



## **ORDINANCE NO. 30**

**v1.0**

### **REESTABLISHING A PLANNING ADVISORY COMMISSION FOR THE CITY OF PINE SPRINGS, WASHINGTON COUNTY, MINNESOTA.**

The City Council of the City of Pine Springs, MN does hereby ordain as follows:

#### **SECTION 1. ESTABLISHMENT OF A PLANNING ADVISORY COMMISSION**

##### **101. Existing Commission**

A City Planning Advisory Commission (hereafter known as the "Commission") for the City of Pine Springs was first established on Oct 7, 1969 by City Ordinance #11 as authorized by MN Statute 462.354, subd, 1, as it may be amended from time to time. The Commission has been staffed and active since that time.

##### **102. Purpose**

The purpose of this ordinance is to 1) repeal ordinance #11, and 2) replace ordinance #11 with a more detailed and readable ordinance that reestablishes the Commission with specific member composition, terms, powers, and duties as noted herein. All members of the current Commission, as of the date of this ordinance, shall continue to hold their current positions and tenure with the passage of this ordinance.

#### **SECTION 2. COMPOSITION and TERMS**

##### **201. Composition**

- a) The Commission shall consist of five (5) members who shall be appointed by majority vote of the City Council.
  
- b) In addition, the City Council may appoint one of the Council members to serve as an ex-officio council liaison to said Commission. The liaison member:
  - 1) shall not have a vote in any proceedings before said Commission
  - 2) shall not hold any position on the Commission
  - 3) is not counted for Commission quorum purposes
  - 4) does not represent recommendations from the Commission to the Council

##### **202. Terms**

The members of the Commission first appointed shall be as follows:

- Two (2) for the term of one (1) year;
- Two (2) for the term of two (2) years;
- One (1) for the term of three (3) years

Their successors shall be appointed, by majority vote of the City Council, for terms of three (3) years. Both original and successive appointees shall hold office until their successors are appointed and qualified by the City Council. Terms, as they expire, shall expire each year on December 31.

##### **203. Compensation**

All members shall serve without compensation.

##### **204. Removal**

Members may be removed by the City Council with or without cause by a four-fifths vote of the City Council.

##### **205. Vacancies.**

Vacancies during a term shall be filled by the City Council for the unexpired portion of the term.

206. Oath.

Each appointed member shall, before entering upon disposition of their duties, take an oath that they will faithfully perform the duties of their office.

SECTION 3. ORGANIZATION, MEETINGS, STAFFING, EXPENSES

301. Officers.

The members of the Commission shall elect one member as Chairman, a Vice-Chairman, and Secretary of said Commission from its appointed members, each for a term of one year. The Commission may create and fill other offices within the Commission as it may determine necessary.

302. Meetings

The Commission may hold regular meetings as needed at the time and place they determine. Special meetings may be called at any time by the Chairman or as directed by the City Council.

303. Quorum

In order for any meeting to be called to order, a quorum of members must be present. A quorum is a majority of the members. During the course of a meeting, at least a majority of the voting members must be present to take action on any matter before the Commission.

304. Staff

The City Clerk, Building Official, and City Attorney may act as staff for the Commission and may be required to attend commission meetings as needed. City staff may provide the Commission with information as requested by the Commission.

305. Expenses.

No expenses by the city on behalf of the Commission shall be made unless and until authorized by the City Council.

306. Voting and Recommendations

At all meetings of the Commission, each member attending, with the exception of the non-voting City Council liaison shall be entitled to cast one vote on matters before the Commission. In the event that any member shall have a conflict of interest, as determined by the City Attorney, concerning a matter then before the Commission, he/she shall disclose his/her interest and be disqualified from voting upon the matter, and the secretary shall so record in the minutes that no vote was cast by such member. The Commission will use the City Council Voting Policy for the adoption of any resolution or other voting matter. The results of any vote shall be recorded, listing those voting for and those voting against.

SECTION 4. POWERS and DUTIES

401. Generally

The Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by the City Council. The Commission shall also adhere to the authorities and responsibilities as defined in the City Zoning Code.

The Commission may recommend conditions, including time limits, which are considered necessary to protect the public health, safety, and welfare of City residents and property.

The Commission shall also exercise the duties as conferred by this ordinance.

402. Duties of Officers

The Chair is a voting member of the Commission and may make motions. In addition, the duties and powers of the officers of the Commission shall be as follows:

(A) Chairperson

1. To preside at all meetings of the Commission.
2. To call special meetings of the Commission in accordance with these bylaws.
3. To sign documents of the Commission.
4. To see that all actions of the Commission are properly taken.
5. To cancel or postpone any regularly scheduled meetings.

6. To invoke a reasonable time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time.
7. To provide for the selection of one or two spokespersons to represent groups of persons with common interests during public meetings and hearings.
8. The presiding officer has the responsibility to facilitate discussion by the Commission. This may occur in a variety of ways, including:
  - Interpret and apply rules of procedure.
  - Decide whether motions are properly made.
  - Decide whether motions are in order.
  - Decide whether questions of special privilege ought to be granted.
  - Decide when to recognize speakers.
  - Call for motions or recommend motions.
  - Enforce speaking procedures.

(B) Vice-Chairperson

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

(C) Secretary

1. To sign official documents of the Commission and other duties as required.
2. To take the minutes of all meetings of the Commission.

(D) Secretarial duties to be delegated to City Staff.

1. To give or serve all notices required by law or by these Bylaws.
2. To be custodian of Commission records.
3. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.

403. Duties of Members in General.

In order to discharge the duties of the Commission, each member shall become knowledgeable of the City regulations (ordinances and codes) and have an awareness of County regulations and State statutes.

404. Reporting Time Limit

In general, all matters referred to the Commission shall be considered by said Commission and reported back to the Council within forty-five (45) days after the matter has been originally referred to it. This time limit shall not affect long term studies such as the development of a comprehensive plan but shall apply to all matters that are required because of a petition made by a landowner. This general time limit also allows for conformance to the State of MN standard "60 day" rule and the time limits as described in the City Zoning Code.

405. Comprehensive Plan

It shall be the duty of the Commission to study and make recommendations to the City Council concerning all matters involving planning and zoning which are referred to it by the City Council. Among such duties shall be included:

- (1) the development of a comprehensive plan for land use within the City
- (2) to consider and make recommendations to all applications for rezoning and related matters
- (3) to conduct public hearings upon such matters as are directed to it for hearing by the City Council

406. Zoning Ordinance.

Pursuant to MN Statute 462.357, subd. 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Commission shall review all proposed amendments to the zoning code and ordinances, conduct public hearings as directed by City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the city comprehensive plan and other land use controls. The Commission shall report its recommendations to the City Council for action.

407. Conditional Permits.

The Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning code/ordinances and conduct public hearings as directed by City Council, or city policy. The Commission shall report its recommendations to the City Council for action.

408. Special Use Permits.

The Commission may make recommendations on all requests for a special use permit if allowed by current law and under the terms of the zoning code/ordinances and conduct public hearings as directed by City Council or city policy. The Commission shall report its recommendations to the City Council for action.

409. Subdivision Regulations.

The Commission may make recommendations about the subdividing of land as prescribed by the subdivision ordinance and conduct public hearings as directed by City Council or city policy. The Commission shall report its recommendations to the City Council for action.

410. Zoning Variances.

All applications for variances may be referred to the Commission who will review the application, conduct public hearings as needed, and forward a recommendation to the City Council.

411. Escrow Amounts

On all proposed permits, variances, plans, or projects directed to the Commission for review, the Commission may recommend an inclusion for an escrow or damage deposit amount, as defined in the City Fee Schedule, to cover any potential damages to (including but not limited to) city streets, county roadway, city property, utility equipment, resident property, etc.

412. Purchase and Sale of Real Property.

Pursuant to MN Statutes 462.356 subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Commission shall review all proposed acquisitions or disposals of publicly owned interests in real property within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed acquisition or disposal of real property with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote of those present dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

413. Official Map.

Pursuant to MN Statute 462.359, subd. 2, as it may be amended from time to time, after adoption of a major thoroughfare plan and a community facilities plan (which may be contained in the city comprehensive plan or adopted separately), the Commission, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, may prepare and recommend to the governing body a proposed official map covering the entire municipality or any portion thereof. The official map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor.

**SECTION 5. APPEALS TO DENIALS OF ZONING, LAND USE, or BUILDING PERMITS**

501. For the purposes of appeals from administrative decisions or for variances, the City Council shall act as such Appeal Board and shall hear, consider and determine these appeals.

**SECTION 6.**

This ordinance shall take effect from and after passage and publication as provided by statute.

Passed by the Council of the City of Pine Springs this 7<sup>th</sup> day of February 2023.

Randilynn B. Christensen, Mayor (signature)

Attest: Victoria R. Keating, City Administrator (signature)

**Revision History**

<b>Ver.</b>	<b>Changes</b>	<b>Date Changed</b>
1.0	Adopted by the City Council resolution 2023-1	02/07/2023