

City of Bandon

PLANNING COMMISSION DOCUMENTATION

DATE:
10/22/20

SUBJECT:
Hearings Officer

ITEM NO:
5.1

BACKGROUND:

See attached.

SUBMITTED BY:

Dana Nichols

Dana Nichols, Planning Manager



City of Bandon Planning Department
Bandon, Oregon 97411
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MEMORANDUM

TO: Planning Commission
FROM: Dana Nichols, Planning Manager
DATE: October 22, 2020
RE: Hearings Officer

Chapter 2 of the Bandon Municipal Code outlines the duties of administration and personnel, specifically referring to the duties of the Planning Commission in Chapter 2.24. This Chapter allows the Planning Commission to appoint a hearings officer to *conduct reviews and render decisions on limited land use decisions and to carry out other duties and responsibilities as specifically delegated by the planning commission*. Historically, this role has been filled by a member of the Planning Commission (as stated in the same code); however, due to COVID-19, the City Council enacted an emergency declaration that transferred the Hearings Officer's duties, as well as the Planning Commission and City Council's roles related to land use, to a contracted professional to ensure physical safety of all parties involved.

As we begin to think about life after COVID-19, Staff recommends that the role of Hearings Officer continue to be filled by a member of the Oregon State Bar as this not only protects the City from both a legal and financial perspective, but it is also the model followed by many other Oregon cities. The Hearings Officer can also serve an important role as impartial to both the constituents and other city departments. Responsibilities of the Hearings Officer from other cities include: conducting quasi-judicial hearings, serving as an expedited land division referee, administering oaths and affirmations, preparing records of quasi-judicial proceedings, making findings of fact and conclusions of law in all quasi-judicial proceedings, and hearing appeals of a planning director's decision.

The Oregon Revised Statutes supports this model through ORS 227.165, which states that *a city may appoint one or more planning and zoning hearings officers, to serve at the pleasure of the appointing authority. Such an officer shall conduct hearings on applications for such classes of permits and zone changes as the council designates.*

At this time, Staff is not requesting any changes to the code or to the emergency declaration. Input from the public regarding use of the outside Hearings Officer has been overwhelmingly positive as the process is timely, accessible, and professional.