



SULTAN CITY COUNCIL

Agenda Bill No. 22-14

SUBJECT	Code Project: Appeals and Hearing Examiner
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
1/27/22	Com Dev	Andy Galuska	Andy Galuska	Presentation # 3

Dates Presented: PB 1/18/22, CM 1/27/22

BACKGROUND

The City recently had an administrative decision appealed by an interested party. In the process of preparing and holding an appeal hearing several inconsistencies and errors were found in our code. While we have made efforts in past code update projects to better define our appeal process, some of our long-adopted code needs to be immediately changed to ensure our appeal process will function correctly.

AREAS OF CONCERN

At present, our code has two separate entities which hear appeals. The first is the Board of Adjustments which is a board of three appointed community members. The second is a Hearing Examiner, a professional who is hired to hold public hearings and make decisions. The major conflict presented by the code it is not clear which entity should hear some types of appeals. There is a great deal of confusion invited by the code as currently adopted which is a challenge.

PROPOSED CHANGES

Staffs' proposal is to eliminate the Board of Adjustments and clarify that all appeals should be heard by the Hearing Examiner. Additionally, we are proposing changing the method of appointing a Hearing Examiner to streamline the process and allow more than one Hearing Examiner to be appointed. This would allow staff to have a second, less expensive option for lower-level appeals that do not require the high level of expertise as more complex projects. This would reduce the cost of appeals to our residents and help make the appeal process more available to low-income parties.

NEXT STEPS

Staff is currently writing code to accomplish the above goals. The draft code changes will be presented to the Planning Board at their February 1st meeting, and we would expect a public hearing on those changes as early as the March 1st meeting. After a public hearing the board will give a recommendation to Council and the matter will be brought back to the Council for consideration.