



PROVIDING EFFECTIVE TESTIMONY AT PUBLIC HEARINGS FOR THE DEVELOPMENT REVIEW COMMISSION

A Resource Guide for the Public

The City of Lake Oswego recognizes the importance of public involvement in its decision and policy-making processes. One important way for the public to be involved is by testifying at public hearings before the Development Review Commission (DRC).¹ This may be a hearing for a land use decision, an appeal of a City staff decision, or a request for hearing on a Type II tree removal decision (all collectively referred to here as the Project).

While the DRC bases its decisions on whether the Project complies with applicable regulations, it also relies on public input to broaden the Commissioners' understanding of neighborhood characteristics and the public's concerns. This guide is designed to help you become familiar with the role of the DRC, the procedures of a public hearing, and to offer suggestions on how to deliver effective testimony.

PRIOR TO THE PUBLIC HEARING

You have received or seen a Notice of Public Hearing and want to learn more about the Project. Here are some tips for how to learn more:

1. Getting the Facts

Familiarize yourself with the Project by reviewing the "public record" (all related written and graphic information). Go to the City's website at www.lakeoswego.city and type the project name into the search engine. From there, click on the link titled "Public Record of File."

- For land use decisions, the Project name will look like: LU XX-XXXX.
- For a hearing on a Type II tree removal request, the Project name will look like: 499-XX-XXXXXX-TREE.

The Staff Report (available 10 days prior to the hearing) will describe the Project, analyze how it complies with applicable regulations, and list any staff-recommended conditions of approval. All of the applicant's materials will be uploaded to the Public Record of File. Materials will be labeled as E Exhibits (graphics such as site plans, tree removal plans, building elevations, etc.) and F Exhibits (written documents such as the applicant's narrative, drainage report, traffic study, etc.). The Public Record of File may also contain G Exhibits, which are written public comments about the Project. If the hearing is an appeal of a City staff decision, you can also read the appellant's statement.

¹ The DRC is a 7-member decision-making body whose volunteer commissioners are nominated by the Mayor and appointed by the City Council following an application and interview process. Commissioners are not City employees.

2. Explore & Ask Questions

If you have any questions about the Project or the hearing process, there are a number of resources to assist you. The Staff Coordinator's contact information is listed on the Notice. The City's regulations are available online at www.codepublishing.com/OR/LakeOswego. Your Neighborhood Association may be knowledgeable about the Project, and familiar with the hearing process. Drive or walk by the site (avoid trespassing!) to familiarize yourself with the area.²

3. Know the When & Where

The Notice of Public Hearing will list the date and time of the hearing. Unless specially noticed as only a "Zoom" meeting, the DRC meets in-person in the City's Council Chambers, located on the top floor of City Hall at 380 A Avenue. The Notice will also lay out the hearing procedure and time limitations for testifying.

DRAFTING EFFECTIVE PUBLIC TESTIMONY

You may provide testimony in writing (uploaded attachments can include PDFs and/or MP4 videos) or in-person/virtually before the DRC at the hearing. Here are some tips to help organize your thoughts.

1. Write it Out

Draft your comments in writing. If you'd like to present your testimony orally as well, you're encouraged to create an outline highlighting key talking points rather than reading the statement aloud word for word.

2. Content

You may be in support of the Project, oppose it, or neutral. Whatever your stance, it is important to provide testimony directly related to the regulations applicable to the Project and to use facts to support your points. Keep your comments concise, using clear and direct language. Begin by stating your stance (support, opposition, or neutral) and briefly explain why that is your stance. If you're in opposition, discuss why the proposal is not consistent with the regulations or why you disagree with City staff's analysis. Explain how the Project impacts you, your neighborhood, and/or the broader community. Remember, it's substance, not length, that brings value to your testimony.

3. Submitting Comments for Consideration

To submit your written comments, follow the directions in the Notice of Public Hearing to the public comment portal on the Project's dedicated webpage. Note that uploaded testimony (PDFs and/or MP4 videos) can be no larger than 250MB in size. After 12:00 PM on the day of the hearing, you must attend the hearing in-person or virtually to submit oral testimony. No written testimony can be accepted at the hearing itself. The DRC is occasionally inundated with information and materials from the public. If you can, submit written comments early in the comment period to give the DRC time to carefully review and digest the points you're making.

² **Please note:** Commissioners should not meet privately with the applicant, appellant, property owner, or members of the public outside of the public hearing process while a decision on the Project is pending and has not been fully resolved. Commissioners are responsible for disclosing any such interactions prior to each hearing.

4. Prior to Attending the Hearing

To assist in meeting preparation, you are encouraged to sign up to testify (in-person or virtually) prior to 12:00 PM the day of the hearing. Use this link: <https://www.ci.oswego.or.us/forms/f/ccdrcqj> to register. You may also sign up to testify in-person on the night of the hearing at the kiosk located at the entry to the Council Chambers.

- Practice your presentation to make sure it fits within the time limit (5 minutes for individuals and 10 minutes for recognized associations). (Note: time spent answering questions from the DRC is not included.) See below for ceding your time to another presenter.
- If using visual aids to supplement your testimony (photos, MP4 videos, PowerPoint, etc.), City staff must receive a digital copy by 12:00 PM the day of the hearing.
- PDF files or MP4 video files exceeding 250MB cannot be accepted via the public comment portal. Emails may contain information or attachments that are flagged by the City's spam filter. If you've submitted or emailed your comments, but did not receive a prompt reply, seek confirmation from the Staff Coordinator. You may need to resize, reformat, or resubmit content by a different method.

5. Presenting Testimony at the Hearing

Here are some tips for presenting your testimony:

- Arrive in time to hear the presentations and others' testimony.
- Introduce yourself with your name and address, and direct your comments to the DRC.
- While it may be challenging, don't let your emotions overshadow the substance of your message.
- Avoid repeating similar talking points of other speakers; instead, endorse a previous statement.
- If presenting as a part of an organization, you can divide the testimony among several people to cover different topics, but the 10-minute time limit applies to the entire group.
- Try to anticipate questions the DRC may have regarding your comments and how you would answer.
- **Please note:** The public testimony portion of a hearing is the time for the DRC to hear from the public; it is not the time to ask questions of the DRC. Rather, their role is to listen and to ask clarifying questions of staff, the applicant, and the public. If you have questions about the Project, please contact the Staff Coordinator **before the hearing**.

HEARING PROCEDURE

The Chair opens the hearing. Commissioners must disclose any conflicts of interest, site visits,³ or other knowledge or outside contact related to the Project. The Staff Coordinator gives a presentation on the facts and regulations of the Project. The Chair then calls for the applicant's testimony. Depending on the reason for the hearing, the appellant's testimony would be presented next. After this, testimony from the public is called for in the following order:

- Testimony in support
- Testimony in opposition
- Testimony that is neutral

³ Commissioners are not required to visit the site prior to the hearing and are not encouraged to undertake an independent investigation of the Project separate from the public process. Commissioners must base their decision solely on the public record. It is the applicant's burden of proof to include sufficient information in the application to demonstrate how the proposal meets applicable regulations.

Oral testimony from individuals is limited to five minutes, but that time may be extended to a maximum of 10 minutes if another person cedes their time to you. The person ceding their time must be present at the meeting and submit a City-supplied testimony ceding form to the City staff administrator.

After public testimony, the Chair calls for five minutes of rebuttal from the applicant or appellant. Unless the record is left open (a continuance is granted), the DRC then deliberates until they reach a tentative decision.

FINAL DECISION BY THE DRC

The Findings, Conclusion, and Order (abbreviated as FCO or Findings) are typically adopted at the next DRC meeting. Once the FCO are adopted, a Notice of Decision is sent to the applicant, appellant (if applicable), property owner, and everyone who testified in writing or orally (in-person or virtually). The Notice of Decision explains the appeal process for the decision.

Unless you are the applicant, property owner, or appellant, you can only appeal the decision to City Council if you submitted timely testimony (in writing or orally). Appeal fees are listed in the Notice of Decision and can be provided by the Staff Coordinator on request.

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