Please advise the parties of the following:

I have read opponent John Clarke’s letter dated Sept 26, 2013, in which Mr. Clarke seeks to reopen the record to respond to new evidence submitted by the applicant during the open-record period closing on Sept 20, 2013. This request has been made pursuant to ORS 197.763(6)(c), which states:

“If the hearings authority leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings authority shall reopen the record pursuant to subsection (7) of this section.”

ORS 197.763(7) provides as follows:

“When a local governing body, planning commission, hearings body or hearings officer reopens a record to admit new evidence, arguments or testimony, any person may raise new issues which relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue.”

I agree that the record should be reopened for a period of seven days, starting today, in order to respond to the new evidence set forth in Robert Braddock’s letter (as summarized in Mr. Clarke’s letter dated Sept. 26, 2013). The record will close at close of business, Oct 4, 2013. Any participant to this case will be allowed to submit "new evidence, arguments or testimony," to "respond" to any new evidence that was submitted during the open record period which ended on Sept 20, 2013. See Friends of Hood River Waterfront v. City of Hood River, ___ Or LUBA ___ (LUBA No. 2012-050, March 13, 2013). Any evidence, arguments or testimony submitted during this fourth open-record period that does not relate to so-called “new evidence” that was submitted during the second open record
period may be rejected.

The applicant’s final argument shall be due at close of business, October 11, 2013.

Sincerely,

Andrew Stamp

From: Amy Dibble
Sent: Friday, September 27, 2013 9:27 AM
To: andrewstamp
Subject: FW: Coos County File SP-12-02; Appeal 13-01/02

Andrew,

We received this email yesterday from Mr. John Clarke asking to reopen the record.

If you have any questions please give the Planning Department a call.

Thank you,
Amy

From:
Sent: Thursday, September 26, 2013 5:10 PM
To: Planning Department
Subject: Coos County File SP-12-02; Appeal 13-01/02

Please transmit the attached letter to Hearings Officer Andrew Stamp