

ORDINANCE NO. 155B

AN ORDINANCE PROVIDING THAT THE LAKESIDE PLANNING COMMISSION MAY SEEK ADVICE AND GUIDANCE IN DIVERSE AREAS FROM OUTSIDE CONSULTANTS; AND PROVIDING A MEANS BY WHICH THE COST OF SUCH CONSULTANTS IS TO BE PAID BY THOSE INDIVIDUALS OR ORGANIZATIONS RESPONSIBLE FOR CREATING THE NEED FOR SUCH ADVICE AND GUIDANCE; AND AMENDING ORDINANCE NO. 117, THE ZONING ORDINANCE, BY ADDING SECTION 22.000.

The city of Lakeside ordains as follows:

Section 1. [Request From Outside Sources]. When the planning commission has matters before it which, in the determination of the planning commission require technical expertise or evaluation to assist the planning commission in its determination of the matter, the planning commission is authorized to request scientific or technical assistance from outside sources pursuant to the terms of this ordinance.

Section 2. [Declarations]. Should the planning commission determine a need for scientific or technical assistance on matters before it implicating scientific or technical subjects including, but not limited to, civil engineering geology, hydrology, seismic perils, wetlands, traffic flow, environmental regulations, concerns or impacts on public health and safety, the planning commission shall make such declarations by majority vote.

Section 3. [Form of Declaration]. The declaration shall be written and in substantially the following form:

In the matter of _____, the Planning Commission declares there are considerations, involving the future health and welfare of the residents of Lakeside and that in order to provide maximum protection to the citizens, the Planning Commission deems it necessary to require technical assistance for the following reasons:

(a) _____

(b) _____

(c) _____

Section 4. [Notification of Declaration]. Immediately following a declaration made pursuant to sections 1, 2, and 3 of this ordinance, the secretary of the planning commission shall notify the mayor or, in the mayor's absence, the president of the council, of such action and shall furnish the mayor or president of the council, as the case may be, with a copy of the written declaration.

Section 5. [Review of Declaration]. The chairman of the planning commission and the mayor, or, if necessary, their designates from the planning commission and the council, respectively, shall promptly meet and the representative of the planning commission shall review the written declaration with the mayor, or, if necessary, the mayor's designate.

Section 6. [Special Meeting]. The mayor, or, in the absence of the mayor, the president of the council, shall promptly call a special council meeting to, consider and approve or reject the planning commission's request for technical or scientific assistance.

Section 7. [Responsibility of Costs]. The person or organization(s) whose request, application or other action has resulted in the planning commission's request for technical or scientific assistance shall be solely responsible for complete costs thereof, these costs are in addition to any administrative fees. If such person or organizational representative is in attendance when the planning commission considers the matter, the person or organizational representative shall be verbally advised of their responsibility for said costs. The planning commission shall mail a similar notice to the person or organization at the address furnished by the person or organization.

Section 8. [Notice of Costs]. Promptly upon ascertaining the expected costs of the scientific or technical assistance evaluation, the city recorder shall mail written notice of the expected costs to the person or organization affected, together with a statement that said sum must be deposited with the city to cover the expected costs. The city shall not obtain technical or scientific assistance until funds are received to pay the expected costs thereof.

Section 9. [Procurement and Submittal of Studies and Reports]. The planning commission may require applicants to procure and submit specified technical and scientific studies and reports. The expense of such studies and reports shall be the sole responsibility of the applicant.

Section 10. [Application Deemed Complete]. No application shall be deemed complete until the city actually receives the written technical and scientific reports required pursuant to this ordinance.

Section 11. [Payments or Deposits]. Any and all payments or deposits required under this ordinance shall be in cash, cashier's check, certified check or by surety bond acceptable to the city. Property shall not be taken as collateral to secure payment of sums owed under this ordinance.

Section 12. [Certificates of Insurance]. Any person or firm engaged by the city to advise the planning commission shall first provide certificates of insurance reflecting current coverage for:

- (a) Automobile liability coverage in compliance with state law;
- (b) Worker's compensation insurance if required by state law;
- (c) General liability insurance in the amount of \$500,000; and
- (d) Professional liability or omissions insurance in the amount of \$1,000,000.

Section 13. [Application Form]. Application forms provided by the city for planning commission action shall contain the following language:

Pursuant to the provisions of Lakeside Ordinance No. 117, the city of Lakeside may require applicants to procure at applicant's expense technical or scientific reports to assist the planning commission's determination of the applicant's submission. Should the planning commission require technical or scientific assistance in evaluating an applicant's submission, the applicant must deposit with the city, funds sufficient to pay the expected costs of such assistance. Applications are not deemed complete until such funds, if any, are paid and the city receives the written technical or scientific reports.

Passed by the council and approved by the mayor June 10, 1993.

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