

GENERAL ORDINANCE NO. 917**AN ORDINANCE TO REESTABLISH THE PLANNING COMMISSION
OF THE CITY OF THE DALLES; REPEALING ORDINANCE NO.
761; AND DECLARING AN EMERGENCY**

The people of The Dalles do ordain as follows:

Section 1. Reestablishment. There is hereby reestablished a city planning commission for the City of The Dalles, Oregon.

Section 2. Membership. The commission shall consist of seven members who are not officials or employees of the city. The Mayor, City Manager, City Engineer or their designated representatives shall be entitled to sit with the commission and take part in its discussions, but shall not have the right to vote.

Section 3. Term of Office. Members of the planning commission shall be appointed by the City Council for term of four years from April 30 of the year of appointment, except that initial appointments of some members shall be for other specified terms in order to establish an approximately equal expiration of terms each year. Appointments may be made for the members of the commission to serve on an interim basis until their regular terms begin on April 30, 1974.

Section 4. Qualifications. 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.

Section 5. Vacancies and Removal. Appointments to fill vacancies shall be for the remainder of the unexpired term. A member may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. A member who is absent from three consecutive meetings or is absent from over 15 per cent of the commission's meetings in one year, without an excuse as approved by the planning commission, is rebuttably presumed to be in non-performance of duty; and the City Council shall declare the position vacant unless finding otherwise following the hearing.

Section 6. Presiding Members. At its first meeting of each year, the commission shall elect a chairman and vice-chairman to serve one year terms.

Section 7. Secretary. The planning director shall serve as secretary to the planning commission and shall keep a record of commission proceedings.

Section 8. Meetings. A majority of the members of the planning commission shall constitute a quorum. The commission shall meet on the first and third Thursdays of every month. Meetings that fall on public holidays shall be held on the preceding day. Meeting shall be open to the public. Meetings other than at regularly scheduled times may be scheduled at a prior meeting and so noted in the meeting minutes. The chairman upon his own motion may, or at the request of three members of the commission shall, by giving notice to members of the commission, call a previously unannounced special meeting of the commission for a time not earlier than 24 hours after the notice is given. Notice of previously unannounced meeting shall be delivered or telephoned to a newspaper published in the city and, to the extent feasible, provided to interested persons at least 24 hours prior to the meeting.

Section 9. Powers and Duties. The commission shall have the powers and duties which are now or may hereafter be assigned to it by charter, ordinances or resolutions of this city and general laws of this state.

Section 10. Hearings. Unless otherwise provided by ordinance, hearings which the laws of the state of Oregon and the ordinances of the City require to be held on matters under state law and the zoning, subdivision, land use planning, land development and building code ordinances of the city shall be held by the planning commission.

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: the member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served 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. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.

Section 11. Hearing Procedure. The council shall adopt by resolution a procedure for the conduct of hearings.

Section 12. Appeals. A part aggrieved by the action of the planning commission at any hearing provided for by this ordinance or the laws of the state of Oregon, or any person to whom notice of the hearing was sent as required by state law or the ordinances and resolution of the city, may appeal from such action to the city council. An appeal to the council from such action shall be taken by the party or person appealing within 30 days from the date that the written decision of the planning commission is filed with the City Clerk. The party or person appealing shall, within this 30 day period, file with the City Clerk a written notice of appeal stating the grounds of his appeal and whether or not he is appealing from the entire decision or a portion or portions thereof. The City Council, within 30 days from the date of the filing of the decision of

the planning commission with the City Clerk, on its own motion may review any action taken by the planning commission under state law or any of the ordinances of the city. In accordance with rules adopted by the City Council therefor, the City Council shall hold a hearing on the action of the planning commission appealed from or reviewed as set forth in the transcript of the hearing, the written findings of the planning commission and the action taken by the planning commission with respect to the proposed use of land. The City Council may amend, rescind or affirm the action of the planning commission. [Section 12 as amended by Ordinance No. 933, passed April 21, 1975.]

Section 13. Rules. The commission may adopt rules governing its business.

Section 14. Repeal. Ordinance No. 761, passed and approved February 17, 1958, is repealed.

Section 15. Emergency Clause. Inasmuch as the 1973 Legislative Assembly of the State of Oregon passed House Bill 2965 (Chapter 739, Oregon Laws 1973), making substantial changes in the state law governing the organization of planning commissions, the qualifications of the members thereof and the procedures to be followed by planning commission; and it is necessary in the interest of the public health, safety and welfare that the present city ordinance governing the planning commission of the City of The Dalles be repealed and a new ordinance adopted in conformity with the changes in the state law as soon as possible; now, therefore, an emergency is declared to exist; and this ordinance shall go into full force and effect immediately upon its passage and approval.

Passed by the Council and approved by the Mayor January 21, 1974.