

CITY OF LYNDEN

EXECUTIVE SUMMARY



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| Meeting Date: | February 1, 2021 | |
| Name of Agenda Item: | Ord 1615 – Code Amendment accommodating a Hearing Examiner Role | |
| Section of Agenda: | Public Hearing | |
| Department: | Planning Department | |
| Council Committee Review: | <input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks | <input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____ |
| | Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required | |
| Attachments: | | |
| Proposed Ord 1615, Planning Commission Minutes and Meeting Pkg of 12-10-20, Flowcharts illustrating change in review/appeal process, Ord 1615 with the most recent changes tracked | | |
| Summary Statement: | | |
| <p>In 2018 the City of Lynden began researching the use of a hearing examiner after several costly and time-consuming administrative appeals were defended. Benefits of the use of a hearing examiner include an expediency in processing appeals, the unbiased opinion of a professional, removing social/political influence from the process, reducing the City’s liability, and decreasing the obligations placed on volunteer boards. Generally, a hearing examiner could be considered as the reviewer of appeals/applications where specific legal or technical criteria are listed.</p> <p>Feedback regarding this initiative has led to a code amendment drafted to include some appeals and some variance requests. Decisions made by the hearing examiner would go to the City Council if appealed. This code amendment also provides an opportunity to update sections of code to current organizational structure and other improvements.</p> <p>The individual selected for the Hearing Examiner position would be selected by the City Council. A corresponding request for qualifications has been drafted and distributed to Council members.</p> <p>On December 10, 2020, the Planning Commission held a public hearing on the proposal. Consistent with staff and legal counsel’s recommendation the Commission voted to recommend approval of the amendment with the additional of stand-alone Shoreline Permits to the hearing examiner’s scope of work. Appeal of these Shoreline decisions would continue to be heard by the State’s Shoreline Hearings Board as is the current path within the City’s development code.</p> | | |
| Recommended Action: | | |
| Motion to approve Ordinance 1615 which amends the Lynden Municipal Code to create a hearing examiner role and scope of authority, and to authorize the Mayor’s signature on the document. | | |