

ORDINANCE NO. 620

AN ORDINANCE PRESCRIBING PROCEDURES FOR EVIDENTIARY HEARINGS

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: In all evidentiary hearings before the City Council, Planning Commission, Design Review Board or other Board, Commission, Committee or City agency, the following procedures for the conduct of the hearings are prescribed:

1. All interested persons in attendance shall be heard on the matter for hearing, and this fact shall be communicated to those in attendance.

2. A summary of the application or other matter for hearing shall be given by the presiding officer or someone appointed by him or her.

3. The staff report, if any, shall be made.

4. Questions, if any, by the hearing body of the staff.

5. Testimony shall be received in the following order:

- a. Applicant
- b. Proponents
- c. Opponents
- d. Rebuttal by proponents
- e. Others

6. Close public hearing.

7. Questions, if any, by the hearing body

8. Discussion by the hearing body.

9. A decision shall be made by the hearing body, except, however, that further discussion and/or decision by the hearing body may be postponed to another meeting, the time, date and place of which shall be announced before adjournment.

10. All persons who speak at such hearing shall identify themselves by name, address and interest in

the matter. Attorneys or others shall be allowed to speak on behalf of proponents or opponents.

11. Written Briefs by any interested party, their attorney or other agent will be accepted if filed with the secretary or clerk of the hearing body at least three (3) days prior to the hearing.

12. A record made at any prior evidentiary hearing may be accepted, considered and used by the hearing body at any subsequent hearing; and said body by majority vote of a quorum present may deny to accept or hear any repetitious matter.

Section 2: In view of the requirements of ORS 227.170 which provides that "The city council shall prescribe one or more procedures for the conduct of hearings on permits and zone changes;" and in view of the decision of the Court of Appeals in the case of Adam vs. City of Scappoose, et al, 27 Or. App. 219 (1976), an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon final reading and enactment by the Council.

Passed on first reading at a regular meeting of the City Council held on the 6th day of April, 1977; ordered posted in the manner and for the time required by the City Charter and to come up for final reading and action of the City Council at a *Regular* meeting thereof to be held on the *4* day of *MAY*, 1977, at the hour of 8:00 P.M. at the Council's regular meeting place at the City Hall.

X *Robert E. Rapp*

ROBERT E. RAPP - Mayor

ATTEST:

Harold A. Wyman

HAROLD A. WYMAN - City Recorder

Passed on second and final reading by the City Council at a *Regular* meeting thereof on the *4th* day of *May*, 1977, by the

following vote: Yeas 5. Nays 0.

Robert E. Rapp
ROBERT E. RAPP - Mayor

ATTEST:

Harold A. Wyman
HAROLD A. WYMAN - City Recorder