

**CITY OF SHADY COVE**  
**PLANNING COMMISSION MEETING**

**CITY HALL, 22451 HIGHWAY 62**  
**Thursday, July 22, 2010 at 6:30 p.m.**

Agenda

1. Roll Call
2. Announcement - Meeting is being digitally recorded.
3. Open continued Public Hearing. Application: To consider a Zone Change Application ZC 10-01 for property located at the end of Brophy Way, Assessor's Map No. 34-1W-28, Tax Lots 400 and 402. Parcel 2: 14.69 acres, and Parcel 3: 4.90 acres, totaling 19.59 acres. The request is for approval of a Zone Change from Public (P) to Medium Density Residential (R-2). Applicant: Flywater, LLC.

Continuation was set due to the need for a traffic impact study. The Traffic Impact Analysis is complete and has been presented to the Planning Commissioners. Due to the size of the document, additional copies can be obtained or read at City Hall.

- A. Read Public Hearing Opening Statement.
- B. If you would like to speak before the Commission, please sign the sheet on the table.
- C. Jurisdiction Question.
- D. Conflict of Interest.
- E. Ex Parté Contact.
- F. Site Visit.
- G. Staff Comments.
- H. Applicants' Testimony/Proponents' Testimony/Commission Questions.
- I. Opponents' Testimony/Commission Questions.
- J. Final Staff Comments.
- K. Close/Continue Hearing.

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4. Deliberations/Discussion/Decision.
5. Commissioners Comments
6. Adjournment.

# **CITY OF SHADY COVE**

## **PUBLIC HEARING OPENING STATEMENT/RULES OF CONDUCT**

### **Planning Commission / Legislative Hearing**

We are holding one Public Hearing during this meeting. The Hearing will be digitally recorded. The hearing is legislative because it involves an amendment to the Comprehensive Plan Map.

This hearing shall be conducted in accordance with the land use procedures required by the Shady Cove Comprehensive Plan and applicable ordinances, as well as those of the State of Oregon. The decision of the Planning Commission will be a recommendation to the City Council for approval or denial of the request.

For all hearings, the applicable criteria are listed on the printouts available on the table. These are the criteria that the Planning Commission must use in making a decision. All testimony and evidence must be directed toward these criteria, or others as applicable in the Comprehensive Plan or land use regulation which the person testifying believes to be relevant to these hearing issues. When offering testimony, please relate your presentation to the listed criteria.

Failure to raise an issue, accompanied by statements or evidence sufficient to afford the Planning Commission and the applicants an opportunity to respond to the issue, shall preclude appeal to the City Council and Oregon State Land Use Board of Appeals based on that issue.

If additional documents or evidence are provided by any party, the Commission may allow any party involved in the hearing a continuance of the hearing, or they may leave the record open, to allow the party a reasonable opportunity to respond.

Any participant may request, before conclusion of the evidentiary hearing, an opportunity to present any additional evidence or testimony. The Commission shall grant the request by either continuing the public hearing—to a date, time and place certain, at least seven (7) days from the date of the initial evidentiary hearing—or by leaving the record open for at least seven (7) days for additional written evidence or testimony.

If the hearing is continued and 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 (7) days to submit additional written evidence or testimony in response to the new written evidence.

If the Commission chooses to leave the record open rather than continue the hearing, any participant may file a written request to reopen the record to respond to any new evidence submitted while the record was left open. The applicant is allowed at least seven (7) days, after the record is closed to all other parties, to submit final written arguments—but **no new** evidence—in support of the application.

For this hearing, the following procedures shall be followed:

- ◆ City staff will describe the proposal and summarize its proposed findings.
- ◆ The Applicant shall present evidence and argument demonstrating why the application should be approved.
- ◆ All **Proponents** may present evidence and argument.
- ◆ All **Opponents** may present evidence and argument.
- ◆ Due to the applicant's responsibility of demonstrating why the application should be approved, the applicant may respond to any opposing testimony, but no **new** evidence will be accepted, as there is no further opportunity for the opponents to speak.
- ◆ If the Planning Commission decides that all necessary evidence has been presented, the hearing will be closed. If the Commission decides it needs more information, the hearing will be continued to a specified place, date and time.

Each person offering comments during this hearing must state his or her name and address, and write that same information on the sign-up sheet found on the table. We wish to hear from everyone who is interested in the proposal. However, we request that you do not infringe on someone else's speaking time by repeating evidence already provided.

Because the applicant has the burden of demonstrating that the application should be approved, the applicant, including consultants, will be allowed fifteen (15) minutes to present their case. All other persons testifying shall have three (3) minutes. A group can select a spokesperson to speak for no longer than 15 minutes. The applicant will then have five (5) minutes for rebuttal. Any time spent answering questions from the Commission will not be considered as part of the speaker's allotted time.