



City Council

Approval of Ordinance Amending Rezone Hearing Body

Agenda Date: 6/7/2016
Agenda Item Number: 4.L
File Number: 16-0606

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

Title

Approval of Ordinance Amending Rezone Hearing Body

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to adopt the Ordinance in clarifying procedures for review of site-specific rezone applications on second reading.

Report

Issue:

Whether to adopt the attached ordinance clarifying procedures for review of site-specific rezone applications and affirming that the Hearing Examiner should continue to be the hearing body to hold public hearings and makes recommendations to the City Council regarding site-specific rezone applications.

Staff Contact:

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Presenter(s):

Leonard Bauer, Deputy Director, Community Planning & Development

Background and Analysis:

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

During the update of the Comprehensive Plan, some members of the public suggested that if the Plan were to allow for more rezone applications, the City's Development Code should be amended to provide that rezone hearings would be held by the Planning Commission instead of the Hearing Examiner. On September 23, 2013, the Commission held a public hearing regarding this proposal and, following deliberation on October 21, 2013, the Commission unanimously recommended that the City Council amend the Development Code accordingly. This proposal was placed on hold until

the Council approved the updated Plan in December of 2014. On May 19, 2015, the Council referred the rezone-hearing-body issue to the Land Use and Environment Committee for review.

The Committee considered the issue on July 16, 2015. Following discussion, which included Planning Commission Chair Carole Richmond and Commissioner Roger Horn, the Committee recommended continuing the current practice and recommended that staff report back to the Committee at the end of 2016 regarding public hearings on rezone proposals held by the Hearing Examiner.

At its October 27, 2015 meeting, the City Council affirmed the Committee's recommendation and directed staff to prepare an ordinance to remove process ambiguities in the Municipal Code and clarify that the Hearing Examiner holds public hearings and makes recommendations to the City Council regarding site-specific rezone applications (See attached meeting minutes).

A detailed analysis of the legal framework and history of rezones in Olympia is included in the October 27, 2015, staff report to the City Council (Attached). Note the attached guidance from the Washington Cities Insurance Authority (WCIA), which recommends that all quasi-judicial matters, including site specific rezones, be heard by a Hearing Examiner.

Per the City Council's direction, the attached ordinance clarifies the Municipal Code in three respects:

- To the \$3,200 rezone application fee of Title 4, add "plus \$1,500 Hearing Examiner deposit" to clarify that site-specific rezone applicants are subject to reimbursing the City for Examiner costs
- Amend OMC 18.58 and 18.59 to clarify that site-specific rezone applications are forwarded to the Planning Commission for recommendation without holding a public hearing, and then to the Hearing Examiner for public hearing and recommendation to City Council.
- Amend OMC 18.82.240 to clarify that the evidence, record and arguments considered by the City Council are solely those provided at the public hearing before the Hearing Examiner, and that no new evidence may be introduced before the City Council.

Neighborhood/Community Interests:

Rezoning may be considered for any site within the City, so this issue is of interest city-wide.

Options:

1. Adopt the Ordinance clarifying procedures for review of site-specific rezone applications
2. Do not adopt the Ordinance clarifying procedures for review of site-specific rezone applications
3. Direct staff to make specific amendments to the Ordinance and bring back to City Council.
4. Refer to a Committee for further consideration.

Financial Impact:

No direct impact; Examiner's hearing costs are borne by rezone applicants. As discussed above, increases in secondary costs could result from the proposed change.

Attachments:

1. Draft ordinance

2. City Council minutes 10.27.15
3. City Council staff report 10.27.15
4. Factors list
5. WCIA Guidance
6. Planning Commission minutes excerpts