

CITY OF SULTAN  
WASHINGTON  
ORDINANCE NO. 1236-16

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,  
RELATED TO HEARING EXAMINER DUTIES; AMENDING  
SECTIONS 2.26.020, 2.26.090, AND 2.26.100 OF THE SULTAN  
MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, it is the best interest of the city and the citizens to eliminate the need for a Hearing Examiner to hear administrative appeals; and

WHEREAS, in accordance with RCW 35A.63.110, the City has established a Board of Adjustment to hear administrative appeals of orders, decisions and determinations made by staff regarding the interpretation of City zoning, building and construction, and other Code provisions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC 2.26.020, Creation of hearing examiner position, Amended. Sultan Municipal Code Section 2.26.020, Creation of hearing examiner, is hereby amended to read as follows:

**2.26.020 Creation of hearing examiner position.**

Pursuant to Chapter 35A.63 RCW, the office of hearing examiner, hereinafter referred to as examiner, is created. Except for appeals of administrative decisions, All land use development regulation and construction code matters of a quasi-judicial nature, not requiring a modification of any ordinance or legislation shall be referred to the examiner who shall interpret, review and implement land use regulations in accordance with the procedures set forth herein.

Section 2. SMC 2.26.090, Duties of the examiner – Applications, Amended. Sultan Municipal Code Section 2.26.090, Duties of the examiner – Applications, is hereby amended to read as follows:

**2.26.090 Duties of the examiner – Applications.**

A. The examiner shall receive and examine available information, conduct fair and impartial public hearings, prepare a record thereof, and enter findings, conclusions, recommendations, or decisions as provided throughout the Sultan Municipal Code.

B. Except for appeals of administrative decisions, The examiner is empowered to act in lieu of such other officials, boards or commissions as may be assigned. Whenever existing ordinances, codes or policies authorize or direct other officials, boards or commissions to undertake certain activities which the examiner has been assigned, such ordinances, codes or policies shall be construed to refer to the examiner.

C. The hearing examiner is empowered consistent with SMC 2.26.125(D) and rules adopted by the hearing examiner to reconsider decisions or recommendations of the hearing examiner.

Section 3. SMC 2.26.100, Reports of city departments, Amended. Sultan Municipal Code Section 2.26.100, Reports of city departments, is hereby amended to read as follows:

**2.26.100 Reports of city departments.**


On any land use issue coming before the examiner, the planning director shall coordinate and assemble the reviews of other city departments, governmental agencies, and other interested parties and shall prepare a report summarizing the factors involved. At least seven calendar days prior to the scheduled hearing, the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and made available for public inspection. Copies thereof shall be provided to interested parties upon payment of reproduction costs. In the event that information to be provided by the applicant or other parties outside of city control has not been provided in sufficient time for filing seven days in advance of the hearing, the examiner may reschedule the hearing and notify interested parties.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

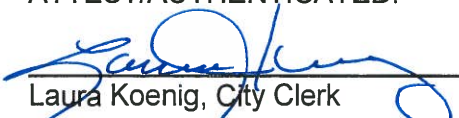
Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12<sup>th</sup> DAY OF MAY, 2016.**

CITY OF SULTAN

  
\_\_\_\_\_  
Carolyn Estick, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Laura Koenig, City Clerk

Approved as to form:

  
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Amy S. Mill, City Attorney

Date of Publication: 5-16-16  
Effective Date: 5-21-16