

**PRELIMINARY STATEMENT FOR A
QUASI-JUDICIAL PUBLIC HEARING BEFORE
THE DESCHUTES COUNTY BOARD OF COMMISSIONERS**

- The applicants have the burden of proving that they are entitled to the approval requested.
- Testimony and evidence at this hearing must be directed toward the approval criteria, as well as toward any other criteria in the comprehensive land use plan of the County or land use regulations which any person believes apply to this decision.
- Failure on the part of any person to raise an issue with sufficient specificity to afford the Board of County Commissioners and parties to this proceeding an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. Additionally, failure of the applicant to raise constitutional or other issues relating to the approval with sufficient specificity to allow the Board to respond to the issue precludes an action for damages in circuit court.
- The Board's decision on this application will be based upon the record before the Hearings Officer, the Hearings Officer's decision, the Staff Report and the testimony and evidence presented at this hearing.
- The hearing will be conducted in the following order.
 1. The staff will give a report.
 2. The applicant presents testimony and evidence.
 3. Proponents and opponents testify and present evidence.
 4. The applicant presents rebuttal testimony.
 5. At the Board's discretion, if the applicants presented new evidence on rebuttal, opponents may be recognized for a rebuttal presentation.
 6. Staff will be afforded an opportunity to make any closing comments.
- The Board may limit the time period for presentations.
- If anyone wishes to ask a question of a witness, the person may direct the question to the Chair. The Chair is free to decide whether or not to ask such questions of the witness.
- The grant of a continuance or record extension shall be at the discretion of the Board.

- If the Board grants a continuance, it shall continue the public hearing to a date certain.
- If, at the conclusion of the hearing, the Board leaves the record open for additional written evidence or testimony, the record shall be left open to a date certain for submittal of new written evidence or testimony.
- If the hearing is continued or the record left open, the applicant shall also be allowed a period to a date certain after the record is closed to all other parties to submit final written arguments but no new evidence in support of the application.
- Commissioners must disclose any ex-parte contacts, prior hearing observations, biases or conflicts of interest. Does any commissioner have anything to disclose and, if so, please state the nature and extent?
- Does any party wish to challenge any Commissioner based on ex-parte contacts, biases or conflicts of interest?

QUASI-JUDICIAL HEARING OPENING PROCESS:

1. **CHAIR:** “This is the time and place set for the consolidated hearings on File Nos. 247-14-000395-TP, 396-SP, 397-LM and 247-15-000206-A and File Nos. 247-14-000391-TP, 392-SP, 393-LM, and 207-A.”
2. **CHAIR** to CDD staff: “Staff will outline the hearing procedures that will be followed.”
3. **CDD STAFF** informs the audience as follows:
 - The hearings body – the Board of County Commissioners, in this case - will take testimony and receive written evidence concerning two applications:
 - The applicant, Kine and Kine Properties, is requesting approval of an eight-lot, zero-lot-line subdivision. It is identified as Tax Lot 1600 on Deschutes County Assessor's Map 18-11-22DA, and is located at the intersection of Seventh Mountain Drive and Elkai Woods Drive. This is known as the “pool” application.
 - The applicant, Kine and Kine Properties, is requesting approval of a nine-lot, zero-lot-line subdivision. The subject property is identified as Tax Lot 2001 on Deschutes County Assessor's Map 18-11-00. The area proposed for the subdivision consists of 0.9 acres located between Seventh Mountain Drive and first fairway of Widgi Creek Golf Course. This is known as the “fairway” application.
 - All testimony shall be directed to the hearings body
 - At the conclusion of this hearing the hearings body will deliberate towards a decision or continue the hearing or deliberations to a date and time certain
 - The hearing will proceed as follows:
 - staff will provide a brief report
 - the applicant will present its testimony and evidence
 - the opponent (and/or proponent) will present its testimony and evidence
 - any other interested persons will then present testimony or evidence
 - the applicant, as the party bearing the burden of proof, will then be afforded an opportunity to present rebuttal testimony
 - if requested by the hearings body, staff will provide closing comments
4. **CDD STAFF:** “A full written version of the hearing procedures is available at the table at the side of the room.”

5. **CDD STAFF:** “Commissioners must disclose any ex-parte contacts, prior hearing observations, biases, or conflicts of interest. Does any Commissioner have anything to disclose and, if so, please state the nature of same and whether you can proceed?”
6. **BOARD:** The hearings body discloses conflicts or ex-parte contacts and states whether they are withdrawing from the hearing or whether they intend to continue with the hearing.
7. **CDD STAFF:** “Does any party wish to challenge any Commissioner (member of the hearings body) based on ex-parte contacts, biases, or conflicts?”
8. **CHAIR:** open the hearing and direct staff to proceed with brief staff report.