

**SULTAN PLANNING BOARD
AGENDA ITEM COVER SHEET**

ITEM NO: A-1

DATE: April 21, 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:

Consider and discuss input from Public Hearing, Staff Report, and related materials, and make recommendation to the City Council.

STAFF RECOMMENDATION:

1. Conduct Public Hearing.
2. Consider and discuss input from Public Hearing, Staff Report, and related materials.
3. Move to recommend that the City Council Amend the Sultan Municipal Code Titles 2, 16, and 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) as presented in Attachments B through J according to 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. 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.

RECOMMENDATION:

Move to recommend that the City Council Amend the Sultan Municipal Code Titles 2, 16, and 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) as presented in Attachments B through J according to Level III process in Public Participation and Notice Procedures (as adopted by Ordinance 1015-09).

ATTACHMENTS:

See associated Agenda Cover Packet PH-1 of April 21, 2009 for Attachments A through J