

# 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.

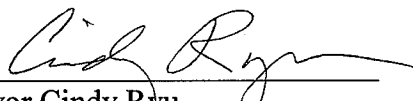
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**Section 3. Public Hearing.** Pursuant to RCW 35A.63.220 and 36.70A.390 the City Clerk shall notice a public hearing before the City Council to take testimony concerning this interim regulation within sixty days of passage of this ordinance.

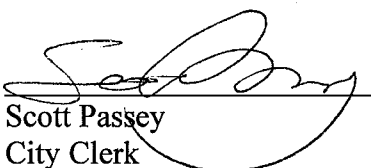
**Section 4. Permanent Regulations.** The City Council directs the staff to evaluate the effectiveness of procedures adopted in this interim as a basis for recommending permanent amendments to SMC 20.30.060. If this interim regulation expires without permanent amendments having been adopted, procedures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

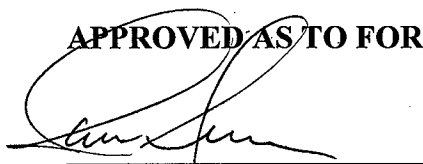
**PASSED BY THE CITY COUNCIL ON FEBRUARY 9, 2009.**

  
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Mayor Cindy Ryu

**ATTEST:**

  
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Scott Passey  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Ian Sievers  
City Attorney

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