

AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232**

Prepared by:
Tommy Carroll

Department: Public Services - Planning

Requested Agenda Date: 02/15/2022

Presenting: Tommy Carroll

Document Title:

Board of County Commissioners Record Assigned

044-2022

APPROVED FOR AGENDA:
 Consent Regular
Board of County Commissioners Determined

In the Matter of Appointing a Hearing Examiner Pro-tem to Consider and Address Land Use Matters Occurring Throughout Unincorporated Yakima County

Action Requested: *Check Applicable Box*

PASS RESOLUTION EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT
 ISSUE PROCLAMATION PASS ORDINANCE OTHER _____

Describe Fiscal Impact:

N/A

Background Information:


Yakima County has two hearing examiners under contract, both have recused themselves from a specific land use application needing an open record public hearing. Public Services needs to have a pro-tem appointed to hold the open record hearing and make a decision on the case. We are requesting that the hearing examiner pro-tem be evaluated after one year, then potentially reappointed every 4 years to ensure we have someone that can be available.

Summary & Recommendation:

Resolution appointing a hearing examiner pro-tem, due to both Yakima County examiners recusing themselves from a land use hearing. Public Services Planning Division recommends approving.

Motion:

Department Head/ Elected Official



Signature

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial _____



Late Agenda Requests Require BOCC Chairman Signature:

**BOARD OF YAKIMA COUNTY COMMISSIONERS
RESOLUTION**

**IN THE MATTER OF APPOINTING A
HEARING EXAMINER PRO-TEM TO
CONSIDER AND ADDRESS LAND USE
MATTERS OCCURRING THROUGHOUT
UNINCORPORATED YAKIMA COUNTY**

044-2022

WHEREAS, within the unincorporated areas of Yakima County, all land use and subdivision applications must be submitted to Yakima County Public Services for processing and review; **and**,

WHEREAS, land use applications are organized into case types based on the level of review required for the specific land use requested; **and**,

WHEREAS, Type 3 applications are quasi-judicial actions and require an open record hearing by the Hearing Examiner. The Examiner's written decision constitutes the final decision; **and**,

WHEREAS, Type 4 Project permit applications are quasi-judicial actions which require an open record hearing before the Hearing Examiner. The Examiner's written decision constitutes a recommendation to the Board of Yakima County Commissioners. The Board shall conduct a closed record hearing to act on the Examiner's recommendation; **and**,

WHEREAS, for Type 3 and Type 4 land use applications the Yakima County Planning Division provides staff recommendations for these applications regarding development projects and land use review within the County that must be reviewed by the County's appointed Hearing Examiner for consistency and compliance with all the adopted development regulations and comprehensive plan policies; **and**,

WHEREAS, the Board of Yakima County Commissioners have appointed two experienced land use attorneys to act as the County's Hearing Examiners to provide the necessary review of the County's quasi-judicial land use applications; **and**,

WHEREAS, due to unforeseen conflicts of interest, both of Yakima County's Hearing Examiners, have had to recuse themselves from reviewing a specific Type 3 land use application that is currently pending review; **and**,

WHEREAS, as set forth under Yakima County Code (YCC) Title 2.23.020, the Board may also appoint examiners Pro-Tem to serve in the event of absence or inability to act of the examiner and deputy examiners; **and**,

WHEREAS, Andrew Kottkamp, Attorney-at-Law, has agreed to provide the necessary professional expertise to the County's Planning Division to conduct public hearings and assist the County with required technical review on land use matters and make final decisions and/or provide the Board with formal recommendations and/or interpretations pertaining to specific land use issues; **now, therefore**,

**BOARD OF YAKIMA COUNTY COMMISSIONERS
RESOLUTION**

BE IT HEREBY RESOLVED that the Board of Yakima County Commissioners appoints Andrew Kottkamp, as Yakima County Hearing Examiner Pro-Tem, to serve in the event of absence or inability to act of the examiner and deputy examiners regarding land use cases within the unincorporated areas of Yakima County.

BE IT FURTHER RESOLVED that the Hearing Examiner Pro-Tem be reviewed one year following the date of this Resolution and thereafter be reviewed four years following the date of each reappointment.

DONE FEB 15 2022

Attest:

Julie Lawrence, Clerk of the Board *or*
Linda Kay O'Hara, Deputy Clerk of the Board

Amanda McKinney, Chair

LaDon Linde, Commissioner

Ron Anderson, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*