

**ORDINANCE NO. 09-849**

**AN ORDINANCE CREATING A PLANNING COMMISSION FOR THE CITY OF TALENT – PRESCRIBING THEIR POWERS AND DUTIES AND ESTABLISHING THE TERMS OF OFFICE OF THEIR MEMBERS AND REPEALING ORDINANCE #472.**

The City of Talent Ordains as follows:

**Article 1. Purpose**

To encourage citizen involvement by amending the Planning Commission’s membership structure and to mitigate potential quorum issues which could cause conflict with State Land Use Laws.

**Article 2. Repeal**

Ordinance No. 472, as amended, is hereby repealed.

**Article 3. Adoption**

Exhibit B, attached and incorporated herein by reference, is adopted.

**Article 4. Effective date**

As per Section 33 of the City Charter, this Ordinance shall take effect on the thirtieth day after adoption.

Duly enacted by the City Council in open session on May 6<sup>th</sup>, 2009 by the following vote:

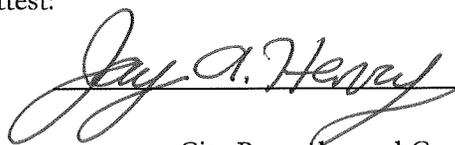
Ayes: 6            Nays: 0            Abstain: n/a            Absent: n/a

By:



Don Steyskal  
Mayor

Attest:



Jay Henry  
City Recorder and Custodian of City Records

Exhibit B

TALENT ORDINANCE #09-849

AN ORDINANCE CREATING A PLANNING COMMISSION FOR THE CITY OF TALENT – PRESCRIBING THEIR POWERS AND DUTIES AND ESTABLISHING THE TERMS OF OFFICE OF THEIR MEMBERS AND REPEALING ORDINANCE #472.

**SECTION 1. [Planning Commission Created]** Pursuant to ORS 227.010 through 227.090, there is hereby created a Commission to be primarily involved in community planning and development issues and to have those powers and duties specified in ORS 227.090 and more specifically outlined in the Talent zoning ordinance, subdivision ordinance and other City regulations. This Commission shall be known as the Planning Commission.

**Section 2. [Duties and Responsibilities]** The Planning Commission is an appointed citizen body with the primary responsibility of providing recommendations to the Mayor and City Council regarding the overall direction of land use planning which include:

1. Periodically review the City's Comprehensive Plan and land use regulations and make recommendations to the City Council on public processes, studies, and potential revisions to the Plan and regulations.
2. Work in conjunction with other City Commissions, Boards, Committees and members of the Planning Commission to ensure coordination of various elements of the Comprehensive Plan and land use regulations.
3. Conduct public hearings and make recommendations to the City Council on planning issues and legislative changes to land use regulations and ordinances.
4. Render quasi-judicial decisions on land use applications and appeals of administrative land use decisions as prescribed by the Talent Zoning Ordinance and Oregon state law.
5. Foster public awareness and involvement in all aspects of land use planning in the community.
6. Except as otherwise set forth by the City Council, the Planning Commission may exercise any or all of the powers and duties enumerated in ORS 227.090 et. seq., as well as such additional powers and duties as are set forth herein.

**Section 3. [Membership – Compensation]** The Planning Commission shall consist of five (5) members to be appointed by the Mayor with the consent of the City Council. One (1) member may live outside the city limits of Talent, but must live within the City's acknowledged urban growth boundary. Commission members shall receive no compensation. The Mayor or appointed City Councilor are designated as ex-officio members and may sit with the Commission but shall have no vote thereon.

**Section 4. [Terms of Office – Vacancies]** Terms of office on the Commission shall be four (4) years and shall expire on December 31 of the fourth year. Members and Alternates shall initially be appointed to serve for two, three or four years with the term assignments

staggered so as to not to have more than 1/2 of the membership terminating in one year. A vacancy shall be filled by the Mayor with the consent of the City Council and that appointee shall serve the unexpired portion of the term.

**Section 5. [Officers]** The Planning Commission shall, at its first meeting of each calendar year, elect a Chair and Vice-Chair. The Chair and Vice-Chair shall be appointed members. The Planning Commission secretary shall be the Planning Director or appointee. The Chair and Vice-Chair positions shall be rotated so that the same commissioner does not hold the same office for two (2) consecutive years.

**Section 6. [Duties of Chair and Vice Chair]** The Chair shall preside at all meetings, set the agenda, recommend the creation of sub-committees, appoint members to such sub-committees as are authorized and shall sign Final Orders of the Talent Planning Commission within ten (10) working days of the Planning Commission decision, unless directed otherwise by the Planning Commission. The Vice Chair shall perform the duties of the Chair in the absence of the Chair and such other duties as may be assigned by the Chair. The Chair or Vice Chair shall preserve order and decorum at Planning Commission meetings and with the consent of the Planning Commission announce reasonable time limits. The Chair or designated appointee shall summarize the issues to be addressed and the applicable criteria to be applied prior to the public hearing testimony.

**Section 7. [Minutes – Report]** The secretary shall keep an accurate record of all Commission proceedings, including written minutes of all meetings. A written Planning Commission report shall be made monthly to the City Council summarizing all Commission activities and action. A copy of the minutes of each Planning Commission meeting shall be delivered to the City Recorder for filing and said minutes shall be a public record and available for public inspection.

**Section 8. [Quorum – Meetings – Rules]** For Legislative matters, three (3) members of the Commission shall constitute a quorum and for Quasi-Judicial matters, four (4) members of the Commission shall constitute a quorum, but in no case shall more than one non-resident Commissioner vote on any such matters. The Chair, at a regular or special meeting, shall fill the vacancies on the Planning Commission with Alternate members for the purpose of making up a quorum. The Commission shall adopt rules or procedures consistent with the law. The Commission meetings shall include at least one (1) regularly scheduled meeting per month, unless canceled at the direction of the Chair due to lack of Commission business or other reason.

**Section 9. [Alternate Members]** Not more than three (3) Alternate members shall be appointed by the Mayor with consent of the City Council. One (1) Alternate member may be a non-resident of Talent but must reside within the acknowledged urban growth boundary. Members shall serve with no compensation for terms of two (2) years, which shall expire on December 31<sup>st</sup> of the second calendar year. Alternate members are ex-officio members and may sit with the Commission. The Alternate member's primary function shall be to assist the Planning Commission, as requested, and members shall be encouraged to attend all Planning Commission meetings. In the case of an absenteeism or vacancy on the Commission, the Chair, with consent of the Commission, shall appoint an Alternate member to occupy the vacant position on a meeting-by-meeting basis. That Alternate member shall have the same rights and voting privileges as the absent

Commissioner. In instances where a legislative matter, general discussion or study session is scheduled, the Chair shall request Alternate members' attendance and participation in the discussion.

Section 10. [Removal From Commission] If a member of the Planning Commission or Alternate should, without valid reason, miss three (3) regular Commission meetings within the same calendar year, that member shall be subject to removal from the Commission. In addition, a Commissioner may be removed for misconduct, conflict of interest or non-performance of duty. Such removal shall be by the Mayor with consent of the City Council, following a public hearing. This process may be initiated by the City Council or by a recommendation from the Planning Commission.

Section 11. [Repeal of Ordinance #472] Ordinance #472, as amended, which was initially adopted on November 19, 1986, is repealed.