

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Pros and Cons of Advertising for a Public Hearing Prior to the Expiration of the SEPA Appeal Deadline
<b>DEPARTMENT:</b>	Planning and Development Services
<b>PRESENTED BY:</b>	Rachael Markle, Asst. Director Planning and Development Services

Section 20.30.170 of the Development Code states that, “No more than one open record hearing shall be heard on any land use application. The appeal hearing on SEPA threshold determination of nonsignificance shall be consolidated with any open record hearing on the project permit.” Therefore, a SEPA appeal public hearing on a quasi judicial land use application must to consolidated.

As a common practice, staff advertises the public hearing date as part of the required Notice of Application. This accomplishes two things: 1) Reduces the total number of ads required from two to one; and 2) Reduces the total number of days used to review the application by at least 17 days (15 days required notice prior to a public hearing + the lead time to get the ad in the newspaper). We are required to advertise in the Seattle Times and as a courtesy to our citizens we often duplicate the ad in the Shoreline Enterprise. On average the public hearing notices in the Seattle Times and Shoreline Enterprise to cost \$300. This amount is almost doubled if the publication needs to occur on a Friday, Saturday or Sunday. In terms of saving time, most quasi judicial decisions are expected to be made in 120 days per SMC 20.30.060.

We are careful to schedule the date of the Public Hearing after the expiration of the SEPA Appeal period to ensure that we do not proceed with a public hearing prior to knowing if an appeal has been filed. The draw back to scheduling the public hearing prior to knowing if an appeal will be filed, is that the public hearing would need to be rescheduled to incorporate the SEPA appeal. Appeals of SEPA determinations on quasi judicial land use applications have been rare to date in Shoreline. There have been approximately four (4) in the past 10 years – most related to Critical Area permits. The Hearing Examiner serves as both the appeal body and decision making authority for Critical Area permits.

For example, a Rezone application that requires SEPA is submitted to the City. The City has 28 days to determine if the application is complete. The City is then required to publish as Notice of Complete Application within 14 days of determining the application is complete in the newspaper of record, The Seattle Times. The notice is also mailed to property owners within 500 feet of the project site and posted on the site.

The Optional SEPA process is likely to be used if it is anticipated that the City will issue a Determination of Nonsignificance or a Mitigated Determination of Nonsignificance. This process reduces the number of comment periods from two to one. We have found that it is helpful to combine both the Notice of Application comment period and SEPA comment period together as many of the issues overlap. Further, since a Rezone application requires a public hearing, a public hearing notice is required no less than 14 days prior to the hearing. The notice of public hearing can also be included in the Notice of Application. By combining all of these noticing requirements, staff time is reduced, noticing costs are reduced and the number of times an interested party needs to respond to a project are reduced. The only drawback to this plan is if the SEPA Determination is appealed, you have already set the public hearing and would need to reschedule the public hearing. However, if SEPA is not appealed the public hearing may proceed as scheduled.

In conclusion, although we do not like to cancel a scheduled public hearing the efficiencies gained seem to outweigh the probability that an appeal will be filed.