

Hearings Officer

11.15.8105 Establishment

There is hereby authorized the appointment of one or more Planning and Zoning Hearings Officers, hereinafter *Hearings Officer* who shall exercise such powers and duties as are described in this Chapter. *[Amended 1991, Ord. 690 § 2]*

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11.15.8110 Appointment

- A. A Hearings Officer and one or more alternates shall be appointed by order of the Board of County Commissioners and shall serve at the pleasure of the Board. The terms of any such appointments shall be as setforth by professional service contract.
- B. In the event a Hearings Officer is not available to conduct an action proceedings as defined in MCC .8205,, whether due to non-appointment, conflict of interest, absence, or other reason, the Planning Commission shall assume the powers and duties of the Hearings Officer. For the purposes of this Section, three members of the Planning Commission shall constitute a quorum. All decisions shall be made by a majority of those members present and voting.

[Amended 1982, Ord. 351 § 2 & 1991, Ord. 690 § 2]

11.15.8115 Powers and Duties

Except as provided in this or other Ordinances, a Hearings Officer shall:

- A. Exercise the authority of a Planning and Zoning Hearings Officer under ORS 215.402 through 215.422.
- B. As provided by Ordinance, consider and decide applications:
 - 1. For variance involving:
 - a. Yard or setback requirements;
 - b. Height requirements;
 - c. Lot Widths;
 - d. Lot Depths;

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.

- e. Lot Areas or Lot Coverages;
- f. Requirements relating to sight-obscuring fences;
- g. Requirements relating to the height, size and location of signs;
- h. Off-street parking and loading requirements; and
- i. Other dimensional requirements of this Ordinance.

[Amended 1985, Ord. 451 § 2]

C. Recommend to the Board Ordinances renaming public thoroughfares and the numbering of property under ORS 215.110(2);

D. Consider and decide applications for approval of land divisions;

E. Hear and act upon appeals from administrative interpretations by the Planning Director when such appeals are authorized by Ordinance;

F. Consider and apply regulatory enactments and policies pertaining to the matters set forth in the Code; *[Added 1991, Ord. 690 § 2]*

G. Enter upon any land and make examinations and surveys and place and maintain the necessary monuments and markers thereon, as required to perform assigned functions;

[Renumbered 1991, Ord. 690 § 2]

H. Advise the Planning Commission and the Board concerning any problem comprehended within the powers and duties of the Hearings Officer; and

[Renumbered 1991, Ord. 690 § 2]

I. Exercise such other powers and perform such other duties as may be given to the Hearings Officer by this or other Ordinance.

[Renumbered 1991, Ord. 690 § 2]

11.15.8120 Hearings Notices

A. The Hearings Officer shall hold public hearings at such times as are necessary to carry out the provisions of MCC .8115. The time and place of all hearings shall be as scheduled by the Planning Director.

[Amended 1991, Ord. 690 § 2]

B. Before any hearing of the Hearings Officer , except for those held under the authority of MCC . 8115(F), for the conduct of business, notice shall be given as required by law and also in the following manner:

1. Except for actions under MCC .8205(D) and (E), by notice of the date, time, place and agenda of the hearing at least once in any daily newspaper having general circulation in excess of 50,000 in Multnomah County not less than seven days before the hearing;
2. By providing notice as required by MCC .8220; and
3. By providing such notice and in such other manner as the Board or the Hearings Officer may direct.

[Amended 1991, Ord. 690 § 2]

11.15.8125 Rules of Procedure

- A. The conduct of hearings of the Hearings Officer shall be according to procedures prescribed by ORS and order of the Officer and filed with the Clerk of the Board.

[Amended 1991, Ord. 690 § 2]

- B. A Hearings Officer shall not participate in any proceeding or action specified by this Ordinance in which any of the following has a direct or substantial financial interest: the Officer, the Officer's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner in any business of which he or she is then a member or has been a member within the previous two years or in any business with which he or she is negotiating or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential financial or other interest which would lead to bias or partiality shall be disclosed according to MCC .8250 at the hearing where the action is considered.

11.15.8130 Coordination

- A. The Hearings Officer shall advise and cooperate with the Planning Commission and with other Planning Commissions, Hearings Officers, agencies or bodies within the State, and shall, upon request or on the Officer's own initiative, furnish advise or reports to the State or Federal government, to the Board, or to any city, county, officer or department on any problem comprehended within the assigned powers and duties.
- B. All County officials, departments and agencies having information, maps and data deemed by the Hearings Officer to be pertinent to the assigned powers and duties shall make such information available for the use of the Hearings Officer.

11.15.8135 Enforcement Proceedings *[Added 1991, Ord. 690 § 2; deleted 1998, Ord. 905 § II]*