

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6242

AN ORDINANCE regarding membership, appointment, terms, powers and duties of the Planning Commission; repealing Chapter 3.64 of the Bellevue City Code; enacting a new Chapter 3.64 and providing for an effective date.

WHEREAS, RCW 35.18.060 states that "The council may provide for the appointment by the Mayor, subject to confirmation by the Council, of the city planning commission, and other advisory citizens' committees, commissions and boards advisory to the City Council"; and

WHEREAS, RCW 35A.11.020 further provides that "The legislative body of each code city shall have power to organize and regulate its internal affairs...; and to define the functions, powers, and duties of its officers and employees"; and

WHEREAS, because different City Councils have established six Boards and Commissions over the years to advise the Council on different aspects of city business, inconsistencies have resulted between the enabling code chapters for those six Boards and Commissions, sometimes leading to confusion as to their respective roles and responsibilities; and

WHEREAS, the City Council desires to harmonize the enabling code chapters between the six Boards and Commissions to provide greater clarity and reduce confusion about roles and responsibilities; and

WHEREAS, Chapter 3.64 establishing the Planning Commission has not been amended or otherwise revised since 2008; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 3.64 of the Bellevue City Code and applicable sections of Ordinance Nos. 5821, 5790, 4680 and 3728 are hereby repealed.

Section 2. A new Chapter 3.64 is hereby added to the Bellevue City Code entitled "Planning Commission" which provides as follows:

**Chapter 3.64
PLANNING COMMISSION**

Sections:

3.64.010 Planning Commission established.

3.64.020 Officers.

3.64.030 Meetings.

3.64.040 Council communications.

3.64.050 Bylaws and procedures.

3.64.060 Staff support.

3.64.070 Powers and duties

3.64.080 Comprehensive plan – Responsibilities.

3.64.090 Limitations.

3.64.010 Planning Commission established.

There shall be a Planning Commission of the City of Bellevue.

- A. Membership and Appointment. The Planning Commission shall consist of seven members appointed by the Mayor following the consent of a majority of the City Council. Commission members shall be appointed without respect to political affiliation and shall serve without compensation. The Council Liaison may recommend appointment of a non-voting ex-officio member.
- B. Eligibility. Members of the Planning Commission must be residents of the City of Bellevue.
- C. Terms of Office. The term for all positions on the Commission shall be four years. Each position shall expire on May 31 of the last year of the term. The expiration date of the terms of the positions on the Commission shall be staggered so that no more than four positions expire in the same year.
No person shall serve more than two consecutive terms, provided that a person appointed to fill an unexpired term of less than two years is eligible to serve two successive four-year terms, and provided further, a person who is ineligible to serve for having served two consecutive terms may again serve after two years have elapsed from the end of the second such term.
- D. Vacancies, Removal of Commission Members, and Filling of Unexpired Terms.
 - i. The position of a member of the Planning Commission shall become vacant upon such member ceasing to be a resident of the City.
 - ii. 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.
 - iii. 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.
- E. Ethical Standards. Commission members shall be held to high ethical standards and shall at all times comply with the provisions of Chapter 3.92 BCC, as they exist now or may be hereafter amended.

3.64.020 Officers.

A Chair, Vice Chair and other officers as the Commission deems necessary shall be elected annually from its members. The Chair shall preside at meetings; the Vice Chair shall preside at meetings in the absence of the Chair

3.64.030 Meetings.

- A. The Commission shall meet at least once a month, with the exception that, critical or time-sensitive work permitting, the Commission may recess for either the month of August or December.
- B. 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*, 42.30 RCW, and the *Public Records Act*, 42.56 RCW as they exist now or may be hereafter amended.

- C. A majority of the membership shall constitute a quorum. Action may be taken by a majority of the members present when a quorum exists.
- D. 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.
- E. 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.
 - i. Examples of situations where remote participation is authorized include, but are not limited to:
 - An agenda item is time sensitive, and remote participation is needed to achieve a quorum;
 - An agenda item is of high importance to the member who cannot be physically present;
 - It is considered important for all members to participate in a key decision, but a member is unable to be physically present.

3.64.040 Council communications.

Formal communications with, or feedback to, the Council shall represent the official majority and/or minority opinions of the Commission, and not those of individual Commission members. Commission members wishing to express an individual opinion shall provide their comments at the public comment opportunities on the meeting agenda.

3.64.050 Bylaws and procedures.

The Commission shall adopt bylaws and procedures not inconsistent with any requirements established in the Bellevue City Code or Land Use Code for the conduct of its meetings and hearings, setting of times of hearings, and giving of notice to the public and to property owners whose property rights or privileges may be altered by such action.

3.64.060 Staff support.

The Planning and Community Development Department shall provide technical and administrative support for the Commission.

3.64.070 Powers and duties.

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* (RCW 36.70A) and promote orderly and coordinated development within the City. The Commission may initiate amendments to the comprehensive plan map or text in order to make technical corrections (LUC 20.301.125). The Commission may recommend that

the City Council initiate amendments to the Comprehensive Plan (LUC 20.30I.130.B.2).

- 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. The Planning Commission may initiate an amendment to the text of the land use code, as provided in LUC 20.30J.125;
- C. Recommend, establish priorities for, and review studies of geographic sub-areas in the City;
- D. Review and make recommendations regarding **regulations** related to *critical* areas and other land use issues;
- E. Be encouraged to maintain a liaison with the planning agencies of other Eastside municipalities and regional planning agencies.
- F. 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:

- G. May provide the public with opportunities for involvement in the Commission's activities;
- H. May recommend particular concepts for inclusion in the City's vision, subject to approval by Council;
- I. May research and provide suggestions on new matters or initiatives that Council may wish to consider;
- J. Shall provide at least quarterly communications to the Council highlighting major activities, future work plans, changes in work plans, and any policy direction requested;
- K. Shall perform other duties as may be directed by the City Council.

All other City boards, committees, and commissions shall coordinate their planning activities, as they relate to land use or the City Comprehensive Plan, with the Planning Commission.

3.64.080 Comprehensive plan – Responsibilities.

As noted in 3.64.070.A, where development or absence of development indicates a condition, a problem, a new element of expansion, unforeseen and not anticipated by the plan, the Commission shall notify the City Council and, at the direction of a majority of the City Council, shall study the subject; and if the Commission determines that an amendment, refinement or clarification of the plan is advisable, a public hearing shall be held, with notice of the time, place and subject and published in the manner provided by law. Following the hearing the Commission may, at a regular meeting, recommend an amendment of the plan to the Council. (Ord. 4680 § 5, 1994; Ord. 3728 § 3, 1986.)

3.64.090 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.

ORIGINAL

1468-ORD
7/23/2015

Section 3. This ordinance shall take effect and be in force five (5) days after its passage and legal publication.

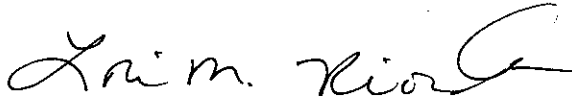
Passed by the City Council this 27th day of July, 2015 and signed in authentication of its passage this 27th day of July, 2015.

(SEAL)



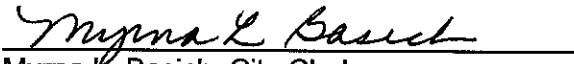
Claudia Balducci, Mayor

Approved as to form:



Lori M. Riordan, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published July 30, 2015,