

INTRODUCTION and BACKGROUND

Ordinance No. 621 was adopted on November 28, 2011. By adopting this ordinance Council transferred the review authority for all quasi-judicial hearings from the Planning Commission to the Hearing Examiner. This ordinance amended one of the applicable sections of SMC Chapter 2.20 – *Planning Commission* but inadvertently did not update all of the sections that were affected by the adoption of Ordinance No. 621. The attached Ordinance No. 665 is intended to make these changes that should have occurred with the adoption of Ordinance No. 621. In addition, while Council is considering these corrections to SMC Chapter 2.20, staff is suggesting a few other minor amendments.

ALTERNATIVES ANALYSIS

The following amendments are being proposed to bring SMC Chapter 2.20 into conformance with the Development Code, specifically SMC Chapter 20.30 *Procedures and Administration*.

Amendments Related to Ordinance No. 621

Repeal SMC 2.20.050 Rezone hearings.

Ordinance No. 621 amended SMC 20.30.060 “Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions” chart to list the Hearing Examiner as the review authority and responsible entity for conducting the open record public hearing for rezones. Therefore, SMC 2.20.050 that lists the Planning Commission as the review authority for rezones is no longer accurate and this section should be repealed.

Update SMC 20.20.060(K).

This clause assigns public hearings when required for subdivisions to the Planning Commission. Ordinance No. 621 amended SMC 20.30.060 to assign public hearings when required for subdivisions to the Hearing Examiner. Therefore the reference to subdivisions in SMC 2.20.060(K) is no longer accurate and should be deleted.

Other Minor Amendments

Update SMC 2.20.020(B) Membership.

The clause “...with three members appointed in 2010 and four members appointed in 2012” is no longer necessary. Since the appointments have been made the staggered membership cycle has been established and no longer needs to be specified.

New Technology - SMC 2.20.030(C) Meeting Rules.

This clause refers to a “taped record”. The City no longer creates a tape, instead a digital audio recording is created. Therefore, staff suggests changing references to taped record to audio recording.

Clarify SMC 2.20.060 Duties –Responsibilities (C).

This clause states the Planning Commission shall review potential annexation areas to the City. It seems more accurate to state that the Planning Commission will review

“potential future service annexations areas”. This is the term used in the recently updated Comprehensive Plan. In addition, this clarifies the responsibility to be linked with updates to the Comprehensive Plan. As currently written, it is unclear as to when in the process the Planning Commission would make recommendations to the Council on annexations.

RESOURCE/FINANCIAL IMPACT

There are no financial or resource impacts associated with this ordinance.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 665 to bring SMC Chapter 2.20 *Planning Commission* up to date with Ordinance No. 621 that amended SMC Chapter 20.30.060 transferring review authority for all quasi-judicial hearings from the Planning Commission to the Hearing Examiner and other minor amendments to update and clarify language in this section.

ATTACHMENTS

Attachment A - Ordinance No. 665

ORDINANCE NO. 665

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING RESPONSIBILITIES OF THE SHORELINE PLANNING COMMISSION IN THE REVIEW OF QUASI-JUDICIAL LAND USE APPROVALS AND MAKING MINOR CLARIFICATIONS TO COMMISSION PROCEDURES; AND AMENDING CHAPTER 2.20 OF THE SHORELINE MUNICIPAL CODE

WHEREAS, Ordinance 621, adopted on November 28, 2011, transferred the review authority for all quasi-judicial hearings from the Planning Commission to the Hearing Examiner; and

WHEREAS, Shoreline Municipal Code Chapter 2.20 should be updated to reflect the change in Commission responsibilities and minor changes are needed to reflect changes in practice and procedure for the Planning Commission since adoption of the Chapter in 1995; now therefore

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Shoreline Municipal Code Section 2.20.020 *Membership* is amended to read as follows:

2.20.020 Membership.

A. Qualifications. Members of the planning commission shall be selected from individuals who have an interest in environmental affairs, planning, land use, and residential and commercial development as evidenced by training, experience or actions. An intent of the selection process shall be to evenly represent the areas of interest as stated herein. Membership in the planning commission shall be limited to residents or owners of property within the city. No member shall serve longer than two consecutive terms.

B. Number of Members – Terms. The planning commission shall consist of seven members, each of whom shall be appointed for a term of four years. Terms shall expire March 31st in even-numbered years ~~with three members appointed in 2010 and four members appointed in 2012.~~

C. Appointment. Members of the planning commission shall be appointed by majority vote of the city council subject to an open recruitment process. Commissioners shall be selected without respect to political affiliations and shall serve without compensation.

D. Removal. Members of the commission may be removed by the city manager, with the concurrence of the city council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absence from more than three consecutive regular meetings. Failure to either reside or own property in the city shall constitute a forfeiture of office. The decision of the city council regarding membership on the planning commission shall be final and there shall be no appeal there from. Members finding themselves unable to attend regular meetings are expected to tender their resignation.

E. Vacancies. Vacancies occurring other than through the expiration of terms shall be filled for the unexpired terms in the same manner as for appointments as provided in this chapter.

F. Conflicts of Interests. Members of the planning commission shall fully comply with Chapter 42.23 RCW, Code of ethics for municipal officers, Chapter 42.36 RCW, Appearance of fairness, and such other rules and regulations as may be adopted from time to time by the city council regulating the conduct of any person holding appointive office within the city.

Section 2. Amendment. Shoreline Municipal Code Section 2.20.030 *Meetings-Rules* is amended to read as follows:

2.20.030 Meetings – Rules.

A. The planning commission shall organize and elect from its members a chair, who shall preside at all meetings of the commission, and a vice-chair. A majority of the commission members shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to carry any proposition.

B. The commission shall determine a regular meeting schedule (time, place and frequency), as necessary, but no less frequent than once every two months. All meetings shall be open to the public.

C. The commission shall adopt such rules and regulations as are necessary for the conduct of its business and shall keep ~~a taped record~~ an audio recording of its proceedings and such written notes as the commission may from time to time direct. The ~~taped record~~ audio recording and any written notes shall be a public record.

Section 3. Repeal. Shoreline Municipal Code Section 2.20.050 *Rezone hearings* is repealed in its entirety.

Section 4. Amendment. Shoreline Municipal Code Subsection 2.20.060 K is amended to read as follows:

2.20.060 Duties – Responsibilities.

A. The planning commission shall direct the preparation of a comprehensive plan and development regulations in compliance with Chapter 36.70A RCW. This includes establishing procedures providing for early and continuous public participation in the development and amendment of the comprehensive land use plan for the city and the development regulations implementing the plan and make recommendations concerning these matters to the city council.

B. The planning commission shall review land use management, shoreline management and environmental protection ordinances and regulations of the city and make recommendations regarding them to the city council.

C. The planning commission shall review potential future service annexations areas to the city as requested by the city council, and make recommendations concerning them.

D. Where design review is required by land use ordinances of the city, the planning commission shall perform such design review unless that review is delegated to some other appointed body or city staff.

E. The planning commission shall recommend, establish priorities for, and review studies of geographic subareas in the city.

F. The planning commission shall submit written periodic reports annually to the city council setting forth its progress in completing its work program for the current fiscal year.

G. The planning commission shall be encouraged to maintain liaison with the planning staff of the city.

H. The planning commission may hold public hearings in the exercise of its duties and responsibilities as it deems necessary.

I. *Repealed by Ord. 621.*

J. The planning commission shall have such other duties and powers as may be conferred upon the commission from time to time by ordinance, resolution or motion of the city council.

K. Unless otherwise assigned by ordinance to another body, all public hearings required to be held in the course of adoption or amendment to the comprehensive plan, the zoning code, or adoption or amendment of regulations for ~~the subdivision of land~~, shorelines management and environmental protection regulations shall be heard by the planning commission.

Section 5. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON July 15, 2013.

Keith A. McGlashan, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: , 2013
Effective Date: , 2013