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BY:

MEMORANDUM

To: ✓ Sultan City Council
Mayor Carolyn Eslick

CC: Deborah Knight, City Administrator
Robert Martin, Planning Director

From: John E. Galt, Hearing Examiner 

Date: January 23, 2009

Subject: Annual Report for 2008

The Sultan Municipal Code does not require an annual report from the Hearing Examiner to the City Council. Nevertheless, I believe that a short summary of the matters which I have heard as your Hearing Examiner during 2008 would be interesting, if not beneficial, to you. I, therefore, present this brief report. The report is divided into two parts: Hearing Activity and Discussion of Issues. I would be pleased to meet with the Council at a time of mutual convenience.

Hearing Activity

I conducted only 2 land use hearings, involving three applications in two projects, for the City of Sultan during 2008. By way of comparison, I had 12 hearings in 2007. Each case is listed on the attached table in chronological order of hearing.

The reasons for the significant decline in case load are well known to you: The development moratorium which was in effect for most of the year and the down-turn in the local economy.

Abbreviations are mostly self-explanatory: Okw/c = approve subject to conditions; SEPA Ap = State Environmental Policy Act administrative appeal.

Discussion of Issues

Neither case heard in 2008 brought to light any policy or regulatory problems.

Caleb Court was a resubmittal: An earlier version had been rejected by me in 2007 and by the Council in early 2008. The resubmittal met all guidance provided by me and the Council in the earlier proceeding; it was approved.

Anderson Farm was a complex and contentious case. My Recommendation was exceptionally lengthy, not because of any difficulties interpreting adopted policies and regulations, but because there were so many aspects of the application which failed to meet those regulations. The applicant's appeal from the State Environmental Policy Act (SEPA) threshold determination became moot at the outset of the proceedings when Community Development conceded that the impacts associated with the mitigation measures being challenged could be adequately regulated through adopted code and the applicant withdrew its remaining challenge.