

**ORDINANCE NO. 5041**

**AN ORDINANCE AMENDING THE MCMINNVILLE CITY CODE, CHAPTER 2.32, SPECIFIC TO THE MCMINNVILLE URBAN AREA PLANNING COMMISSION REPEALING AND REPLACING ORDINANCE NO. 3688.**

RECITALS:

Planning is the hallmark of municipal government; and

The State of Oregon requires all cities and counties to address the State Land-Use Planning Goals; and

Oregon Revised Statute 227 provides for the authority and guiding principles for a city to create a planning commission for the city and provide for its organization and operations; and

Chapter 2.32 of the McMinnville City Code provides the enabling language for the City of McMinnville Planning Commission; and

Chapter 2.32 was last substantially updated by Ordinance 3688 in 1973; and

In an effort to continue to update its governing codes and programs, the McMinnville Planning Commission reviewed Oregon Revised Statute 227 and Chapter 2.32 of the McMinnville City Code at a work session on July 20, 2017 and October 19, 2017; and

After considerable due diligence, evaluation and discussion, the McMinnville Planning Commission voted to recommend that the City Council amend Chapter 2.32 of the McMinnville City Code to more accurately represent the role and operations of the Planning Commission; and

The City Council, being fully informed about said request, found that the requested amendments conformed to the applicable state and local regulations, goals and policies based on the material submitted; and

The City Council having received the Planning Commission recommendation and staff report, and having deliberated;

**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:**

1. That Chapter 2.32 (City Planning Commission) is amended in the McMinnville City Code as provided in Exhibit A to this Ordinance.
2. That Ordinance No. 3688 is repealed and replaced by Ordinance No. 5041.
3. That this Ordinance shall take effect 30 days after its passage by the Common Council.

Passed by the Council this 14<sup>th</sup> day of November, 2017, by the following votes:

Ayes: Drabkin, Garvin, Jeffries, Menke, Stassens, Ruden

Nays: \_\_\_\_\_

  
\_\_\_\_\_

MAYOR

Approved as to form:

Attest:

  
\_\_\_\_\_  
CITY ATTORNEY

  
\_\_\_\_\_  
CITY RECORDER



CITY OF MCMINNVILLE  
PLANNING DEPARTMENT  
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PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE

New proposed language is represented by **bold underline font**, deleted language is represented by ~~strikethrough font~~.

Chapter 2.32

CITY PLANNING COMMISSION

Sections:

- 2.32.000 Establishment
- 2.32.010 Purpose. Re-establishment.
- 2.32.020 Responsibilities and Power.
- 2.32.030 Membership.
- 2.32.040 Officers.
- 2.32.050 Meeting/Quorum
- 2.32.060 Expenses / Reimbursements
- 2.32.070 Special Provisions
- 2.32.080 Staff Support

2.32.000 Establishment. The McMinnville Planning Commission shall be the planning commission for the City of McMinnville as authorized in ORS 227.020.

2.32.010 Purpose. The purpose of the McMinnville Planning Commission is to serve in an advisory role to the City Council on the development and implementation of the City of McMinnville’s Comprehensive Plan and its associated planning documents. The Planning Commission also serves in a quasi-judicial capacity on land-use decisions for the City of McMinnville, in order to ensure that the City of McMinnville grows and develops in an orderly fashion with adequate resources for housing, business, industry, transportation, recreation, culture, comfort, health and welfare of its population so that residents and businesses enjoy a high quality of life.

2.32.020 Responsibilities and Power. The City Council of McMinnville delegates to the McMinnville Planning Commission such powers and duties as are now or may hereafter be provided by U.S. or Oregon state law, city charter or ordinances as may pertain to planning and subdivision matters, including but not limited to:

- A. Per ORS 227, the Commission shall have the following powers and duties:
1. Recommend and make suggestions to the City Council and to all other public authorities concerning
    - a. The laying out, widening, extending, parking and locating of streets; sidewalks, bike paths, and boulevards, relief of traffic congestion; and
    - b. Betterment of housing and sanitation conditions; and
    - c. Establishment of zones of districts limiting the use, height, area and bulk of buildings and structures; and
    - 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.
  2. Recommend to the City Council and all other public authorities plans for regulation of all 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, 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 economic and industrial development pursuits.
  4. Encourage industrial and economic development within the city.
  5. Make economic surveys of potential possibilities of the municipality with a view of ascertaining its economic and industrial development needs.
  6. Study needs of existing local industries with view to strengthening and developing local industries and stabilizing employment conditions.
  7. Recommend to the City Council and all other public authorities plans for promotion, development and regulation of amenities which improve the quality of life for city residents.
  8. 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).

9. 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 the urban growth boundary.
- B. The Commission shall serve in a quasi-judicial capacity on land development proposals, conducting public hearings and issuing decisions per federal, state and local regulations.
- C. The Commission shall serve in an advisory capacity to the City Council to recommend and make suggestions regarding preparation and revision of plans (land use goals and policies, comprehensive plan text and plan map, amendments to the urban growth boundary, amendments to the urban growth management agreement, zoning ordinance and zone map, implementation ordinances, etc.) for growth, development, and beautification of areas within the city limits and areas within the city's urban growth boundary, including but not limited to economic development (commercial and industrial), housing, transportation (all modes), parks and open space, public facilities (transportation, water, wastewater and drainage), institutions, quality of life initiatives, etc.
- D. The Commission shall serve as the City of McMinnville's Committee for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Land Use Goal No. 1 and Oregon Administrative Rule (OAR) 660-015-0000(1), with the following responsibilities:
  1. Evaluate the effectiveness of the citizen involvement program annually at its October meeting.
  2. Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the Commission deems appropriate.
- E. The Commission shall coordinate its activities with other jurisdictions, planning bodies and districts as appropriate.
- F. The Commission shall do such other tasks as may be requested by the City Council.

#### 2.32.030 Membership

- A. Number of Members. The Planning Commission shall be composed of nine members.
- B. Residency/Representation. The planning commission shall have at least two representatives from each ward. Appointment to the planning commission to secure this representation by ward shall occur as resignations are received or as current members' terms are completed. Subsequent appointments shall maintain this distribution and representation. Those

individuals appointed to represent a particular ward must reside within that ward. In the event that a representative moves from his ward, then the position shall become vacant and the council will appoint a new member. If the boundaries of a ward are adjusted as required by the Charter or state election laws, then the individual may continue to hold office until his term expires. Three members of the planning commission shall be residents appointed at large from within the city or the urban growth boundary. In the event that a representative moves outside the urban growth boundary, then the position shall be declared vacant and the council shall appoint a new member.

- C. Qualifications. The City Council shall strive to appoint members who represent a cross-section of the citizens of McMinnville, and who will provide the planning commission with expertise in the area of planning, who possess broad areas of interest, and general concern with the planning process which is required for the functioning of this body. No more than two members shall be engaged principally in the buying, selling of real estate for profit as individuals, or be members of a partnership, or officers or employees of a corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than three members shall be engaged in the same kind of business, trade or profession.
- D. Appointments. The City Council will appoint the commission members.
- E. Terms. All terms are for four years commencing with January of each year. Any vacancy which may occur shall be filled by the City Council for the unexpired portion of the term. Members shall not serve more than three full terms.
- F. Removal. A commission member may be removed by the City Council for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The commission may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed.
- G. Ex-Officio Members. One ex-officio youth (21 years of age and under) may be appointed by the City Council, to serve a two year term. The ex-officio youth shall not be a voting member.

#### 2.32.040 Officers

- A. Chairperson / Vice-Chairperson. At its first meeting of each year, the Planning Commission shall elect from its membership a chairperson and vice-chairperson. The chairperson or vice-chairperson, acting as chairperson, shall have the right to make or correct motions and vote on all matters before the commission. A majority of the commission may replace its chairperson or vice-chairperson with another member at any time during the calendar year.

- B. Secretary. The City shall provide a secretary who shall keep an accurate record of all Commission proceedings.
- C. Annual Report to City Council. The Chairperson of the commission shall make an annual report to the City Council by December 31 of each year. The annual report shall include a survey and report of the Commission's activities during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the Commission.

2.32.050 Meeting/Quorum

- A. Meeting Schedule. The Commission shall meet as required to accomplish their responsibilities.
- B. Meeting Conduct. The Rules of Parliamentary Law and Practice as in Roberts Rules of Order Revised Edition shall govern each commission meeting.
- C. Open to the Public. All meetings shall be open to the public.
- D. Quorum. A majority of the members of the commission shall constitute a quorum. Quorum will be based on the number of people officially appointed to the commission at the time and should not include vacancies.
- E. The City Council shall assign to the city planning commission an office or headquarters in the City Hall, if possible, in which to hold its meetings, transact its business and keep its records. The city planning commission shall have the power and authority to employ consulting advice on municipal problems, a secretary, and such other clerks as may be necessary and to pay for their service and for such other expenses as may be lawfully incurred, including the necessary disbursements incurred by the members in the performance of their duties as members of said commission as may be specifically authorized by the City Council.

2.32.060 Expenses / Reimbursements. Commission members shall receive no compensation. Any expense incurred by a commission member that will need to be reimbursed by the City of McMinnville must be pre-authorized by the City Manager or designee.

2.32.070 Special Provisions.

- A. The Planning Commission shall operate within the laws and guidelines of the federal government, the state government, Yamhill County and the City of McMinnville.
- B. The City Council may appoint an ad-hoc committee to address issues that are not under the purview of the existing commission.

2.32.080 Staff Support. Staffing shall be determined by the City Manager or City Manager designee.

Sections:

- ~~2.32.010 — Re-establishment.~~
- ~~2.32.020 — Membership—Qualifications for appointment.~~
- ~~2.32.025 — Representatives from each ward.~~
- ~~2.32.030 — Terms of office.~~
- ~~2.32.040 — Officers.~~
- ~~2.32.050 — Compensation—Secretary.~~
- ~~2.32.060 — Powers and duties—Meetings—Quorum.~~
- ~~2.32.070 — Delegation of authority.~~

~~2.32.010 — Re-establishment. The city recreates and reestablishes the city planning commission. Members of the planning commission shall be appointed by the common council in accordance with the terms as set forth in this chapter. (Ord. 3688 §1, 1973).~~

~~2.32.020 — Membership—Qualifications for appointment. The city planning commission shall consist of nine members who shall be appointed by the council. The common council shall strive to appoint members who represent a cross-section of the citizens of McMinnville, and who will provide the planning commission with expertise in the area of planning, who possess broad areas of interest, and general concern with the planning process which is required for the functioning of this body. (Ord. 3688 §2, 1973).~~

~~2.32.025 — Representatives from each ward.~~

~~A. Commencing January 1, 1980 the planning commission shall have at least two representatives from each ward (established by the McMinnville Charter 1970 amended 1978). Appointment to the planning commission to secure this representation by ward shall occur as resignations are received or as current members' terms are completed. Subsequent appointments shall maintain this distribution and representation.~~

~~B. Those individuals appointed to represent a particular ward must reside within that ward. In the event that a representative moves from his ward, then the position shall become vacant and the council will appoint a new member. If the boundaries of a ward are adjusted as required by the Charter or state election laws, then the individual may continue to hold office until his term expires.~~

~~C. Three members of the planning commission shall be residents appointed at large from within the city or the urban growth boundary. In the event that a representative moves outside the urban growth boundary, then the position shall be declared vacant and the council shall appoint a new member. (Ord. 4069 §1-§3, 1980).~~

~~2.32.030 — Terms of office. The terms of office of the appointed members shall be four years except as this chapter may otherwise provide. Any vacancy which may occur shall be filled by the common council for the unexpired portion of the term. Those members presently occupying positions on the city planning commission are reappointed and shall serve for the duration of their original term of office. At such time as the common council appoints the new planning commission members in January, 1974, they shall choose two individuals to serve for three-year terms and two individuals to serve for four-year terms. (Ord. 3688 §3, 1973).~~

~~2.32.040 — Officers. The city planning commission at its first meeting of each calendar year shall elect a chairman and vice chairman who shall hold office during the remainder of said year. (Ord. 3688 §4, 1973).~~

~~2.32.050 — Compensation—Secretary.~~



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

B. ~~The city planning commission shall elect a secretary who need not be a member of the commission. Such secretary shall keep an accurate record of all proceedings of said commission, and the commission shall regularly make and file a monthly report with the common council of all transactions of the commission. (Ord. 3688 §5, 1973).~~

~~2.32.060 Powers and duties—Meetings—Quorum. Five members of the city planning commission shall constitute a quorum. The city planning commission, with two-thirds of its members concurring, 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, and shall meet at least once a month. The common council shall assign to the city planning commission an office or headquarters in the City Hall, if possible, in which to hold its meetings, transact its business and keep its records. The city planning commission shall have the power and authority to employ consulting advice on municipal problems, a secretary, and such other clerks as may be necessary and to pay for their service and for such other expenses as may be lawfully incurred, including the necessary disbursements incurred by the members in the performance of their duties as members of said commission as may be specifically authorized by the common council. (Ord. 3688 §6, 1973).~~

~~2.32.070 Delegation of authority. The common council of the city delegates to the city planning commission such powers and duties as are now or may hereafter be provided by U.S. or Oregon state law, city charter or ordinances as may pertain to planning and subdivision matters. (Ord. 3688 §7, 1973).~~