

CITY OF LYNDEN

EXECUTIVE SUMMARY – Community Development Committee



CDC Meeting Date:	July 22, 2020 – Joint meeting with Planning Commission	
Name of Agenda Item:	Initiative to Utilize a Hearing Examiner	
Section of Agenda:	Discussion	
Next Steps Proposed by Staff:	<input type="checkbox"/> Staff revisions <input type="checkbox"/> Return to CDC <input type="checkbox"/> Schedule for full Council	<input checked="" type="checkbox"/> Planning Commission <input type="checkbox"/> Other Committees <input type="checkbox"/> Other: _____
Legal Review:	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Recommended <input type="checkbox"/> Not Required	
Attachments:		
Process flowcharts (existing and proposed), Table describing appeals and land use decisions from LMC Titles 1-19, Draft ordinance revising LMC to accommodate hearing examiner functions.		
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. Use of a hearing examiner, typically an experienced land use attorney, could provide multiple benefits to the City. These include an expediency in processing applications, 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.</p> <p>Generally, a hearing examiner could be considered as the reviewer of appeals/applications where specific legal or technical criteria are listed. This include some appeals, variance requests and some land use applications. Land use and variance decisions made by the hearing examiner would go to the City Council if appealed. In summary, the attached draft ordinance proposes:</p> <ul style="list-style-type: none"> • To remove an unusual and glaring liability found in Chapter 17.13.060(B) which allows any three property owners or three residents of the City to petition for the review of any permit issued under the development code without indicating a specific appeal period. • That a hearing examiner would hear some administrative appeals. • That a hearing examiner would hear variances from Chapter 19. These variance applications are currently heard by the Board of Adjustments. This change would eliminate the need for a Board of Adjustments. • That a hearing examiner would hear appeals of the Building Official’s decisions that are currently directed to the Board of Appeals (described in Chapter 15.14), which has never been created. • Shifts approval of applications with specific legal criteria to the hearing examiner. This includes shoreline permits, site specific rezones, and conditional use permits. 		
Recommended Action:		
Discussion related to the use and scope of a hearing examiner in the City of Lynden’s review process.		