

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1091-10**

**AN ORDINANCE OF THE CITY OF SULTAN,
WASHINGTON, ADOPTING AMENDMENTS TO SULTAN
MUNICIPAL CODE TITLE 2, CHAPTER 2.17,
DEPARTMENT OF COMMUNITY DEVELOPMENT, ; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Sultan has adopted Sultan Municipal Code Title 2, Chapter 2.17, Department of Community Development Title in response to changing conditions, and

WHEREAS, Chapter 2.17 provides for the establishment of a Planning Agency for the City of Sultan as provided by RCW 35.63.060, and

WHEREAS, Chapter 2.17 establishes a Planning Board appointed by the City Council to act as the citizen representatives of the Planning Agency, and

WHEREAS, The Planning Board, on its own initiative, after several workshops and discussions at regularly scheduled meetings, has proposed that the Council adopt certain changes to Chapter 2.17 to keep the code current with existing expectations and roles of the Board and staff, and

WHEREAS, The City Council has reviewed the proposed amendments at regularly scheduled public meetings, and

WHEREAS, The City Council has determined that it is in the best interest of the community to make certain changes to Chapter 2.17 to clarify the role of the Board, to clarify the name of the Board, to clarify the circumstances under which a Board member may be removed from their position on the Board, to provide for limits on the consecutive term appointment of Board members, and certain other amendments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The CITY OF SULTAN MUNICIPAL CODE CHAPTER 2.17, DEPARTMENT OF COMMUNITY DEVELOPMENT, is hereby AMENDED AS FOLLOWS:

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 term Planning Board shall be synonymous with the term Planning Commission and either term may be used in referring to the Planning Board. The term Planning Board Member shall be synonymous with the term Planning Commissioner and may be used interchangeably.

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.

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 for up to three consecutive terms, after which at least two years shall lapse before the same person shall be available for appointment for up to three additional terms, after which another two years shall lapse before the person is available for appointment to further terms on the same cycle.

2.17.110 Vacancy.

A member's position on the planning board shall be deemed vacant if a member resigns, or if a member misses twenty-five percent (25%) of the meetings, including regular meeting, workshops, joint meetings or other duly advertized meetings of the board, within a calendar year.

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. **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. Notice of said meeting shall be issued by the director in accordance with the requirements of law. 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. 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.

B. 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;

C. 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;

D. In 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;

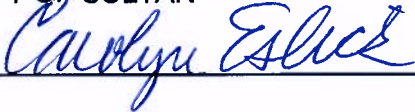
E. In consultation with the director of community development, the planning board shall annually make a recommendation for training and assistance to the board and a budget request to the city council. (Ord. 924-06 § 10)

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

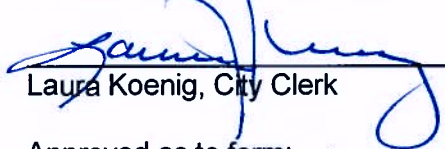
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF October, 2010.

CITY OF SULTAN



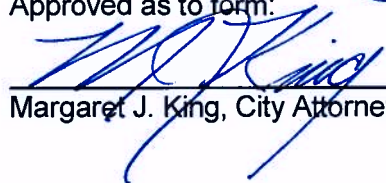
Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:



Laura Koenig, City Clerk

Approved as to form:



Margaret J. King, City Attorney

Date of Publication: October 29, 2010

Effective Date: November 3, 2010