CHAPTER 1.1
THE CITY COUNCIL, ITS AGENCIES, AND OFFICERS

Section 1.1.10 - THE CITY COUNCIL

1.1.10.01 - Authority and Responsibility

The State has delegated to the City Council responsibility for adopting land use plans and controls. The City has adopted this Code pursuant to its responsibilities to secure the health, safety, and welfare of its citizens and also pursuant to its home rule authority. The City Council has created a Planning Commission and Land Development Hearings Board to implement such plans and controls. In addition, the State has authorized the Council to act upon applications for development or to delegate its authority to act upon such applications.

1.1.10.02 - Powers and Duties

The City Council has the following powers and duties in addition to any others it may now have, be given, or confer upon itself. The City Council:

a. May adopt, amend, supplement, or repeal plans and policies for development of the community;

b. May adopt, amend, supplement, or repeal the text of any provisions or regulations of this Code or the boundaries of zones established on the Official Zoning Map;

c. Shall review decisions of the Planning Commission and Land Development Hearings Board upon appeal;

d. Shall appoint members of the Planning Commission; and

e. May establish a reasonable schedule of fees with respect to matters under this Code.

Section 1.1.20 - THE PLANNING COMMISSION

The Planning Commission, appointed in accordance with the Boards and Commissions Ordinance, shall have the powers and duties provided therein and provided by this Code.

Section 1.1.30 - LAND DEVELOPMENT HEARINGS BOARD

The Land Development Hearings Board shall hear and act on appeals resulting from alleged errors in orders, requirements, decisions, and interpretations of the Director or designated administrative officers charged with the enforcement of this Code and other matters as required by this Code.

1.1.30.01 - Membership

a. All members of the Planning Commission are eligible to serve on the Land Development Hearings Board. The Land Development Hearings Board shall consist of three members appointed from the Planning Commission by the chair of the Planning Commission. One member shall be appointed to a 1-year term, one to a 2-year term, and one to a 3-year term. All succeeding appointments shall be 3-year terms or until the appointees are no longer members of the Planning Commission, whichever comes first.

b. Any vacancy on the Board shall be filled by an appointment by the Planning Commission chair for the unexpired portion of the term of the Board member whose office became vacant.

c. The members of the Land Development Hearings Board shall continue as voting members of the Planning Commission.

d. The chair of the Planning Commission may appoint alternates to serve in the absence of Board members.

1.1.30.02 - Quorum

Two members of the Land Development Hearings Board shall constitute a quorum. Any position in the Land Development Hearings Board may be filled, or a substitution made, to allow any members of the Planning Commission to serve for purposes of a quorum.

1.1.30.03 - Powers and Duties

The Land Development Hearings Board shall conduct hearings and prepare findings of fact in accordance with Chapter 2.0 - Public Hearings and take such actions concerning appeals as required by this Code.

Section 1.1.40 - COMMUNITY DEVELOPMENT DIRECTOR

1.1.40.01 - Position

The City Manager may delegate the powers and duties herein to the administrative officer of the City, defined as the Community Development Director, to supervise, organize, direct, and control activities defined under this Code. The Community Development Director shall be referred to as "Director" throughout the Code.

1.1.40.02 - Powers and Duties

The Director provides professional planning assistance to citizens, the City Council, Planning Commission, Land Development Hearings Board, and City Manager, and is authorized to interpret provisions of this Code and to perform other such duties

in the Code's administration as are required herein. Such powers and duties may be accomplished by person(s) as designated by the Director.

Section 1.1.50 - CONFLICT OF INTEREST

A member of the hearing authority shall not participate in any proceedings or actions in which the member has a conflict of interest as defined by State law. Any actual or potential conflict of interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of conflict of interest include:

a. Member owns property within the area entitled to receive notice of the public hearing;

b. Member has a direct private interest in the proposal; or

c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be impartial.

Section 1.1.60 - PARTICIPATION BY INTERESTED OFFICERS OR EMPLOYEES

No officer or employee of the City who has a financial interest in a land use decision shall participate in discussions with or give an official opinion to the hearing body without first declaring for the record the nature and extent of such interest.