


To: Mayor Samuelson and Members of the City Council

Date of Report: September 15, 2009

Staff Contact:  Larry E. Cort, Director of Community Planning

Meeting Date: September 21, 2009

Subject: FIRST READING – Amendments to LMC Chapter 18.20

Attachment: Draft Amended LMC Chapter 18.20, Planning Agency

This staff report presents proposed amendments to Chapter 18.20 of the Langley Municipal Code entitled Planning Agency. If approved, these amendments would assign to the Parks and Open Space Commission the role of advisory body to the City Council on matters pertaining to long-range parks and open space planning, including amendments to the Parks and Open Space Element of the Comprehensive Plan.

ANALYSIS

According to RCW 35A.63.020, code cities, such as Langley, may create a planning agency and provide for its membership, organization, and expenses. The planning agency shall serve in an advisory capacity to the legislative body as provided by ordinance and shall have such other powers and duties as shall be provided by ordinance. As noted in LMC Section 18.20.020, our planning agency is currently comprised of the planning officer and the Planning Advisory Board and the powers and duties of each have been established in city code.

Since the 2008 re-constitution of the Parks and Open Space Commission, this citizen body has been actively engaged in crafting a substantially revised Parks and Open Space Element of the Comprehensive Plan. This element is being developed and written for internal consistency with the Comprehensive Plan as a whole, but also to meet the State certification standards in order to be eligible for grant funding. The Commission, with staff support, has devoted many hours to this effort and is close to finalizing a first complete draft.

Under the current structure of our planning agency, the draft Parks and Open Space Element that will emerge from the Commission would necessarily be forwarded for public hearing to the Planning Advisory Board who would then make a recommendation to the City Council. While this path certainly has its merits in that the PAB is probably more familiar than the Parks and Open Space Commission with the whole of the Comprehensive Plan, it is arguably more accountable and responsive to the integrity of the draft Element to allow the Commission, which actually created the document, to hold the public hearing and make the final recommendation to the City Council.

This outcome can be accommodated by amending our planning agency chapter to designate the Parks and Open Space Commission as the advisory board to the City Council on matters pertaining to long range parks and open space planning. The attached amendments would accomplish this goal.

RECOMMENDED ACTION

This is a first reading for amending Chapter 18.20 of the Langley Municipal Code entitled "Planning Agency." No final action will be taken.

Chapter 18.20
PLANNING AGENCY

Sections:

18.20.010	State statutes adopted.
18.20.020	Created Responsibilities.
18.20.030	Planning officer.
18.20.040	Planning Officer - Duties
18.20.050	Planning Officer – SEPA official
18.20.060	Planning Advisory Board – Created
18.20.070	Planning Advisory Board - Purpose
18.20.080	Planning Advisory Board – Duties and Responsibilities
18.20.090	Planning Advisory Board - Members
18.20.100	Planning Advisory Board- Meetings
18.20.110	<u>Parks and Open Space Commission – Planning Agency Duties and Responsibilities</u>

18.20.010 State statutes adopted.

RCW Chapter 35A.63 is adopted by reference. (Ord. 527, 1989)

18.20.020 Created Responsibilities.

Pursuant to RCW Chapter 35A.63, there is created a planning agency of the city with the powers and duties prescribed in this chapter. The planning agency shall be comprised of the planning officer, ~~and~~ the planning advisory board and, under certain circumstances, the parks and open space commission. The planning agency shall be responsible, through its component parts, for:

- A. Review and updating of the comprehensive plan for the city;
- B. Information and administration of the land use regulations of the city;
- C. Development of new land use regulations or revisions of existing land use regulations for consideration by the city council;
- D. Preparation of reports and recommendations on land use applications including subdivisions, variances, conditional uses, shoreline permits and other related permits and environmental review;
- E. Other related duties as designated by the mayor or the city council. (Ord. 527, 1989)(Ord. 873, 2006)(Ord. 906, 2008)

18.20.030 Planning officer.

The head of the planning agency shall be known as the city planning officer. The position shall be appointed by the mayor and shall be confirmed by the city council. (Ord. 527, 1989)

18.20.040 Planning Officer - Duties

The planning officer shall provide regular staff services to the planning advisory board. The planning officer shall submit to the planning advisory board a report and recommendation on all applications or proposed land use regulations. The planning officer shall convey to the city council the majority report of the planning advisory board, any minority report and the recommendation of the planning officer on any land use application or proposed regulation which requires city council action as currently provided by ordinance. (Ord. 527, 1989) (Ord. 873, 2006) (Ord. 906, 2008)

18.20.050 Planning Officer – SEPA Official

The planning officer shall serve as the responsible official pursuant to the State Environmental Policy Act of 1971 (RCW Chapter 43.2 1C). (Ord 570, 1990; Ord. 527 1989) (Ord. 906, 2008)

18.20.060 Planning Advisory Board – Created.

The City of Langley hereby creates a Planning Advisory Board.

(Ord. 578, 1990; Ord. 564, 1990; Ord. 527, 1989; Ord 798, 2001) (Ord. 906, 2008)

18.20.080 Planning Advisory Board – Duties and Responsibilities.

The planning advisory board shall be advisory to the City Council and shall have the following responsibilities:

A. To review and make recommendations on quasi-judicial actions, including applications for subdivision, variance, conditional use, and rezone.

B. To research, review and make recommendations on land use plans and regulations including the zoning code, long-range plans (with the exception of the Parks and Open Space Element of the Comprehensive Plan), shoreline master program and other special projects as assigned by the Council.

C. To carry out other responsibilities and duties as assigned by Council. (Ord. 527, 1989)(Ord. 873, 2006) (Ord. 906, 2008)

18.20.090 Planning Advisory Board – Members

A. Number of Members. The board shall consist of five (5) voting members and one (1) alternate member. The alternate member shall attend meetings and participate in discussions and will vote when a regular board member is not able to attend a board meeting.

B. Residency. Four (4) voting members and the alternate must reside either within the City of Langley, or a maximum of one (1) may reside within the unincorporated Urban Growth Area (UGA), as defined by the most current adopted Comprehensive Plan map. (Ord. 906, 2008)

18.20.100 Planning Advisory Board-Meetings

The planning advisory board shall meet at least once each month, or as often as feasible, in order to carry out the planning advisory board function and to minimize the delay in processing land use applications and planning documents. The board shall adopt and publish policies regarding the

time, place, and frequency of meetings. If there is no business to conduct a meeting cancellation notice shall be posted in the same manner as all meeting notices. Special meetings may be held as often as the board deems necessary. Notice of special meetings must be provided in accord with the Washington State Open Public Meetings Act. (Ord. 527, 1989) (Ord. 906, 2008)

18.20.110 Parks and Open Space Commission – Planning Agency Duties and Responsibilities.

The parks and open space commission shall be advisory to the City Council on matters concerning long-range parks and open space planning, including amendments to the Parks and Open Space Element of the Comprehensive Plan.