

How to Testify at Land Use Hearings

A Resource for Citizens

This brochure was originally written by the Oregon Citizen Involvement Advisory Committee (CIAC), which advises the Oregon Land Conservation and Development Commission (LCDC) on matters pertaining to citizen involvement. *(It has been modified by City of Pendleton staff)* The original brochure is available for downloading on the Oregon Department of Land Conservation and Development (DLCD) website at:
<http://www.oregon.gov/LCD/publications.shtml>

Goal 1 of Oregon's Statewide Planning Goals recognizes the importance of citizen involvement "in all phases of the planning process." One of the principal ways for citizens to be involved is by testifying at local land use hearings.

This brochure is designed to help citizens prepare and deliver testimony, and be effective in these public venues.

HOW TO PREPARE TESTIMONY FOR PUBLIC HEARINGS

Various public bodies, including city councils, planning commissions, local land use and legislative committees, conduct hearings on land use matters. Voicing your opinion at these hearings is a way to influence public decisions. Carefully prepared testimony gives public officials a chance to hear directly from citizens. It also becomes part of the public record, which is a necessity for possible later appeals. Hearings are often covered by media, and offer another way to get a message out to the public. Some guidelines for preparing testimony are:

1. Understand the issue

Support your testimony with facts and how they specifically relate to the approval criteria. Review the application. Read any media reports on it; talk with City of Pendleton staff and your neighbors. Be knowledgeable about potential arguments and be prepared to counter them. The Web may be a useful tool to research planning issues.

2. Know the land use record and regulations

Review the staff report; it is a key document that will inform your testimony. Learn about the requirements for the specific action. Refer to the adopted plans, code requirements and other regulations and criteria that the Planning Commission must use. Find out if there is a local Citizen Committee or other local organization that may be a good resource to contact for advice on how to testify persuasively.

3. Prepare an outline of your testimony to use while speaking

- Develop a full written statement to leave with the body you are addressing.
- Address the full group. (i.e.: "Mr. Chair and members of the Commission...")
- Include your name and address for the record.
- Indicate if you are representing a group or yourself, and give a brief description of your interest.
- Keep your statement short. Begin by saying you support or oppose a particular agenda item, and briefly explain why. Use facts to verify your statements. Describe how this issue affects you personally, what you suggest as a solution and then summarize. Be sure to tell the committee exactly what you wish them to do. If you are opposing, your testimony must discuss why the proposal is inconsistent with the controlling law, rules or ordinances. Don't repeat yourself or ramble; keep your argument concise.

4. Know when, where and before whom you will testify

Be sure you know the facts about the public event. Check on when testimony will be taken, where the venue is and research the responsibilities of the hearing body you will be addressing. Know how much time you will have to speak (often 3-5 minutes).

5. Rehearse your testimony

Practice giving testimony in front of friends and get suggestions for improvement. Make sure your main points will be covered in the time allowed.

Put it in writing. Stick to the facts. Avoid emotional comments. Address the approval criteria. Be positive!

More tips on providing testimony at public hearings

General tips:

- Be polite and project a positive image.
- Maintain eye contact with the Planning Commission members. Prepare an outline so you do not have to read your testimony.
- Arrive early to sign up to testify. This will also allow you to listen to testimony from others and avoid repeating their points.
- Bring extra written copies of your testimony to leave behind for each Commission member.
- Dress, act and speak appropriately, so your testimony will be taken seriously.

1. Be familiar with the group's process

If possible, attend one of the group's meetings in advance of the hearing at which you will be testifying. Observe procedures and the arrangement of the room. Schedules can change at the last minute, so it is wise to verify with staff or the agency on the day of the meeting. Find out how many copies of your testimony are recommended for the particular meeting and how much time you will have to speak.

2. Address the public body formally and identify yourself

State your name and address and your position on the application (for, against or neutral) before you begin your testimony.

3. Appeal to your audience

Emphasize your commonalities with the public body and act respectfully to those with whom you disagree. The more you know about your audience, the more you can tailor your message to them.

4. Control your feelings

Try to keep your emotion in check when testifying. While you want to speak from the heart, you do not want your feelings to overshadow the content and reason of your message. Base your argument on facts, not emotion.

5. Anticipate questions

Try to anticipate questions you may receive from the Commission and the public and be prepared to answer them.

6. Thank the group

When you are finished testifying, thank the Commission members and offer to answer any questions they may have.

7. If members of a group are testifying

Group members should cover different topics, so testimony is not repetitious. Rather than having every member of your group say the same thing, some members can say they support previous testimony on a topic.

In a Planning Commission hearing, testimony is accepted in the following order:

- a. Presentation of the staff report, by City staff
- b. Questions to staff from the Planning Commission
- c. Presentation by the applicant
- d. Testimony from proponents
- e. Testimony from opponents
- f. General Testimony
- g. Applicant Rebuttal
- h. The Chair may open the hearing to additional testimony, followed by a final applicant rebuttal.
- i. Public Hearing closed for Commission deliberation. No further public testimony accepted.

Please remember that substance, not length, determines the value of your testimony. Address the approval criteria and how the proposal either does, or does not, meet those criteria. You may endorse but please do not repeat testimony of other witnesses.

Please do not comment unless you have been recognized by the Chair. Please refrain from making noises, remarks, or other actions that may distract the Planning Commission or others who may be speaking.

Failure of persons to participate in the public hearing, either orally or in writing, precludes that person's right of appeal to the city council or LUBA. Written testimony submitted prior to the hearing constitutes participation in the hearing. Phone calls and other verbal communication outside of a public hearing do not count as testimony.