



Staff Report – Consent Agenda

June 20, 2023 Council Regular Meeting

Appointment of Hearing Examiner Pro Tempore (Submitted by Alan Peters, Community Development Director)

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BACKGROUND: The City of Camas utilizes a hearing examiner to conduct quasi-judicial hearings and issue decisions on certain land use matters. The hearing examiner system is authorized by RCW 35A.63.170 and established by CMC Chapter 2.15. The City has one appointed hearing examiner who has served in this role since 2007. Appointment of a hearing examiner pro tempore will ensure that the hearing examiner’s responsibilities will be filled when the hearing examiner is unable to fulfill his or her duties due to absence or as the result of the hearing examiner having a conflict of interest in any specific matter.

SUMMARY: The hearing examiner is appointed by the City Council to determine various land use matters, including conditional use permits, light industrial/business park applications, preliminary subdivision plat applications, site specific rezone requests, and certain appeals. According to CMC 2.15.010, the purpose of the City’s hearing examiner system is to “separate the land use regulatory function from the land use planning process; ensure procedural due process and appearance of fairness in land use regulatory hearings; and provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making process for land use matters.”

The City has one hearing examiner, Joe Turner, who has served in this role since 2007. There is currently no one appointed to fill this role if the hearing examiner is unable to do so because of availability or having a conflict of interest in any specific matter. Staff identified this issue last summer, and with the recommendation of Mr. Turner and the authorization of the Interim City Administrator, entered into a professional services agreement with Daniel Kearns to serve as hearing examiner when needed. There has not yet been a need to use Mr. Kearns as hearing examiner, but Staff determined it would be appropriate for Mr. Kearns to be formally appointed as a hearing examiner pro tempore prior to hearing any matters in the City of Camas.

Mr. Kearns is a qualified attorney licensed in Washington and is experienced in Washington land use law and conducting quasi-judicial land use hearings, evaluating land use criteria and drafting final land use decisions. He currently serves as a hearing examiner for Clark County.

BENEFITS TO THE COMMUNITY: Appointment of a hearing examiner pro tempore will ensure that the hearing examiner's responsibilities will be filled when the hearing examiner is unable to fulfill his or her duties due to absence or as the result of the hearing examiner having a conflict of interest in any specific matter.

POTENTIAL CHALLENGES: None.

BUDGET IMPACT: Hearing examiner compensation is included in the Community Development Department budget. The hearing examiner is compensated on an hourly basis for their services as needed.

RECOMMENDATION: Staff recommends Council appoint Daniel Kearns as hearing examiner pro tempore.