

## Athena Ordinances

## ORDINANCE NO. 125

AN ORDINANCE ESTABLISHING A CITY PLANNING COMMISSION; SETTING FORTH THE DUTIES AND POWERS THEREOF; PROVIDING FOR HEARINGS AND REPORTS ON ZONING AND IMPROVEMENT ORDINANCES; DIRECTING THE SUBMISSION OF ALL PLANS FOR SUBDIVISIONS AND STREET ALTERATIONS TO THE COMMISSION.

The City of Athena ordains as follows:

**Section 1. Creation of the Commission.** There is hereby created a commission for the purpose of planning and controlling the growth of the City of Athena. The commission shall be known as the “Athena Planning Commission,” and shall have membership, powers, rights and duties as hereinafter set forth.

**Section 2. Membership and Compensation.** The commission shall consist of non-voting, standing members—the current mayor, attorney, and recorder. Seven voting members will be appointed by the mayor, not more than two of whom shall be nonresidents of the city who have a vested interest in the community.

Commission members shall be compensated at the same water rates of City Council members.

**Section 3. Terms of Office; Vacancies.** Members shall be appointed for a four-year term. If a vacancy should occur, the mayor will appoint a candidate for the unexpired portion of the vacated term.

**Section 4. Chairperson and Vice-Chairperson.** At the first meeting of the calendar year, the commission shall elect a chairperson for a one-year term. The outgoing chairperson shall be appointed vice-chairperson. The city recorder/city clerk shall keep an accurate record of all commission proceedings.

**Section 5. Meetings; Rules; Office of Commission.** Five members of the commission shall constitute a quorum. At least four members appointed by the mayor shall at all times constitute a part of such quorum. The commission may make and alter rules and regulations for its government and procedure consistent with laws of this state and with the city charter and ordinances. It shall meet at least once a month.

**Section 6. Consultant and Expenses.** The commission may employ consulting advice on municipal problems, a secretary and such clerks as may be necessary, and pay for their services and such other expenses as the commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the commission, out of funds at the disposal of the commission, as authorized by the city council.

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**Section 7. Powers and Duties of Commission.** Except as otherwise provided by law, the commission may:

- 1) Recommend to the city council and all other public authorities concerning laying out, widening, extending, and location of streets, and boulevards, sidewalks, parking, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones of districts limiting the use, height, area and bulk of buildings and structures.
- 2) 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, shipping and transportation facilities.
- 3) Recommend to the city council and all other public authority plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits.
- 4) Advertise the industrial advantages and opportunities of the municipality of real estate within the municipality for industrial settlement.
- 5) Encourage industrial settlement within the municipality.
- 6) Make an economic survey of present and potential possibilities of the municipality with a view to ascertaining its industrial needs.
- 7) Study needs of existing local businesses with a view to aiding and developing local business and stabilizing employment conditions.
- 8) Do and perform all other acts or things necessary to carry out the provisions of this ordinance.
- 9) Study and propose, in general, such measures as may be advisable for promotion of public interest, health, morals, safety, comfort and convenience of the city and of the UGB area adjacent thereto.

**Section 8. Submission of Subdivision and Street Alteration to the Commission; Report.** All maps, plats and replats of land laid out in building plots, and the streets, alleys or other portions of the same intended to be dedicated for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto and located within the city limits, and all plans or plats for vacating or laying out, widening, extending or locating streets, parking areas, or plans for public buildings, shall first be submitted to the commission by the city engineer or other proper municipal officer and a report thereon from the commission secured in writing before approval is given by the proper municipal officials.

**Section 9. Commission Notification Required On All Plans Before Recording.** All plans, plats or replats of lands laid out in lots or plats, including the streets, alleys and other portions of the same, intended to be dedicated to public or private use, and all plans, plats or deeds dedicating land to public use in that portion of the county within UGB area, shall first be submitted to the commission.

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**Section 10. Procedure and Approval for Renaming Streets.** Within UGB limits the commission shall recommend to the city council the renaming of any existing street, highway or road, other than county road or state highway, if, in the judgement of the commission, such renaming is in the best interest of the city and the UGB area. Upon receiving such recommendation, the council shall afford persons particularly interested and the general public an opportunity to be heard at a time and place to be specified in a notice of hearing published in a newspaper of general circulation within the municipality and the UGB area not less than once within the week prior to the week within in which the hearing is to be held. After such opportunity for hearing has been afforded, the city council shall by ordinance rename the street or highway in accord with the recommendation or shall reject the recommendation by resolution.

A certified copy of each such ordinance shall be filed for record with the following: county clerk or recorder, county surveyor, county planning division, and county assessor.

**Section 11. Hearing On, Submission and Report of All Zoning and Improvement Ordinances.** Copies for all ordinances for establishment of boundaries of any zoning or district provided for in this ordinance or in ORS 227.090, and all ordinances regulating or limiting the use, height, area, bulk and construction of buildings shall, before they are submitted to the city council, be first transmitted by the recorder to the commission for recommendation. The recorder shall notify the council, and the commission shall make its recommendation thereon in writing to the council. The commission shall first hold a public hearing at such time and place which may be directed by the council, and make a careful and appropriate investigation thereon. Before any action is taken by the city council on the location or design of any public building, bridge, statue, park, parkway, boulevard, playground or public grounds, the same shall be submitted to the commission for consideration and report. Unless the city council definitely names a longer period for the return of the report, the approval of the commission to any matter so referred shall be deemed to have been given at the end of 30 days after the receipt of the matter in writing by its secretary, unless the commission submits a report thereon prior to that time. (LCDC & LUBA Laws on time)

**Section 12. Recommendation and Reports on Building Location.** The commission may make recommendations to any person, partnership, corporation or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered by such person, partnership, corporation or public authority. However, such recommendation shall not have the force or effect of an ordinance except when so prescribed by city ordinance. Any person, partnership, corporation or public authority affected hereby may call upon the commission for a report upon any project so affected.

**Section 13. Acceptance of Gifts and Federal Funds.** The commission may accept gifts, bequests, devices, and state or federal funds as provided in ORS 227.150.

Passed by the council and approved by the mayor January 27, 1955

Amended by the Council and approved by the mayor on February 8, 2001

Amended by the Council and approved by the mayor on November 15, 2007