

**Tips for Providing
Effective Testimony at
Land Use Hearings**



City of West Linn
Commission for Citizen Involvement

Participating in Land Use Decisions

The City of West Linn encourages, promotes, and uses citizen input in its decision making. You can influence land use matters within the City of West Linn by providing comments on proposed land use proposals. This guide is intended to assist anyone who wishes to testify before the Planning Commission or City Council on a specific land use matter. This guide is not a comprehensive list of all of the rules and procedures governing the land use process. We know that these can be confusing **so**

you are encouraged to contact the City planning staff if you have any questions about an application, the approval process, or the Community Development Code (“CDC”).

When considering your comments, you should understand that the Planning Commission and City Council decisions are based on how well the proposal meets the requirements in the CDC. The decision making body can only consider testimony that speaks to the relevant criteria.

****Quasi-judicial actions:** Generally, quasi-judicial actions involve the application of existing law or policy to a small geographical area. For example, a residential subdivision, a site plan for a commercial use, or a variance application.*

Specific tips on providing the most effective testimony

Preparing Testimony: Know what you want to say. Be factual in your testimony. Review the Staff Report and staff recommendation, including any proposed conditions of approval. The City’s website, <http://westlinnoregon.gov/planning/> has helpful background information on the project, including the application, site plans, pre-application notes and the Staff Report (which will be available for review in person at City Hall or online at least 10 days prior to the hearing). The Staff Report will include: facts about the subject site, a description of the proposal, the major issues to be considered, the specific approval standards – called criteria, as well as the rationale behind the staff recommendation. The Staff Report will cite the exact relevant sections of the CDC so review them carefully and base your comments on those requirements.

Remember to stick to the issues and criteria of the application or to criteria you think should be addressed. Your local neighborhood association (ask the planning department which neighborhood association you belong to) likely has people knowledgeable about the City’s land use processes and often proves to be an excellent source of data, information, and potential help on land use cases.

Know what to expect at the hearing. You may want to consider watching a Planning Commission or City Council hearing on our local cable channel to help familiarize yourself with the hearing procedures. The City’s website also includes a downloadable video archive of dozens of previous Planning Commission and City Council hearings that you can view online.

Providing testimony at the hearing. Public hearings are usually held in the City Council Chambers on the second floor of City Hall. Testimony sheets are available on a table outside the Chambers. Please fill in all of the requested information. You may write comments on these sheets for the Commission or Council to consider even if you do not want to testify orally. If you have indicated a desire to comment, your name will be called

during the public comment portion of the hearing. To receive a copy of the final decision, you must provide your name and address.

Use your own words. Most people are more comfortable and effective when using clear, direct language. Do not feel you need to use legal jargon when preparing your comments. Speak directly into the microphone. It often helps to create an outline of your testimony. Base your outline on the relevant approval criteria. How does the proposal meet or not meet the approval criteria? It's also a good idea to rehearse and note how long it takes you to make your comments. Typically, testimony is limited to 3 minutes to ensure that all present have an opportunity to testify (although you may request more time from the Chair). Please, remember that personal attacks toward any participants, including those running the meeting, city staff, the applicants, or any audience members, are inappropriate and tend to draw attention away from the important points you wish to make. You should direct your comments directly to the decision making body (Planning Commission or City Council) rather than staff, the applicant, or other people that testified.

Be complete, but concise. Decision makers are generally inundated with information. They appreciate short, concise comments. Presenting them with 50 pages of material on the night of the meeting does not afford them enough time to adequately review the information you want them to have. If you are providing oral testimony, it is helpful to the hearing participants to receive a copy or outline of your comments. This is a good strategy for expanding on limited time at the podium. Some testifiers deliver a shorter version of a longer written piece that they hand out. It's helpful to bring 15 copies of your written materials.

Be clear about your position. Do you agree with the staff recommendation? If not, what parts do you oppose? Instead of repeating information that you feel has been adequately addressed by someone else, state your agreement with another's comments. It's more than OK to disagree with the staff recommendation or any testimony provided at the hearing; the decision makers want to hear from all sides.

Testifying as a Group. If you are representing a group of people or an organization, state this fact at the outset of your presentation. Your testimony should clarify your role and interest in the application. Instead of each group member restating the same issue, it is much more effective to have each group member address a different issue and to state that they support the previous testimony on an issue.

Visual Aids. You may supplement your oral or written testimony with presentation boards, maps, photos, or PowerPoint presentations. Once presented at a public hearing, any boards, photos, maps, etc. must remain with the City as part of the official record (so make copies for yourself, because you won't be able to take them home with you). If you are making a presentation via computer, the presentation must be delivered to City Staff 48-hours prior to the meeting. Please coordinate the details with Staff well in advance of the meeting.

Procedural Facts

Continuation of hearings. It is not uncommon for public hearings to be postponed, or continued, to a later date. Prior to the conclusion of the initial evidentiary hearing at the Planning Commission, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application and the hearings authority must grant such a request. In this case, the public hearing is continued to a specific date.

How is a decision made? After discussion, the decision making body will vote on a motion(s) to either approve, approve with conditions, or deny the application. A majority vote is required on the motion. The

decision may occur at the initial hearing or at a later public meeting. All decisions must be made at a public meeting.

Who is notified of the final decision*? The Planning Department will mail the final decision to the applicant and all persons who provided testimony or requested a notice of the decision.

**Final decision: All quasi-judicial decisions will result in a written final decision by the appropriate approval authority which is appealable to all parties with "standing".*

Appeal opportunities. All land use decisions made in the City are appealable. **Remember- only persons with "standing" may appeal a decision.** Generally, if you testified at the public hearing, or provided written testimony, you have standing.

Appeals of Planning Commission decisions are heard by the City Council and appeals of Council decisions are heard at the State level. There are different rules for each type. For example, the State requires that an issue must have been raised at the lower level in order to be considered on appeal.

Interested in appealing a decision? Please contact City Staff as soon as possible so that we can explain the appeal process and direct you towards the applicable requirements. In certain circumstances, your neighborhood association can also appeal decisions (often without any fees), so you are encouraged to contact your neighborhood association to discuss an appeal through them as well.

For Further Information

City of West Linn Planning page:

<http://westlinnoregon.gov/planning>

Access the Community Development Code:

<http://westlinnoregon.gov/cdc>

Applicable Oregon Revised Statutes (ORS):

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors197.html

Want to receive email notifications from the City on specific topics? Register for our "e-notifications":

<https://westlinnoregon.gov/e-news>

Contact the West Linn Planning Department:

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