

**CITY OF CREDIT RIVER
SCOTT COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2021-04

**AN ORDINANCE ESTABLISHING AND FIXING THE DUTIES OF A CITY
PLANNING COMMISSION WITHIN THE CITY OF CREDIT RIVER**

The City Council of Credit River, Minnesota ordains:

SECTION 1. REPEAL. Ordinance 2020-03 is hereby repealed.

SECTION 2. RESCIND AND REPLACE SECTION. Section 2-4 of the Credit River Zoning Ordinance is hereby rescinded and a new Section 2-4 is added as follows:

2-4 PLANNING COMMISSION

2-4-1 Establishment of Planning Commission

The Planning Commission is hereby established. The Planning Commission shall be the city planning agency authorized by Minn. Stat. § 462.354, subd. 1, as it may be amended from time to time. Except as otherwise provided in this ordinance, the Planning Commission shall be advisory directly to the City Council.

2-4-2. Composition and Terms.

- A. **Composition, Number.** Such Planning Commission shall consist of five members, who are residents of the city. Members shall be appointed by the City Council and may consist of either City Council members or other residents. In addition, if no members of the Planning Commission are City Council members, then the City Council shall select one council member from among its own members to serve on the Commission as a council liaison to the Planning Commission. The council liaison shall be a non-voting member who is not counted for quorum purposes.
- B. **Terms.** Of the members of the Commission first appointed, two shall be appointed for the term of one (1) year, and three for the term of two (2) years, their successors shall be appointed for terms of two (2) years except for members that are also members of the City Council who shall only hold office for either their appointed term or so long as they hold the office of City Council member whichever is shorter. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Terms shall expire each year on December 31.
- C. **Compensation.** All members shall be compensated at a fixed rate per meeting attended (regular and special) in an amount determined by the City Council.

- D. **Removal.** Members may be removed by the City Council with or without cause by a four-fifths vote of the City Council.
- E. **Vacancies.** Vacancies during the term shall be filled by the City Council for the unexpired portion of the term.

2-4-3 Organization, Meetings, Minutes and Expenditures

- A. **Officers.** At its first meeting and thereafter at the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine necessary.
- B. **Meeting.** The Planning Commission may hold at least one meeting each month as needed at the time and place as established by the City Council by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson, or as directed by the City Council or Mayor.
- C. **Minutes.** Written minutes of meetings shall be kept and filed with the City Clerk but shall be subject to approval at the next Planning Commission meeting.
- D. **Expenditures.** No expenditures by the City on behalf of the Planning Commission shall be made unless and until authorized by the City Council.

2-4-4. Attendance

Duly appointed members of the Planning Commission shall be required to attend no less than half the official meetings of the Planning Commission held within a given calendar year unless specifically excused by the Chair of the Planning Commission and said excused absences are noted in the minutes. Failure to attend no less than half of the official meetings within a given calendar year, without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission. In addition, failure to attend four-consecutive regular meetings without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission.

2-4-5. Staff for the Commission

The City Clerk or Administrator, Building Inspector, City Planner, City Engineer and City Attorney may act as staff for the Planning Commission and may be required at times to attend commission meetings. City staff may provide the Commission with information as requested by the Commission. The City Clerk or Administrator or their designee may perform secretarial duties for the Commission, such as the keeping of minutes, and may be responsible for the keeping of records.

2-4-6 Powers and Duties

- A. **Generally.** The Planning 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 City Council or city policy. The Planning Commission also shall exercise the duties conferred upon it by this ordinance.
- B. **Comprehensive Plan.** It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan pursuant to Minn. Stat. § 473.858, Subd. 1. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the City Council has adopted the comprehensive plan, the Planning Commission may periodically, but at least every ten years, review the comprehensive plan and any ordinances or programs implementing the plan.
- C. **Means of Executing Plan.** Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof, in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan, among other things, shall consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.
- D. **Zoning Ordinance.** Pursuant to Minn. Stat. § 462.357, subd. 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the zoning ordinance, 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 Planning Commission shall report its recommendations to the City Council for action.
- E. **Conditional Use Permits.** The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
- F. **Interim Use Permits.** The Planning Commission may make recommendations on all requests for an interim use permit if allowed by current law and under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

- G. **Subdivision Regulations.** The Planning Commission may make recommendations about the subdividing of land as prescribed by the ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
- H. **Zoning Variances.** All applications for variances may be referred to the Planning Commission and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in Minn. Stat. § 462.357, subd. 6, as it may be amended from time to time for its decision.
- I. **Official Map.** Pursuant to Minn. Stat. § 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 Planning 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 governing body may, after holding a public hearing, adopt and amend the official map by ordinance. 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. After adoption, a copy of the official map, or sections thereof with a copy of the adopting ordinance attached shall be recorded with the county recorder as provided in sections 462.351 to 462.364.
- J. **Purchase and Sale of Real Property.** Pursuant to Minn. Stat. § 462.356, subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning 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.
- K. **Capital Improvements.** Pursuant to Minn. Stat. § 462.356, subd. 2, as it may be amended from time to time, and if a comprehensive plan has been adopted, the Planning Commission shall review all proposed capital improvements 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 capital improvement with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote 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.

- L. **Comprehensive Plan Amendments.** Pursuant to Minn. Stat. § 462.355, subds. 2, 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the comprehensive plan, hold at least one public hearing, and make recommendations to the City Council comprehensive plan amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

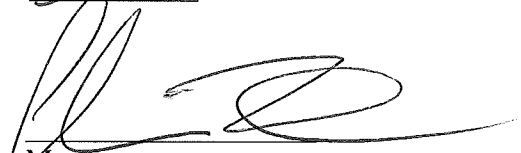
SECTION 3. EFFECTIVE DATE

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

SECTION 4. REPEALER

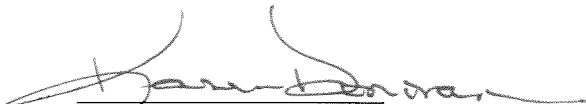
All prior ordinances to the extent that they are inconsistent with the terms and provisions of this Ordinance, shall be deemed repealed after the effective date of this Ordinance with regard to those inconsistent terms and provisions.

Passed by the City Council of Credit River this 21 day of Sept 2021.



Mayor

Attested:



City Clerk

