



City Council

Hearing Examiner Update

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Title

Hearing Examiner Update

Recommended Action

Committee Recommendation:

Not referred to committee

City Manager Recommendation:

Receive briefing from Olympia Hearing Examiner Mark Scheibmeir. Briefing only. No action requested.

Report

Issue:

Whether to receive briefing from Olympia Hearing Examiner Mark Scheibmeir

Staff Contact:

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

Presenter(s):

Tim Smith, Planning & Engineering Manager
Mark Scheibmeir, Olympia Hearing Examiner

Background and Analysis:

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.

Olympia Hearing Examiner Mark Scheibmeir has prepared an annual report that further describes the

role of the Hearing Examiner and summarizes recent hearings. Mr. Scheibmeir will provide an overview of his report and answer questions at the Council Study Session.

The City conducts a land use review process in accordance with the requirements of RCW 36.70B (1995 Regulatory Reform Act). This statute has requirements for streamlining and creating a predictable process when making decisions on project permit applications. Many cities and counties use a Hearing Examiner to help satisfy the State requirements. Additional information on the use of the Hearing Examiner system in the State of Washington is provided in several documents from the Washington Cities Insurance Authority (WCIA).

Olympia's land use review process is codified in OMC Chapter 18.60. The City provides a flow chart to customers that outlines the key steps of this process. Target dates are set for each step, with an overall permit review timeframe of not more than 120 days as required by State law. Several of these key steps are:

- Determining whether an application is complete and ready for review
- Distributing and disseminating a Notice of Application to community members, and local and State agencies. This notice includes a process for how comments can be submitted to the City and the timeframe for the submittal of written comments.
- Formal issuance of a land use decision. The City's Site Plan Review Committee, comprised of staff from several departments, is responsible for making recommendations on whether to approve a permit application to either the Community Planning and Development Director or to the Hearing Examiner, depending on the type of application. Examples of applications that go before the Hearing Examiner are provided in the Hearing Examiner Annual Report. The Hearing Examiner must conduct a public hearing before issuing a decision.

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. Receive the update.
2. Do not receive the update.
3. Receive the update at another time.

Financial Impact:

There is not finance impact related to the update.

Attachments:

Hearing Examiner Annual Report
WCIA Documents on Use of a Hearing Examiner
Land Use Review Flow Chart