



City of Oregon City

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Staff Report

File Number: PC 18-102

Agenda Date: 8/1/2018

Status: Agenda Ready

To: City Commission

Agenda #: 3a.

From: Community Development Director Laura Terway

File Type: Land Use Item

SUBJECT:

Policy Direction: Creation of a Hearings Officer to Process Appeals of Land Use Decisions

RECOMMENDED ACTION (Motion):

Provide policy direction as to if the creation of a hearings officer should be further researched.

BACKGROUND:

Staff is exploring amending the appeals process for land use decisions. Under the current code, the City Commission hears all appeals, including the decisions by the Community Development Director, Planning Commission, and Historic Review Board. Staff is seeking direction from the City Commission to determine if the City Commission should instead delegate some or all land use appeals to an appointed Hearings Officer. The Hearings Officer model is used by many jurisdictions to process appeals of quasi-judicial land use applications. Hearings Officers are generally attorneys with expertise in applying law and policy to quasi-judicial applications and conducting hearings in accordance with legal requirements and processes. The Hearings Officer would hold the same responsibilities as the City Commission does during appeal hearings, including:

- Conducting the public hearing
- Analyzing the merits of a case
- Rendering a decision
- Ensuring the adequacy of the findings and conditions
- Rendering a decision that is free of bias or conflicts of interest

The use of a Hearings Officer would free the City Commission from hearing lengthy quasi-judicial cases, avoid potential real or perceived conflicts of interest, and allow the hearings to be scheduled with greater flexibility. On the other hand, the City Commission would be delegating authority to a separate entity and there would be a cost for hiring a hearings officer.

Should the City Commission decide to utilize a hearings officer, staff would amend the process for appeals in Chapter 17.50 of the Oregon City Municipal Code in a series of public hearings discussing the matter before the process is effective. A hearings officer could be held on retainer by the City and utilized on an as needed basis.

The City Commission considered this topic at their June 12, 2018 work session and decided to bring the topic back at a future work session for further discussion.