

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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**ITEM NO:** D-3

**DATE:** May 28, 2009

**SUBJECT:** Code Amendments to Remove City Council from Quasi-Judicial Land Use Process, Amendments to Titles 2, 16, and 21 Sultan Municipal Code (SMC)

**CONTACT PERSON:** Robert Martin, Community Development Director 

**ISSUE:**

Discuss Code changes requested by City Council and proposed by Planning Board to remove Council and Planning Board from Quasi-Judicial Land Use Procedures and to clarify titles of certain Responsible Officials. This Discussion Item is being presented prior to the Action Item that will appear on the Council's June 25<sup>th</sup>, 2009 Agenda.

**STAFF RECOMMENDATION:**

Discuss input from Planning Board recommending that the City Council Amend the Sultan Municipal Code Titles 2, 16, and 21 to remove the City Council and the Planning Board from Quasi-Judicial Process and to clarify titles of Responsible Official(s) as presented in Attachments A through I.

**BACKGROUND:**

This activity was briefly introduced at the Planning Board/City Council Joint Meeting of November 18, 2008. Council indicated the desire for this project to proceed. The Planning Board has worked on the project over several meetings and one Public Hearing.

As this is a change in Development Regulations, the City provided notice to the Community Trade and Economic Development Department (CTED) for 60-days as required. CTED has acknowledged this action as a minor procedural amendment and is expected to have no further input. The 60-day notice process expires on June 15, 2009.

Because of the 60-day notice the earliest that Council can consider an Ordinance for adoption is the meeting of June 25<sup>th</sup>, 2009. There are at least two Conditional Use Applications that are preparing for submittal. To provide the best customer service for these applicants, it is important to have the Quasi-Judicial Amendments adopted as soon as possible. This agenda item gives the Council the opportunity to become familiar with the concept and any details of interest before being asked to consider adoption of an ordinance to codify the proposed amendments.

This is a Level III Amendment as provided in the recently adopted Public Participation and Notice Procedures (SMC Chapter 16.134). This procedure requires one Public Hearing at the Planning Board level with a recommendation to the Council (no additional Public Hearing is required at the Council level, although the Council can always determine to hold an additional Hearing).

**DISCUSSION:**

The Council has, for more than two years, indicated its interest in transferring eligible Quasi-Judicial Land Use Procedures from the City Council to the Hearing Examiner. The Planning Board was divested of most of those procedures in 2006. The list of attachments below presents the locations in the SMC where changes were required to achieve this transfer of responsibility to the Hearing Examiner.

There are still a few locations within these Sections where the Council must be the final decision maker. These exceptions are approval of a Final Plat, and final approval of Assessment Districts for Local Improvement Districts and similar assessment or taxing decisions.

Another change made in this proposal is to make titles of certain officials agree with current titles (chiefly the title of Community Development Director).

Staff appreciates the detailed assistance of the Planning Board in preparing this draft document for Council Review.

The attachments present the required changes in legislative mark-up (underline is added language, and ~~strike-through~~ is deleted).

**ATTACHMENTS:**

- Attachment A: Legislative mark-up Staff DRAFT of Amendments to SMC 2.26
- Attachment B: Legislative mark-up Staff DRAFT of Amendments to SMC 16.10
- Attachment C: Legislative mark-up Staff DRAFT of Amendments to SMC 16.18
- Attachment D: Legislative mark-up Staff DRAFT of Amendments to SMC 16.28
- Attachment E: Legislative mark-up Staff DRAFT of Amendments to SMC 16.92
- Attachment F: Legislative mark-up Staff DRAFT of Amendments to SMC 16.120
- Attachment G: Legislative mark-up Staff DRAFT of Amendments to SMC 16.124
- Attachment H: Legislative mark-up Staff DRAFT of Amendments to SMC 21.04
- Attachment I: Legislative mark-up Staff DRAFT of Amendments to SMC 21.06