

# CITY OF LYNDEN

## EXECUTIVE SUMMARY – Community Development Committee



<b>CDC Meeting Date:</b>	February 17, 2021	
<b>Name of Agenda Item:</b>	Proposed Hearing Examiner Scope, Rules, and RFQ	
<b>Section of Agenda:</b>	Informational	
<b>Next Steps Proposed by Staff:</b>	<input type="checkbox"/> Staff revisions <input type="checkbox"/> Return to CDC <input checked="" type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Planning Commission <input type="checkbox"/> Other Committees <input type="checkbox"/> Other: _____
<b>Legal Review:</b>	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Recommended <input type="checkbox"/> Not Required	
<b>Attachments:</b>	Draft RFQ, Draft Hearing Examiner Rules, Excerpt of Draft Ordinance 1615 (scope of Hearing Examiner)	
<b>Summary Statement:</b>	<p>On December 10, 2020 the Planning Commission held a public hearing to consider a code amendment which would implement the use of a hearing examiner for the review and decision of some land use items and appeals. Staff and the office of Carmichael Clark has drafted Ordinance 1615 to capture the code revision. In summary, the attached draft ordinance proposes:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• That a hearing examiner would hear some administrative appeals.</li> <li>• That a hearing examiner would hear variances from Chapter 19 (except Design Review Board variances). These variance applications are currently heard by the Board of Adjustments. This change would eliminate the need for a Board of Adjustments.</li> <li>• 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.</li> <li>• That a hearing examiner would hear shoreline permits when not combined with another land use action.</li> <li>• Except for Shoreline Permits, appeals of the hearing examiners decisions would return to Council for consideration.</li> </ul> <p>The full ordinance came before the City Council on February 1<sup>st</sup> and will return on March 1<sup>st</sup>. If approved, staff will move forward with advertising for an individual to fill the role of a hearing examiner. The attached Request for Qualification (RFQ) has been drafted for the Council’s preview. An excerpt of the draft ordinance which includes the scope of work of the hearing examiner, and draft rules have also been included.</p>	
<b>Recommended Action:</b>	Review of RFQ and draft rules prior to proposed code revision.	