

February 3, 2015 Version

**ORDINANCE NUMBER 1048**

**AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON  
AMENDING SECTION 18.01.030 PROVIDING THE OPTION FOR USE OF A  
HEARINGS EXAMINER IN LAND USE HEARINGS AND PROVIDING FOR  
SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS, North Bonneville Municipal Code Chapter 18.01 provides the City of North Bonneville has its initial open record land use adjudicative hearing before the Planning Commission; and

WHEREAS, the City Council finds that there may be occasions that due to the nature of the proposed land use proposal, the Council may have reason to question the ability of the Council or the Planning Commission to fairly adjudicate a land use matter, and the Council intends to provide an alternate process of a hearings before a hearings examiner where the Council deems it appropriate.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BONNEVILLE,  
WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1      Amendment to Ch. 18.01 LAND DEVELOPMENT ADMINISTRATIVE  
PROCEDURES**

Amending section 18.01.030 Determination of proper type of procedure:

Legend:    New language added = underlined  
              Old language deleted = ~~strikethrough~~

18.01.030 Determination of proper type of procedure; Use of a hearings examiner.

A. Determination by Planning Advisor. The Planning Advisor or his or her designee (hereinafter the "Administrator") shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the Administrator shall resolve it in favor of the higher procedure type number.

B. Optional Consolidated Permit Processing. An application that involves two (2) or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. For purposes of this section, "highest number" is Type V and lowest number is Type I (or Type I-A).

C. Decision maker(s). Applications processed in accordance with subsection B of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s). The City Council is the highest, followed by the Planning Commission, and then the Administrator. Joint public hearings with other agencies shall be processed according to Section 18.01.050.

D. SEPA Review. Project review conducted pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall occur concurrently with project review set forth in this chapter. The SEPA review process, including all public comment procedures, is set forth in Chapter 21.04 of this code. Nothing contained in this chapter shall be construed to restrict the need for full environmental review in accordance with Chapters 21.04 (Environmental Protection) and 21.10

E. Alternate Procedure Allowing Use of Hearings Examiner. After consultation with the Planning Advisor, the Council may, in its discretion, elect to utilize a hearings examiner in lieu of the Council or the Planning Commission for adjudicative land use proceedings. In that event, code provisions relating to the Council or to the Planning Commission as an adjudicative body (including on remand) shall be construed as including the alternate use of a hearings examiner, where applicable.

**Section 2 Severability.**

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 3 Effective Date and Publication.**

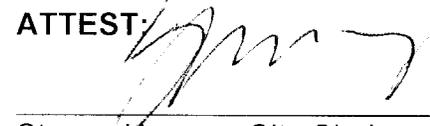
This Ordinance shall be effective five days after publication of the Ordinance, or a summary thereof consisting of its title, in the official newspaper of the City.

**PASSED BY THE CITY COUNCIL on January 27, 2015.**



\_\_\_\_\_  
Don Stevens, Mayor

ATTEST:



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Steven Hasson, City Clerk

**APPROVED AS TO FORM:**



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Kenneth B. Woodrich, City Attorney