CHAPTER 17.03

ADMINISTRATION

Sections:

17.03.010 ROLES AND RESPONSIBILITIES
17.03.020 PLANNING DIRECTOR
17.03.030 CITY COUNCIL
17.03.040 PLANNING COMMISSION
17.03.050 BOARD OF ADJUSTMENT
17.03.060 DESIGN REVIEW BOARD

17.03.010 ROLES AND RESPONSIBILITIES

A. The regulation of land development is a cooperative activity including many different elected and appointed boards and City staff. The specific responsibilities of these bodies is set forth below.

B. A developer and/or property owner is expected to read and understand the City Development Code and be prepared to fulfill the obligations placed on development by Titles 16 through 19.

17.03.020 PLANNING DIRECTOR

The Planning Director shall review and act on the following:

A. Authority: The Planning Director, “the Director,” is responsible for the administration of Titles 16, 17, 18 and 19 of the LMC, except for Chapter 16.12.

B. Administrative Interpretation: Upon request or as determined necessary, the Director shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within 30 days. All requests for interpretation shall be written and shall concisely identify the issue and desired interpretation. Appeals of an administrative interpretation shall be filed in conformance with Section 17.11.020.

C. Administrative Approvals: Administrative approvals as set forth in Sections 17.09.010A. and 17.09.020.

17.03.030 CITY COUNCIL

In addition to its legislative responsibility, the City Council shall:
A. Review and make the final decision of the City on development permit applications and open record appeals that were heard, reviewed, and had recommendations entered thereon by the Planning Commission. A nonexclusive listing of the development permit applications and appeals on which the Planning Commission will conduct open record hearings and make recommendation to the City Council is set forth in Section 17.03.040A. The final decision of the City in such matters shall be made by the City Council without conducting an additional hearing or considering additional evidence.

B. Conduct the hearing(s), review, and make the final decision of the City on the following:

1. Open record hearings on requests for variances from development standards identified in LMC 17.17.010 when such requests do not include another development permit application as described in LMC 17.17.020.2.
3. Open record hearing on petitions for the vacation of right-of-way.
4. Open record hearings on the revocation or modification of existing permits or approvals, as provided in Section 17.13.070.
5. Open record hearing on appeals from civil regulatory orders or fines, as provided in Chapter 17.13 LMC.
6. Open record hearing on appeals from determinations made under city impact fee ordinances, unless the appellant elects in conformance with LMC 17.11.020 to have the impact fee open record appeal hearing conducted by the Planning Commission in conjunction with another open record hearing on the same project.
7. All other matters as are required or authorized by the Lynden Municipal Code or state law.

17.03.040 PLANNING COMMISSION

A. Planning Commission Open Record Hearings and Recommendation to City Council. The Planning Commission shall conduct an open record hearing, review, enter findings, and make recommendations to the City Council on the following development permit applications and open record appeals:

1. Subdivisions, binding site plans, planned unit developments, planned residential developments or planned commercial developments;
2. Conditional use permits;
3. Site-specific rezones, including site specific Comprehensive Plan map amendments;
4. Variance requests from development standards identified in 17.17.010 when such requests are accompanied by another development permit application as described in 17.17.020.1.
5. Open record appeal of SEPA threshold determination made by SEPA official;
6. Open record appeal of Director’s final decision on short plat application;
7. Open record appeal of Director’s final critical area determinations;
8. Open record appeal of Director’s final decision on concurrency requirements under Chapter 17.15 LMC.
9. Open record appeal of administrative interpretations made by the Director pursuant to Section 17.09.020 B;
10. Open record appeal of administrative approval made pursuant to Section 17.09.010 and 17.09.020;
11. Open record appeal from a determination made under any city impact fee ordinance if so elected by the appellant in conformance with LMC 17.11.020.
12. Other actions requested or remanded by the City Council or as required by the Lynden Municipal Code.

B. Planning Commission as Final Decision maker. The Planning Commission shall hear, review, and make the final decision of the City on all shoreline permits in accordance with the City’s shoreline management program.

17.03.050 BOARD OF ADJUSTMENT

The Board of Adjustment shall review and act on the following subjects:
A. Variances from the standards and dimensional regulations of the Zoning Code, Title 19, such as height, width, size, setback and yard restrictions.
B. Amortization periods for non conforming signs.
The review criteria and procedures for the Board of Adjustment are contained in Chapter 19.47 LMC. 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.

17.03.060 DESIGN REVIEW BOARD

The Design Review Board shall review and act on the following subjects:
A. All building permits for commercial buildings and multi-family buildings of two (2) or more units.
B. Landscape plans.
C. Signs.
The review criteria for the Design Review Board have been adopted by the City Council as part of the Design Review Guidebook. An appeal of a final decision of the Design Review Board shall be filed in accordance with Section 17.11.020 and shall be heard by the City Council as a closed record appeal.