



City Council

Approval of an Ordinance Amending Olympia Municipal Code Section 18.82.040, Selection Process for the Olympia Hearing Examiner

Agenda Date: 5/24/2022
Agenda Item Number: 4.F
File Number:22-0486

Type: ordinance **Version:** 2 **Status:** Passed

Title

Approval of an Ordinance Amending Olympia Municipal Code Section 18.82.040, Selection Process for the Olympia Hearing Examiner

Recommended Action

Committee Recommendation:

The Land Use & Environment Committee recommends moving to approve an Ordinance amending Olympia Municipal Code (OMC) Section 18.82.040, requiring a selection process for the Olympia Hearing Examiner to occur at least once every four years

City Manager Recommendation:

Move to approve an Ordinance amending OMC Section 18.82.040, requiring a selection process for the Olympia Hearing Examiner to occur at least once every four years.

Report

Issue:

Whether to approve an Ordinance amending OMC Section 18.82.040, requiring a selection process for the Olympia Hearing Examiner to occur at least once every four years.

Staff Contact:

Tim Smith, Deputy Director, Community Planning and Development, 360.570.3915

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Background and analysis have not changed from first to second reading.

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

1. Separate the land use regulatory function from the land use planning process.
2. Ensure procedural due process and appearance of fairness in land use regulatory hearings

and decisions.

3. Provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters.
4. Provide for consistency and predictability in land use decision making and the application of policies and regulations adopted by the City.
5. Establish clear and understandable rules governing the land use decision-making process.

The Land Use and Environment Committee (LUEC) conducted a selection process for the Olympia Hearing Examiner in February 2022, prior to the scheduled expiration of the existing Hearing Examiner's contract on April 30, 2022. Based on the LUEC recommendation, the City Council approved a new contract with Mark Scheibmeir on March 29, 2022, to serve as Hearing Examiner for two years, with an optional extension for an additional two years.

The LUEC also recommends that a Hearing Examiner selection process be codified to occur at least once every four years to ensure a regular review of the position.

Note: The LUEC's selection process also included recruitment for a Pro Tem Hearing Examiner to ensure land use matters can be heard if the Hearing Examiner has either a schedule conflict or is out due to illness. However, no candidate applied for the Pro Tem position during that process. Recruitment for the Pro Tem Hearing Examiner is on-going.

Neighborhood/Community Interests (if known):

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

Options:

1. Move to approve an Ordinance amending Olympia Municipal Code (OMC) Section 18.82.040, requiring a selection process for the Olympia Hearing Examiner to occur at least once every four years.
2. Do not approve the Ordinance.
3. Approve the Ordinance with amendments.

Financial Impact:

The Hearing Examiner is 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:

Ordinance