



MEETING DATE: June 12, 2024

FROM: Susan Scarlett

RE: Discuss appointing a Hearing Officer for a public hearing on a Conditional Use Permit

EXECUTIVE SUMMARY:

Pursuant to Portola Municipal Code Section 2.36.140, when there are fewer than three planning commissions seated, the City Manager has the authority to exercise the powers and authorities of the planning commission. There is an anticipated Conditional Use Permit (CUP) that will require a public hearing. Typically, the City Manager would be the Hearing Officer for the public hearing. However, in this case, there is a conflict of interest with the applicant. In the event of a conflict of interest, the City Manager shall “notify the city council of such conflict of interest and the city council shall engage and/or appoint a person who is not an employee of the city or an entity to exercise all of the duties and powers of the planning commission with respect to that matter” (PMC 2.36.140 (B)).

To be able to hold this public hearing, the City Council must appoint a person or entity to be the Hearing Officer. The Hearing Officer will be responsible for reviewing application materials and hearing any related evidence, then rendering a decision on whether the application should be approved. The Hearing Officer should have some experience in land use planning.

Staff will then schedule a public hearing for the anticipated CUP before the Hearing Officer.

RECOMMENDATION:

Staff recommends that the City Council appoint a person or entity to be the Hearing Officer for the anticipated CUP.

FISCAL IMPACT:

Depending on appointed Hearing Officer we anticipate a minor fiscal impact.
