

PUBLIC HEARING

in the matter of

LU-21-025

Application Type: Subdivision

Applicant: Scott Taylor; Property Owner: Sandra Villwock

July 20, 2021, is the day set for the public hearing in the above matter.

The applicable substantive criteria upon which this case will be decided are found in the County Development Code. A list of the applicable criteria is summarized for this case as follows:

Benton County Code

- Chapter 63 "Rural Residential"
- Chapter 97 "Subdivisions"
- Chapter 99 "General Development Standards"

All testimony, arguments and evidence received during this public hearing must be directed toward these approval criteria, or to such other rule, law, regulation or policy, which you believe to apply to this case. The Applicant has the burden of proving that all of the relevant approval criteria have been met. If the Applicant is a corporation, under ORS 9.320, it must be represented by an attorney, and may not be represented by an officer, agent, realtor or contract planner.

The hearing procedure will be as follows:

- 1) The staff planner will present the staff report.
- 2) The Applicant will then present their case.
- 3) Testimony from persons in support of the Application.
- 4) Testimony from persons opposed to the Application.
- 5) Testimony from any representative of a governmental body.
- 6) Rebuttal by Applicant.
- 7) Commissioner questions of staff or testifiers.

If there is no request for a continuance, no request to hold the record open, and no request to submit written argument by the Applicant, the public hearing will be closed, the record will be closed, and this body will deliberate and make a decision.

Please try to avoid repetition; if someone else has already expressed the same thoughts, it is perfectly acceptable to state that you agree with the statements of a previous speaker. There are no time limits imposed on persons testifying in this matter; however, the Chairperson reserves the right to limit the amount of time provided for oral testimony.

If you have documents, maps or letters that you wish to have considered by this body, they must formally be placed in the record of this proceeding. To do that, prior to the closing of the record, email the Recorder at linda.ray@co.benton.or.us.

GENERAL HEARING PROCEDURE AND STATEMENT REQUIRED BY ORS 197.763

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. All participants in the land use hearing process should read the information and procedures contained herein very carefully. If you have any questions concerning any of this information, please immediately contact either the Chairperson of the meeting or planning staff. No further explanation of the land use process will be provided orally.

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 will proceed in the manner outlined on the reverse side of this sheet of paper. 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. The failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.

Notice of this hearing has been provided to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located and contained the information required by ORS 197.763(3).

All documents or evidence relied upon by the applicant shall be submitted to this body and made available to the public. The staff report used at the hearing has been available at least seven days prior to the hearing. If any party provides additional documents or evidence, this body may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of ORS 215.428.

Prior to the conclusion of the first hearing on a land use application, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. If such a request is made, it will be up to this body to determine if the hearing will be continued to a time and date certain, or if the record will be kept open for submission of additional evidence or testimony.

If this body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence or testimony for the purpose of responding to the new written evidence. If a continuance or extension is granted, it shall be subject to the limitations of ORS 215.428, unless the continuance or extension is requested or agreed to by the applicant.

If the record is left open for additional written evidence or testimony, the record shall be left open for at least seven days, with a short rebuttal period thereafter afforded to the applicant. Any participant may file a written request for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, this body shall reopen the record. When this body reopens the record to admit new evidence or testimony, any person may raise new issues, which relate to the new evidence, testimony or decision-making criteria.

Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.