

# ORIGINAL

## ORDINANCE NO. 621

### AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON TRANSFERRING REVIEW AUTHORITY FOR ALL QUASI-JUDICIAL HEARINGS FROM THE PLANNING COMMISSION TO THE HEARING EXAMINER; AND AMENDING CHAPTER 2.20.060 AND TABLE 20.30.060 OF THE SHORELINE MUNICIPAL CODE.

WHEREAS, a public participation process was conducted to develop and review the proposed amendment to the Development Code to transfer review authority for quasi-judicial hearings from the Planning Commission to the Hearing Examiner, including:

WHEREAS, the Planning Commission held a Public Hearing on August 18, 2011, where it formulated its recommendation to Council on the proposed amendments;

WHEREAS, the proposed action is exempt from SEPA under WAC 197-11-800(19); and

WHEREAS, the proposed amendments were submitted to the State Department of Commerce on February 10, 2011 for comment pursuant to RCW 36.70A.106; and

WHEREAS, no comments were received from the State Department of Commerce; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in SMC 20.30.350 for adoption of amendments to the Development Code;

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

**Section 1. Amendment.** Shoreline Municipal Code 2.20.060 is amended as follows:

2.20.060 Duties – Responsibilities

*[A-H unchanged]*

I. ~~The planning commission shall make recommendations to the city council regarding the subdivision of land pursuant to RCW 58.17.100 and in conformity with other ordinances of the city.~~

J. The planning commission shall have such other duties and powers as may be conferred upon the commission from time to time by ordinance, resolution or motion of the city council.

K. Unless otherwise assigned by ordinance to another body, all public hearings required to be held in the course of adoption or amendment to the comprehensive plan, the zoning code, ~~adoption or amendment of the zoning map,~~ or adoption or amendment of regulations for the subdivision of land, shorelines management and environmental protection regulations shall be heard by the planning commission.

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**Section 2. Amendment.** Shoreline Municipal Code Table 20.30.060 is hereby amended as follows:

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision <sup>(3)</sup> , <sup>(4)</sup>	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
<b>Type C Permits:</b>					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	<u>HE</u> <sup>(1), (2)</sup> <del>PC</del> <sup>(3)</sup>	City Council	120 days	20.30.410
2. Rezone of Property <sup>(2)</sup> and Zoning Map Change	Mail, Post Site, Newspaper	<u>HE</u> <sup>(1), (2)</sup> <del>PC</del> <sup>(3)</sup>	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	<u>HE</u> <sup>(1), (2)</sup> <del>PC</del> <sup>(3)</sup>	<del>HE</del> City Council	120 days	20.30.330
4. Critical Areas Special Use	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.333
5. Critical Areas Reasonable Use	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	<u>HE</u> <sup>(1), (2)</sup> <del>PC</del> <sup>(3)</sup>	<del>HE</del> City Council	120 days	20.40.505
8. Street Vacation	<del>PC</del> <sup>(3)</sup> , Mail, Post Site, Newspaper	<u>HE</u> <sup>(1), (2)</sup> <del>PC</del> <sup>(3)</sup>	City Council	120 days	See Ch. 12.17 SMC
9. Master Development Plan	Mail, Post Site, Newspaper	<u>HE</u> <sup>(1), (2)</sup> <del>PC</del> <sup>(3)</sup>	<del>HE</del> City Council	120 days	20.30.353

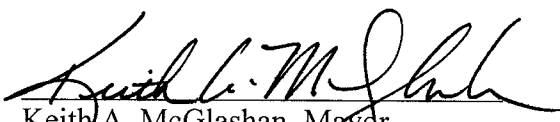
<sup>(1)</sup> Including consolidated SEPA threshold determination appeal, <sup>(2)</sup> ~~The rezone must be consistent with the adopted Comprehensive Plan,~~ <sup>(2)</sup> HE = Hearing Examiner, <sup>(3)</sup> Notice of application requirements are specified in SMC 20.30.120,  
<sup>(4)</sup> Notice of decision requirements are specified in SMC 20.30.150

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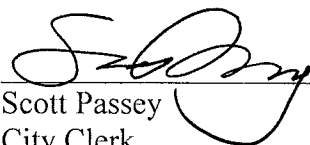
**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date and Publication.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication

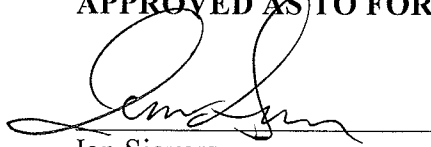
**ADOPTED BY THE CITY COUNCIL ON NOVEMBER 28, 2011.**

  
Keith A. McGlashan, Mayor

**ATTEST:**

  
Scott Passey  
City Clerk

**APPROVED AS TO FORM:**

  
Ian Sievers  
City Attorney

Date of Publication: December 1, 2011  
Effective Date: December 6, 2011