

**CITY COUNCIL AGENDA ITEM**  
**CITY OF SHORELINE, WASHINGTON**

<b>AGENDA TITLE:</b>	Public Hearing on Ordinance No. 534 Adopting Interim Regulations for Processing Quasi-judicial Items
<b>DEPARTMENT:</b>	Planning and Development Services City Attorney's Office
<b>PRESENTED BY:</b>	Joseph W. Tovar, FAICP, Director of Planning and Development Services Ian Sievers, City Attorney

**PROBLEM/ISSUE STATEMENT:**

On February 9, 2009 the Council adopted Ordinance No. 534 which adopted interim land use regulations assigning record hearings for certain quasi-Judicial project permits to the Shoreline Hearing Examiner for the remainder of 2009.

During the term of these interim regulations, Preliminary Formal Subdivisions, Site-specific Rezones (except those within the Southeast Shoreline Neighborhoods Subarea or the Town Center Subarea), and Street Vacations would have an open-record hearing before the Shoreline Hearing Examiner. The Examiner would make a recommendation to the City Council for final action.

The statutes authorizing land use moratoria and interim zoning regulations are RCW 35A.63.220 and RCW 36.70A.390. The key features are adoption of an ordinance without public hearing. The adopting ordinance must be scheduled for a public hearing within 60 days from its initial passage and adoption of findings if none are included in the original ordinance. The purpose of this agenda item is to conduct that hearing.

The interim regulation was recommended by the Planning Commission to allow the Commission to accomplish the nine substantial items shown on its 2009 work program. During the effective dates of the interim regulation, staff was directed to evaluate the effectiveness of the interim procedure as a basis for recommending permanent changes to the development code for processing quasi-judicial permits. Persons will be invited to provide written and/or oral comments to any proposed permanent development regulations at public hearings held before the Planning Commission and when placed on City Council agendas.

**ALTERNATIVES ANALYZED:**

The action before the Council is to conduct a public hearing on Ordinance No. 534 required by state law in order to continue this ordinance in effect for the remainder of 2009. If the Council is satisfied with the ordinance as passed, no further action need be taken. Staff recommends no further action at this time.

Alternatively, the Council may decide to amend or repeal Ordinance No. 534. In such a case, the Council would direct staff to prepare amendments to the findings in the ordinance or the provisions of the ordinance itself based on testimony at the public hearing.

**FINANCIAL IMPACT:**

There are no financial impacts of this council action, which is to take public testimony.

**RECOMMENDATION**

Staff recommends that Council hold a public hearing for Ordinance No. 534. No additional action is required to keep this interim control in effect, and the staff recommends no additional Council action.

Approved By:      City Manager  City Attorney       

**Attachments:**

Attachment A: Ordinance No. 534

**ORIGINAL****ORDINANCE NO. 534****AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING AN INTERIM LAND USE REGULATION ASSIGNING RECORD HEARINGS FOR CERTAIN QUASI-JUDICIAL PROJECT PERMITS TO THE SHORELINE HEARING EXAMINER FOR 2009**

WHEREAS, under the provisions of the Growth Management Act the City has adopted development regulations implementing the City of Shoreline Comprehensive Plan; and

WHEREAS, the Planning Commission has recommended and the Council finds that a reassignment of record hearings and recommendations for certain quasi-judicial project permits to the Shoreline Hearing Examiner rather than the Planning Commission for 2009 is necessary to allow the City to meet its target processing time for project permits while accomplishing a demanding schedule of city-wide planning tasks established for 2009; and

WHEREAS, the same rules of procedure for pre-decision open record hearings apply to the Hearing Examiner and the Planning Commissioner and this procedure is used now for Critical Areas Special Use Permits; and

WHEREAS, pursuant to SEPA regulation SMC 20.30.550 adopting Washington Administrative Code Section 197-11-800, procedural land use regulations are categorically exempt from environmental review; now therefore,

**THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Finding of Fact.** The recitals set forth above are hereby adopted as findings of the City Council.

**Section 2. Interim Regulation Adopted.** During the effective dates of this ordinance the following quasi-judicial Type C land use permits listed under Table 20.30.060 of the Municipal Code shall have an open-record hearing set before the Shoreline Hearing Examiner rather than the Planning Commission:

- A. Preliminary formal subdivision.
- B. Site-specific rezone and zoning map change; provided, however, that rezones within the Southeast Shoreline Neighborhoods Subarea or the Town Center Subarea shall continue to have hearings set before the Planning Commission for review and recommendation.
- C. Street vacations.


ORIGINAL

**Section 3. Public Hearing.** Pursuant to RCW 35A.63.220 and 36.70A.390 the City Clerk shall notice a public hearing before the City Council to take testimony concerning this interim regulation within sixty days of passage of this ordinance.

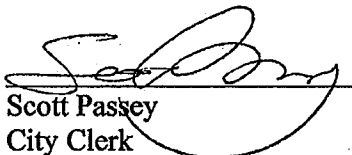
**Section 4. Permanent Regulations.** The City Council directs the staff to evaluate the effectiveness of procedures adopted in this interim as a basis for recommending permanent amendments to SMC 20.30.060. If this interim regulation expires without permanent amendments having been adopted, procedures of SMC 20.30.060 in effect prior to adoption of this ordinance shall be restored.

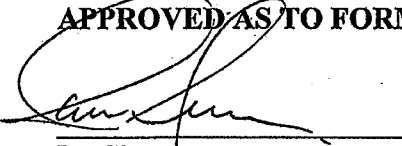
**Section 5. Publication; Effective Dates.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after publication. The ordinance shall expire at the end of calendar year 2009 unless extended or repealed according to law.

**PASSED BY THE CITY COUNCIL ON FEBRUARY 9, 2009.**

  
Mayor Cindy Ryu

**ATTEST:**

  
Scott Passey  
City Clerk

**APPROVED AS TO FORM:**  
  
Ian Sievers  
City Attorney

Date of publication: February 12, 2009  
Effective date: February 17, 2009