

ORDINANCE NO. 2042

AN ORDINANCE AMENDING THE CENTRAL POINT MUNICIPAL CODE SECTION 17.05.600(H) REGARDING CITY COUNCIL REVIEW PROVISIONS

RECITALS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. Upon review, the staff and city attorney for the City of Central Point determined that amendment to Section 17.05.600(H) Council Review Procedures is necessary in order to more clearly define the process for Council review of land use matters.
- C. The amendment is intended to set forth the timing and procedure for Council review.
- D. Words ~~lined through~~ are to be deleted and words **in bold** are added.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 17.05.600(H), City Council Review is hereby amended to read:

CHAPTER 17.05
Applications and Development Permit Review Procedures

17.05.600 General procedural provisions.

H. City Council Review.

1. Authority. Whether or not an appeal is filed, pursuant to Section 17.05.550, the city council shall, by majority vote, have the authority to call up any Type II or Type III application for review upon a finding that errors of law were made and/or there was not substantial evidence to support the decision. ~~The decision to call up an application may occur at any time after the application is filed until the decision is otherwise final. When the city council calls up an application, the council shall, in its order of call up, determine the procedure to be followed, including the extent of preliminary processing and the rights of the parties. At a minimum, the council shall follow the procedures in Section 17.05.550 regarding appeals from Type III decisions.~~

2. Procedures:

a. A summary of Type II and Type III decisions shall be forwarded by mail or electronic mail to the City Council as an information item by the Community Development Director at the time the decision is mailed to the applicant.

b. Review under this Section shall be initiated by the City Council before the adjournment of the first regular City Council meeting, following the date the City Council receives notification of the decision.

c. Any member of the City Council or the Mayor may make a motion to review the Type II or Type III decision which shall require majority of the Council present to approve. Notwithstanding the foregoing, a Council member or the Mayor is prohibited from initiating or voting upon the motion if such individual has a conflict of interest or has participated in the proceedings below in his/her individual capacity.

d. Unless subsequently discontinued by majority vote, City Council review pursuant to this section shall supersede and replace any appeal filed under Section 17.05.550. The appellant(s) of any appeal filed before a City Council call for review shall receive a full refund of the filing fee.

e. The City Recorder shall set the hearing date for the next regularly scheduled Council meeting, that falls not less than fourteen (14) days after the date the Council approves the motion to review the application.

f. City Council review shall be on the record which means that Council review is limited to the application materials, evidence, documentation, and specific issues raised in the initial proceedings and participation shall be limited to the applicant or owner of the subject property and any person who participated in the proceeding by submitting timely written and/or oral comments on the record prior to the decision.

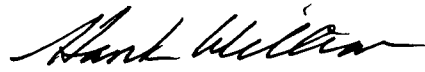
g. The notice, hearing and decision procedures for a City Council review shall follow the provisions of the Central Point Municipal Code for appeals.

h. The decision of the City Council upon review shall become final on the date when written notice of the decision is mailed to persons entitled to notice of the decision. Any further appeal shall be to the Oregon Land Use Board of Appeals.

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

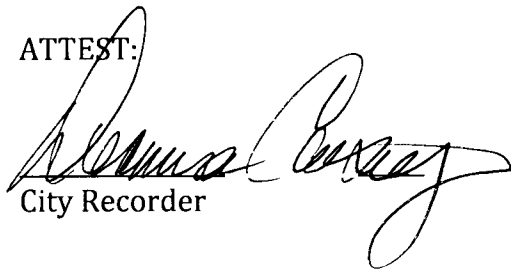
SECTION 3. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this 11th day of January 2018.



Mayor Hank Williams

ATTEST:



City Recorder