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**CHAPTER 1222**  
**Planning Commission**

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**CROSS REFERENCES**

- Regional planning coordination; district formation - see ORS 195.025
- Advisory committees - see ORS 197.160
- County planning - see ORS 215.010 et seq.
- Planning commissions - see ORS 215.020, 215.030
- Planning and zoning hearings and review - see ORS 215.402 et seq.
- Permits, contested cases, hearings - see ORS 215.402, 215.406, 215.412, 215.416, 215.422
- Communication of County Counsel with Planning Commission - see ADM. 219.02
- Authority re sewer and water project review - see S.U. & P.S. 1044.06
- Planning and Development Department - see P. & Z. Ch. 1220

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**1222.01 AUTHORITY TO ESTABLISH; INTENT; REVIEW AND ADMINISTRATIVE AUTHORITY.**

ORS 215.020 authorizes the establishment of planning commissions for counties. This chapter exercises that authority and is intended to clarify the role of the Planning Commission. In addition to the function prescribed by Section 1222.04, the Planning Commission shall also have the powers and duties of a hearings officer, as prescribed by ORS 215.010 to 215.100 and 215.402 to 215.422.

(Ord. 15-79/80. Passed 11-13-79; Ord. 87-1. Passed 3-18-87.)

**1222.02 ESTABLISHMENT.**

There is hereby established in and for the County a Planning Commission which shall exercise such authority as is conferred by statute or ordinance.

(Ord. 195-77. Passed 6-22-77.)

**1222.03 MEMBERSHIP.**

(a) The Planning Commission shall consist of five members appointed by the Board of Commissioners for four-year terms, provided that the appointments may be staggered for one, two, three or four-year terms.

(b) Any vacancy on the Planning Commission shall be filled by the Board of Commissioners for the unexpired term.

(c) Members of the Planning Commission shall be residents of various geographic areas of the County, provided that the majority shall be from unincorporated areas. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit, either as an individual, as a member of any partnership, or as an officer or employee of any corporation that is engaged principally in the buying or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of occupation, business, trade or profession.

(d) There shall be a six-month probationary period for all new members. Prior to completion of this six-month period, a Commission member may be removed by majority vote of the Board without cause. A Planning Commission member may be removed by the governing body for misconduct or nonperformance of duty.

(e) Members of the Planning Commission shall serve without compensation, other than reimbursement for duly authorized expenses.

(f) The Board of Commissioners may designate one or more officers of the County to be nonvoting members of the Commission.

(g) As to quorum and voting requirements, the Planning Commission shall be governed by Section 250.02 of the Codified Ordinances.

(Ord. 15-79/80. Passed 11-13-79; Ord. 21-79/80. Passed 1-16-80; Ord. 84-2. Passed 1-18-84; Ord. 87-1. Passed 3-18-87.)

**1222.04 FUNCTIONS.**

Functions of the Planning Commission are to:

- (a) Assist the Board of County Commissioners in formulating policies and implementing established policies;
- (b) Assist the Board by relieving it of much of the time consuming effort of investigating planning issues, identifying optional solutions and obtaining substantial, effective public support and input for proposed plans;
- (c) Balance planning goals with public wishes and reconcile the resulting recommendations with the requirements of law prior to forwarding them to the Board for consideration and adoption; and
- (d) Provide insight on planning issues from the position of an informed citizen who, by profession, experience or interest, can perceive issues and solutions in a manner which may not be readily recognized by professional planners or elected officials.

(Ord. 15-79/80. Passed 11-13-79.)

**1222.05 CONFLICTS OF INTEREST.**

No member of the Planning Commission shall participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: The member or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law or partner, or a business in which he or she is then serving or has served within the previous two years, or any business with which he or she is negotiating for or has an arrangement or understanding with concerning prospective partnership or employment. Any actual or potential conflict of interest shall be disclosed at the meeting of the Commission where the action is being taken.

(Ord. 15-79/80. Passed 11-13-79.)

**1222.06 AUTHORITY AND RESPONSIBILITIES.**

- (a) The Planning Commission is hereby delegated the authority to review and recommend concerning the following matters in an advisory capacity to the Board of Commissioners:
  - (1) Legislative or quasi-judicial amendments to the County Comprehensive Plan, the Land Development Ordinance or other ordinances related directly to the development and use of land;

- (2) Projects and plans of special districts to determine consistency with the County Comprehensive Plan;
- (3) Comprehensive plans of incorporated communities to determine consistency with the County Comprehensive Plan;
- (4) Citizen involvement activities;
- (5) An annual work program for the Planning Commission; and
- (6) Any other tasks which the Board of Commissioners may assign to the Planning Commission, or other tasks the Planning Commission elects to initiate with Board concurrence.

(b) In the exercise of the above authority, the Planning Commission shall have the following responsibilities:

- (1) To adopt bylaws governing the election and duties of officers, establishment of subcommittees, setting of meetings, order concerning the agenda, rules on attendance and other matters which the Commission may find necessary to effectively perform its delegated authority and responsibility.
- (2) To become informed and have an understanding of:
  - A. Its authority by law;
  - B. Basic land use planning practices;
  - C. The documents upon which land use decisions are based, such as the Comprehensive Plan, Land Development Ordinance and other informational and advisory materials provided by the Development Services Department; and
  - D. The structure, activity and function of the citizen advisory committees.
- (3) To make recommendations to the Board of Commissioners based upon the following:
  - A. Direction and limitation provided by local and State law;
  - B. Consideration of sound planning practice;
  - C. Consideration of public opinion;

- D.** Thorough evaluation of the issues and alternative solutions.
- (4) To advise the Board periodically concerning the status of tasks under consideration, their projected dates for completion and recommendations for change in program direction.
- (c) The Planning Commission shall have authority to grant conditional use permits, make similar use determinations and approve major partitions and subdivisions under the Land Development Ordinance; to make recommendations to the Board of Commissioners in regard to naming public thoroughfares; and to hear and recommend Zoning Map amendments.
- (d) It is the responsibility of the Board of Commissioners to provide program direction to the Planning Commission through the following means:
- (1) Joint meetings between the Board of Commissioners and Planning Commission at least annually;
  - (2) Frequent communication between the Board liaison member and the Planning Commission; and
  - (3) A mutually agreed upon work program between the Board and Planning Commission.

(Ord. 15-79/80. Passed 11-13-79; Ord. 84-2. Passed 1-18-84; Ord. 87-1. Passed 3-18-87; Ord. 2007-2. Passed 1-31-07.)

#### **1222.07 STAFF SERVICES AND RELATIONSHIP TO THE PLANNING COMMISSION.**

- (a) The Development Services Director shall arrange and provide for adequate training of new Planning Commission members to prepare them for the responsibilities outlined in this chapter.
- (b) The Development Services Director shall annually consult with the Planning Commission in the development of its annual work program. The Planning Commission shall forward its recommendations to the Board of Commissioners.
- (c) The Development Services Director shall provide staff services to the Planning Commission in accordance with its adopted work program.

(d) The Planning Commission shall forward recommendations to the Board after first consulting with the Development Services Director. The Development Services Director will send recommendations on matters identified in Section 1222.06(a) to the Planning Commission before forwarding them to the Board of Commissioners. However, the Board of Commissioners may request recommendations only from the Director when time does not permit Planning Commission review. In these instances, the Chairman of the Planning Commission will be advised of the recommendations requested or received. The above procedure is designed to minimize conflicting recommendations to the Board of Commissioners, and to maintain the

(e) Planning Commission's effective role in the process described by this chapter. Disagreements between the Planning Commission and staff should be considered jointly, with the goal of seeking resolution before consideration of the matter by the Board. If resolution is not attained, both views should be presented to the Board.

(Ord. 15-79/80. Passed 11-13-79; Ord. 87-1. Passed 3-18-87; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

#### **1222.08 STUDY AND RECOMMENDATION PROCESS.**

(a) The standard process for studying an issue and developing recommendations of the Planning Commission shall be as follows:

- (1) A work plan set to deal with the issue;
- (2) Staff investigation of the issue and preparation of a report and recommendations;
- (3) Planning Commission review of the staff report, with preliminary modifications as required;
- (4) Solicitation of the Citizen Advisory Committee's advice;
- (5) Planning Commission review and response to Citizen Advisory Committee's comments, with proposal modifications as necessary;
- (6) Public hearing set;
- (7) Deliberations conducted following hearing testimony; and
- (8) Development of findings and recommendations for the Board of Commissioners.

- (b) Variations to the process identified in subsection (a) hereof may occur when:
- (1) Substantial agreement cannot be obtained concerning an issue;
  - (2) A study is terminated by the Planning Commission without reaching a conclusion and recommendations;
  - (3) More extensive public comment is required; and
  - (4) A special procedure is developed by the Board of Commissioners for specific issues.

(Ord. 15-79/80. Passed 11-13-79; Ord. 87-1. Passed 3-18-87.)

### **1222.09 HEARINGS.**

When conducting hearings, the Planning Commission shall act in conformity with law, ordinances and rules now in effect or which may be hereafter adopted for the conduct of such hearings.

(Ord. 15-79/80. Passed 11-13-79.)

### **1222.10 RULES OF PROCEDURE.**

The Planning Commission shall conform its procedure to rules issued by order of the Board of County Commissioners, to rules adopted by the Commission and filed with the Board and to applicable statutes and ordinances.

(Ord. 176-76. Passed 9-22-76.)

### **1222.11 PURPOSE AND DEFINITIONS.**

(a) Purpose. The purpose of the County in adopting Sections 1222.11 to 1222.14 is to shape its local land-use planning organization to more expediently meet those urban planning obligations which it recognizes in White City.

(b) Definitions. In Sections 1222.11 to 1222.14, the terms below listed shall be given the following meanings:

- (1) White City - means all that area lying within the White City Urban Containment Boundary, together with any area contiguous to it and hereafter included in an Urban Unincorporated Community planned and acknowledged as such pursuant to OAR Chapter 660, Division 22.

- (2) General Planning Commission - means the planning commission established in Section 1222.02 pursuant to ORS 215.020(1).
- (3) White City Planning Commission - means the planning commission established by Section 1222.12, pursuant to ORS 215.010(1), for White City.

(Ord. 96-35. Passed 8-7-96; Ord. 2001-33. Passed 12-19-01; Ord. 2013-4. Passed 7-10-13.)

### **1222.12 ESTABLISHMENT AND MEMBERSHIP OF WHITE CITY PLANNING COMMISSION.**

(a) Establishment. In addition to the planning commission established on June 22, 1977, there is established a second County planning commission, known as the White City Planning Commission, to perform, exclusively within White City, those functions provided in Section 1222.13.

(b) Membership. The White City Planning Commission shall consist of five members appointed by the Board of Commissioners for four-year terms, provided that the initial appointments may be staggered for one, two, three or four-year terms. All members of the commission must be residents of Jackson County. Three members must be residents of various geographic areas within White City. In all other respects, the provisions of Section 1222.03 shall apply.

(Ord. 96-35. Passed 8-7-96; Ord. 2001-33. Passed 12-19-01.)

### **1222.13 FUNCTIONS OF THE WHITE CITY PLANNING COMMISSION.**

(a) Primary Function. The White City Planning Commission shall review and recommend to the Board of Commissioners all planning and land use measures necessary so that White City may be acknowledged as an Urban Unincorporated Community, within the meaning of OAR 660, Division 22, by January 1, 1998, the time limit expressed in OAR 660-22-070.

(EDITOR'S NOTE: The White City Urban Unincorporated Community Boundary was adopted by the Board of Commissioners by Ordinance No. 98-18 on September 2, 1998. The LCDC acknowledged Ordinance No. 98-18 on October 22, 1998, in their Work Order No. 00992. Ordinance No. 98-18 became effective on November 1, 1998.)



(b) Other Functions. In addition, the White City Planning Commission shall perform within the present White City Urban Unincorporated Community all those functions which have been prescribed for the General Planning Commission with respect to the remainder of the County areas, except for those recommendations related to County-wide Land Development Ordinance changes.

(Ord. 96-35. Passed 8-7-96; Ord. 2001-33. Passed 12-19-01.)

#### **1222.14 PROCESS AND GUIDELINES.**

In carrying out its functions, the White City Planning Commission shall follow all the same procedures, criteria and principles as those prescribed now or hereafter, for a planning commission in the County's acknowledged Land Development Ordinance and in OAR 660, Division 22.

(Ord. 96-35. Passed 8-7-96; Ord. 2001-33. Passed 12-19-01.)