

27.6.4 LUBA Procedures/Rules – Evidentiary Hearings – Procedures. A motion to take evidence under OAR 661-010-0045 is warranted only for one or more of the limited bases set out in OAR 661-010-0045(1). If granted, the motion allows new evidence to be admitted into LUBA’s record only for those limited purposes; such evidence is not admitted into the local evidentiary record and cannot be cited to support or undermine findings of compliance with applicable approval criteria. *Conte v. City of Eugene*, 77 Or LUBA 547 (2018).

27.6.4 LUBA Procedures/Rules – Evidentiary Hearings – Procedures. The Board will deny a motion to take evidence of alleged *ex parte* contacts where, in the absence of the parties’ briefs, it is not clear that the alleged contacts relate to the local government decision. In most cases, the appropriate posture in which to file a motion for evidentiary hearing is after the briefs have been filed, when the legal arguments and disputed allegations of fact are more clearly identified. *Halvorson Mason Corp. v. City of Depoe Bay*, 38 Or LUBA 949 (2000).