

ORDINANCE NO. 2021-

AN ORDINANCE amending Yakima Municipal Code Section 1.43.080 addressing the powers of the Hearing Examiner

WHEREAS, the City Council of the City of Yakima hereby finds and determines that it is in the best interests of the City of Yakima and its residents to amend YMC 1.43.080 regarding the Hearing Examiner's duties and powers, and such amendment will promote the general health, safety and welfare; now, therefore

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 1.43.080 Duties and Powers of the City of Yakima Municipal Code is hereby amended to read as follows:

1.43.080 Duties and powers.

The examiner shall hear, make a record of, and decide matters provided in this chapter or by other ordinances, including but not limited to the following land use matters:

- A. Matters prescribed by the Yakima urban area zoning ordinance, Title 15 of this code. Decisions of the examiner on such matters shall have the legal effect as set forth in the provisions of said ordinance;
- B. Review of preliminary plats and modifications thereto using the procedures and provisions for review by the planning commission as set forth in RCW Chapter 58.17 and the city of Yakima subdivision ordinance, Title 14 of this code. The decisions of the examiner on such matters shall constitute recommendations to the city council;
- C. Preliminary plat extension requests pursuant to RCW 58.17.140 and city of Yakima subdivision ordinance, Title 14 of this code. Decisions of the examiner on such matters shall constitute final decisions unless appealed to the council pursuant to the provisions of Title 16 of the Yakima Municipal Code;
- D. Plat vacations or amendments pursuant to RCW Chapter 58.11, 58.12, or 58.17. Decisions of the examiner on such matters shall constitute final decisions unless appealed to the council under the provisions of Title 16 of the Yakima Municipal Code;
- E. Pedestrian skybridge applications in the manner set forth in YMC 11.65.040(F) and pedestrian skybridge permit violations as set out in YMC 11.65.070;
- F. The examiner may conduct hearings required pursuant to RCW Chapter 43.21C, State Environmental Policy Act (SEPA), and Chapter 6.88 YMC at the request of the city responsible official charged with responsibility for holding such a hearing; provided, that the substantive SEPA decision and the decision on the associated action shall be made by the responsible official;
- G. The examiner may, at the request of the city shoreline administrator, receive and examine available information, conduct public hearings and prepare records and reports thereof, and issue recommendations to the council based upon findings and conclusions

on applications for shoreline substantial development permits and conditional use permits;

- H. Conduct public hearings on petitions and resolutions to vacate streets and public rights-of-way pursuant to RCW Chapter 35.79. Decisions of the examiner on such matters shall constitute a recommendation to the city council.
- I. Conduct hearings appealing administrative decisions as outlined in YMC Chapter 11.40;
- J. Take any other action as allowed by statute, law or ordinance, and as agreed to between the city and the Hearing Examiner.

The provisions of this section designating and assigning to the hearing examiner the duties and functions listed above shall supersede any and all conflicting provisions of the municipal code of the city of Yakima. (Ord. 2018-047 § 1 (Exh. B) (part), 2018: Ord. 2016-028 § 2, 2016; Ord. 2013-033 § 1 (Exh. A), 2013: Ord. 93-91 § 1, 1993: Ord. 3257 § 1, 1990: Ord. 3224 § 1, 1989: Ord. 2948 § 1 (part), 1986).

Section 2. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 16th day of March, 2021.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____