

**SULTAN PLANNING BOARD
AGENDA ITEM COVER SHEET**

ITEM NO: A-1

DATE: April 7, 2009

SUBJECT: Code Amendments to Remove City Council from
Quasi-Judicial Land Use Process

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:

Set Public Hearing on Amendments to Titles 2, 16, and 21 Sultan Municipal Code (SMC) to remove City Council and Planning Board from Quasi-Judicial Land Use Process and vest all such responsibilities in the Hearing Examiner, and to clarify titles of Responsible Official(s).

STAFF RECOMMENDATION:

1. Review the draft Code language (Attachments B,C,D).
2. Direct Staff to make changes as deemed appropriate.
3. Set Public Hearing on draft Amendments under Level III process in Public Participation and Notice Procedures (As adopted by Ordinance 1015-09).

BACKGROUND:

The Council has expressed interest in vesting all of the Quasi-Judicial Procedures in the Hearing Examiner. Quasi-Judicial processes are land use actions that affect a specific property based on an application for a particular decision (e.g. Conditional Use, Variance, or Zone Map change).

This activity was briefly introduced at the Planning Board/City Council Joint Meeting of November 18, 2008. The Planning Board reviewed a significant portion of the draft modifications at its meeting of December 16, 2008 (See **Attachment A** for background from December 16, 2008 Agenda Cover). At that meeting, the Board indicated interest in pursuing the remaining work needed to complete the project, and to proceed to Public Hearing. Since that time, the new Public Participation Procedures have been adopted and the proposed procedural amendments fall under the Level III process with a Public Hearing at the Planning Board and transmittal of the Planning Board's recommendation to the Council for action without further Public Hearing.

DISCUSSION:

The Code Amendments necessary to accomplish this charge are located in: SMC Chapter 2.26, Hearing Examiner; Title 16, Unified Development Code; and Title 21, Other Land Uses.

Note that this is a specific and focused project. It is only intended to remove the Council from Quasi-Judicial processes. There is extensive work required to revise the Code to bring it up to current standards. That full-scale work will follow this single-topic project.

If Board members have located references to the Planning Commission, Planning Board, or City Council involving, Public Hearings, Decisions, or Appeals of Quasi-Judicial Procedure, it would be very helpful to note those locations for Staff attention.

RECOMMENDATION:

Review and discuss the attached draft (**Attachment B**). Provide any direction that is appropriate.

Set April 21, 2009 as date for a Public Hearing on Amendments to Sultan Municipal Code Titles 2, 16, 21, Amendments to remove the City Council and the Planning Board/Planning Commission from Quasi-Judicial process, and to clarify titles of Responsible Official(s).

ATTACHMENTS:

- Attachment A: December 16, 2008 Planning Board Agenda Cover Item P-3
- Attachment B: Legislative mark-up Staff DRAFT of Amendments to SMC 2.26
- Attachment C: Legislative mark-up Staff DRAFT of Amendments to SMC 16.10
- Attachment D: Legislative mark-up Staff DRAFT of Amendments to SMC 16.18
- Attachment E: Legislative mark-up Staff DRAFT of Amendments to SMC 16.28
- Attachment F: Legislative mark-up Staff DRAFT of Amendments to SMC 16.92
- Attachment G: Legislative mark-up Staff DRAFT of Amendments to SMC 16.120
- Attachment H: Legislative mark-up Staff DRAFT of Amendments to SMC 16.124
- Attachment I: Legislative mark-up Staff DRAFT of Amendments to SMC 21.04
- Attachment J: Legislative mark-up Staff DRAFT of Amendments to SMC 21.06