

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 3
DATE: April 9, 2009
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the March 26, 2009 Public Hearing on the Shoreline Master Program Administrative Amendments to Chapter 7 as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

MOTION: Move to accept the consent agenda as presented.

CITY OF SULTAN COUNCIL MEETING – March 26, 2009

PUBLIC HEARINGS:

The Public Hearing on the Shoreline Master Program Administrative Amendments to Chapter 7 was called to order by Mayor Eslick .

Councilmembers present: Champeaux, Slawson, Flower, and Blair.

Staff: The staff report was presented by Bob Martin, Community Development Director. The issue is to remove the Council from responsibility for Quasi-Judicial Process in the Shoreline Master Program and transfer that responsibility to the Hearing Examiner and to adjust other procedures in Chapter 7 to clarify and streamline Administration of the Shoreline Master Program. The Shoreline Master Program (SMP) has been adopted and approved by the State as required by RCW 90.58 and WAC 173-26. It became effective on October 29, 2008, after expiration of the statutory 60-day appeal period.

The SMP was constructed using the Council as the final Quasi-Judicial decision maker. Since the SMP was constructed in draft form earlier in 2008, the Council has provided direction that all Quasi-Judicial procedures are to be vested in the Hearing Examiner.

This is a procedural Amendment only. It does not enact any changes in the substantive provisions of the SMP, and will not result in any changes in implementation of policy or affects on the environment that are not contemplated by the language of the existing document.

While writing the language to remove the City Council from Quasi-Judicial activities, Staff also took the opportunity to organize Chapter 7 to more effectively describe the procedures. In particular, the proposed draft clarifies that a Shoreline Substantial Development Permit is reviewed and decided at the Staff level (Administrative Review) with appeal to the Hearing Examiner. This was the intent of the newly-adopted document, but was not clearly stated. Other Quasi-Judicial functions (Variances, Conditional Uses) are addressed by the Staff constructing a report based on the Applicant's submittal with a Public Hearing by the Hearing Examiner. The Hearing Examiner's Decision can be appealed to the Shoreline Management Hearing Board or other appropriate appellate body.

Public Input

None

On a motion by Councilmember Champeaux, seconded by Councilmember Slawson , the public meeting was closed. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk