

Schroader, Kathy



From: Orjiako, Oliver
Sent: Tuesday, October 20, 2015 9:29 AM
To: Euler, Gordon, Alvarez, Jose, Anderson, Colette
Cc: Schroader, Kathy
Subject: FW: MRSC - Authority and Legal References for Planning Commissions

FYI and for the record please. Thanks

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Monday, October 19, 2015 5:13 PM
To: Mielke, Tom; Stewart, Jeanne; Madore, David; Orjiako, Oliver
Subject: Fw: MRSC - Authority and Legal References for Planning Commissions

----- Forwarded Message -----

From: susan rasmussen <sprazz@outlook.com>
To: Carol Levanen <cnldental@yahoo.com>, DONALD MCISAAC <donaIdmcisaac@msn.com>
Sent: Monday, October 19, 2015 8:36 AM
Subject: Fw: MRSC - Authority and Legal References for Planning Commissions

Hi Don,

Sorry, I thought that I had forwarded this to you. This is what I found. Because of the changes though, I'm unsure I hope that you can make heads or tails out of this.

Susan

Sent from Windows Mail

From: Carol Levanen
Sent: Saturday, October 17, 2015 9:22 PM
To: susan rasmussen, Leah Higgins, Rick Dunning, Rita Dietrich, Jerry Olson, Fred Pickering, Jim Malinowski, Frank White, Benjamin Moss, Lonnie Moss, Melinda Zamora, Nick Redinger, Curt Massie, Marcus Becker, Zachary McIsaac, Carol Levanen

----- Forwarded Message -----

From: susan rasmussen <sprazz@outlook.com>
To: Carol Levanen <cnldental@yahoo.com>, DONALD MCISAAC <donaIdmcisaac@msn.com>, "jeanne stewart@clark wa gov" <jeanne stewart@clark wa gov>, "tom mielke@clark wa gov" <tom mielke@clark wa gov>, "david madore@clark wa gov" <david madore@clark wa gov>
Sent: Thursday, October 15, 2015 4:23 PM
Subject: MRSC - Authority and Legal References for Planning Commissions

"When a county's legislative body proposes to change or alter a growth management comprehensive plan amendment recommended by the county planning commission, RCW 36.70.430 DOES NOT REQUIRE the legislative body to refer the proposed change or alteration to the planning commission for further public comment and

redrafting before the revised plan amendment may be adopted if the public already has had a full opportunity to comment on the proposed change or alteration.”

“It is clear that under RCW 35.63.060, a planning commission “may act as the research and fact finding, agency of the municipality” A commission acting in such a capacity, however, DOES NOT POSSESS FACT-FINDING POWERS THAT ARE FINAL AND UNREVIEWABLE BY THE MUNICIPALITY. This is made clear by the terms of RCW 35.63.120, which EMPOWERS THE COUNCIL OR BOARD TO “MODIFY OR DISAFFIRM ANY DECISION OF THE COMMISSION.”

“Turning to RCW 35A.63 we find A CLEAR SEPARATION OF FUNCTIONS AND POWERS between the planning body and the municipal legislative body, the city council in this case. The planning agency prepares the comprehensive plan, RCW 35A.63.060, but “THE FINAL FORM AND CONTENT OF THE COMPREHENSIVE PLAN SHALL BE DETERMINED BY THE LEGISLATIVE BODY. RCW 35A.63.072 All amendments, modifications or alterations to the comprehensive plan are determined in the same fashion. RCW 35A.63.073 ONLY THE LEGISLATIVE BODY IS EMPOWERED TO ADOPT A ZONING MAP AND ORDINANCE. RCW 35A.63.100. Obviously, the state has vested the authority to zone and rezone solely in the city council.”

Last modified 6/25/2015

MRSC - Reference Sources for Planning Commission

Reference Sources for Planning Commission

<http://mrsc.org/Home/Explore-Topics/Planning/Land-Use-Administration/Planning-Commission/Legal-References-for-Planning-Commission.aspx#RCW>

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