



## Land Use & Environment Committee

### Hearing Examiner Contract Review and Reporting

**Agenda Date:** 10/21/2021  
**Agenda Item Number:** 6.B  
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#### **Title**

Hearing Examiner Contract Review and Reporting

#### **Recommended Action**

Not referred to committee

#### **Report**

##### **Issue:**

Briefing only. No action requested.

#### **Staff Contact:**

Tim Smith, Planning & Engineering Manager, Community Planning and Development, 360.570.3915

#### **Presenter(s):**

Tim Smith, Planning & Engineering Manager, Community Planning and Development, 360.570.3915

#### **Background and Analysis:**

The City and Mark Scheibmeir completed a Professional Services Agreement in 2013 for Mr. Scheibmeir to carry out the duties of Hearing Examiner for the City of Olympia. The Agreement has been amended on three occasions to extend the length of the Agreement. The most recent amendment was completed in 2019 (Attachment 2). The 2019 Amendment to the Agreement is set to expire on April 30, 2022. The purpose of this agenda item is to discuss the Professional Services Agreement amendment process.

The City Council held a joint worksession with Mr. Scheibmeir in June 2021 to discuss the Hearing Examiner's role, responsibilities, and recent cases. These joint worksessions are typically held annually, most recently in both 2018 and 2019.

The position of Hearing Examiner is established in Olympia Municipal Code (OMC) Chapter 18.82. The purpose of this Chapter, as stated in OMC 18.82.020, is to:

- A. Separate the land use regulatory function from the land use planning process.
- B. Ensure procedural due process and appearance of fairness in land use regulatory hearings and decisions.
- C. Provide an efficient and effective land use regulatory system which integrates the public

hearing and decision-making processes for land use matters.

- D. Provide for consistency and predictability in land use decision making and the application of policies and regulations adopted by the City.
- E. Establish clear and understandable rules governing the land use decision-making process.

**Neighborhood/Community Interests (if known):**

The work of the Hearings Examiner has been a topic of interest to many community members as development continues throughout the City.

**Options:**

- 1. Discuss process for upcoming review of contract and direct staff on specific changes to the contract amendment process.
- 2. Direct staff to conduct a Request for Qualifications process for the next Hearing Examiner contract.
- 3. Discuss and make no changes to the current contract amendment process.

**Financial Impact:**

There is not a direct financial impact related to this update. The Hearing Examiner contract provides for the Examiner to be paid on an hourly basis for required hearings. Permit fees are included in OMC 4.40 for staff costs to prepare and conduct Hearing Examiner hearings, and for appeals to the Examiner of administrative decisions.

**Attachments:**

Agreement for Professional Services - 2013

Amendment to Agreement for Professional Services - 2019