

**SULTAN CITY COUNCIL
AGENDA COVER SHEET**

ITEM NO: D-1

DATE: August 26, 2010

SUBJECT: Planning Board Proposed Revisions to Sultan Municipal Code (SMC) 2.17, Department of Community Development

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:

The issue before the Council is to review proposed amendments to SMC 2.17, and determine further action. This matter was continued from the August 12, 2010 Council meeting at the request of the Planning Board.

PLANNING BOARD RECOMMENDATION:

The Board recommends that the Council adopt the proposed amendments to SMC Chapter 2.17, "Community Development". This proposal is initiated by the Planning Board and comes to the Council from the Board through this Staff Report. Members of the Board will be in attendance at the Council Meeting and available to answer any specific Council questions.

The Board recommends changes to:

- 2.17.080, Planning Board
- 2.17.110, Vacancy
- 2.17.130, Meetings
- 2.17.160, Powers and Duties

STAFF RECOMMENDATION:

Staff recommends that Council review the Planning Board draft of modifications to SMC 2.17, discuss any issues or questions, and provide direction on further action.

BACKGROUND:

At workshops in the last several months, the Board has developed recommendations for changes to the provisions of the Sultan Municipal Code that create the Planning Board and address its membership and tasking.

At the July 20, 2010 meeting, the Board unanimously voted to forward the proposed modifications of SMC 2.17 to the City Council with a recommendation for adoption.

The majority of the proposed changes can be classified as housekeeping items. Removing language that addresses the date of the initial meeting of the Board (2.17.130) is an example of this type of modification.

Some of the proposed modifications (eg. 2.17.080 & 2.17.160) are proposed by the Board to clarify its role and/or its relationship to the community and the Council. Stating that the Board has a specific role to take information out to the community and to gather information from the community to be used in the planning process is an example of this type of modification.

DISCUSSION:

The Council can make changes in SMC 2.17 without holding a Public Hearing. Although the provisions deal with the Planning Department, the chapter is an Administrative/Personnel provision and is not a Land Use Regulation or a Comprehensive Plan provision. The Chapter has not been significantly amended since its adoption in 2006.

Attachment A provides the legislative mark-up of the Board draft. **Attachment B** provides the same proposal in clean version (changes shown as standard text).

ALTERNATIVES:

The Council can choose from among the following alternatives:

1. Make no changes in SMC 2.17. This action requires no further action on the part of the Council.
2. Direct Staff to bring the proposed changes back to Council for adoption at a later meeting. This does not require a Public Hearing process.
3. The Council may modify any of the proposed changes or direct additional changes to be included in the draft before it is brought to the Council for further consideration.

ATTACHMENTS:

Attachment A: Planning Board draft of SMC Chapter 2.17, with show changes

Attachment B: Planning Board draft of SMC Chapter 2.17, as clean copy

Chapter 2.17
DEPARTMENT OF COMMUNITY DEVELOPMENT

Sections:

2.17.010	Department created.
2.17.020	Designation of department of community development as planning agency.
2.17.030	Position established.
2.17.040	Appointment.
2.17.050	Powers and duties of director.
2.17.060	Salary.
2.17.070	Senior planner and staff.
2.17.080	Planning board.
2.17.090	Appointments to planning board.
2.17.100	Terms of appointments to the planning board.
2.17.110	Vacancy.
2.17.120	Removal from membership on the planning board.
2.17.130	Meetings of the planning board.
2.17.140	Quorum for meeting of the planning board.
2.17.150	Rules and regulations.
2.17.160	Powers and duties.

2.17.010 Department created.

There is created a separate administrative department in and for the city of Sultan entitled the department of community development, to consolidate all planning, environmental and permitting functions into a single department under the supervision of a director of community development. (Ord. 904-06 § 1)

2.17.020 Designation of department of community development as planning agency.

The department of community development is hereby designated as the planning agency for the city of Sultan to perform all duties, directly or indirectly, by contract or agreement, required of a planning agency as imposed by law. Where provisions in the Revised Code of Washington or the city's municipal code reference a "planning agency" and/or "planning commission," from and after the effective date of the ordinance codified in this section, such references shall refer to the department of community development. (Ord. 924-06 § 1; Ord. 904-06 § 1)

2.17.030 Position established.

There is established the position of director of the department of community development in and for the city of Sultan. (Ord. 904-06 § 1)

2.17.040 Appointment.

The mayor shall have the power of appointment and removal of the director of the department of community development. Such appointment and removal shall be subject to confirmation by a majority vote of the city council. (Ord. 904-06 § 1)

2.17.050 Powers and duties of director.

The powers, duties and responsibilities of the director of the department of community development, except where the director may act in a quasi-judicial manner, shall be subject to the direction, authority and supervision of the city administrator, and shall include, without limitation, the following:

A. Perform, or cause to be performed for the city, all duties as imposed under the Sultan Municipal Code on the city planner or/and zoning official;

- B. Issue administrative determinations under the city's unified development code;
- C. Serve as the city's designated official under the State Environmental Policy Act (SEPA);
- D. Perform directly or by designee all duties imposed on officials of the city of Sultan under SMC Titles [15](#), [16](#), [17](#), [19](#), [21](#), and [22](#);
- E. Appoint and supervise the performance of a senior planner, and such permit technicians as authorized by the city's annual budget;
- F. Except where he/she acts in a quasi-judicial capacity, supervise the performance of the city's building official and the city's code enforcement officer;
- G. Participate in and prepare an annual budget for the department of community development; and
- H. Cause to be performed the duties of the department of community development as established by this chapter. (Ord. 904-06 § 1)

2.17.060 Salary.

The director of the department of community development shall receive a salary in such amount as the city council may from time to time establish by ordinance for a permanent hire, and such amount as the mayor may negotiate and the council approve by resolution for an interim appointment. (Ord. 904-06 § 1)

2.17.070 Senior planner and staff.

A senior planner and staff as authorized by the city's budget may be appointed by the director of the department of community development. (Ord. 904-06 § 1)

2.17.080 Planning board.

There is hereby established a planning board consisting of five members. The purpose of the planning board is to act as an advisory body to the city council on the comprehensive plan, development standards as presented in the zoning code, subdivision code, and related land use codes of the city, and other matters related to land use as delegated by the city council. The Planning Board has a role in seeking information from and taking information to the community.

The term Planning Board shall be synonymous with the term Planning Commission and either term may be used in referring to the Planning Board.(Ord. 924-06 § 2)

2.17.090 Appointments to planning board.

All members of the planning board shall be appointed by the mayor and confirmed by the city council. Appointments shall be made in a nondiscriminatory manner, without regard to age, race, sex or political affiliation. (Ord. 924-06 § 3)

2.17.100 Terms of appointments to the planning board.

Two of the initial appointments to the planning board shall be for a one-year appointment. Three of the initial appointments to the planning board shall be for a two-year appointment. All subsequent appointments to the planning board shall be for a term of two years, unless the appointment is to fill the balance of an existing term, in which event the term shall be the balance of the term. Members may be reappointed an unlimited number of terms. (Ord. 924-06 § 4)

2.17.110 Vacancy.

A member's position on the planning board shall be deemed vacant if a member resigns, or if the mayor determines that the member's attendance record indicates that the member is not able to fulfill the responsibilities of a planning board member. a member misses four regular meetings of the planning board within a 12-month period. Absences may only be excused for substantial reasons, such as serious illness of the member, or immediate family, or death in the member's immediate family. (Ord. 924-06 § 5)

2.17.120 Removal from membership on the planning board.

A member of the planning board may be removed by the mayor for inefficiency, neglect of duty or malfeasance in office. If the mayor believes the required cause for removal exists, the mayor shall issue a notice of suspected cause and allow the member a public hearing before the mayor to demonstrate that cause for removal does not exist. Based upon the evidence presented in the public hearing, the mayor shall determine whether the member shall be removed. The mayor shall report any such removal to the city council. There shall be no right of appeal to the council. (Ord. 924-06 § 6)

2.17.130 Meetings of the planning board.

The planning board shall meet a minimum of once a month, and conduct such other meetings as required to complete the duties assigned to the planning board. ~~The initial meeting of the planning board shall occur within 20 days of the effective date of the ordinance codified in this chapter.~~ Notice of said meeting shall be issued by the director in accordance with the requirements of law. ~~As a first item of business, the planning board shall designate the date and time for its regular monthly meeting. (Ord. 924-06 § 7) Each January, the Board shall set the schedule of regular meetings for the year.~~

2.17.140 Quorum for meeting of the planning board.

The presence of a minimum of three members shall constitute a quorum. Except to adjourn, no action may be taken in the absence of a quorum. Final action of the planning board in the form of a recommendation shall require the affirmative vote of a majority of the members present when a quorum has been established. (Ord. 924-06 § 8)

2.17.150 Rules and regulations.

The planning board may adopt rules and regulations for the conduct of its affairs. In the absence of any such rules and regulations, the planning board shall follow the most analogous rules used either by the city council for its meetings or by the city’s hearing examiner. (Ord. 924-06 § 9)

2.17.160 Powers and duties.

A. In consultation with the director of community development, the planning board shall review and monitor the city’s comprehensive plan and development regulations, both as defined in the Growth Management Act of the state of Washington, to establish a list of tasks to be undertaken to keep the city’s comprehensive plan and development regulations up-to-date and in compliance with the Growth Management Act;

~~B. The planning board shall review the city’s public participation notices and processes to establish a legally compliant public participation process for the city. The planning board shall report its recommendations on said notices and processes to the director of community development within 60 days of the effective date of the ordinance codified in this chapter. The director shall forward that report and his/her commentary, if any, to the city council within 20 days of receipt;~~

~~CB.~~ In consultation with the director of community development, the planning board shall implement a public participation process and conduct such public meetings and hearings as required to fulfill the city’s public participation obligations under Chapter 36.70A RCW;

~~DC.~~ In ~~conjunction-consultation~~ with the director (of community development), the planning board shall develop Sultan’s comprehensive plan and/or updates and amendments thereto, and revise development regulations that implement its comprehensive plan and make recommendation concerning the same to the director of community development and to the city council;

~~ED.~~ In ~~conjunction-consultation~~ with the director of community development, the planning board shall annually make a recommendation for training and assistance to the board and a budget request to the city council. (Ord. 924-06 § 10)

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D. In consultation with the director of community development, the planning board shall annually make a recommendation for training and assistance to the board and a budget request to the city council. (Ord. 924-06 § 10)

