Ordinance No. 3286

(Amending or Repealing Ordinances)

CFN=174 – Planning Commission
Passed 3/19/1996
Amending Ch. 2.30

Amended by Ord. 3512
Amended by Ord. 3926
ORDINANCE NO. 3286

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 2.30 of the Kent City Code relating to the organization, duties and responsibilities of the City of Kent Land Use and Planning Board.

WHEREAS, the City Council recently reorganized the planning agency of the City of Kent; and

WHEREAS, as part of this reorganization, the City Council established a new land use and planning board to replace the duties and responsibilities of the planning commission; and

WHEREAS, the City Council desires to organize and establish the duties and responsibilities of the land use and planning board; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.30 of the Kent City Code entitled "Planning Agency" is hereby amended to read as follows:
CHAPTER 2.30. PLANNING AGENCY

PART 1. GENERALLY

Sec. 2.30.010. Planning authority.

The city council hereby declares its intention to perform all planning functions under RCW ch. 35A.63 regarding planning and zoning in code cities.

Sec. 2.30.020. Designation.

The planning agency of the city is hereby created. The planning agency shall consist of the land use and planning board, the planning department, and other bodies established by the city council to perform planning functions on behalf of the City of Kent. They shall serve in an advisory capacity to the mayor and the city council.

PART 2. PLANNING DEPARTMENT

Sec. 2.30.060. Creation.

There is created the city planning department. The planning department shall consist of the following divisions: planning services, development services, and office of housing and human services. The planning department shall perform planning and zoning functions, conduct plan reviews and issue building and development permits, enforce building codes, manage the city's
housing and human service program and perform other duties as established by the city council.

Sec. 2.30.070. Duties and powers responsibilities.

The planning department shall have the following duties and responsibilities.

A. The planning department, through the planning director, shall administer the affairs of the planning agency. It shall be the duty of the planning director to be the official spokesperson for the agency, to set the agenda for the land use and planning board public hearings, workshops, and meetings, to prepare all materials, such as agendas, staff reports and special reports for the land use and planning board, to collect, and to analyze and use is responsible for collecting, analyzing and using technical data to determine logical matters of urban development within the city. The planning department shall be responsible for preparing and updating the comprehensive plan, and preparing and amending amendments to the zoning code, the subdivision code and any other related codes or ordinances which are determined by the mayor or city council to be within the area of responsibility of the planning agency. The planning department, through the development services division, shall issue building permits and enforce the building codes as prescribed in Chapter 14.08 entitled "Enforcement of the Building Codes."
B. The planning department agency, through the planning department, shall maintain close contact with the city council through the office of the mayor. Advise the mayor and city council on planning matters. The planning department may carry out special projects at the request of the city council which requests shall be forwarded to the planning director department through the office of the mayor.

C. The planning department shall function as an administrative department of the city aiding in the coordination of city planning activities within the overall administrative program of the city government. The planning department shall forward items for consideration to the land use and planning board.

D. The planning department agency shall advise the city land use and planning board on all rezoning matters, on zoning for annexation to the city, on amendments to the comprehensive plan, on new ordinances and amendments to ordinances which fall within the range of the planning function of the city. Special projects carried out for the city council or mayor need not be coordinated through the land use and planning board unless they amend the comprehensive plan or any developmental ordinance. Be responsible for all planning matters, including, but not limited to, comprehensive plan formulation and amendments, annexation zoning, zoning code, subdivision code and other assigned codes. It shall be the responsibility of the planning department to prepare the plans and codes for these planning matters and the responsibility of the land use and planning board to hold public hearings on
these plans and codes when advised to do so by the planning department. The land use and planning board, after holding one or more public hearings, shall forward its recommendation on the planning department's proposals to the city council for final action. The council may hold public hearings and perform other related functions on specific planning matters in addition to or in lieu of delegating this function to the land use and planning board.

E. The planning department shall advise the city hearing examiner on all variances and conditional exceptions.

Sec. 2.30.080. Planning director--Creation.

There is hereby created the office position of city planning director who shall be appointed by the mayor.

Sec. 2.30.090. Same--Appointment.

The planning director shall be appointed in accordance with the provisions of the City of Kent Policies and Procedures Manual.

Sec. 2.30.100 090. Same--Duties and powers responsibilities.

A. The planning director shall have be in charge of the planning department. The planning director shall prepare an annual planning program and an annual budget to implement this program. The planning director shall represent the planning
department agency before government officials agencies and the public as deemed necessary. The planning director or a designated planning staff member shall be present at all city council and land use and planning board meetings and planning commission and board of adjustment public hearings, or designate a member of the planning department staff as an alternate.

B. Upon request of the city council or mayor, the planning director may represent the city on matters concerning urban, rural or regional planning before other city planning boards and commissions, state and federal agencies.

C. The planning director is responsible for hiring and supervising employees of the planning department.

Sec. 2.30.110 100. Office of housing and human services--Created.

There is hereby created in the city the office of housing and human services. The office of housing and human services shall not be a separate department, but rather shall be a division of the planning department, reporting directly to the planning director.

Sec. 2.30.120 110. Same--General duties and powers responsibilities.

The office of housing and human services shall plan, organize, and administer the activities and functions concerning human service issues, including the development and assessment of
human service needs, determination of priorities for human services, evaluation and recommendation of funding requests, and the monitoring of performance of services provided by human service organizations and agencies. The office of housing and human services shall coordinate activities with other human service planning agencies and organizations. Additionally, the office of housing and human services shall coordinate human service activities between city administration and the city human services commission, and shall implement policy recommendations established by the human services commission and provide necessary support to the human services commission in the performance of its duties.

Sec. 2.30.120. Same--Manager.

The housing and human services manager shall manage the office of housing and human services under the direct supervision of the planning director as delegated pursuant to RCW Title 35A. The housing and human services manager shall be appointed by the planning director.

Sec. 2.30.130. Same--Staff.

The housing and human services manager shall, in accordance with appropriate city policy, recruit and hire employees as may be budgeted from time to time by the city council to the office of housing and human services. Staff employees shall report directly to the housing and human services manager.
Sec. 2.30.140. Same--Salary of staff.

The salary of the housing and human services manager and staff employees shall be that as established in the city annual budget.

Sec. 2.30.160. Same--Transfer of functions and positions.

By the creation of the office of housing and human services pursuant to this chapter, all of the housing and human services functions currently performed by the housing and human services section of the planning department shall be transferred to the office of housing and human services. The senior planner position in the planning department currently performing housing and human services duties shall be eliminated and the functions currently performed by this position shall be transferred to the housing and human services manager position created in section 2.32.130. Additionally, the planning and home repair staff positions currently serving under the senior planner position being eliminated in this section shall be transferred to the office of housing and human services and shall report directly to the housing and human services manager.

PART 3. LAND USE AND PLANNING BOARD

Sec. 2.30.170 150. Creation.

There is hereby created the land use and planning board.
Sec. 2.30.160 Membership, terms, residence requirements, and compensation.

A. The land use and planning board shall consist of those council members serving on the city council planning committee as currently appointed and as reappointed from time to time by the city council. The term of each member of the land use and planning board shall be the same term that he or she serves on the planning committee.

A. The land use and planning board shall consist of seven (7) members, each of whom shall be appointed by the mayor and confirmed by the city council. Appointments shall be deemed confirmed if not acted on within thirty (30) days following the mayor’s submittal of his or her nomination to the council president.

B. The members of the land use and planning board shall serve without compensation except for compensation paid to council members for serving on the city council and except that reimbursement for authorized travel may be made pursuant to the policies established for council members for such expenses.

B. The terms of office of the members of the land use and planning board shall be three (3) years. When a vacancy occurs on the land use and planning board, appointment for that position shall be for three (3) years, or for the remainder of the unexpired term, whichever is the shorter period of time. All new terms shall expire on December 31 of the last year of the term. No more than three (3) terms may expire in any given year.

C. Initial appointments shall be as follows:

1) 2 seats for a one (1) year term
2) 2 seats for a two (2) year term
3) 3 seats for a three (3) year term
All appointments thereafter shall be for three (3) year terms.

D. Members of the land use and planning board may be dismissed by the mayor for missing twenty-five (25) percent or more of the regularly scheduled meetings in a twelve month period without such absence being excused by the board, for inefficiency, for neglect of duty, for a finding by the land use and planning board of a member's violation of any code of conduct established by the board, or for misfeasance or malfeasance in office.

E. As authorized pursuant to RCW 35.21.200, all appointees to the land use and planning board shall be residents of the City of Kent. When making the appointments, the mayor shall consider appointments from residents residing at different locations of the City.

F. The appointed members of the land use and planning board shall serve without compensation except that reimbursement for authorized travel and subsistence may be made to the extent such may be budgeted for by the city council. Reimbursement for such shall come from the city budget category designated planning commission, travel and mileage and subsistence.

Sec. 2.30.170. Organization, meetings, and records.

A. The chairperson of the land use and planning board shall be the chairperson of the planning committee. The secretary of the land use and planning board shall be the planning director. The secretary shall prepare the agenda and minutes and maintain the public records for the land use and planning board.
A. The land use and planning board shall elect a chairperson and vice-chairperson from among its members which terms shall expire December 31 each year. The secretary of the land use and planning board shall be the planning director. The secretary shall set the land use and planning board agenda for workshops and public hearings, prepare minutes which may be taken from electronic recording of public hearings, and keep such records as are necessary for the proper operation of the board, all of which shall be a matter of public record.

B. The land use and planning board shall hold hearings and other public meetings and shall establish rules of procedure for the conducting of business for which the board was established.

B. The land use and planning board shall conduct at least one regular meeting each month for conducting general business, hearings, and other related business, except when there is not an agenda item to be considered or heard, in which case the land use and planning board secretary shall notify the board members, the local press and post a notice at the place the land use and planning board regularly meets, stating that due to a lack of business a meeting is cancelled. The land use and planning board shall establish and operate under a set of bylaws, which bylaws shall prescribe the rules of procedure for public hearings and workshops and a code of conduct for its members. The time and place of regular and special meetings, including workshops, shall be established by the bylaws.

Section 2.30.200-180. Duties and powers responsibilities.

A. The land use and planning board shall conduct public hearings relating to the comprehensive plan and the
implementation thereof. The land use and planning board shall review proposed amendments to the zoning and subdivision ordinances which fall within the planning function and other regulatory ordinances for which the board has responsibility.

A. The land use and planning board shall operate as part of the planning agency and shall, except in those instances when the city council has determined to consider the matter, hold public hearings on comprehensive plan formulation and amendments, annexation zoning, zoning code and subdivision code and other assigned code formulation and amendments which have been prepared and submitted to the board by the planning department. The land use and planning board, after holding one or more public hearings on these matters, shall refer the planning department's proposals and its recommendation to the city council for the council's final action.

B. The land use and planning board shall act in an advisory capacity to the city council on planning matters and shall perform other duties and responsibilities as directed by the city council.

B. In lieu of or in the alternative to the land use and planning board considering and holding hearings and perform other related functions on matters set forth in subsection (A) above, the city council may elect to perform these functions on such matters directly without taking input from the land use and planning board.
Sec. 2.30.010 190. References to planning commission.

All references in the Kent City Code to the planning commission shall mean the land use and planning board.

SECTION 2. Transition of Boards. The City Council Planning Committee shall continue to sit as the land use and planning board as authorized pursuant to Ordinance No. 3252 until the land use and planning board, as established pursuant to this ordinance, is convened and the bylaws for said board are adopted.

SECTION 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or 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 4. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its final passage as provided by law.

[Signature]

JIM WHITE, Mayor
ATTEST:

DONNA SWAW  DEPUTY
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED 19 day of March, 1996.
APPROVED 20th day of March, 1996.
PUBLISHED 22nd day of March, 1996.

I hereby certify that this is a true copy of Ordinance No. 3286, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK, DEPUTY
DONNA SWAW  (SEAL)

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