

Subject: Ordinance #1503 – Updating Chapter 1.07 RMC – Planning Commission

Dept. Origin: Planning

**Prepared by: Jennifer Robertson
City Attorney’s Office**

For Agenda of: May 1, 2018

Exhibits: Ordinance #1503

Proposed Council Action:

No action requested. This is on for First Reading. Unless directed otherwise, this Ordinance will return to Council for Second Reading and Adoption on May 15, 2018.

Concurred by Mayor: _____ Initial & Date
Approved/form by City Atty: JSR/4-24-18
Approved by _____ Director: _____
Approved by Department Head: _____

INFORMATION / BACKGROUND

Chapter 35A.63 RCW and the Growth Management Act (Chapter 36.70A RCW) establish the planning process for cities, which includes the establishment of a Planning Commission. The City has previously created a planning commission and such commission has continued to operate and provide a valuable service to the people of Ruston and the Ruston City Council.

The City adopted its current chapter on the planning commission in February of 2006 by adoption of Ordinance No. 1184. Since that time the practices and procedures of the City’s planning commission have evolved and thus the chapter is need of an update in order to capture current practices and provide more detailed guidance to the planning commission.

The attached Ordinance No. 1503 makes the following revisions to Chapter 1.07 RMC:

| Section | Revision proposed | Purpose of Revision |
|--------------------------------------|--|---------------------------------------|
| 1.07.010 Planning Commission Created | Changes “town” to “city” | Housekeeping |
| 1.07.020 Members and Appointment | <ul style="list-style-type: none"> Adds a residency requirement for commissioners (this has been an “unwritten rule” but now is added to the code | Clarify eligibility and vacancy rules |

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> • Outlines process for dealing with vacancies • Provides the Council the authority to remove a commission member | |
| 1.07.030 Powers | The powers section was very general and did not address specific powers and duties as are outlined in state law. The amendment provides greater specificity and should provide the Commission and the public with more information as to the role and responsibilities of the Planning Commission. | Provides greater detail on the planning commission role and responsibilities |
| 1.07.040 Chair of the commission | The code did not provide for a vice chair or explain the role of the vice chair. It also limited the chair role to one year. The current practice of the planning commission includes electing a vice chair and allowing repeated terms as chair. The amendment now conforms the code to current practice. | Adopts current practices into the code |
| 1.07.050 Quorum (renamed "Quorum; meetings") | The amendment adds a subsection on meetings, including how such meetings are conducted to comply with state law, to allow telephonic participation in certain circumstances and the expected regularity of meetings (at least quarterly) | Provides greater detail on the operation of planning commission meetings which was not included in the code. |
| *NEW* 1.07.060 | Many cities provide guidance to commission members on the limitations of their role (i.e. don't speak for the City, don't supervise staff, etc.). This new section provides such guidance for Ruston Commissioners. | Further clarifies the role of the planning commission. |

RECOMMENDATION / MOTION

No action requested. This is on for First Reading. Unless directed otherwise, this Ordinance will return to Council for Second Reading and Adoption on May 15, 2018.

ORDINANCE NO. 1503

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, RELATING TO THE CITY PLANNING COMMISSION, UPDATING CHAPTER 1.07 OF THE RUSTON MUNICIPAL CODE, AMENDING THE FOLLOWING SECTIONS 1.07.010 “PLANNING COMMISSION CREATED” FOR HOUSEKEEPING, 1.07.020 “MEMBERS AND APPOINTMENT” TO CLARIFY ELIGIBILITY AND VACANCY RULES, 1.07.030 “POWERS” TO PROVIDE GREATER DETAIL ON THE PLANNING COMMISSION ROLE AND RESPONSIBILITIES, 1.07.040 “CHAIR OF THE COMMISSION” TO ADOPT CURRENT PRACTICES INTO THE CODE, 1.07.050 “QUORUM” TO RENAME THE SECTION “QUORUM; MEETINGS” TO PROVIDES DETAIL ON THE OPERATIONS OF PLANNING COMMISSION MEETINGS, ADOPTING A NEW SECTION 1.07.060 “LIMITATIONS” TO FURTHER CLARIFY THE ROLE OF THE PLANNING COMMISSION, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Chapter 35A.63 RCW and the Growth Management Act (Chapter 36.70A RCW), the City has created a planning commission; and

WHEREAS, the City adopted its current chapter on the planning commission in February of 2006 by adoption of Ordinance No. 1184; and

WHEREAS, the practices and procedures of the City’s planning commission have evolved overtime and thus the chapter is need of an update in order to capture current practices and provide more detailed guidance to the planning commission; and

WHEREAS, the City’s SEPA Responsible Official finds that this Ordinance is exempt from SEPA as merely procedural under WAC 197-17-800(19); and

WHEREAS, on May 1, 2018, the City Council held the first reading on this Ordinance; and

WHEREAS, on May 15, 2018, the City Council adopted this Ordinance during its regular meeting at second reading; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 1.07.010 of the Ruston Municipal Code is hereby amended to read as follows:

1.07.010 - Planning Commission created.

There is hereby created the Planning Commission of the ~~Town~~City of Ruston.

Section 2. Section 1.07.020 of the Ruston Municipal Code is hereby amended to read as follows:

1.07.020 – Membership and Appointment.

(a) Membership and Appointment. The Planning Commission shall be composed of five members, appointed by the Mayor and confirmed by a majority of the Council, to serve six-year terms, one such term to commence on July 1st of each year. Such members shall serve without compensation. ~~Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term.~~

(b) Eligibility. Members of the planning commission must be residents of the City of Ruston.

(c) Vacancies, Removal of Commission Members and Filling of Unexpired Terms.

1. The position of a member of the planning commission shall become vacant upon such member ceasing to be a resident of the city.

2. Members of the commission may be removed at any time by the mayor, upon approval of a majority of the city council, for neglect of duty, conflict of interest, unexcused absence from three consecutive regular meetings of the commission, or for any reason deemed sufficient by a majority of the council. The decision of the council shall be final and there shall be no appeal.

3. Vacancies occurring for reasons other than the expiration of a term shall be filled for the unexpired portion of the term by appointment by the mayor upon approval of a majority of the council.

Section 3. Section 1.07.030 of the Ruston Municipal Code is hereby amended to read as

follows:

1.07.030 - Powers.

~~The Planning Commission shall have all of the powers conferred on it by statute or ordinance, and shall prepare coordinated plans for the physical development of the Town.~~

The commission shall act in a policy advisory capacity to the city council. The commission may hold public hearings and shall conduct studies, perform analyses, and prepare reports requested by the city council, and shall review, advise and make recommendations to the council. The commission shall:

(a) Review, consider amendments, and make recommendations to the city council on the comprehensive plan and other planning documents of the city to determine if the city's plans, goals, policies and land use ordinances and regulations implement the state Growth Management Act (Chapter 36.70A RCW) and promote orderly and coordinated development within the city. The commission may recommend that the city council initiate amendments to the comprehensive plan.

(b) Review land use ordinances and regulations of the city and make recommendations regarding them to the city council. Such ordinances and regulations shall be consistent with and implement the comprehensive plan.

(c) Recommend, establish priorities for, and review studies of geographic subareas in the city.

(d) Review and make recommendations regarding regulations related to critical areas and other land use issues.

(e) Have such other duties and powers as heretofore have been or hereafter may be conferred upon the commission by city ordinances or as directed by the city council.

In addition, the commission:

(f) May provide the public with opportunities for involvement in the commission's activities.

(g) May recommend particular concepts for inclusion in the city's vision, subject to approval by council.

(h) May research and provide suggestions on new matters or initiatives that council may wish to consider.

(i) Shall perform other duties as may be directed by the city council.

Section 4. Section 1.07.040 of the Ruston Municipal Code is hereby amended to read as follows:

1.07.040 - Chair of the Commission.

The Commission shall designate from its members a person to act as its Chairperson as well as a Vice Chairperson. The Chair shall preside over all Commission meetings. The term of each Chairperson shall be for one year commencing on July 1st of each year. The Vice Chairperson shall act as the Chairperson in the absence of the Chairperson. ~~Chairpersons shall serve no more than one consecutive one-year term.~~

Section 5. Section 1.07.050 of the Ruston Municipal Code is hereby amended to read as follows:

1.07.050 – Quorum; Meetings.

(a) Quorum. A majority of the Commissioners (three or more) shall constitute a quorum for the transaction of business.

(b) Meetings.

1. The commission shall meet as needed, at least once quarterly.

2. All meetings shall be open to the public; provided, the commission may hold executive sessions as permitted by law. Commission business shall be conducted in compliance with the requirements, as applicable, of the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act, Chapter 42.56 RCW, as they exist now or may be hereafter amended.

(c) Affirmative votes from a majority of members present and voting shall be necessary to carry any proposition. A member who fails to vote without a valid disqualification is declared to have voted in the affirmative.

(d) A member not able to be physically present for a meeting may participate remotely using approved teleconferencing equipment. Remote participation must be approved in advance, either at an earlier commission meeting or before joining a current meeting. A member may participate remotely no more than four times per year, unless absent for medical reasons, and only two members may participate remotely during any one commission meeting. Such remote participation will be considered attendance at the meeting and shall be counted toward determination of a quorum.

1. Examples of situations where remote participation is authorized include, but are not limited to:

A. An agenda item is time sensitive, and remote participation is needed to achieve a quorum;

B. An agenda item is of high importance to the member who cannot be physically present;

C. It is considered important for all members to participate in a key decision, but a member is unable to be physically present

Section 6. A new Section 1.07.060 is hereby added to the Ruston Municipal Code to read as follows:

1.07.060 Limitations.

The commission shall have no powers or duties related to the following activities:

(a) Advocacy on behalf of the city or the commission without express council permission;

(b) Supervision of staff, administrative operations, or maintenance; and

(c) Regional issues not specifically assigned to the commission by the city council.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 8. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 9. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 15th day of May, 201.

APPROVED by the Mayor this 15th day of May, 2018.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams
City Clerk

APPROVED AS TO FORM:

Jennifer S. Robertson
City Attorney's Office

FILED WITH THE CITY CLERK: 04.24.2018

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO: 1503