

BAY CITY ORDINANCES

ORDINANCE NO. 652

AN ORDINANCE CREATING A CITY PLANNING
COMMISSION AND RULES; REPEALING ORDINANCE NO. 637 AND
DECLARING AN EMERGENCY

The City of Bay City ordains as follows:

Section 1. Repeal. Bay City Ordinance No. 637, codified as 1-4 is hereby repealed in its entirety.

Section 2. Creation. A City Planning Commission of the City of Bay City is hereby created. The City Planning Commission shall consist of seven citizens residing within the City limits or within the City's Urban Growth Boundary and appointed by the City Council. At the first meeting of the Commission, the seven appointed members shall choose their term of office by lot as follows: one for one year, two for two years, two for three years and two for four years. Immediately thereafter, the members shall notify the City Council in writing of such allotment. After this initial appointment, all succeeding terms shall be for four years.

Section 3. Vacancies; Occurrence.

A. The office of a member of the City Planning Commission becomes vacant immediately upon any of the following events:

- (1) Death, or
- (2) Adjudicated incompetence, or
- (3) Recall from the office, or
- (4) Resignation.

B. At any time, upon the majority vote of the City Planning Commission, a vacancy may be declared in case of a City Planning Commissioner's:

- (1) Absence from the City Planning Commission meetings for two consecutive meetings without the consent of the City Planning Commission, or
- (2) Ceasing to reside in the City or within the City's Urban Growth Boundary, as may be applicable; or

- (3) Ceasing to be a qualified elector under State law, or
- (4) Conviction of a public offense punishable by loss of liberty.

Section 4. Filling Vacancies. A vacancy on the City Planning Commission shall be filled by appointment of the Mayor with approval of the City Council, after receiving the recommendation of the City Planning Commission or the City Planning Commission Selection Committee, should the Planning Commission choose to use that process. If the Mayor fails or refuses to fill an appointive office, then the Council, on its own motion, may fill the Commission vacancy upon majority vote. The appointee's term of office begins on the date of appointment and continues until the expiration of the term of the position being filled. During a Commission member's inability to serve on the Commission or during a member's absence from the City, a majority of the members may, by appointment, fill the vacancy pro tem.

Section 5. City Planning Commission Selection Committee. In the event of a City Planning Commission vacancy, the City shall advertise the position. The City shall accept applications from interested persons willing to serve as a City Planning Commissioner. The Planning Commission may, but is not required, to convene a Selection Committee. Any Selection Committee, if used, should have at least two members of the City Council and two members of the City Planning Commission. This Committee may review all applications and interview interested persons, as the Committee deems appropriate. The City Planning Commission Selection Committee shall make a recommendation to the Planning Commission for any appointment to the City Planning Commission vacancy. The City Planning Commission should recommend the appointment to the Mayor, for appointment with Council approval. The City Council may modify this procedure upon majority vote of the City Council for the filling of any City Planning Commission vacancy.

Section 6. City Planning Commissioner Background. City employees or elected officials of the City of Bay City shall not serve on the Planning Commission. No more than two 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 two voting members shall be engaged in the same kind of business, trade or profession. No more than one voting member shall reside outside the City limits, but inside the City's Urban Growth Boundary. In the event that a current Planning Commission member's status changes during their term, the member may complete the term, but may not renew their term if their membership violates the provisions contained herein.

Section 7. Term of Office. At its first meeting in July of each year, the City Planning Commission shall elect a Chair and Vice Chair, who shall hold office for a one year term until the first meeting held in July of the following year.

The Chair shall only vote in the event of a tie.

Section 8. Quorum. A majority of the existing City Planning Commission members, shall constitute a quorum, including the Chair. A majority of the members constituting a quorum at any meeting are required to approve any action. The Chair shall be a nonvoting member, except in the case of tie votes, when the Chair shall cast the deciding vote.

Section 9. Meetings. The City Planning Commission shall schedule at least one meeting per month, to be held at the Bay City Hall. The Planning Commission meetings may be conducted all, or in part, by electronic communication, provided all applicable requirements of the Oregon Public Meetings laws are complied with.

Section 10. Support Services. The City Planning Commission may request the services for consultants and City staff, including, but not limited to the City Planner, the City Attorney, the City Public Works Superintendent, the City Engineer, the City Clerk and a Planning Commission Secretary, as may be necessary to conduct the City Planning Commission business.

Section 11. Compensation. The City Planning Commissioners shall receive no compensation for their services as Commissioners, but shall be reimbursed for duly authorized expenses, incurred by its members in the performance of their duties, out of funds established and authorized by the City Council.

Section 12. Powers and Duties of the City Planning Commission. The powers and duties of the City Planning Commission shall be as follows:

(a) Include all powers and duties set forth in ORS 227.090, as may be amended from time to time;

(b) Carry out duties in compliance with the Bay City Development Ordinance and the Bay City Comprehensive Plan, including, but not limited to:

- (1) Review the Bay City Development Ordinance and Comprehensive Plan and make recommendations for revisions to City planning processes and functions to the City Council; and
- (2) Conduct public reviews and updates in conjunction with other commissions and citizen committees to provide recommendations to the City Council; and
- (3) Conduct public hearings and make quasi-judicial land use decisions on appeal of administrative decisions and land use

applications as prescribed by the Bay City Ordinances and the Oregon Revised Statutes; and

- (4) Conduct public hearings on and make recommendations to the City Council for legislative adoption of amendments to land use regulations and ordinances; and
 - (5) Participate in regional planning activities that affect City land use planning and make recommendations to the City Council on appropriate actions; and
 - (6) To study and make recommendation to the City Council for land use measures as may be advisable for the promotion of the City's environmental quality and sustainability.
 - (7) Review any other matter referred to it by the Bay City Council.
- (c) Recommend and make suggestions to the City Council and to other public authorities concerning:
- (1) The laying out, widening, extending, and locating of public thoroughfares, parking of vehicles, relief of traffic congestion, betterment of housing and sanitation conditions, and establishment of zones and districts limiting the use, height, area, and bulk of buildings and structures; and
 - (2) Protection and assurances of access to incident solar radiation, wind for potential of future electrical generation or mechanical application; and
 - (3) 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 adequate sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and transportation facilities; and
 - (4) Plans for promotion, development and regulation of industrial and economic needs of the community in respect to industrial pursuits; and

- (c) Advertise the industrial advantages and opportunities of the City and availability of real estate within the City for industrial settlement, encourage industrial settlement within the City, make economic surveys of present and potential industrial needs of the City, and study the needs of local industries with a view to strengthening and developing them and stabilizing employment conditions; and
- (d) Study and propose such measures as are advisable for promotion of the public interest, health, safety, comfort, convenience, and welfare of the City and of the area within six miles thereof; and
- (e) Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 to 227.170, 227.175 and 227.180.

Section 13. Time. 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 Bay City Development Ordinance shall be in accordance with such ordinance and within any regulations of state law.

Section 14. Effective Date. The City Council declares an emergency to exist for the immediate preservation of the peace, health and safety of the City and declares that this Ordinance shall become immediately effective upon passage by the City Council and approved by the Mayor.

PASSED and ADOPTED by the City Council this 14th day of June, 2011 and APPROVED by the Mayor this 14th day of June, 2011.

Shaena E. Peterson, Mayor

Attest:

Linda Downey, City Recorder

1st Reading: JUNE 14, 2011
 2nd Reading: JUNE 14, 2011
 Adoption: JUNE 14, 2011
 Ayes: 5
 Nays: 0
 Abstentions: 0