

**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. O2000-63**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, RELATED TO GRANTING FINAL  
DECISION-MAKING AUTHORITY TO THE HEARING  
EXAMINER FOR CERTAIN QUASI-JUDICIAL LAND USE  
APPEALS AND AMENDING SUBSECTIONS (3), (4) AND  
EXHIBIT A OF SECTION 20.20.02, SECTION 20.24.070A  
AND SECTION 20.24.080 OF THE INTERIM SAMMAMISH  
DEVELOPMENT CODE, AND REPEALING SECTION  
20.24.072 OF THE INTERIM SAMMAMISH  
DEVELOPMENT CODE**

WHEREAS, the Interim Sammamish Development Code establishes procedures for land use hearings and appeals; and

WHEREAS, the Code identifies four types of land use decisions and the appeal procedure for each type of decision; and

WHEREAS, Type 3 and Type 4 decisions are quasi-judicial decisions made by the Hearing Examiner and appealable to the City Council; and

WHEREAS, it is appropriate that quasi-judicial land use decisions are heard and determined by the Hearing Examiner ; and

WHEREAS, state law authorizes the City Council to specify the legal effect of the decisions made by the Hearing Examiner, including giving such decisions the effect of a final decision of the Council;

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

Section 1. Amendment of ISDC Section 20.20.02(3). Section 20.20.02(3) of the Interim Sammamish Development Code is hereby amended as follows:

3. Type 3 decisions are quasi-judicial decisions made by the Hearing Examiner following an open record hearing. Type 3 decisions may be appealed to Superior Court.

Section 2. Amendment of ISDC Section 20.20.02(4). Section 20.20.02(4) of the Interim Sammamish Development Code is hereby amended as follows:

4. Type 4 decisions are quasi-judicial decisions made by the Hearing Examiner. Type 4 decisions may be appealed to Superior Court.

Section 3. Amendment of ISDC Section 20.20.02, Exhibit A. Exhibit A of Section 20.20.02 of the Interim Sammamish Development Code is hereby amended as follows:

TYPE 3 (Recommendation by Director, hearing and decision by Hearing Examiner, appealable to Superior Court)

Preliminary plat, plat alterations; preliminary plat revisions; Shoreline Substantial Development Permits.

TYPE 4\*\*\* (Recommendation by Director, hearing and decision by Hearing Examiner appealable to Superior Court)

Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations

Section 4. Amendment of ISDC Section 20.24.070A. Section 20.24.070A of the Interim Sammamish Development Code is hereby amended as follows:

20.24.070 Recommendation to council.

A. The Examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof and issue recommendations, including findings and conclusions to the council based on the issues and evidence in the record in the following cases:

1. Not used.
2. Not used.
3. Not used.
4. Not used.
5. Not used.
6. Not used.
7. Not used.
8. Not used.
9. Not used.
10. Not used.
11. Other applications or appeals which the City Council may prescribe by ordinance.

Section 5. Repeal of ISDC Section 20.24.072. Section 20.24.072 of the Interim Sammamish Development Code is hereby repealed.

~~20.24.72~~ Type 3 decisions by the Examiner, appealable to the City Council.

~~A. The Examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue decisions of Type 3 land use permit applications, including findings and conclusions, based on the issues and evidence in the record. The decision of the Examiner on Type 3 land use permit applications shall be appealable to the City Council on the record established by the Examiner as provided by ISDC 20.24.21D.~~

~~B. The Examiner's decision may be to grant or deny the application, or the Examiner may grant the application with such conditions, modifications and restrictions as the Examiner finds necessary to carry out applicable state laws and regulations, including chapter 42.21C RCW, and the regulations, policies, objectives and goals of the Interim Comprehensive Plan, or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of the City of Sammamish.~~

Section 6. Amendment of ISDC Section 20.24.080. Section 20.24.080 of the Interim Sammamish Development Code is hereby amended as follows:

20.24.080 Final decisions by the Examiner.

A. The Examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue final decisions, including findings and conclusions, based on the issues and evidence in the record, which shall be appealable to superior court as provided by ISDC 20.24.240, or to such other authority as may be designated in the following cases:

1. Appeals from the decisions of the Director for short subdivisions, including those variance decisions of the City Engineer made pursuant to ISDC 14.42.060 with regard to circulation in the subject short divisions;
2. Appeals of all Type 2 land use decisions with the exception of appeals of shoreline permits including shoreline variances and conditional uses which are appealable to the state Shoreline Hearings Board;
3. Appeals from citations, notices and orders and stop work orders issued pursuant to Title 23 of this code;
4. Appeals from decisions regarding the abatement of a nonconformance;
5. Type 3 and Type 4 decisions;

6. Appeals from public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer Department as provided in RCW 69.50.505;

7. Not used-;

8. Appeals from the Department's final decisions regarding transportation concurrency, mitigation payment system and intersection standards provisions of ISDC Title 14;

9. Not used-; and

10. Other applications or appeals which the City Council may prescribe by ordinance.

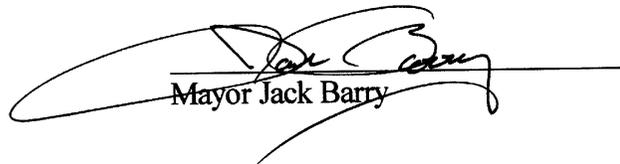
B. The Examiner's decision may be to grant or deny the application or appeal, or the Examiner may grant the application or appeal with such conditions, modifications and restrictions as the Examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including chapter 43.21C RCW, and the regulations, policies, objectives and goals of the Interim Comprehensive Plan, or neighborhood plans, the zoning code, the subdivision code and other official laws, policies, and objectives of the City of Sammamish.

Section 7. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Effective Date. This Ordinance, or a summary thereof, shall be published in the official newspaper of the City, and shall take effect and be in full force five days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 19<sup>th</sup> DAY OF April, 2000.**

CITY OF SAMMAMISH

  
Mayor Jack Barry

ATTEST/AUTHENTICATED:

  
Ruth Muller, Interim City Clerk

Approved as to form:

  
Bruce L. Disend, City Attorney

Filed with the City Clerk: April 14, 2000  
Passed by the City Council: April 19, 2000  
Ordinance No. 02000-63  
Date of Publication: April 26, 2000

**CITY OF SAMMAMISH**

**WASHINGTON**

**ORDINANCE NO. O2000-63**

*old. Do not copy*

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, RELATED TO GRANTING FINAL DECISION-MAKING AUTHORITY TO THE HEARING EXAMINER FOR CERTAIN QUASI-JUDICIAL LAND USE APPEALS AND AMENDING SUBSECTIONS (3), (4) AND EXHIBIT A OF SECTION 20.20.20, SECTION 20.24.070A AND SECTION 20.24.080 OF THE INTERIM SAMMAMISH DEVELOPMENT CODE, AND REPEALING SECTION 20.24.072 OF THE INTERIM SAMMAMISH DEVELOPMENT CODE**

WHEREAS, the Interim Sammamish Development Code establishes procedures for land use hearings and appeals; and

WHEREAS, the Code identifies four types of land use decisions and the appeal procedure for each type of decision; and

WHEREAS, Type 3 and Type 4 decisions are quasi-judicial decisions made by the Hearing Examiner and appealable to the City Council; and

WHEREAS, it is appropriate that quasi-judicial land use decisions are heard and determined by the Hearing Examiner ; and

WHEREAS, state law authorizes the City Council to specify the legal effect of the decisions made by the Hearing Examiner, including giving such decisions the effect of a final decision of the Council;

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

Section 1. Amendment of ISDC Section 20.20.20(3). Section 20.20.20(3) of the Interim Sammamish Development Code is hereby amended as follows:

- 3. Type 3 decisions are quasi-judicial decisions made by the Hearing Examiner following an open record hearing. Type 3 decisions may be appealed to Superior Court.

Section 2. Amendment of ISDC Section 20.20.20(4). Section 20.20.20(4) of the Interim Sammamish Development Code is hereby amended as follows:

4. Type 4 decisions are quasi-judicial decisions made by the Hearing Examiner. Type 4 decisions may be appealed to Superior Court.

Section 3. Amendment of ISDC Section 20.20.20, Exhibit A. Exhibit A of Section 20.20.20 of the Interim Sammamish Development Code is hereby amended as follows:

TYPE 3 (Recommendation by Director, hearing and decision by Hearing Examiner, appealable to Superior Court)

Preliminary plat, plat alterations; preliminary plat revisions; Shoreline Substantial Development Permits.

TYPE 4\*\*\* (Recommendation by Director, hearing and decision by Hearing Examiner appealable to Superior Court)

Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations

Section 4. Amendment of ISDC Section 20.24.070A. Section 20.24.070A of the Interim Sammamish Development Code is hereby amended as follows:

20.24.070 Recommendation to council.

A. The Examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof and issue recommendations, including findings and conclusions to the council based on the issues and evidence in the record in the following cases:

1. Not used.
2. Not used.
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9. Not used.
10. Not used.
11. Other applications or appeals which the City Council may prescribe by ordinance.

Section 5. Repeal of ISDC Section 20.24.072. Section 20.24.072 of the Interim Sammamish Development Code is hereby repealed.

Section 6. Amendment of ISDC Section 20.24.080. Section 20.24.080 of the Interim Sammamish Development Code is hereby amended as follows:

20.24.080 Final decisions by the Examiner.

A. The Examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue final decisions, including findings and conclusions, based on the issues and evidence in the record, which shall be appealable to superior court as provided by ISDC 20.24.240, or to such other authority as may be designated in the following cases:

1. Appeals from the decisions of the Director for short subdivisions, including those variance decisions of the City Engineer made pursuant to ISDC 14.42.060 with regard to circulation in the subject short divisions;
2. Appeals of all Type 2 land use decisions with the exception of appeals of shoreline permits including shoreline variances and conditional uses which are appealable to the state Shoreline Hearings Board;
3. Appeals from citations, notices and orders and stop work orders issued pursuant to Title 23 of this code;
4. Appeals from decisions regarding the abatement of a nonconformance;
5. Type 3 and Type 4 decisions;
6. Appeals from public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer Department as provided in RCW 69.50.505;
7. Not used;
8. Appeals from the Department's final decisions regarding transportation concurrency, mitigation payment system and intersection standards provisions of ISDC Title 14;
9. Not used; and
10. Other applications or appeals which the City Council may prescribe by ordinance.

B. The Examiner's decision may be to grant or deny the application or appeal, or the Examiner may grant the application or appeal with such conditions, modifications and restrictions as the Examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including chapter 43.21C RCW, and the regulations, policies, objectives and goals of the Interim Comprehensive Plan, or neighborhood plans, the zoning code, the subdivision code and other official laws, policies, and objectives of the City of Sammamish.

Section 7. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Effective Date. This Ordinance, or a summary thereof, shall be published in the official newspaper of the City, and shall take effect and be in full force five days after the date of publication.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 19<sup>th</sup> DAY OF April, 2000.

CITY OF SAMMAMISH

  
Mayor Jack Barry

ATTEST/AUTHENTICATED:

  
Ruth Muller, Interim City Clerk

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