



PROCEDURE FOR QUASI-JUDICIAL LAND USE HEARINGS BEFORE THE LAKE OSWEGO PLANNING OR DEVELOPMENT REVIEW COMMISSIONS

The following procedure for public hearings on development applications or "small parcel" zone changes has been adopted by the City of Lake Oswego, pursuant to LOC Article 50.83 and ORS 197.763. Applicants and interested persons are encouraged to familiarize themselves with these procedures, to assist in presenting testimony to the respective Commission.

A land use request involves the application of the criteria and standards listed in the staff report, which is available from staff 10 days prior to the initial evidentiary hearing, and on the night of the hearing, is available on the table in the back of the Commission hearing room. **Testimony and evidence must be directed towards the applicable criteria as listed in the staff report or such other criteria contained within the Lake Oswego Comprehensive Plan and land use regulations which you believe apply to this decision.**

Failure to raise an issue accompanied by statements or evidence sufficient to afford the Commission and the parties an opportunity to respond to the issue precludes appeal to the City Council and the Oregon Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

- At the start of the hearing, the Chair will announce the matter then to be heard.
- This hearing procedure will be orally read.
- Commissioners will be asked to declare any conflict of interest, ex parte contact (information about the application received by the Commission member outside of the hearing), and whether the Commissioner is biased. Persons may challenge the jurisdiction of the Commission to hear the matter, or of any individual Commissioner to decide the matter based on conflict of interest or bias, and may inquire into the specifics of any ex parte contact.
- Testimony by the applicant, up to 20 minutes.*
- Testimony by parties in support of the application. Individuals will be allowed up to 5 minutes; groups and neighborhood associations will be allowed up to 10 minutes.* #
- Testimony by parties opposed to the application. Individuals will be allowed up to 5 minutes; groups and neighborhood associations will be allowed up to 10 minutes.* #
- Testimony by parties neither in favor of nor opposed to the application. Individuals will be allowed up to 5 minutes; groups and neighborhood associations will be allowed up to 10 minutes.* #
- Applicant's rebuttal, up to 5 minutes.*

* These time limits do not include time spent responding to questions from the Commission. Testimony by attorneys, representatives, and witnesses on behalf of or which are part of the presentation by an applicant or other interested person shall be counted within that person's time limit.

Any person in attendance may cede his or her time for testimony to another person, but in no case shall any person's testimony be increased to greater than 10 minutes.

- Prior to closing the evidentiary public hearing a party who testified before the Commission may request an opportunity to present additional evidence. If the party so requests, the Commission shall determine whether the public hearing shall be continued to a date certain not less than seven days later, or whether the record shall remain open for at least seven days after the hearing, to enable the submission additional written evidence or testimony.
- Unless waived by the applicant, the Commission will allow the applicant at least 7 days after the record is closed to all other parties to submit final written arguments in support of the application. This information shall be considered part of the record, but shall not include any new evidence.
- The Commission will then deliberate. If the Commission is proposing to include any conditions of approval different than contained in Staff report, the Applicant shall be informed of the proposed condition and provided an opportunity to raise any constitutional objection to the Commission's proposed conditions of approval.
- A Commissioner will then propose a motion for consideration of the Commission. If the motion receives a majority of the Commissioners present and voting, the motion shall be the tentative decision of the Commission.

The final decision will be made upon the adoption of the written findings, usually at the Commission's next regular meeting date and time.