

GENERAL HEARING PROCEDURE AND STATEMENT REQUIRED BY ORS 197.797

This document is intended to provide all required information under Oregon Land Use Laws that is necessary to be conveyed to the public at the onset of a land use hearing on appeal of a lower body decision. All participants in the land use hearing process should read the information and procedures contained herein very carefully. No further explanation of the land use process will be provided orally.

Notice of this hearing has been provided as required by Benton County Code 51.835. If you have any objections to the notice that was sent out or to the jurisdiction of this body to hear and consider the case; or if you desire to raise issues regarding declarations of conflict or bias by any members of the body, or lack thereof; or any other objection to any aspect of this proceeding, you must place those issues before this body in writing or orally during the time the record in this case is open.

The hearing procedure will be as follows:

- 1) The staff planners will present the staff report.
- 2) The Applicant/Appellant will then present their case.
- 3) Testimony from representatives of governmental bodies.
- 4) Testimony from those in favor of the Appeal.
- 5) Testimony from persons opposed to the Appeal.
- 6) Rebuttal by Applicant/Appellants.

There will be time limits imposed on oral testimony. The applicant will be given 60 minutes to make their presentation. Any governmental representatives will be given 5 minutes to testify. Individuals in favor of or opposed to the application will be allowed 2 minutes for testimony. The applicant or representative will also have 30 minutes for rebuttal.

An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the local government. Such issues shall be raised and accompanied by statements or evidence sufficient to afford this body and the parties to this hearing an adequate opportunity to respond to each issue. Failure to do so may preclude appeal to LUBA based on that issue.

This hearing is not the initial evidentiary hearing on this application. If additional documents or evidence are provided by any party during this hearing, this body may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond as provided in ORS 197.797(4)(b). If such a request is made, it will be up to this body to determine if the record will be kept open for submission of responses to documents or evidence, and for how long. Any continuance or extension of the record requested by the Applicant/Appellant shall result in a corresponding extension of the time limitations of ORS 215.427 and ORS 215.429.