

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 12-03

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.08, PLANNING COMMISSION, COMPLEMENTING AMENDMENTS TO AMENDED PLANNING COMMISSION BYLAWS, CONSISTENT WITH COUNCIL APPROVED MODEL BYLAWS.

WHEREAS, the Tigard Municipal Code (TMC), Chapter 2.08, Planning Commission, includes sections on Commission Purpose, Appointment-Membership, Vacancy, Voting Members, Election of Officers, Meetings-Quorum, Conflict of Interest, Disclosure, Powers and Duties, Downtown Design Review Board, Hearings Officer, and Hearings Procedures; and

WHEREAS, Council adopted Model Bylaws in 2010, and directed boards and commissions to adopt bylaws consistent with the Model Bylaws; and

WHEREAS, on November 21, 2011, the Tigard Planning Commission held a workshop to consider the Staff Proposed Draft Amended Bylaws and on February 6, 2012, held a meeting to consider revised Tigard Planning Commission Bylaws and, with minor amendments, recommended the City Council adopt them; and

WHEREAS, the Planning Commission also reviewed Tigard Municipal Code Chapter 2.08, Planning Commission and found that simplifying and streamlining sections of TMC 2.08 to include only sections on the Planning Commission, Powers and Duties of Commission, Downtown Design Review Board, Hearings Officer, and Hearing Procedures is consistent with the recommended amendments to its bylaws; and

WHEREAS, on March 27, 2012, the City Council considered the Planning Commission's recommendation to adopt the revised Tigard Planning Commission Bylaws; and

WHEREAS, on March 27, 2012, the City Council held a public hearing to consider amendments to Tigard Municipal Code, Chapter 2.08.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Tigard Municipal Code, Chapter 2.08, Planning Commission is amended as shown in EXHIBIT A.

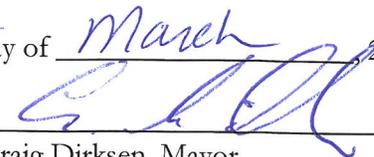
SECTION 2: This ordinance shall be effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By unanimous vote of all council members present after being read by number and title only, this 27 day of March, 2012.

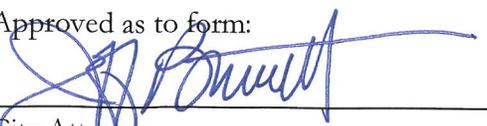


Carol A. Krager, Deputy City Recorder

APPROVED: By Tigard City Council this 27th day of March 2012.



Craig Dirksen, Mayor

Approved as to form:


City Attorney
March 27, 2012

Date

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**Chapter 2.08 PLANNING COMMISSION
AND HEARINGS OFFICER-**

Sections:

- 2.08.010 **Purpose-Planning Commission**
- 2.08.020 **Appointment- Membership-**
(Repealed by Ord. 12-XX)
- 2.08.030 **Commission Removal-**
(Repealed by Ord. 10-17)
- 2.08.040 **Vacancy-**
(Repealed by Ord. 12-XX)
- 2.08.050 **Voting Members-**
(Repealed by Ord. 12-XX)
- 2.08.060 **Election ~~Of of~~ Officers-**
(Repealed by Ord. 12-XX)
- 2.08.070 **Meetings- Quorum- Voting-**
(Repealed by Ord. 12-XX)
- 2.08.080 **Planning Commission Member**
Conflict ~~Of of~~ Interest
Activities-
(Repealed by Ord. 12-XX)
- 2.08.090 **Disclosure ~~Of of~~ Prehearing**
Contact
(Repealed by Ord. 12-XX)-
- 2.08.100 **Powers ~~And and~~ Duties ~~Of of~~**
Commission-
- 2.08.105 **Downtown Design Review**
Board-
- 2.08.110 **Hearings Officer-**
- 2.08.120 **Hearing Procedures-**

2.08.010 Purpose-Planning Commission

The ~~purpose of the~~ Tigard Planning Commission ~~is to~~ advises the City Council on general land use and transportation planning issues; long-range capital improvement programs; and to act as a hearings body for applications of permits, land use applications and land use appeals, or other matters as directed by the City Council. The Planning Commission shall operate pursuant to bylaws approved by City Council, which may only be amended by action of the City Council. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.020 Appointment- Membership-

~~—The City Planning Commission shall consist of nine members, not more than two of whom may be nonresidents of the City, to be appointed by the Council to serve a term of four years. No person appointed after January 1, 1996 may serve more than two full consecutive terms on the Planning Commission, notwithstanding prior appointment to an unexpired term. Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses. (Ord. 95-26; Ord. 92-35 §2 (Exh. A)(part), 1992).~~
(Repealed by Ord. 12-XX)

2.08.030 Commission Removal-

(Repealed by Ord. 10-17)

2.08.040 Vacancy-

~~—Any vacancy in such a commission shall be filled by the appointing authority for the unexpired term of the predecessor in the office. (Ord. 92-35 §2 (Exh. A)(part), 1992).~~
(Repealed by Ord. 12-XX)

2.08.050 Voting Members-

~~—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. 92-35 §2 (Exh. A)(part), 1992).~~
(Repealed by Ord. 12-XX)

2.08.060 Election ~~Of of~~ Officers-

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~~The Planning Commission, at its first meeting in each odd numbered calendar year, shall elect a president and a vice president, who shall hold office at the pleasure of the Commission. The president and vice president shall be voting members of the Commission. The vice president shall preside in the absence of the president. (Ord. 92-35 §2 (Exh. A)(part), 1992).~~
(Repealed by Ord. 12-XX)

2.08.070 Meetings ~~–~~ Quorum ~~–~~ Voting.

~~The Commission shall meet at least once in each calendar month or as necessary. A majority of the members of the Commission shall constitute a quorum. A majority vote of those members present at an open meeting of the Commission shall be necessary to legally act on any matter before the Commission. (Ord. 92-35 §2 (Exh. A)(part), 1992).~~ (Repealed by Ord. 12-XX)

2.08.080 Planning Commission Member Conflict ~~Of of~~ Interest Activities.

~~(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 the spouse, brother, sister, child, parent, father in law, mother in law of the member;~~

~~(2) Any business in which the member is then serving or has served within the previous two years; or~~

~~(3) Any business for which the member is negotiating or for which the member has an arrangement or understanding concerning prospective partnership or employment.~~

~~(b) Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken. (Ord. 92-35 (Exh. A)(part), 1992).~~

(Repealed by Ord. 12-XX)

2.08.090 Disclosure ~~Of of~~ Prehearing Contact.

~~(a) A member of the Planning Commission shall disclose to the Commission, prior to any hearing on a petition for a permit or with respect to any contested case, any prehearing or ex parte contacts with the applicant's officers, agents and employees, or any of the parties to a contested case concerning the permit sought or the question at issue.~~

~~(b) A member of the Commission shall disqualify himself or be disqualified by the remaining members of the Commission present at a hearing when it appears that the impartiality or objectivity of any member has been compromised by prehearing or ex parte contact. (Ord. 92-35 §2 (Exh. A)(part), 1992).~~
(Repealed by Ord. 12-XX)

2.08.100 Powers ~~And and~~ Duties ~~Of of~~ Commission.

~~(a) A.~~ Except as otherwise provided by the City Council, and described in the commission's bylaws, ~~a City~~ the Tigard Planning Commission may:

~~(1) Make and alter rules and regulations for its government and procedure consistent with the laws of the state of Oregon, the City Charter, this chapter and other ordinances of the City;~~

~~(2) 1.~~ Recommend and make suggestions to the City Council and to other public authorities concerning:

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~~(A)~~a. The long range comprehensive land use plans for the Citycity, as well as any land use plans for specific areas within the Citycity,

~~(B)~~b. Plans for the Citycity-wide transportation system, including the laying out, widening, extending and locating of public thoroughfares; relieving traffic congestion conditions; bicycle and pedestrian facilities; transit facilities and routes; design standards for transportation facilities; and parking lot regulations,

~~(C)~~c. Any proposals to adopt or amend planning documents for the Citycity-wide transportation system, including the transportation map of the comprehensive plan and the transportation capital facilities program,

~~(D)~~d. Establishment of districts for limiting the use, height, area, design, bulk and other characteristics of buildings and structures related to land development, including the creation of and amendments to the Tigard development code and the zoning map,

~~(E)~~e. Betterment of housing and sanitation conditions,

~~(F)~~f. Protection and assurance of solar access;

~~(3)g. Recommend to the Council and other public authorities plans Plans~~ for regulating the future growth, development and design of the City-city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots; ~~and~~

~~h. plans-Plans~~ to secure to the City city and its inhabitants sanitation, proper service of public utilities and telecommunications utilities, and shipping and transportation facilities; ~~and~~

~~i. appropriate-Appropriate~~ measures for energy conservation; ~~and~~

~~(4)j. Recommend to the Council and other public authorities p~~Plans for promotion, development and regulation of industrial and economic activities in the community;

~~(5)2.~~ Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 to 227.~~120-170~~, and 227.~~160-175~~ to 227.180;

~~(6)3.~~ Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the Citycity, including the area that is expected to eventually become a part of the City-city through annexation.

~~(b)B.~~ The City Council shall assign to the Planning Commission such facilities and services as necessary to enable the Commission commission to hold its meetings, transact its business and keep its records. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.105 Downtown Design Review Board

~~(a)A.~~ The Council-council may appoint or designate a subcommittee of the Planning Commission as the Downtown Design Review Board. The Downtown Design Review Board shall have the power to conduct Type III-C hearings on applications for permits as specified in ~~the Tigard Development Code~~Title 18 of this code.

~~(b)B.~~ The subcommittee shall consist of a minimum of three members or alternate members of the Planning Commission.

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~~(c)C.~~ ~~Notwithstanding the provisions of Section 2.08.070, a~~ majority of the designated subcommittee shall constitute a quorum. A majority vote of those members present at an open meeting of the ~~Board-board~~ shall be necessary to legally act on any matter before the ~~Boardboard~~. (Ord. 10-12 § 1, 2010).

2.08.110 Hearings Officer:

The ~~Council-council~~ may appoint or designate one or more qualified persons as Planning and Zoning Hearings Officer(s), to serve at the pleasure of the City Council. The ~~Hearings hearings Officerofficer~~(s) shall have the power to conduct hearings on applications for permits. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.120 Hearing Procedures:

~~(a)A.~~ Procedures for the conduct of quasi-judicial hearings as prescribed by ~~Section 18.32.160~~Title 18 of this code shall apply with respect to the conduct of hearings by the Planning Commission, Downtown Design Review Board and ~~Hearings hearings Officerofficer~~.

~~(b)B.~~ Procedures for the conduct of legislative hearings as prescribed by ~~Section 18.30.100~~Title 18 of this code shall apply with respect to the conduct of legislative hearings by the Planning Commission. (Ord. 92-35 §2 (Exh. A)(part), 1992). ■