

Proposed amendments to ORS 227.180

SUMMARY: Sets cap on fees for local hearings; authorizes cities to provide for multiple local appeals; authorizes cities to provide that the decision of a hearings officer or other decision-making authority is the final determination of the city.

227.180 Review of action on permit application; fees. (1)(a) ~~A party aggrieved by the action of a hearings officer may appeal the action to the planning commission or council of the city, or both, however the council prescribes. The appellate authority on its own motion may review the action. The procedure for such an appeal or review shall be prescribed by the council, but shall:~~

~~—(A) Not require that the appeal be filed within less than seven days after the date the governing body mails or delivers the decision of the hearings officer to the parties;~~

~~—(B) Require a hearing at least for argument; and~~

~~—(C) Require that upon appeal or review the appellate authority consider the record of the hearings officer's action. That record need not set forth evidence verbatim.~~

The council of the city may provide that the decision of a hearings officer or other decision-making authority at the initial public hearing in a proceeding for a discretionary permit or zone change is the final determination of the city.

(b) Notwithstanding paragraph (a) of this subsection, the council on its own motion may review the action.

(c) Notwithstanding paragraph (a) of this subsection, the council may provide for a party aggrieved by the action of a hearings officer to appeal the action to the planning commission or council, or both, however the council prescribes. The procedure for such an appeal or review shall be prescribed by the council, but shall:

—(A) Not require that the appeal be filed within less than seven days after the date the governing body mails or delivers the decision of the hearings officer to the parties;

—(B) Require a hearing at least for argument; and

—(C) Require that upon appeal or review the appellate authority consider the record of the hearings officer's action. That record need not set forth evidence verbatim.

~~(ed) The governing body may prescribe, by ordinance or regulation, fees to defray the costs incurred in acting upon an appeal from a hearings officer, planning commission or other designated person. The amount of the fee shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal, excluding the cost~~

of preparation of a written transcript. The governing body may establish a fee for the preparation of a written transcript. The fee shall be reasonable and shall not exceed the actual cost of preparing the transcript up to \$500. In lieu of a transcript prepared by the governing body and the fee therefor, **The maximum fee for an appeal shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.** †The governing body shall allow any party to an appeal proceeding held on the record to prepare a transcript of relevant portions of the proceedings conducted at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the transcript fee shall be refunded.