

All sections amended by Ord. No. 17, Series 2018 – effective February 1, 2019

## Manzanita Ordinances

### AN ORDINANCE ESTABLISHING A CITY PLANNING COMMISSION AND PRESCRIBING ITS POWERS AND DUTIES; REPEALING ORDINANCE NO. 65 AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH: AND DECLARING AN EMERGENCY

#### ORDINANCE NO. 66

Section 1. There is created a City Planning Commission (hereinafter referred to as the Commission) for the City of Manzanita, Oregon.

Section 2. The Commission shall consist of seven members to be appointed by the Mayor. Not more than two members may be City Officers, who if appointed by the Mayor, shall serve as ex-officio non-voting members. Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses. [Section 2 amended by Ordinance No. 92-1, passed June 3, 1992].

Section 3. Members shall hold office for four years. Any vacancy shall be filled by the Mayor for the unexpired portion of the term. If any appointed member of the Commission shall be absent from three consecutive meetings without an excuse as approved by the Commission, and so recorded in the minutes, the secretary shall certify the fact to the Mayor and the Mayor shall declare the position vacant. [Section amended by Ordinance No. 92-1, passed June 3, 1992].

Section 4. The Commission, at its first meeting, shall elect a President and Vice-President, who shall be voting members and who shall hold office during the pleasure of the Commission.

Section 5. The Commission may elect a Secretary who need not be a member of the Commission. The Secretary shall keep an accurate record of all Commission proceedings. The Commission shall on the first day of October of each year make and file a report of all its transactions with the City Council.

Section 6. Four members of the Commission shall constitute a quorum. The Commission may make and alter any regulations for its government and procedure consistent with laws of this state and with the City Charter and Ordinances. It shall meet at least once every month, at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the President or by four members by written notice served upon each member of the Commission at least 24 hours before the time specified for the purposed meeting. The City Council shall assign to the Commission an office or headquarters in the City Hall, if possible, in which to hold its meetings, transact its business and keep its records. [Section 6 amended by Ordinance No. 92-1, passed June 6, 1992].

Section 7. The Commission may employ consulting advice on municipal problems and pay for their services, and for such other expenses as the Commission may lawfully incur, only as authorized by the City Council, out of funds at the disposal of the Commission.

Section 8. The Commission shall have all the powers which are now or hereafter granted to it by Ordinances of this City or by general laws of the State of Oregon. The Commission shall

control the subdivision of land and may make recommendations to the City Council, to public officials and to individuals regarding land uses; location of thoroughfares, public buildings, parks and other public facilities; and regarding any other matter relating to the planning and development of the City and the surrounding area. The Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the City Council.

Section 9. All recommendations made to the City Council by the Commission shall be in writing.

Section 10. The Commission shall have no authority to make 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 shall have first authorized the expenditures by appropriate resolution, which resolution shall provide the administrative method by which the funds shall be drawn and expended.

Section 11. It is hereby adjudged and declared that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect from and after its passage.

TITLE 2 ADMINISTRATION AND PERSONNEL

CHAPTER 2.10 BOARDS, COMMISSIONS, AND COMMITTEES GENERALLY

**2.10.030 BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS**

- A. Any individual or group is encouraged to submit names for consideration to boards, commissions and committees.
- B. An appointment to a board, commission or committee must comply with any ordinances, bylaws, Charter provisions, or state or federal laws concerning the board, commission, or committee. If this chapter is inconsistent with any chapter relating to a specific board, commission, or committee, the specific chapter controls.
- C. To become more familiar with an applicant's qualifications, the Council may interview the applicant for a vacancy.
- D. The Council will consider all guidelines in this chapter when considering reappointment to a board, commission, or committee, together with the type of service the individual has already given to the board, commission, or committee and the applicant's stated willingness to continue. No person may serve more than:
  - 1. Two (2) successive terms on the Budget Committee or Planning Commission unless there is an interval of at least one term before the reappointment.
  - 2. Three (3) successive terms on any other board, commission, or committee unless there is an interval of at least one term before the reappointment.
- E. The Council may consider residents outside the City. The Council is not required to appoint a resident outside the City.
- F. The Council may not appoint someone to a position on any board, commission, or committee if a conflict of interest may result as set forth in state law.
- G. The Mayor appoints board, commission, and committee vacancies with the consent of Council. An appointment may not exceed four (4) years and expires on June 30 unless mandated by state statute or by the City ordinance that established the board, commission, or committee. All board, commission, and committee members serve without compensation.

H. It is the policy of the City Council to ensure opportunities for resident participation and diversity of perspective and opinion on City boards, commissions and committees, and therefore the Council should generally limit persons to serving on only one board, commission or committee at a time. However, the Council may appoint a person to a second position if the person has special expertise or satisfies any other criterion relevant to that particular appointment. (Ord. 2213 § 1, 2022; Ord. 2143 § 1, 2017; Ord. 2037 § 1, 2011; Ord. 2032 § 1, 2011; Ord. 1995 § 3, 2009; Ord. 1936 § 1 (Exh. 1), 2004; Ord. 1810 § 1, 1996; Ord. 1793 § 3, 1996)

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## **Contact:**

City Recorder: 503-786-7502

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TITLE 2 ADMINISTRATION AND PERSONNEL

**CHAPTER 2.16 PLANNING COMMISSION**

Note

2.16.010 ESTABLISHED—PURPOSE

2.16.020 MEMBERSHIP—QUALIFICATIONS

2.16.030 STATEMENT OF ECONOMIC INTEREST

**Note**

\* Prior ordinance history: Ords. 1606 and 1726.

**2.16.010 ESTABLISHED—PURPOSE**

A. The Planning Commission is lawfully established for the purpose of reviewing and advising on matters of planning and zoning according to the provisions of the Comprehensive Plan, Zoning Ordinance, and other planning implementation documents. The Commission shall be responsible for, but is not limited to, the following activities:

1. Keeping current the Comprehensive Plan and implementing ordinances for the City and Urban Growth Boundary as applicable;
2. Preparing as necessary legislation that will implement the purposes of the Comprehensive Plan;
3. Recommending to the City Council plans for regulating future growth, development, and beautification of the City, and to review and recommend on regional issues and concerns;
4. Recommending and making suggestions to the Council concerning:
  - a. The laying out, widening, extending, and locating of public thoroughfares, parking of vehicles, and relief of traffic congestion,
  - b. Betterment of housing and sanitation conditions,
  - c. Establishment of districts for limiting the use, height, area, bulk, and other characteristics of buildings and structures related to land development,
  - d. Protection and assurance of access to incident solar radiation, and



- e. Protection and assurance of access to wind for potential future electrical generation or mechanical application;
5. Recommending to the City Council 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 public utilities, and telecommunications utilities, including appropriate public incentives for overall energy conservation and harbor, shipping, and transportation facilities;
6. Recommending to the City Council plans for promotion, development, and regulation of industrial and economic needs of the community with respect to business and industrial pursuits;
7. Considering and conducting public hearings on the Comprehensive Plans and zoning ordinances and similar matters which may include, but are not limited to, zone changes, condition uses, subdivisions, and partitions;
8. Performing all other acts and things necessary to properly carry out the provisions of ORS Chapter 227 that are not specifically addressed by local ordinances and procedures;
9. The Commission shall be responsible for the following historic preservation activities:
  - a. Carry out the duties described for it in this section and otherwise assist the City Council on historic preservation matters,
  - b. Review and make recommendations on all partitions and subdivisions of historic properties designated in Comprehensive Plan Appendix 1—Historic Resources Property List,
  - c. Disseminate information to educate the public as to State and federal laws protecting antiquities and historic places,
  - d. Act as a coordinator for local preservation groups such as the Milwaukie Historical Society, educational workshops, signing and monumentation projects, and other similar programs,
  - e. Assist the Milwaukie Historical Society in advising interest groups, agencies, boards, commissions and citizens on matters relating to historic preservation within the City,
  - f. Review and make recommendation on all applications requesting designation or deletion of a landmark and placement or removal on the cultural resources inventory, as provided under Zoning Ordinance Subsection 19.403.4,
  - g. Review and make recommendation on all applications requesting designation or deletion of an historic district as provided under Zoning Ordinance Subsection 19.403.4,
  - h. Review all development, which proposes to alter a landmark, subject to the procedures and criteria set forth in this section,

- i. Review all demolition permits affecting landmarks, as provided under Zoning Ordinance Subsection 19.403.7,
  - j. Review and make recommendation on all conditional use applications related to landmarks,
  - k. Maintain an historic and cultural resources inventory and map of landmarks,
  - l. Develop regulations for the protection of landmarks, such as design guidelines for adoption by the City Council;
10. Reviewing the Historic Resources Element of the Comprehensive Plan;
11. Providing decisions and/or recommendations to the City Council regarding compliance with applicable design guidelines for development projects subject to design review under the Zoning Ordinance;
12. Reviewing and recommending appropriate design guidelines and design review processes and procedures to the City Council; and
13. Such other activities as the Council may assign.

(Ord. 2235 § 2, 2023; Ord. 2025 § 3, 2011; Ord. 1936 § 2 (Exh. 1), 2004; Ord. 1802 § 1, 1996)

## **2.16.020 MEMBERSHIP—QUALIFICATIONS**

A. The Commission shall consist of seven (7) members appointed by the Council, no more than two (2) of whom may be nonresidents. No more than two (2) members shall be engaged in the same kind of occupation, business, trade, or profession. No more than one (1) individual from a household may be appointed to serve on the committee at one time.

B. No more than two (2) voting members of the Commission may engage principally in the buying, selling or developing of real estate for profit as individual, 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. (Ord. 2034 § 1, 2011; Ord. 1802 § 1, 1996)

## **2.16.030 STATEMENT OF ECONOMIC INTEREST**

Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission. (Ord. 1802 § 1, 1996)

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### **Contact:**

City Recorder: 503-786-7502

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### **2.15.220 Establishment.**

There is reestablished a Newberg city planning commission for the City of Newberg, Oregon. [Ord. 2325, 4-6-92; Ord. 1718, 1-8-74. Code 2001 § 32.40.]

### **2.15.230 Membership and terms of office.**

Membership shall consist of eight members. Terms shall be three calendar years except student terms will be one year. Follow membership definitions as listed in NMC 2.15.005(E), Membership Definitions. [Ord. 2892 § 1 (Exh. A), 11-15-21; Ord. 2844 § 1, 5-20-19; Ord. 2374, 4-4-94; Ord. 1718, 1-8-74. Code 2001 § 32.41.]

### **2.15.240 Term of office.**

*Repealed by Ord. 2892.* [Ord. 2760 § 1, 3-4-13; Ord. 2690 § 2(B), 2-4-08; Ord. 2325, 4-6-92; Ord. 2320, 1-21-92; Ord. 1718, 1-8-74. Code 2001 § 32.42.]

### **2.15.250 Vacancies and removal.**

*Repealed by Ord. 2892.* [Ord. 2690 § 2(B), 2-4-08; Ord. 2325, 4-6-92; Ord. 1718, 1-8-74. Code 2001 § 32.43.]

### **2.15.260 Presiding members.**

At the commission's first meeting of each calendar year, the commission shall elect a chairman and vice chairman to serve one-year terms. [Ord. 2325, 4-6-92; Ord. 1718, 1-8-74. Code 2001 § 32.44.]

### **2.15.270 Staff services.**

The city recorder shall provide a secretary to the commission and such other staff and consultation services as may be appropriate. The secretary shall keep a record of commission proceedings. [Ord. 2325, 4-6-92; Ord. 1718, 1-8-74. Code 2001 § 32.45.]

### **2.15.280 Meetings.**

A. A majority of the voting members of the planning commission shall constitute a quorum. The commission shall meet at least once a month unless business does not require such a meeting. In which case, the chairman, with the consent of the city manager, or the city manager's designee, may cancel such meeting. Meetings of the commission shall be open to the public and subject to the Open Meetings Law. Meetings other than the regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records.

B. The chairman, upon the chairman's own motion, may, or at the request of three members of the commission, shall, by giving notice to the members of the commission, call a special meeting of the commission for a time not earlier than 24 hours after the notice is given. Notice of a special meeting shall be posted at City Hall and to the extent feasible, provided to interested persons and the local newspaper at least 24 hours prior to the meeting. [Ord. 2374, 4-4-94; Ord. 2325, 4-6-92; Ord. 1718, 1-8-74. Code 2001 § 32.46.]

### **2.15.290 Powers and duties.**

The commission shall have the powers and duties which are not and may hereinafter be assigned to it by Charter, ordinances or resolutions of the city and general laws of the state. [Ord. 2325, 4-6-92; Ord. 1718, 1-8-74. Code 2001 § 32.47.]

### **2.15.300 Application.**

A. The city shall give public notice of any vacancy of the planning commission and accept such application for such vacancies.

B. The application for membership on the planning commission shall state the principal occupation of the applicant, the principal residency of the applicant, and give other information and qualifications as the city may deem necessary. [Ord. 2325, 4-6-92; Ord. 1718, 1-8-74. Code 2001 § 32.48.]

### **2.15.310 Conflict of interest.**

A member of the planning commission shall abide by and be in accordance with the State Ethics Code. [Ord. 2325, 4-6-92; Ord. 2320, 1-21-92; Ord. 1718, 1-8-74. Code 2001 § 32.49.]

## **2.15.320 Training.**

The city shall offer training to planning commissioners to educate them in their duties. It shall be the duty of any newly appointed planning commissioner to attend a basic training session from staff within 30 days of the planning commissioner's appointment. It shall be the duty of any reappointed planning commissioner to attend at least a one-hour training session from staff or offered by the city within 12 months from the beginning of that person's appointed term. [Ord. 2669, 5-7-07. Code 2001 § 32.50.]

### **Article V. Traffic Safety Commission**

CHAPTER 2.16 - PLANNING COMMISSION

Sec. 2.16.010. - Establishment.

There is established a Planning Commission for the City.

(Ord. No. 1473, § 1, 1973; Ord. No. 2022-06, § 1(Exh. A), 5-2-2022)

Sec. 2.16.020. - Membership.

The Planning Commission shall consist of seven members, at least five of whom shall be city residents. The other two members may be residents or may consist of the following:

- A. An owner and operator of a business located within the city limits, provided such owner and operator is a resident of Clackamas County or that portion of Multnomah County east of 181st Street, Portland, Oregon;
- B. A resident within the city's urban growth boundary but outside city limits. Nothing in this section requires nonresident members.

Seat terms shall exist in three staggered cohorts of two, three, and two seats, respectively. The seats within each cohort shall share the same term beginning and end dates, which must not duplicate the term beginning and end dates of any other cohort.

(Ord. No. 17-91, § 1, 1991; Ord. No. 18-75, § 2; Ord. No. 13, 2017; Ord. No. 2022-06, § 1(Exh. A), 5-2-2022)

Sec. 2.16.030. - Powers and duties of the commission.

The powers and duties of the Planning Commission shall be as follows:

- A. To base all its decisions relating to land use, public facilities, circulation, community appearance and similar matters on the Sandy area comprehensive plan as now or hereafter constituted;
- B. To recommend to the City Council legislation that will implement the purposes of the comprehensive plan;
- C. To recommend zoning amendments consistent with the comprehensive plan;
- D. To review the capital improvement programs each year for consistency with the comprehensive plan;
- E. To review and, subject to appeal, take final action on proposed subdivisions and land partitions;
- F.

To conduct hearings, prepare findings of fact, conclusions and recommendations, and perform such other duties relating to land use controls as may be prescribed by law (e.g., zoning, consideration of conditional use permit, variance and other applications);

- G. To review and submit recommendations to the City Council regarding any annexation to or withdrawal of territory to or from the city;
- H. To recommend and make suggestions to the City Council and to all other public authorities concerning laying out, widening, extending and locating of streets and parking areas, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones or districts limiting the use, height, area and bulk of buildings and structures;
- I. To recommend to the City Council and all other public authorities plans for regulation of 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 and transportation facilities;
- J. To study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and of the area;
- K. To exercise any express or implied power, right or act pursuant to city ordinances and state law.

(Ord. No. 14-73, § 11, 1973; Ord. No. 2022-06, § 1(Exh. A), 5-2-2022)

Sec. 2.16.040. - Commission member occupations.

No more than two voting members shall be engaged in the same kind of business, trade, or profession. No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate.

(Ord. No. 14-73, § 12, 1973; Ord. No. 2022-06, § 1(Exh. A), 5-2-2022)

Sec. 2.16.050. - Hearings officer.

The City Council may appoint or designate one or more qualified persons as planning and zoning hearings officer. The hearings officer shall have the power to conduct hearings on applications for permits or of contested cases under rules and regulations adopted by the City Council pursuant to ORS 227.230.

(Ord. No. 14-73, § 13, 1973; Ord. No. 2022-06, § 1(Exh. A), 5-2-2022)

Sec. 2.16.060. - Advisory members.



The Planning Commission may recommend appointment of advisory members to the City Council or the City Council may directly appoint advisory members at their pleasure. Advisory members are invited to attend all meetings to lend their expertise to the Commission in an advisory capacity.

(Ord. No. 14-73, § 15, 1973; Ord. No. 2018-04; Ord. No. 2022-06, § 1(Exh. A), 5-2-2022)

Sec. 2.16.070. - Election of officers.

At the first meeting of each calendar year, the Planning Commission shall elect a Chair and Vice Chair by majority vote from those commissioners. The Chair and Vice Chair shall serve one-year terms.

Commissioners shall not serve as the Chair or Vice Chair for more than two consecutive calendar years.

( Ord. No. 2022-06, § 1(Exh. A), 5-2-2022)

Sec. 2.16.080. - Quorum.

A majority of the Planning Commission shall constitute a quorum.

( Ord. No. 2022-06, § 1(Exh. A), 5-2-2022)

Sec. 2.16.090. - Attendance.

If a commissioner is unable to attend a scheduled meeting, the commissioner must notify the Development Services Director as soon as the commissioner becomes aware attendance is not possible. If a commissioner fails to attend a scheduled Planning Commission meeting and does not notify the Development Services Director in advance of a meeting, the absence will be classified as unexcused. If a commissioner is absent, excused or unexcused, for 50 percent of Planning Commission meetings within any six-month period, the matter will be referred to the City Council to address.

( Ord. No. 2022-06, § 1(Exh. A), 5-2-2022)

Resolution No. 2913 to the Commission established by § 31.080 , such transfer to become effective May 12, 1993. All duties and obligations of the urban renewal agency of the city shall thereafter be assumed by the Commission to which these powers are transferred. (Ord. 93-04, passed 4-12-93; Am. Ord. 95-26, passed 6-12-95)

### ***PLANNING COMMISSION***

#### **§ 31.105 ESTABLISHMENT.**

There is hereby established a City Planning Commission for the City of Seaside, Oregon. (Ord. 90-05, passed 3-26-90)

#### **§ 31.106 MEMBERSHIP.**

The Planning Commission shall consist of seven members who are not officials or employees of the city and who will be appointed by the Mayor, subject to the approval of the City Council.

(A) (1) A minimum of five members shall reside within the city limits; a maximum of two members may reside within the urban growth boundary, but outside the city limits.

(2) If a member moves his principal residence outside the city limits during his term, that position shall be vacated.

(B) A vacancy shall occur upon the death, resignation, or inability to serve of any member. Resignations, when made, shall be addressed to and accepted by the Mayor. The Mayor, with approval of the Council, may remove a member for cause deemed sufficient by the City Council. Successors shall be appointed by the Mayor, subject to Council approval, for the unexpired term.

(C) No more than two members shall be engaged in the same kind of occupation, business, trade or

profession. No more than two members of the Commission 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, which engages principally in the buying, selling or developing of real estate for profit.

(D) The members shall serve without salary or compensation of any nature. (Ord. 90-05, passed 3-26-90)

#### **§ 31.107 TERMS OF OFFICE.**

Any portion of a term exceeding one-half the period of the term shall be considered a full term. A Planning Commissioner's term of office shall commence on the first day of November of the first

year of his or her term, and shall be for four years, or until an incumbent's successor is appointed and qualified.

(Ord. 90-05, passed 3-26-90; Am. Ord. 95-45, passed 11-13-95)

**§ 31.108 POWERS AND DUTIES.**

The Planning Commission shall have the powers and duties which are now or may hereafter be assigned to it by charter, ordinance, resolution or order of this city and in addition thereto it may:

(A) Recommend and make suggestions to the Council and to other public authorities concerning the laying out, widening, extending and locating of public thoroughfares, the parking of vehicles, the relief of traffic congestion, betterment of housing and sanitation conditions, and the establishment of districts for limiting the use, height, area, bulk and other characteristics of buildings and structures related to land development.

(B) Recommend to the Council and other public authorities plans for regulating the future growth, development and beautification of the city with 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 public utilities, including appropriate public incentives for overall energy conservation, and plans for shipping and transportation facilities.

(C) Recommend to the Council and other public authorities plans for conservation, protection and development of resources.

(D) Do and perform all other acts and things necessary or proper to carry out the provisions of the city codes and ordinances.

(E) Study and propose such measures as are advisable for the promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and its urban growth boundary.  
(Ord. 90-05, passed 3-26-90)

**§ 31.109 RULES OF PROCEDURE.**

Except as otherwise established by the city, the Planning Commission may adopt rules governing the conduct of its business.

(Ord. 90-05, passed 3-26-90)

***SEASIDE PUBLIC AIRPORT COMMITTEE***

**§ 31.170 ESTABLISHMENT.**

There is hereby established a Seaside Public Airport Committee for the city. The Committee shall act as an advisory body to the City Council, the City Manager, and the Public Works Director/City Engineer regarding issues concerning the Seaside Public Airport.

(Ord. 2003-02, passed 3-24-03; Am. Ord. 2018-05, passed 4-9-18)

**§ 31.171 MEMBERSHIP.**

(A) The Committee shall consist of the following seven members: resident of the City of Gearhart, and six members, who are not employees of the city, and at least four of the members shall reside within the city limits who shall serve as members. The Mayor shall appoint one member of the City Council as Council liaison, and the Public Works Director shall be the staff liaison to the Committee.

(B) The citizen members of the Committee shall be selected from, but are not limited to, members of the following groups: persons with a demonstrated interest in public airport, educators, private business persons, persons with a diversity of ethnic and cultural

**Chapter 2.08  
PLANNING COMMISSION**

Sections:

**2.08.010 Created.**

**2.08.020 Membership – Qualifications – Term of office.**

**2.08.030 Chairman and vice-chairman.**

**2.08.040 Recordkeeping – Secretary – Compensation.**

**2.08.050 Powers and duties generally – Quorum.**

**2.08.060 Statutory authority.**

**2.08.070 Consultants, services and other expenses.**

**2.08.080 Recommendations to council – Requirements.**

**2.08.090 Recommendations to council – In writing.**

**2.08.100 Maps, plats and replats – Submittal requirements.**

**2.08.110 Maps, plats and replats – Approval.**

**2.08.120 Review of zoning, district and building ordinances.**

**2.08.130 Recommendations on location or construction of buildings.**

**2.08.140 Gifts and bequests.**

**2.08.150 Expenditure restrictions.**

**2.08.010 Created.**

There is created a city planning commission for the city of Silverton. (Ord. 331 § 1, 1942)

**2.08.020 Membership – Qualifications – Term of office.**

The city planning commission shall consist of seven members. The commission members shall be appointed by the mayor with the approval of the city council. Not less than five members shall be selected from among qualified city residents and not more than two commission members may be chosen from qualified persons who reside within the urban growth boundary of the city of Silverton. Planning commission members in office upon approval of the ordinance codified in this chapter shall continue in office for the duration of current appointments. New members will be appointed for four-year terms. Vacancies in office shall be filled in the same manner as new appointments for the unexpired portion of the term. (Ord. 94-103 § 1, 1994; Ord. 845 § 1, 1986; Ord. 604 § 1, 1969; Ord. 601 § 1, 1969; Ord. 331 § 2, 1942)

**2.08.030 Chairman and vice-chairman.**

At its first meeting each January, the planning commission shall elect a chairman and vice-chairman, who shall serve for the ensuing year. In the absence at a meeting of the chairman, the vice-chairman shall serve as chairman. Upon resignation or removal of the chairman from office, the vice-chairman shall assume the duties of the chairman and a new vice-chairman shall be selected by the commission. (Ord. 845 § 2, 1986; Ord. 601 § 2, 1969; Ord. 331 § 3, 1942)

**2.08.040 Recordkeeping – Secretary – Compensation.**

A. Members of the city planning commission shall receive no compensation.

B. A city staff member shall serve as secretary and keep an accurate record of all proceedings of the commission. The record shall be bound at the end of each fiscal year and kept as a permanent record of the city. (Ord. 89-103 § 1, 1989; Ord. 331 § 4, 1942)

**2.08.050 Powers and duties generally – Quorum.**

Four voting members of the commission shall constitute a quorum. The commission may make and alter rules and regulations for its government and procedure, consistent with the laws of the state and with the City Charter and ordinances. It shall meet at least once a month at such time and place as may be fixed by the commission. Special meetings may be called at any time by the chairperson, or by three members, by written notice served upon each member of the commission at least 48 hours prior to the special meeting. (Ord. 845 § 3, 1986; Ord. 601 § 3, 1969; Ord. 331 § 5, 1942)

**2.08.060 Statutory authority.**

The city planning commission shall also have all the powers which are given to it under the general laws of the state of Oregon. (Ord. 89-103 § 2, 1989)

**2.08.070 Consultants, services and other expenses.**

The city planning commission shall have power and authority to employ consulting advice on municipal problems, a secretary, and such clerks as may be necessary, and to pay for their services and for such other expenses as the commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the commission, out of such funds as are theretofore placed at the disposal of the commission by the city council. (Ord. 331 § 6, 1942)

**2.08.080 Recommendations to council – Requirements.**

It shall be the duty of the city planning commission, and they shall have power, except as otherwise provided by law:

A. 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 establishment of setback lines, the relief of traffic congestion, the betterment of housing and sanitation conditions, and the establishment of zones and districts limiting the use, height, area and bulk of buildings and structures;

B. 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 any public utilities, and transportation facilities;

C. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter; and

D. 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. (Ord. 603 § 5, 1970; Ord. 601 § 4, 1969; Ord. 331 § 7, 1942)

**2.08.090 Recommendations to council – In writing.**

All recommendations made to the council by the commission shall be in writing. (Ord. 331 § 14, 1942)

**2.08.100 Maps, plats and replats – Submittal requirements.**

All maps, plats and replats of land laid out in building lots, and the 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, and all plans or plats for public buildings, shall first be submitted to the city planning commission by the city engineer or other proper municipal officer, and a report thereon from the commission secured in writing before approval shall be given by the said proper municipal official. (Ord. 331 § 8, 1942)

**2.08.110 Maps, plats and replats – Approval.**

All plans, plats or replats of land laid out in lots or plats within the city, including the streets, alleys and other portions of the same intended to be dedicated to public or private use, shall first be submitted to the planning commission and approved by it before they shall be recorded. (Ord. 603 § 6, 1970; Ord. 601 § 5, 1969; Ord. 331 § 9, 1942)

**2.08.120 Review of zoning, district and building ordinances.**

Copies of all proposed ordinances for the establishment of the boundaries of any zone or district provided by SMC 2.08.080, and of all proposed ordinances regulating or limiting the use, height, area, bulk and construction of buildings to be submitted to the council, shall, before the same are presented to the council, be first submitted by the city recorder to the city planning commission for recommendation, and the auditor or city clerk shall immediately so notify the council of such submission to the commission, and the commission shall make its recommendation thereon in writing to the council; provided, that the city planning commission shall first hold a public hearing at such time and place as may be directed by the council, and make a careful and appropriate investigation thereon; and hereafter, before final action shall be taken by the council, or any department of the city government, 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 city planning 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 city planning commission to any matter so referred to it in accordance with the provisions of this chapter, shall be deemed to have been given at the end of 30 days after the receipt of the same in writing by the secretary, unless the city planning commission shall submit a report thereon prior to that time. (Ord. 331 § 10, 1942)

**2.08.130 Recommendations on location or construction of buildings.**

The city planning 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 or by city ordinance. Any person, copartnership, corporation or public authority having charge of the construction, placing or designing of buildings, or other structures and improvements, may call upon the city planning commission for a report thereon. (Ord. 331 § 11, 1942)

**2.08.140 Gifts and bequests.**

The city planning commission may receive gifts, bequests or devises of property to carry out any of the purposes of this chapter, and shall have control and disposition over the same, unless the ordinance codified in this chapter should be repealed, in which case such control shall be vested in the council. (Ord. 331 § 12, 1942)

**2.08.150 Expenditure restrictions.**

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 provided in this chapter, and then only after the city council shall have first authorized such expenditures for such purpose from time to time by appropriate resolution, which resolution shall provide the administrative method by which the funds shall be drawn and expended. (Ord. 331 § 15, 1942)

## **CITY PLANNING COMMISSION**

2.402 Creation.

2.404 Membership.

2.406 Terms of Office.

2.408 Vacancies.

2.410 Officers.

2.412 Secretary.

2.414 Quorum.

2.416 Meetings.

2.418 Staff—Expenses.

2.420 Functions.

2.422 Recommendations to the City Council.

2.424 Expenditures.

### **2.402 Creation.**

There is hereby created a planning commission for the city.

### **2.404 Membership.**

(1) The planning commission shall consist of seven members, to be appointed by the mayor and council, two of whom may be non-residents of the city. Members of the planning commission shall receive no compensation but may receive incurred expenses.



(2) No more than two appointed members shall be engaged principally in buying, selling or developing real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade, profession or occupation.

### **2.406 Terms of Office.**

Appointed members shall each hold office for four years.

### **2.408 Vacancies.**

Any vacancy on the commission shall be filled by the mayor and council for the unexpired portion of the term of the member creating the vacancy. The office of an appointed commission member shall be deemed vacant whenever the commission member has two consecutive unexcused

absences. If the commission member has more than three consecutive excused absences, the commission may declare that position vacant.

### **2.410 Officers.**

At the beginning of each calendar year, the planning commission shall elect a chairperson and vice-chairperson who shall hold office for one year.

### **2.412 Secretary.**

The development services director, or a duly authorized representative, shall keep an accurate and legally sufficient record of all proceedings before the commission and shall provide a monthly meeting summary of planning commission activities to the council at its second regular meeting.

### **2.414 Quorum.**

A majority of appointed members shall constitute a quorum. If a quorum is present, all matters shall be decided by a vote of the majority.

### **2.416 Meetings.**

The planning commission shall meet at least once a month, at such times and places as may be fixed by the commission. Special meetings may be called in accordance with the public meeting laws by the chairperson or vice-chairperson. All meetings shall comply with state public meeting laws and Article 14 of the Springfield Development Code.

### **2.418 Staff—Expenses.**

The principal staff to the planning commission shall be the development services director and the development services department staff.

## **2.420 Functions.**

(1) The planning commission shall be responsible for making recommendations to the council concerning the legislative adoption of land use plans and land use regulations, in accordance with state law. Such plans and regulations shall include, but not be limited to, the metropolitan area general plan, refinement plans and functional plans, the Springfield Development Code, and any other plans or regulations that implement or are subservient to the metropolitan area general plan.

(2) The planning commission shall also be responsible for the review of development proposals in the manner prescribed in the Springfield Development Code. In making such quasi-judicial land use decisions, the planning commission shall act impartially and in accordance with land use plans and regulations that have been adopted by the council.

## **2.422 Recommendations to the City Council.**

All recommendations to the council by the planning commission shall be in writing and shall include findings and reasoning in support of the recommendation.

## **2.424 Expenditures.**

The planning commission shall have no authority to make expenditures on behalf of the city or to obligate the city for the payment of any sums of money.

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## **Contact:**

City Manager: 541-726-3700

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Title 2 ADMINISTRATION AND PERSONNEL

**Chapter 2.12 PLANNING COMMISSION**

2.12.010 Continuation of the Planning Commission.

2.12.020 Powers and duties of the Commission.

2.12.030 Membership.

2.12.040 General procedures.

**2.12.010 Continuation of the Planning Commission.**

There is continued a City Planning Commission, referred to in this chapter as “Commission,” for the City of Warrenton. (Ord. 975-A § 1, 1997)

**2.12.020 Powers and duties of the Commission.**

Except as otherwise provided by the City Commission, the Planning Commission shall have the power and duty to:

A. Recommend and make suggestions to the City Commission 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.

B. Protection and assurance of access to wind for potential future electrical generation or mechanical application. “Wind” means the natural movement of air at an annual average speed measured at a height of 10 meters or at least eight miles per hour.

C. Protection and assurance of access to incident solar radiation. “Incident solar radiation” means solar energy falling upon a given surface area.

D. Recommend to the City Commission 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 telecommunications utilities, including appropriate public incentives for overall energy conservation and transportation facilities.

E. Recommend to the City Commission 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.

F. Make economic surveys of present and potential industrial needs.

G. Study needs of existing local industries with a view of strengthening and developing local industries and stabilizing employment conditions.

H. Do and perform all other acts and whatever may be necessary or proper to carry out the revisions of this chapter.

I. Recommend to the City Commission those ordinance intended to carry out the purposes, principles and proposals expressed in the comprehensive plan.

J. Make recommendations to the City Commission for the adoption of a comprehensive plan of the City, or any part or element thereof. The official comprehensive plan shall be effective on or after its formal adoption by the City Commission.

K. Recommend to the City Commission those ordinance(s) intended to carry out the purposes, principles and proposals expressed in the Warrenton comprehensive plan.

L. Advise and cooperate with other planning agencies within the State, and upon request, or on its own initiative, furnish advice or reports to any City, county officer or department on any problem regarding City planning.

M. Promote public interest in and understanding of the comprehensive plan and of planning and zoning in general.

N. Instruct the Planner/Zoning Administrator to report to the City Commission as needed, on the status of planning and zoning within its jurisdiction.

O. Make recommendations to the City Commission with regard to orderly development of territory within the City.

P. Perform all other acts and/or whatever may be necessary or proper to carry out the provisions of ORS 227.010 to 227.170, 227.175 and 227.180 and other duties as may be prescribed by ordinance or order of the City Commission.

Q. All recommendations and suggestions made to the City Commission by the Planning Commission, shall be in writing.

R. The Planning Commission shall have no authority to make 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 Commission shall have first authorized the expenditures by appropriate ordinance (or resolution), which ordinance (or resolution) shall provide the administrative method by which the funds shall be drawn and expended. (Ord. 975-A § 2, 1997)

## **2.12.030 Membership.**

A. The Planning Commission shall consist of seven voting members appointed by the City Commission, and not more than two of whom may be nonresidents of the City.

B. The Planning Commission may designate advisory, nonvoting members to provide technical advice to the voting members.

C. A term of office on the Planning Commission shall be four years.

D. Vacancies shall be filled by City Commission appointment for the remainder of the unexpired term of the predecessor in office.

E. A member may be removed by the City Commission during his or her term for misconduct or nonperformance of duty, which may include but not be limited to missing three consecutive meetings without an excuse. After a review the City Commission may declare the position vacant.

F. No more than two voting members of the Commission 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 members shall be engaged in the same kind of occupation, business, trade or profession. (Ord. 975-A § 3, 1997)

## **2.12.040 General procedures.**

A. The Planning Commission shall adopt rules and procedures for the transaction of business and shall keep a record of resolutions, transactions, findings, recommendations and determinations, which record shall be a public record.

B. The Planning Commission shall select a secretary, who need not be a member of the Commission. The secretary shall keep an accurate record of all Commission proceedings.

C. The Planning Commission shall elect from its voting membership a chairperson and a vice-chairperson to serve for one-year terms.

D. Four members of the Commission shall constitute a quorum. The Commission may make and alter rules and regulations for its government and procedure consistent with the laws of this state and the City Charter and ordinances. It shall meet at least once a month.

E. A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following as a direct or substantial financial interest: the member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member, any business in which the member is then serving or has served within the previous two years, or 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 Planning Commission where the action is being taken. (Ord. 1062-A § 1, 2003; Ord. 975-A § 4, 1997)

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## Contact:

City Recorder 503-861-0823

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## 1.05 Planning Commission

- 1.05.01 Composition, Terms and Vacancies
- 1.05.02 Organization of the Commission
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### **1.05.01 Composition, Terms and Vacancies**

#### A. Creation of the Commission

1. The Woodburn Planning Commission as created and organized pursuant to Ordinance 1807, is hereby recreated and continued as provided herein.
2. The Commission shall have the duties and powers set forth in this Section and such further and additional powers and duties conferred by the constitutions and laws of the United States and the State of Oregon, the Charter, Ordinances and Resolutions of the City of Woodburn, and as directed by the City Council.
3. The Commission shall act as the Design Review Board under the WDO except where the City Council has acted by resolution pursuant to Section 1.06.01 to appoint a Design Review Board.

#### B. Composition of the Commission

1. The Commission shall consist of a total of seven members appointed by the Mayor to a full or unexpired term, and confirmed by the City Council. Any vacancy in the Commission shall be filled by appointment by the Mayor with the consent of the City Council for the unexpired portion of the term.
2. All members of the Commission shall be legal residents of the City of Woodburn, with the exception of one member, who may reside outside the City.
3. No more than one member shall be engaged principally in the buying, selling, or developing of real estate for profit as an individual, or as a member 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.

#### C. Terms of Office

1. The terms of office of each Commissioner shall be four years, or until a successor is appointed and qualified. The terms of the Commissioners shall be staggered so that not more than three members' terms of office will expire in the same year. The terms of office shall expire at midnight on December 31.
2. Commission members shall be installed at the first regular meeting of the Commission following the expiration of a term or vacancy, and their confirmation by the City Council. Installation shall be completed after an oath or affirmation to uphold the Constitutions of the United States and the State of Oregon and impartially perform the duties of the office to best of their ability.

3. The Council may remove a Commissioner, after hearing, for misconduct or nonperformance of duty.

D. Compensation

Members of the Commission shall receive no compensation for their services, but may be reimbursed for expenses incurred in the performance of their duties.

**1.05.02 Organization of the Commission**

A. Officers

1. The Commission shall elect a Chair and a Vice Chair. The terms of office shall comply with the rules and regulations of the Commission and City Council.
2. The Director shall serve as Secretary for the Commission. The Secretary, supported by other City staff, shall provide notice of public meetings and public hearings, and keep minutes of all proceedings of the Commission in accordance with state law and City ordinances.

B. Meetings

1. Four members of the Commission shall constitute a quorum.
2. The regular meeting place of the Commission shall be at the City Hall.
3. The Commission may establish rules to conduct its business consistent with the laws of the State of Oregon and with the Charter and Ordinances of the City of Woodburn.

**1.05.03 Functions and Duties of the Commission**

A. General Responsibilities for Recommendations to the City Council and Others

Except as otherwise provided by the City Council, the Commission shall have the power to make recommendations to the City Council and to all other public authorities regarding the following:

1. The laying out, widening, extending, and locating of public thoroughfares, parking of vehicles and relief of traffic congestion;
2. Betterment of housing and sanitation conditions;
3. Establishment of zones or districts limiting the use, height, area and bulk and other characteristics of buildings and structures related to land development;
4. Protection and assurance of access incident to solar radiation;
5. Protection and assurance of access to wind for potential future electrical generation or mechanical application;
6. Plans for regulating 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 public utilities and



telecommunications utilities, including appropriate public incentives for overall energy conservation and transportation facilities;

7. Plans for development and regulation of industrial and economic needs of the community, in respect to industrial pursuits;
8. Economic surveys of the present and potential needs of the City;
9. Needs of local industries with a view to strengthening and developing them and stabilizing employment conditions.

B. Recommendations on Planning and Zoning

The Commission shall make written findings and recommendations to the City Council on all proposed amendments to the Comprehensive Plan; proposed or revised ordinances relating to the regulation of land use; all types of land use applications specified for Commission review by the WDO; and all other matters as directed by the City Council after holding any prescribed public hearing. The Commission may also hold public hearings and make recommendations to the Council on any other matter that relates to the Commission's powers and duties.

C. Review and Tentative Approval

The Commission shall have the duty and power to review and tentatively approve all Type III and Type IV applications, subject to review or appeal to the City Council.

D. Other Duties of the Commission

The Commission shall have the authority to exercise any and all powers, functions, and authority delegated to, or conferred upon, the Commission by the laws of Oregon, the Charter of the City of Woodburn, the WDO, or any other ordinance or resolution of the City of Woodburn.

## Title 2. Administration and Personnel

### Chapter 2.04. PLANNING COMMISSION

#### § 2.04.010. Continuation of Planning Commission.

The Planning Commission is continued and current commission members shall continue to serve their unexpired terms.

(Ord. 178 § 1, 1995)

#### § 2.04.020. Membership—Compensation.

- A. The Planning Commission shall consist of seven members appointed by the mayor with the approval of the Council.
- B. Pursuant to ORS 227.030, no more than two voting members of the commission 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 members shall be engaged in the same kind of occupation, business, trade or profession.
- C. All commission members must reside in the City.
- D. All commission members must have resided in the City for no less than six months prior to appointment.
- E. The members of the commission shall receive no compensation for their services.  
(Ord. 178 § 2, 1995; Ord. 225, Amended, 08/07/2001)

#### § 2.04.030. Terms of office—Vacancies.

- A. Terms of office on the commission shall be four years and shall expire on December 31st of the fourth year.
- B. Incumbent members at the time of adoption of the ordinance codified in this chapter shall continue in office until the expiration of the term for which they were appointed.
- C. A member of the commission may be removed by a majority vote of the City Council for cause.
- D. A vacancy shall be filled by the mayor with the approval of the Council for the unexpired portion of the term.  
(Ord. 178 § 3, 1995; Ord. 225, Amended, 08/07/2001)

#### § 2.04.040. Powers and duties.

- A. The commission shall have the powers and duties provided for by ORS 227.090, other state law, City Charter, comprehensive plan and other city ordinances.
- B. The commission shall function primarily as a comprehensive planning body proposing policy and legislation to the Council related to the growth and development of the community. In addition to the authority provided in subsection **A** of this section, the commission:
  - 1. Shall review the comprehensive plan every two years and make recommendations to the Council concerning plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions;
  - 2. May formulate and recommend legislation to implement the comprehensive plan;
  - 3. Shall conduct hearings, prepare findings of fact, and take such actions concerning specific land development proposals as required by city ordinance.
- C. The commission shall perform such other responsibilities and duties as the City Council, from time to time, may delegate by ordinance, resolution or motion.  
(Ord. 178 § 4, 1995; Ord. 203, 1998)

## § 2.04.050. Organization.

- A. The commission shall, at its first meeting of each calendar year, elect a chair and vice-chair. The vice-chair shall assist the chair and serve in the absence of the chair.
- B. The commission may select a secretary from among its members, who shall serve at the pleasure of the commission or the City Council shall designate a city staff member to act as secretary. The secretary shall keep accurate records of all proceedings of the commission and shall perform such duties as are requested of the secretary by the commission, this chapter or by law.
- C. Four members of the commission shall constitute a quorum for the transaction of business.
- D. Regular meetings of the commission shall be monthly in the Council chambers. The chair shall have the power to convene special meetings. The City office shall be the office for transaction of commission business and the keeping of its records.  
(Ord. 178 § 5, 1995)

## § 2.04.060. Report to the Council.

The commission shall make and file with the Council a report of all meetings and transactions of the commission for the preceding month. Copies of the minutes recorded at the regular and special meetings of the commission may serve as reports, shall be filed with the Council as expediently as possible, and in no case more than 30 days after the meeting of the commission. Each commission shall, in addition, make other reports as may be requested by the Council.  
(Ord. 178 § 6, 1995)