

Division II. – PLANNING COMMISSION

Chapter 16.06

PLANNING COMMISSION

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16.06.010 Purpose.

The city has had an active Planning Commission since 1954. The Planning Commission sits as both a hearing body for land development applications and as a recommending body, giving advice to the City Council on a variety of subjects relating to the growth and development of the Canby area. (Ord. 740 section 10.2.05, 1984; Ord. 1237, 2007)

16.06.020 Membership.

The Planning Commission shall consist of seven members. (Ord. 740 section 10.2.10, 1984; Ord 1237, 2007)

16.06.030 Appointment and removal.

Members of the Planning Commission shall be appointed by the City Council upon a recommendation of the Mayor, Council Liaison to the Planning Commission, and Planning Commission Chairperson, Members of the Planning Commission may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the council for the unexpired term of the predecessor in the office. (Ord. 740 section 10.2.15, 1984; Ord 1329, 2010)

16.06.040 Nonvoting participants.

The City Attorney shall be entitled to sit with the commission and take part in its discussions, but shall not have the right to vote. City staff persons shall also attend to assist the commission in the conduct of its business. (Ord. 740 section 10.2.20, 1984)

16.06.050 Term of office.

All members of the Planning Commission shall be appointed to three-year terms, unless appointed to fill the remainder of an unexpired term. (Ord. 740 section 10.2.25, 1984; Ord. 1237, 2007)

16.06.060 Limitation on business engagements.

Not more than two members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership or officers or employees of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than two members shall be engaged in the same kind of business, trade or profession. (Ord. 740 section 10.2.30, 1984)

16.06.070 Election of chairman – appointment of secretary.

The Planning Commission shall elect a chairman and vice chairman who shall be voting members, and the commission shall appoint a secretary who need not be a member of the commission. (Ord. 740 section 10.2.35, 1984)

16.06.080 Compensation.

Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses. (Ord. 740 section 10.2.40, 1984)

16.06.090 Employment of assistants.

The Planning Commission shall have power and authority to employ consulting advice on municipal problems, and such clerks as may be necessary, and to pay for their services and for such other expenses as may lawfully be incurred, but all compensation and expenses authorized by this chapter shall be paid out of such funds which are first budgeted by the City Council and placed at the disposal of the Planning Commission for such purposes. (Ord. 740 section 10.2.45, 1984)

16.06.100 Meeting place.

The City Council shall assign to the commission an office or locations in which to hold its meetings, transact its business and keep its records. (Ord. 740 section 10.2.50, 1984)

16.06.110 Meeting and quorum.

The commission shall meet at least once a month when applications are pending and may make and alter rules and regulations for its government and procedure consistent with the laws of this state and with the city charter and ordinances. A majority of the members of the commission constitutes a quorum. (Ord. 740 section 10.2.55, 1984)

16.06.120 Duties.

Except as otherwise provided by law, it shall be the duty of the commission and it shall have power to:

- A.** Recommend and make suggestions to the City Council and to all other public authorities concerning laying out, widening, extending, and locating of streets, parking, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishing of zones of districts limiting the use, height, area and bulk of buildings and structures;
- B.** Recommend to the City Council and all other public authorities plans for 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 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;
- C.** Act as the city's official citizen involvement entity, hearing any and all comments, criticisms, and suggestions concerning city planning policies, procedures, or regulations as members of the public may wish to convey to the city;
- D.** Do and perform all other acts and things necessary or proper to carry out the provisions of city ordinances and of Oregon Revised Statutes, Chapter 227, and all amendments thereto;
- E.** Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare of the city and of the surrounding area;
- F.** Perform such acts as are now, or may hereafter be, specified in the Land Development and Planning Ordinance or otherwise authorized by the City Council. (Ord. 740 section 10.2.60, 1984)

16.06.130 Recommendations to City Council - Appeals.

- A.** Any actions of the Planning Commission may be appealed to the City Council, provided that any such appeals must be properly filed as required in Division VIII.
- B.** All recommendations made to the City Council by the Planning Commission shall be in writing, except in those unique cases where the two bodies meet together or where an emergency exists.
- C.** The City Council shall not act upon any item requiring the action or recommendation of the Planning Commission until the Planning Commission has had ample time to consider the item; except in the case of an emergency situation where the City Council finds that prompt action is necessitated to preserve the public health, safety, or general welfare. (Ord. 740 section 10.2.65, 1984)

16.06.140 Investigations and recommendations concerning buildings.

The City Planning Commission may make investigations and recommendations to any person, partnership, firm, corporation or public authority with reference to the location of buildings, structures, or works to be erected, constructed or altered; but such recommendations shall not have the force or effect of a law or ordinance except when so prescribed by the laws of the state or ordinances of the city. Any person, partnership, firm, corporation or public authority having charge of the construction, placing or designing of buildings or other structures and improvements in the city, may call upon the Planning Commission for information; provided, however, that the Planning Commission shall take no action which will prejudice the body in the consideration of any pending or anticipated application. (Ord. 740 section 10.2.70, 1984)

16.06.150 Powers.

The City Planning Commission shall have all the powers which are now or may hereafter be given to it under the general laws of the state; and it may receive gifts, bequests or devises of property to carry out any of the purposes of this act, and shall have control and disposition over the same, unless this title or this provision of this title should be repealed, in which case such control shall be vested in the City Council or in a hearings officer as may be appointed for the purpose. (Ord. 740 section 10.2.75, 1984)

16.06.160 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:

1. The member or his spouse;
2. A brother, sister, child, parent, father-in-law or mother-in-law;
3. Any employee, partner, or business associate with whom he has been engaged in business within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

B. Any actual or potential conflict of interest shall be disclosed at the meeting of the commission where the action is being taken. (Ord. 740 section 10.2.80, 1984)

16.06.170 Hearings officer.

The City Council may appoint or designate one or more qualified persons as planning and zoning hearings officer, to serve at the pleasure of the City Council. (Ord. 740 section 10.2.85, 1984)

16.06.180 Expenditures.

The City Planning Commission shall have no authority to make any expenditures on behalf of the city, or to obligate the city for the payment of any sums of money except as herein provided, and then only after the City Council has first authorized such expenditures for said purpose by adoption of a budget including a line item for such expenditures, and placed the same at the disposal of the Planning Commission, or has otherwise adopted a resolution to

provide the administrative method by which the said funds shall be drawn and expended.
(Ord. 740 section 10.2.90, 1984)