

## Being A Party: Adversely Affected or Aggrieved<sup>1</sup>

**RLDC 31.100 - PARTIES** A. Person(s) speaking at the hearing shall identify themselves as:

1. A witness only; or
2. A party as defined in Section 11.030; or
3. A county or other public official.

B. Persons appearing at a hearing either orally or in writing (including those representing an organization) shall state at the beginning of their testimony the facts which support their status as a party (as defined in Section 11.030) or a witness:

1. Persons who were not entitled to notice, but who claim party status because they will be adversely affected or aggrieved by the decision, shall identify and document the facts showing how they will be adversely affected or aggrieved. Persons who fail to do so shall be witnesses;

2. At the close of their statement of facts on how they will be adversely affected or aggrieved, the presiding officer will promptly rule on whether that person will be treated as a party or not;

3. The ruling of the presiding officer on this point shall be

the ruling of the hearing body unless the hearing body votes to overruled the presiding officer.

4. After party and/or witness status has been determined, anyone challenging the ruling shall be heard immediately and the presiding officer (or the hearing body) may change its decision on party status.

**Disclaimer.** This brochure is as much about providing information and provoking questions as it is about opinions concerning the adequacy of findings of fact and land use decisions. It does not provide recommendations to citizens and it is not legal advice. It does not take the place of a lawyer. If citizens use information contained in this paper, it is their personal responsibility to make sure that the facts and general information contained in it are applicable to their situation.

## Josephine County Rural Land Development Code (RLDC)<sup>1</sup>

**RLDC 11.030. Terms Defined. PARTY.** A person or organization who meets the following criteria:

- A. Participates in the hearing or review either orally or in writing; and
- B. Either:
1. Was entitled to notice of the application prior to the hearing or review; or
  2. Would be adversely affected as defined in Section 11.030 by a final action of the Review or hearing body.

RLDC 11.030 is more restrictive than RLDC 31.100.B as it does not include aggrieved parties. RLDC 31.100.B is the correct definition of parties.

**RLDC 11.030. Terms Defined. ADVERSELY AFFECTED. See SIGNIFICANT (ADVERSE) IMPACT**

**RLDC 11.030. Terms Defined. SIGNIFICANT (ADVERSE) IMPACT.** A criterion used to determine whether proposed landuse activities will inappropriately affect the use or quality of other properties or public facilities. Impacts are significant when they cause serious adverse effects to, or conflict with, other properties in ways that cannot be reasonably mitigated through the imposition of conditions of development or operation. The review body shall judge the significance of impacts based on what a reasonable person would consider serious given the facts and circumstances of the application.

1. Josephine County. Revised October 2001. *Josephine County Rural Land Development Code*. Grants Pass, OR.

## Parties are Opponents<sup>1</sup>

**RLDC 31.120. ORDER OF PROCEDURE**

**RLDC Section 31.120.H. Opponent's Case.** The presiding officer shall allow opponents to comment and present evidence in opposition to the proposal as follows:

1. 10 minutes for a representative of the opponents to make introductory comments and present evidence;
2. 5 minutes for each witness or party to speak in opposition to the proposal;

**RLDC Section 31.120.I. Surrebuttal.** The presiding officer shall allow the applicant to cross-examine the opponent

by addressing questions to the presiding officer, and otherwise rebut any new matters presented by the opponents or their witnesses. The hearing body may allow the opponent to offer surrebuttal to the applicant's rebuttal if:

1. The applicant provides new arguments, issues or evidence in the rebuttal; and
2. The opponent's responses are specifically limited to the new arguments, issues or evidence submitted in rebuttal only.

Opponents are: parties, representative of opponents, and witnesses.

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**LDC Section 31.120.K. Summation.** The presiding officer shall allow the proponent and opponent 5 minutes, or other reasonable time limit determined by the hearing body, to summarize their arguments.

**More Information.** Would you like to learn more about citizen involvement in land use planning? Contact a member of the Land Use Committee of the *Hugo Neighborhood*.

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## Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the Hugo Neighborhood Association & Historical Society (*Hugo Neighborhood*). It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life by promoting an informed citizenry in decision-making. The *Hugo Neighborhood* is an informal nonprofit charitable and educational organization with a land use and history mission promoting the social welfare of its neighbors.

### Land Use & History

The *Hugo Neighborhood's* land use mission is promote Oregon Statewide Goal 1 — Citizen Involvement, and by preserving, protecting, and enhancing the livability and economic viability of its farms, forests, and rural neighbors. It will act, as requested, as a technical resource assisting neighbors to represent themselves.

On January 2003 we began the concept of volunteer membership dues. They are \$10.00 annually and will be used for paper, ink, envelopes, publications and mailings. Make checks to the *Hugo Neighborhood* and send them to a member of the Land Use Committee. Send us your e-mail address if you want to know what we are doing.

*Hugo Neighborhood Association*  
Web Page: <http://jeffnet.org/~hugo/>  
Edited by Mike Walker

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**Wayne McKy, Member**  
Land Use Committee  
Hugo Neighborhood Association & Historical Society  
6497 Hugo Road  
Grants Pass, Oregon 97526  
541-476-4006

**Mike Walker, Member**  
Land Use Committee  
Hugo Neighborhood Association & Historical Society  
681 Jess Way (street)  
3388B Merlin Rd #195 (mail)  
Grants Pass, Oregon 97526  
541-471-8271

**Hal Anthony, Member**  
Land Use Committee  
Hugo Neighborhood Association & Historical Society  
3995 Russell Road  
Grants Pass, Oregon 97526  
541-476-4156

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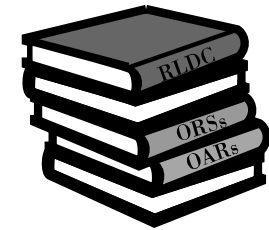
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## A Opponent Party's Right To Give Testimony



Public Hearing Series



### OPPONENT PARTY TESTIMONY RIGHTS:

**RLDC Section 31.120.H. Opponent's Case**  
**RLDC Section 31.120.I. Surrebuttal**  
**RLDC Section 31.120.K. Summation**

**November 14, 2003**

*Land Use Committee*

**Hugo Neighborhood Association & Historical Society**

**Member of the CACNA Coalition**