

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
1	Appeal Subject	Title & Section	Current Appeal Process	Proposed
2	Determination of Exclusion from Defense by the City Attorney	Chapter 2.14.040	The determination of whether an official or employee is entitled to a defense by the city under the terms of this chapter shall be made by the <u>city attorney</u> . There shall be no appeal from such determination, except to the <u>superior court</u> by means of an action for declaratory judgment.	Keep as is
3	Utility Occupation Tax (tax or fee)	Chapter 3.28.190	Any taxpayer aggrieved by the amount of the fee or tax found by the city <u>finance director</u> to be required under the provisions of this chapter may appeal to the <u>city council</u> from such finding by filing a written notice of appeal with the city finance director within seven days from the time such taxpayer was given notice of such amount. The finance director shall, as soon as practicable, fix a time and place for the hearing of such appeal, and he shall cause a notice of the time and place thereof to be delivered or mailed to the appellant. At such hearing the taxpayer shall be entitled to be heard and to introduce evidence on his own behalf. The city council shall thereupon ascertain the correct amount of the fee or tax by resolution, and the finance director shall immediately notify the appellant thereof, which amount, together with the costs of appeal, if such applicant is unsuccessful therein, must be paid within five days after such notice is given. The mayor may, by subpoena, require the attendance thereof of any person, and may also require him to produce any pertinent books and records. Any person served with such subpoena shall appear at the time and place therein stated, produce the records required, if any, and shall testify truthfully under oath administered by the mayor as to any matter required of him pertinent to the appeal, and it is unlawful for him to fail or refuse so to do.	Hearing Examiner
4	Property Dedication for Public Parks, Recreations Facilities and Open Space (Park Impact Fees)	Chapter 3.40.110	Any person(s) seeking an adjustment to the dedication or mitigation assessments required by this chapter shall have a right to appeal to the <u>city council</u> . Any such appeal shall be filed with the city clerk in writing within ten 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 city council shall hold a public hearing to consider the appeal at its next available meeting. In considering the appeal the city council may, in its discretion, take into account unusual circumstances in a specific case and may consider studies and data submitted by the appellant(s). The city council shall issue such determination as it deems fair and equitable. The decision of the city council shall be in writing and shall be the final decision of the city	Hearing Examiner - Also, this appears in Chapter 19 - one should be removed.

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
5	Fire Facilities Mitigation Fund (Fire Impact Fees)	Chapter 3.44.050	Any person desiring to appeal from a decision made in the enforcement of the provisions of this chapter or any person seeking an adjustment to the dedication or mitigation assessments required by this chapter due to unusual circumstances in specific cases, shall submit an appeal in accordance with the provisions of Chapter 17.11 of the Lynden Municipal Code and shall be heard by the <u>city council</u> as an open record appeal as provided in Chapter 17.03 of the Lynden Municipal Code.	Hearing Examiner
6	Transportation Impact Fees	Chapter 3.46.110	A developer or property owner shall have the right to file an appeal of the amount of an impact fee determined by the (planning) <u>director</u> . All such appeals shall be filed and reviewed in conformance with the requirements established for filing appeals authorized by Title 17 of this code as set forth in Chapter 17.11 ; and shall be heard by the <u>city council</u> as an open record appeal as provided in Chapter 17.03 of this code.	Hearing Examiner
7	Business License	Chapter 5.02.080	Any person applying for or holding a license under this chapter, who is aggrieved by an action of the <u>city clerk or other city official</u> in connection with a license, may appeal the matter to the council by filing a letter with the city clerk, stating the matter complained of, within thirty days of the action complained of; and appearing in person <u>before the council or any of its committees which may be designated to hear and decide the appeal by the mayor</u>	Council
8	Peddlers and Solicitors Permit	Chapter 5.16.100	Any person aggrieved by the action of the <u>police chief</u> in the disapproval of a permit or license as provided in Section 5.16.040, of this chapter, shall have the right of appeal to the <u>city council</u> . Such appeal shall be taken by filing with the city council within fourteen days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section 5.16.080 of this chapter, for notice of hearing on revocation. The decision and order of the city council appeal shall be final and conclusive.	Council
9	Public Dance Permit	Chapter 5.32.030	The <u>mayor or his or her designee</u> , shall approve or deny each dance permit application based upon prior experiences with dances of the same type or in the same vicinity of the dance requested in the application or with dances conducted by the applicant. In the event a dance permit application is denied the applicant shall have a right to appeal to the <u>city council</u> . Any such appeal shall be conducted as an appeal of an administrative interpretation and conform to the requirements of Chapter 17.11 of the Lynden Municipal Code.	Council

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
10	Street Use Permit	Chapter 5.36.050	The vending permit application will be evaluated and approved by the <u>public works director</u> in conjunction with the city clerk's approval of the accompanying business license. An applicant or permittee may appeal a street use permit decision, including a cancellation, in writing, to the <u>city council</u> . The applicant or permittee must file his/her request for an appeal within fifteen working days after the decision. The council shall hear the appeal within twenty working days after the receipt of the appeal.	Council
11	Horse Taxi License	Chapter 5.40.040	No business license to operate a horse taxi shall be issued except by the <u>city council</u> , after review of the license application and inspection reports of the chief of police, or his designee. The city council may, in its discretion, approve or deny the application. Any applicant denied a license by the city council shall have the right to appeal to the <u>Whatcom County superior court</u> . Such appeal shall be filed no later than thirty days after the decision of the city council.	Decided by Public Works Director, appealed to City Council
12	Dangerous Dog Declaration	Chapter 6.09.050	The <u>Lynden police chief</u> may find and declare a dog dangerous or potentially dangerous if there is probable cause to believe that the animal falls within the respective definitions set forth in LMC Section 6.09.020. The owner may file an appeal to the <u>city council</u> challenging the final written order and declaration of the police chief made pursuant to this chapter. The appeal must be filed within ten days of the date of mailing the declaration of dangerous dog or potentially dangerous dog. The city council will conduct an open-record public hearing for any timely filed appeal within thirty days of the date of filing and shall issue its decision in writing.	Hearing Examiner
13	Special Events Permits	Chapter 9.32.020, Chapter 9.32.060	Renewal of Permit - If the <u>city administrator</u> denies the renewal, he or she must do so no later than twenty-five days prior to the date upon which the event is scheduled to occur. The applicant may appeal from a denial of a request for renewal of an annual permit as provided in this chapter. Special Event Permit Rejection - Any person aggrieved shall have the right to appeal the denial of the permit to the <u>city council</u> . The appeal shall be taken within three days after notice. The city council shall act upon the appeal at its next regular or special meeting after receiving notice of appeal.	Council

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
14	Aerial Activities Permit	Chapter 9.56.050	The <u>chief of police or the public safety committee</u> shall act upon such applications as soon as is administratively possible and may place such conditions upon the permit issued as will insure that the aerial activity will be conducted in an orderly manner and as will be necessary to maintain and preserve the public health, safety and welfare. Any person aggrieved by any decision of the chief of police or public safety committee relating to a permit issued under this chapter may appeal that decision to the <u>city council</u> by filing a timely notice of appeal with the city clerk within ten days of the date of such decision.	Council
15	Sidewalk Repair and Replacement - Required of a Private Party	Chapter 12.08.010	PW Director requires repair or replacement of a private party who caused the damage. Private party may appeal. If the public works director denies the party's written request, the party may appeal the decision of the <u>public works director</u> to the <u>city council</u> within twenty-one days of the date of the public works director's denial of the party's request by filing a written notice of appeal with the city clerk.	Council <i>(recommended by PW Director)</i>
16	Relocation Appeal	Chapter 12.36	Any aggrieved person may file a written appeal with the City of Lynden in any case in which the person believes that the City has failed to properly consider the person's eligibility for relocation assistance. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a payment required under Chapter 12 of the Washington State Department of Transportation Right of Way Manual, or a relocation payment required under WAC 468-100-010. A person must file a written appeal with the <u>Public Works Director</u> within sixty calendar days of receipt of the City's written determination of eligibility or entitlement. If the appellant believes the Public Works Director has not correctly evaluated the appeal, the appellant may appeal the decision of the Public Works Director to the <u>City Council</u> by filing a written appeal with the Public Works Director within ten days of the date of mailing of the City Public Work Director's decision.	Revise process to provide for appeal to Hearing Examiner after the decision by the PW Director <i>(recommended by PW Director)</i>

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
17	Sewer System - Admin Enforcement Remedies	Chapter 13.12.285	A user shall be afforded the opportunity to an administrative hearing to contest the city's determination to suspend services, impose penalties, recover costs, or establish compliance schedules, through cease and desist orders (hereinafter called collectively "enforcement actions"). A user shall also have the right to a hearing prior to termination of a user's wastewater collection and treatment services. This administrative hearing shall be held before the <u>(PW) director</u> . It shall be heard within thirty days of receipt by the director of the notice of request for hearing. The user requesting the hearing shall receive at least ten days notice of the date of the hearing. A user desiring to appeal the decision of the <u>(PW) director</u> at an administrative hearing shall, within ten days of receipt of such decision, file a notice of appeal of such decision with the <u>office of the city administrator</u> . The appeal shall be heard as a closed record appeal in accordance with Chapters 17.09 and 17.11 of the Lynden Municipal Code.	Revise process to provide for appeal to Hearing Examiner <i>(recommended by PW Director)</i>
18	Stormwater Management Utility Service Charge	Chapter 13.24.090	Administrative Appeal to Council. If not satisfied with a determination of the public works director made under Section 13.24.080 or 13.24.090, the property owner may appeal to the city council within ten days of the <u>director's decision</u> by filing a written statement of appeal with the director. The appeal to <u>city council</u> shall be an open record appeal and shall be conducted according to the procedures for public hearings in Section 17.09.060 of this code. Any adjustments authorized by the appeal process shall only be effective against billings subsequent to the date the appeal is filed and shall not be retroactively applied.	Hearing Examiner <i>(recommended by PW Director)</i>
19	Latecomers Agreements	Chapter 13.28.150	Developer may file an appeal to the <u>city council</u> challenging the written interpretations and/or decisions of the <u>public works director</u> made pursuant to this chapter. The appeal must be filed within ten days of the date of mailing the interpretation or decision of the public works director.	Hearing Examiner <i>(recommended by PW Director)</i>
20	Ambulance and Emergency Medical Service Utility Fee Exemption	Chapter 13.32.070	The city finance director will issue a written decision (regarding exemption from the fee) and mail said decision to the customer. The city <u>finance director's</u> determination may be appealed to the <u>city council</u> by filing a written appeal with the city finance director within ten days of the date of mailing of the decision. The city council will conduct an open record hearing and review and make the final decision of the city on the appeal.	Hearing Examiner <i>(recommended by PW Director)</i>
21	Moving Buildings	Chapter 15.05.010	In any case in which the <u>public works director</u> denies permission for such a move (moving a building under 15.01 conditions), the applicant may appeal the decision to the <u>city council</u> under the provisions of Chapter 17.11 of the Lynden Municipal Code.	Council <i>(recommended by PW Director)</i>

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
22	Building Code Official Decisions	Chapter 15.14	After exhausting all administrative remedies, a person shall have the right to appeal a decision of the <u>code official</u> to the <u>board of appeals</u> . An application for appeal shall be based on a claim that the true intent of the codes adopted in this chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better alternate material or method of construction is proposed. The application shall be filed (on a form obtained from the city building code official) within twenty days after the notice of the decision was mailed and shall be accompanied by an application fee in an amount of seventy-five dollars, until such time as it is changed by the city council by resolution.	Hearing Examiner <i>(recommended by PW Director)</i> Per Building Official, the IRC - International Residential Code and IEBC - International Existing Building Code should be added. Also, he's requested that we provide an option for a 3rd party (another building official, for example) review the
23	Denials or Conditions based on SEPA Review	Chapter 16.05.160	When any proposal or action not requiring a decision of the city council is conditioned or denied on the basis of SEPA by a <u>nonelected official</u> , the decision shall be appealable to the <u>city council</u> . Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within ten days of the decision being appealed. Review by the city council shall be on a de novo basis.	Hearing Examiner
24	Floodplain Management - Variance procedure	Chapter 16.12.110	The <u>board of adjustments</u> as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter (Chapter 16). The board of adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the <u>public works director</u> in the enforcement or administration of this chapter. Those aggrieved by the decision of the board of adjustment, or any taxpayer, may appeal such decision to the <u>county superior court</u> as provided by law.	Dissolve BOA. Use Hearing Examiner. <i>PW Director Recommends</i>
25	Critical Areas - Administrative Procedures, Offense and Penalty	Chapter 16.16.080, Chapter 16.16.150	Within thirty days after the notice is received, the party incurring the penalty may apply in writing to the planning director for remission or mitigation of such penalty. Upon receipt of the application, the planning director may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper. The <u>planning director's</u> final decision on mitigation or revision shall be reviewed by the <u>city council</u> if the aggrieved party files a written appeal therewith of the decision within ten days of its issuance.	Hearing Examiner

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
26	Definitions	Chapter 17.01.030	"Closed record appeal"	Revise to accommodate hearing examiner.
27	(procedures)	Chapter 17.03.020	Admin approvals made by the Planning Director: Chapter 17.11.020	Revise to accommodate hearing examiner.
28	(procedures)	Chapter 17.03.030	List of open record appeals heard by the City Council.	Revise to accommodate hearing examiner.
29	(procedures)	Chapter 17.03.040	List of open record appeals heard by the Planning Commission.	Revise to accommodate hearing examiner.
30	Board of Adjustment Decisions	Chapter 17.13.050	The decision of the board of adjustment is the final decision of the city. Any appeal from a final decision of the board of adjustment shall be governed by Chapter 36.70C RCW and as hereafter amended.	Dissolve BOA. Use Hearing Examiner as final decision.
31	Design Review Board Decision	Chapter 17.03.060	An appeal of a final decision of the <u>design review board</u> shall be filed in accordance with Section 17.11.020 and shall be heard by the <u>city council</u> as a closed record appeal.	Keep as is.
32	(procedures)	Chapter 17.05.090	Consolidated review process.	
33	(procedures)	Chapter 17.07.030	Notice for an open record appeal hearing	
34	Administrative Approvals without Notice (lot line adjustments, time extensions, minor amendments)	Chapter 17.09.010(A)	Decisions under this section shall be deemed made on the date issued. Appeals therefrom shall be governed by Chapter 17.11 of this code. Upon receipt of any such appeal, a notice of development application shall be prepared substantially in conformance with the requirements of Section 17.07.010 and shall be combined with notice of the open record appeal hearing substantially in conformance with Section 17.07.030. Following the open record hearing the <u>planning commission</u> shall enter findings and forward its recommendations to the city council. The city council shall make the final decision of the city on the appeal.	Planning Commission
35	Administrative Approvals without Notice (fill and grade permits, floodplain development permits, building permits)	Chapter 17.09.010(B)	Decisions under this section shall be deemed made on the date issued. Appeals therefrom shall be governed by Chapter 17.11 of this code. Upon receipt of any such appeal, a notice of development application shall be prepared substantially in conformance with the requirements of Section 17.07.010 and shall be combined with notice of the open record appeal hearing substantially in conformance with Section 17.07.030. Following the open record hearing the <u>planning commission</u> shall enter findings and forward its recommendations to the city council. The city council shall make the final decision of the city on the appeal.	Hearing Examiner

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
36	Administrative Approvals subject to Notice (home occupations, short plats)	Chapter 17.09.020	If a written notice of appeal is received within the specified time (14 days) the matter will be referred to the <u>planning commission</u> for an open record hearing, except as otherwise noted in Titles 16 through 19. Upon receipt of any such appeal, the notice of application shall be combined with notice of the open record appeal hearing substantially in conformance with Section 17.07.030. Following the open record hearing the planning commission shall enter findings and forward its recommendations to the city council. The city council shall make the final decision of the city on the appeal.	Hearing Examiner
37	(procedures)	Chapter 17.09.040	Review and approval process, including appeals	
38	(procedures)	Chapter 17.09.050	Procedures for closed record appeals to City Council	
39	(procedures)	Chapter 17.09.070	Procedures for closed record appeals.	
40	(procedures)	Chapter 17.09.080	Procedures for reconsideration and remand of an appeal.	
41	(procedures)	Chapter 17.09.100	Procedures - timeline for final decision	
42	Transportation Impact Fees, Fire Impact Fees, a different process for park fees in 3.40.110?, Mitigation for Transportation Facilities (17.15.080), Capacity Determinations (17.15.090), Design Review Board Decisions	Chapter 17.11	Appeal procedures	
43	Civil Orders	Chapter 17.13.040	A civil regulatory order may be issued and served upon a person (by the <u>Planning Director</u>) if any activity by or at the direction of that person is, has been, or may be taken in violation of the development code (Chapters 16 - 19). A civil regulatory order may be appealed in an open record appeal to the <u>city council</u> in accordance with Chapter 17.11 of this code.	Hearing Examiner

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
44	Civil Fines	Chapter 17.13.050	A person who violates any provision of the development code, or who fails to obtain any necessary permit or who fails to comply with a civil regulatory order shall be subject to a civil fine. Following the (Planning) director's final determination on a timely application for remission, the civil fine imposed (<u>by the Planning Director</u>) may be appealed to the <u>city council</u> in an open record hearing as set forth in Chapter 17.11 of this code.	Hearing Examiner
45	Adequate Public Facilities Concurrency Test - including Transportation and other Public Facilities	Chapter 17.15.060	Appeal the results of the concurrency test in accordance with Chapter 17.11 of this code.	Hearing Examiner
46	Mitigation for Transportation Facilities	Chapter 17.15.080	Mitigation Denial—Appeal Process. If the <u>planning director</u> determines that the proposed mitigation does not meet the requirements of this chapter, the planning director may deny the proposed improvements and determine the project is inconsistent with this chapter. The planning director's decision may be appealed by the applicant to the <u>city council</u> pursuant to the provisions of Chapter 17.11 .	Hearing Examiner
47	Determination of Capacity	Chapter 17.15.090	Any person aggrieved by the action of the <u>planning director</u> based on a determination of capacity issued under this chapter, or the calculation or assessment of any fee, shall have the right to appeal such action. A disputed fee shall be paid under protest and the permit may be issued. Any such appeal shall be processed pursuant to the appeals procedures set forth in Chapter 17.11 of this code.	Hearing Examiner
48	Lot Line Adjustments	Chapter 18.08.020	A lot line adjustment is an administrative approval and the <u>planning director</u> shall make the final decision, subject to appeal under Chapter 17.11 of this code. The application shall be processed under the provisions of Section 17.09.010.	Hearing Examiner
49	Short Plats	Chapter 18.12.010	Any action which will result in a short subdivision of any lot, tract, parcel or plot of land for any reason not exempted by RCW 58.17.040 and Section 18.04.040 of this code shall be subject to approval by the <u>planning director</u> , subject to appeal under Chapter 17.11 of this code.	Hearing Examiner

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
50	Appeal of Design Review Board Variance Decisions and Decision re Signs, or Interpretations of the Sign Code	Chapter 19.33.140, Chapter 19.33.150	Such decision (by the <u>Design Review Board</u>) shall be final and binding unless appealed in writing to the <u>city council</u> within fifteen days of the date of mailing of the city planner's final decision. Any person may file such an appeal by letter addressed to the city council, accompanied by an appeal filing fee in the amount of one hundred dollars. Where there is any dispute concerning the interpretation of this chapter, the decision of the <u>city planner</u> shall prevail, subject to appeal to the <u>city council</u> as provided in this title. In the event of an appeal, the city council will review the reasons and information set forth in the letter of appeal; the findings, conclusions, and decision of design review board, together with any written material submitted by the city planner; and may take public comment. The city council shall affirm the decision of the design review board unless it finds the decision to be clearly erroneous, or arbitrary and capricious, or contrary to law, in which case the council may modify the decision or any conditions in connection therewith, or remand the same to the design review board	Council
51	Decision of the Design Review Board	Chapter 19.45.040	The design review board shall review each application to determine if the design meets the guidelines as adopted in the design review guidebook for signs, and commercial and multifamily construction. The decision of the <u>design review board</u> shall be final, unless appealed within ten days to the Lynden <u>city council</u> .	Council
52	Communication Facilities - Code Interpretations	Chapter 19.59.190	Where there is any dispute concerning the interpretation of this chapter, the decision of the <u>city planner</u> shall prevail, subject to appeal to the <u>code appeals board</u> as provided in Title 15 of this code.	Hearing Examiner
53	Communication Facilities - Admin Appeal to extend amortization period for non-conforming uses	Chapter 19.59.220	The owner of a nonconforming wireless communications facility may appeal to the <u>city planner</u> to request an extended period of use of such facility beyond the amortization period determined by this section. Any such appeal must be made to the city planner upon forms provided by the city and must be accompanied by an appeal filing fee as set by resolution of the city council. 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 appeal to the <u>city council</u> as provided by this title.	Hearing Examiner

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
54	Historic Register Certificate of Appropriateness or Denial of a Waiver of a Certificate of Appropriateness	Chapter 19.65.060	The <u>(Historic Preservation) commission's</u> decision regarding a certificate of appropriateness or waiver of a certificate of appropriateness may be appealed to the <u>city council</u> within ten calendar days from the commission's issuance of its decision on the requested certificate of appropriateness or waiver of a certificate of appropriateness. The appeal must meet the requirements listed within Chapter 17.11 of this code. The appeal is a closed record appeal and shall be reviewed by the city council only on the records of the commission. <u>Appeal of the council's decision</u> regarding a certificate of appropriateness or waiver of a certificate of appropriateness may be appealed to <u>Superior Court</u> .	Keep as is.
55	Decision for Special Property Tax Valuation, Disqualificaiton of Historic Property Eligiblity for Special Valuation	Chapter 19.65.070	Any decision of the <u>(Historic Preservation) commission</u> acting on any application for classification as historic property, eligible for special valuation, may be appealed to <u>Superior Court</u> under RCW 34.05.510—34.05.598 in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the <u>Whatcom County Board of Equalization</u> .	Keep as is.
56	Property Dedication for Public Parks, Recreations Facilities and Open Space (Park Impact Fees) (this appears in Chapter 3 also?)	Chapter 19.67.110	Any person(s) seeking an adjustment to the dedication or mitigation assessments required by this chapter shall have a right to appeal to the <u>city council</u> . Any such appeal shall be filed with the city clerk in writing within ten 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 city council shall hold a public hearing to consider the appeal at its next available meeting. In considering the appeal the city council may, in its discretion, take into account unusual circumstances in a specific case and may consider studies and data submitted by the appellant(s). The city council shall issue such determination as it deems fair and equitable. The decision of the city council shall be in writing and shall be the final decision of the city.	Hearing Examiner
57	Variances:	Title & Section	Current Variance Process	Proposed
58	Floodplain Management	Chapter 16.12.110	The <u>board of adjustments</u> as established by the city shall hear and decide appeals and requests for variances from the requirements of chapter 16.12, Floodplain Management	Dissolve the Board of Adjustment and use Hearing Examiner

Appeals and Variances in the Lynden Municipal Code (LMC)

	A	B	C	D
59	Development Standard, Chapter 18	Chapter 17.17.040	The <u>city council</u> shall make a decision on the request for a variance from the development standards within one hundred twenty days from the time an application is determined to be complete	Hearing Examiner
60	Development Standard Variance when associated with a long plat application, Chapter 18	Chapter 17.05, Chapter 17.17	Consolidated review process permits development standard variances in association with a plat application to travel with the plat application to Planning Commission and then to Council.	Keep as is.
61	Signs	Chapter 19.33.140	The design review board shall have the authority to grant a variance from the requirements of this chapter.	Keep as is.
62	Design Standard	Chapter 19.45.035	The design review board shall have the authority to grant a variance from the residential design criteria.	Keep as is.
63	Board of Adjustment Decisions	Chapter 19.47	Board of Adjustment decisions	Dissolve the Board of Adjustment and use Hearing Examiner
64	Communication Facilities	Chapter 19.59.180	The board of adjustment shall have the authority to grant a variance from the requirements of this chapter in accordance with the procedures and considerations provided in Chapter 19.47.	Dissolve the Board of Adjustment and use Hearing Examiner