

Resolution No. 1996-19

[\(Council Minutes 96/05/20\)](#)

RESOLUTION NO. 1996-19

A RESOLUTION of the City Council of the City of Lakewood, Washington, providing for a process for handling issues presented to the Pierce County Hearing Examiner on cases filed with Pierce County prior to the incorporation of the City, but not fully concluded at the time of the incorporation of the City of Lakewood

WHEREAS, pursuant to the provisions of Chapter 35A.63 of the Revised Code of Washington, the City Council of the City of Lakewood, Washington established a Hearing Examiner system with the adoption of its Ordinance No. 13, to be effective on the official date of incorporation of the City of Lakewood, February 28, 1996; and,

WHEREAS, Pierce County, Washington, which had jurisdiction to decide land use, zoning and other hearing matters prior to the incorporation of the City likewise established a Hearing Examiner system, codified in Chapter 1.22 of the Pierce County Code; and,

WHEREAS, from a procedural standpoint, and in order to avoid the confusion and inconsistency that could result in cases where applications involving projects located within the City of Lakewood were filed with Pierce County prior to the incorporation of the City of Lakewood but which were not concluded through the Hearing Examiner system by February 28, 1996, it would be appropriate for the City Council to establish by this Resolution the procedures that would be involved in such cases.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES, as Follows:

Section 1. That decisions of the Pierce County Hearing Examiner made, entered and completed following February 28, 1996, involving issues, matters and projects located within the City of Lakewood where the applications therefor were filed with Pierce County prior to February 28, 1996, shall be processed as follows:

A. Decisions of the Pierce County Hearing Examiner which shall be final:

1. Applications for Conditional Use Permits;
2. Applications for Variances;
3. Decisions regarding boundary line adjustments;
4. Decisions regarding Binding Site Plan Applications;
5. Decisions regarding Residential Condominium Binding Site Plan Applications;
6. Decisions regarding home occupations.

B. Decisions of the Pierce County Hearing Examiner which are appealable on the record to the City Council:

1. Applications for Planned Development Districts;
2. Applications for Preliminary Plats;
3. Public Facility Permits;
4. Shoreline Development Permits.

C. Decisions of the Pierce County Hearing Examiner which are recommendations to the City Council:

1. Applications for Reclassification of Property;
2. Decisions involving all other issues, matters, projects not specifically identified in Paragraphs A and B above.

Section 2. The City Council reserves the right to provide for different procedural rules to handle matter where the applications were filed subsequent to February 28, 1996, following the incorporation of the City of Lakewood.

Section 3. That if any portion of this Resolution or its application to any persons or circumstance is held to be unconstitutional or invalid, the remainder of the Resolution and its application to any other persons or circumstance shall not be affected.

Section 4. That this Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 20th day of May, 1996.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

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