

facility, the estimated remaining life of the facility, and the degree of nonconformity. The city planner shall prepare and make available for public inspection the specific method used in processing such appeals. All determinations of appeals made pursuant to this section shall be made in writing with specific findings of fact and conclusions in support of the decision. All such determinations of the city planner are subject to open record appeal to the hearing examiner as provided by this title. The hearing examiner's decision shall be subject to closed record appeal to the city council under the procedures in Ch. 17.11 LMC.

19.67.110 – Appeals and adjustments.

Any person(s) seeking an adjustment to the dedication or mitigation assessments required by this chapter shall have a right to appeal to the hearing examiner. Any such appeal shall be filed with the city clerk in writing within fourteen days after the date of mailing or transmittal by the city of written notice of the specific dedication or mitigation assessments required by this chapter. Following receipt of such an appeal, the hearing examiner shall hold an open record hearing to consider the appeal. In considering the appeal, the hearing examiner may, in his or her discretion, take into account unusual circumstances in a specific case and may consider studies and data submitted by the appellant(s). The hearing examiner shall issue a written decision as he or she deems fair and equitable.

SECTION 3:

The City Council hereby approves the procedures of the office of the hearing examiner attached as Exhibit A hereto.

SECTION 4:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.