

## **ORS 197.763(5) STATEMENT INFORMATION REGARDING PROCEDURES FOR LAND USE HEARING**

**File 2020-03 – Setback Variance 38636 SW Filbert Street**

The applicable substantive criteria upon which this case will be decided are found in the Article 9, Section 9.050 in the Scio Zoning Ordinance. The sections and the decision criteria are listed in the staff report.

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.

An issue which may be the basis for an appeal to the Oregon Land Use Board of Appeals (LUBA) shall be raised not later than the close of the record at or following the final evidentiary hearing on this case. Such issues shall be raised with sufficient specificity so as to afford this body, and the parties to this hearing an adequate opportunity to respond to each issue.

The Planning Commission's decision is final, unless it is appealed to the City Council. If the City Council hears an appeal in this case, the City Council's final action may be appealed within 21 days of mailing of notice of the decision to the Oregon Land Use Board of Appeals.

The Presiding Officer over the public hearing reserves the right to limit the time of any presentation. Please try to avoid repetition; if someone else has already expressed the same thoughts, it is perfectly alright to state that you agree with the statements of that previous speaker.

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, either before or after you speak, please leave the material with Planning Staff who will make sure your evidence is properly taken care of.

Prior to the conclusion of the initial evidentiary hearing in this case, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application involved here. Continuances may take the form of holding an additional public hearing with oral testimony allowed, or may consist of holding the evidentiary record open for a period of time designated by the City, for submittal from the public of written evidence.

If you have any questions regarding any of the information contained in this Statement, please voice those questions, or objections at the time you testify. If you do not wish to testify, your questions or objections may be submitted in writing and will be dealt with during the course of the hearing. Any written material must be presented prior to the closure of the record in this case.

## **Public Hearing Format for Land Use Hearings Before the Scio Planning Commission**

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|----|---|----------------------------------|
| A. | Opening of the Public Hearing & Rules of Conduct                | Chairperson                      |
| B. | Declarations of Ex Parte Contact, Conflicts of Interest or Bias |                                  |
| C. | Applicant's Presentation of the Application                     |                                  |
| D. | Staff Report  | Planning Consultant for the City |
| E. | Proponent's Testimony (persons in favor)                        |                                  |
| F. | Opponent's Testimony (persons opposed)                          |                                  |
| G. | General Testimony of Other Individuals or Organizations         |                                  |
| H. | Questions of Clarification from the City Council                |                                  |
| I. | Applicant's Summary and Rebuttal                                |                                  |
| J. | Staff Summary   |                                  |
| K. | Close of Public Hearing   |                                  |

### **Planning Commission Deliberation & Decision**

*No public testimony is permitted during the Planning Commission's deliberation. The Planning Commission will normally make a recommendation or a decision on an issue following a public hearing, but may continue their deliberation to either a special meeting or the next regular meeting of the Planning Commission.*

### **Guidelines for Public Testimony:**

The Chair of the Planning Commission, as presiding officer, will recognize all speakers. If you wish to testify during the public hearing, please assist the Chairperson by abiding by the following rules:

1. State your name and address.
2. Indicate whether you support the application, oppose the application or wish to offer general testimony. Provide factual evidence and direct your testimony to the decision criteria.
3. Please keep your testimony brief and to the point. Limit comments to 3-5 minutes per person.
4. Direct any questions you have to the Chairperson. The Chairperson will direct your question to the applicant, city staff or other person who may be able to provide an answer.
5. The Chairperson may limit testimony when it is cumulative, repetitive, irrelevant or immaterial to the issues being considered.