

# YAMHILL COUNTY CODE

## TITLE 2: COUNTY ADMINISTRATION

### **Chapter 2.65: Yamhill County Public Hearings Procedure Code**

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#### LEGISLATIVE HISTORY

**2.65.01 Short Title.** This Chapter shall be known as the “Hearings Procedure Code” and may be so cited and pleaded.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

#### **2.65.02 Purpose, Policy, Scope.**

- It is declared to be in the public interest and policy of Yamhill County to establish uniform procedures for the conduct of public hearings for the transaction of public business before an Approving Authority, or as otherwise directed by the Board.
- Such uniform procedures for the conduct of public hearings will protect the health, safety, and welfare of the people of Yamhill County and provide a coordinated procedure for all citizens who wish to have input at Yamhill County public hearings.
- This Hearings Procedure Code does not apply to legislative hearings, or hearings that are otherwise legislative actions.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

#### **2.65.03 Definitions.**

- “**Approving Authority**” means the Board, a County advisory board, committee, task force, or commission, or a duly appointed hearings officer.
- “**Board**” means the Yamhill County Board of Commissioners.

- c) “**County**” means Yamhill County.
- d) “**County Counsel**” means the County’s chief legal advisor, or a designee thereof.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

**2.65.04 Notice.** Notice of a public hearing shall be provided as required in state statute or County Code.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

**2.65.05 General Conduct of Public Hearings.**

- a) No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- b) No proponent or opponent shall speak more than once without obtaining permission from the presiding officer at the first available opportunity.
- c) No person shall testify without first receiving recognition from the presiding officer and stating their full name and residence address.
- d) There shall be no audience demonstrations, such as applause, cheering, display, or signs., or other conduct disruptive of the hearing.
- e) Members of an Approving Authority, and, with the approval of the presiding officer, County Counsel and any other officer or employee of the County, may question and cross-examine any person who testifies.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

**2.65.06 Presiding Officer.**

- a) The elected chairman shall be the presiding officer at all hearings. In their absence, the vice-chairman shall act as presiding officer at a hearing. If neither the chairman nor the vice-chairman is present, the Approving Authority shall select a temporary chairman from the members present. Such chairman shall have all the duties and responsibilities of the chairman for the duration of the hearing.
- b) The presiding officer shall have authority to:
  - (i) Regulate the course and decorum of the hearing;
  - (ii) Dispose of procedural requests or similar matters;
  - (iii) Rule on matters of proof and relevancy of evidence and testimony;
  - (iv) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations, cross-examination of witnesses, and rebuttal testimony; and
  - (v) Take such other action authorized by the Approving Authority appropriate for conduct commensurate with the nature of the hearing.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

**2.65.07 Right to Representation; Cross Examination.** Any person attending a public hearing shall have the right to be represented by counsel. However, neither counsel nor any other individual at the hearing shall have the right to directly question or cross examine any speaker testifying at the public hearing. Counsel or other individuals, however, shall have the right to present questions in writing to the presiding officer who, personally, or through County Counsel, may request an answer to such questions of any such speaker. The presiding officer, however, maintains sole discretion over the decision to allow cross examination of speakers by members of the audience.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

**2.65.08 Order of Procedure.** The public hearing shall be conducted in the following order:

- a) Commence the Hearing. The presiding officer shall announce the nature and purpose of the public hearing and summarize the rules for the conduct of the hearing.
- b) Call for Abstentions. The presiding officer shall inquire of the Approving Authority whether any member thereof wishes to abstain from participation in the hearing. Any member then announcing their abstention shall identify the reasons for abstaining and shall not participate in discussion of the proposal or vote on the proposal.
- c) Objections to Jurisdiction. The presiding officer shall inquire of the audience whether there are any objections to the jurisdiction of the Approving Authority to hear the matter and, if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing

if the inquiry results in substantial evidence that the Approving Authority lacks jurisdiction. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the Approving Authority.

- d) Staff Report and Summarization. The presiding officer shall request presentation by the appropriate County staff member to summarize the nature of the decision before the Approving Authority, explain any graphic or pictorial displays which are a part of the record, summarize staff reports and findings or recommendations of advisory committees (if any), and provide such other information as may be requested by the Approving Authority. The presiding officer may then call upon additional County staff or officials to provide additional information relevant to the matter before them.
- e) Public Agencies. The presiding officer shall allow representatives of any city, county, state agency, regional authority, or municipal or quasi-municipal corporation existing pursuant to law, to be heard next.
- f) Proponents' Testimony. The applicant (if any) or designated representative shall explain the position of the applicant, reasons for the application, and introduce statements or exhibits in support of the application. If there is no applicant or applicant's representative, a representative of the proponents of the subject matter of the public hearing who wish to make a statement or introduce exhibits in favor of the decision may do so upon recognition by the presiding officer. Following the applicant or representative, or the representative of the proponents, if any, anyone in attendance who wishes to make a statement or introduce exhibits in favor of the subject matter of the hearing may do so upon recognition by the presiding officer.
- g) Questions for Proponents. The presiding officer shall allow members of the Approving Authority, County Counsel, and, upon recognition, any other officer or employee of the County to submit questions to proponents who have testified. Proponents shall be given a reasonable time to respond solely to the questions.
- h) Opponents' Testimony. Following the statements of those in support of the issue, anyone in attendance who wishes to speak in opposition to the subject matter of the hearing and introduce statements or exhibits may do so upon recognition by the presiding officer.
- i) Questions for Opponents. The presiding officer shall allow members of the Approving Authority, County Counsel, and, upon recognition, any other officer or employee of the County to submit questions to opponents who have testified. Opponents shall be given a reasonable time to respond solely to the questions.
- j) Rebuttal Evidence. The presiding officer shall allow the proponents to offer rebuttal evidence and testimony.
- k) Staff Recommendation. County staff shall present their final recommendations, if any.
- l) Close of Hearing and Deliberation. The presiding officer shall conclude the hearing, and the Approving Authority shall deliberate the matter before them. The Approving Authority shall either make its decision and state its findings, which may incorporate findings proposed by the proponents, opponents, County staff, or advisory committees, or it may continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation and shall not allow for additional submission of testimony, except upon decision of the Approving Authority, though members of the Approving Authority may request specific information from the proponents, opponents, or other officials and members of the audience.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

**2.65.09 Appeal.** A proponent or an opponent shall have the right to appeal a decision of an Approving Authority as provided in state statute or County Code.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

### **2.65.10 Record of Proceedings.**

- a) County staff shall cause the proceedings to be stereographically or electronically recorded. It shall not be necessary to transcribe testimony unless required for judicial review or unless ordered by the Approving Authority.

- b) The presiding officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering same and whether presented on behalf of proponent or opponent. Unless evidence is capable of being offered and incorporated into the record of the case, it shall not be received. All exhibits received into evidence shall be retained by the County until after any applicable appeal period has expired, at which time, the exhibits may be released upon written demand to the person identified thereon.

[ADOPTED VIA ORDINANCE NO. 933 eff 04/04/24]

## LEGISLATIVE HISTORY

Adopted via Ordinance No. 933 on 04/04/24, effective 04/04/24