

## **How to Participate – Veneta Planning Commission**

At some point you will likely need to request information regarding a land use application from City staff. The following are some general comments, intended to show what to do and how to avoid the most common pitfalls when participating in a public land use process. These are aimed at Type III decisions (applications that are considered by the Planning Commission).

### **Watch for Public Notices from the City**

Watch for public notification that a development application has been submitted. You can contact Community Development Department staff or look online at [www.venetaoregon.gov](http://www.venetaoregon.gov). For Type III-V actions, public notice is published in a local newspaper (usually the Fern Ridge Tribune News) and notice signs are posted on the property a minimum of 20 days prior to the public hearing.

### **Review the application file**

Application files are public information and can be viewed by going to the Community Development Department. You can call Community Development staff to check if an application has been submitted. (Please note that City staff are generally unable to comment on a potential proposal if we have no application in hand.) Reviewing the application materials will familiarize you with the applicant's proposal. It is not uncommon for changes to be made to an application and for additional information to be submitted throughout the review period, so you may want to check the project file periodically for updates. City staff can provide most information by email, but sometimes plans and other materials may not be available electronically.

### **Understand the approval criteria**

The applicant always has "the burden of proof" to meet the approval criteria for each application. The approval criteria are the standards the decision making authority uses to evaluate the proposal. The approval criteria for all land use applications are listed in the public notice and can be found in the Development Code. The approval criteria exist so that the developer knows what must be done in order to get approved. When the project Planner prepares the staff report, they will make findings of fact that relate to each approval criterion.

### **Be polite, organized and conscientious when speaking with city staff**

Your City staff is here to process development applications; they are not the ones proposing new development. Their job is to evaluate proposals for conformance with adopted standards – not to approve or deny something based on their personal feelings. That means sometimes we have to approve proposals we don't like, and deny proposals we want.

### **Write down questions ahead of time**

Citizens frequently feel overwhelmed and even angry when they suddenly discover, for example, that a new subdivision is going in nearby. They may feel that the process that led to the development is beyond their control or is too difficult to understand.

Start with staff at the Community Development Department for general land use questions. For in-depth details of an application, ask to talk to the planner listed on the public notice as they will be most familiar with the project. It is important to be polite, organized, and conscientious when speaking with city staff. Venting frustration is not productive. If you have questions about a specific project, it helps to know how far along the project is in the approval process. It also helps to know what is allowed in the zone where the development is proposed; this information can easily be found in the Development Code and should also be cited in the staff report. This information should be available from the planner in charge of the project. Also, note that in spite of the efforts the City of Veneta has made to make the land use process more accessible to the citizenry, some frustrations may result from the process itself rather than from individual personnel.

Be aware that the Comprehensive Plan and Land Development Code exists to ensure that staff, the Planning Commission, and the City Council all follow the same rules. Those rules exist to prevent City staff from acting arbitrarily, as well as providing the regulatory framework for a development proposal. This sometimes means that the staff report may be a lot longer than the average person may want to read through, but it is useful to ensure that all approval criteria were reviewed and all steps followed.

### **Participate in Public Hearings**

The people who serve on the Planning Commission are unpaid volunteers who live or work in the city and are willing to devote their time to the city. Council members are elected volunteers and receive a modest stipend for their service. Remember that they are all ordinary people – some may be your neighbors who have had training to make these types of decisions. You may wish to testify as an individual in support or opposition of a land use application. You do not have to be the world's most eloquent speaker when giving testimony. The following points should assist you in providing effective public testimony:

**Know your facts.** Make sure they are consistent with the most current information in the application file. Know the criteria, which will be used in making a decision on this issue. Speak with the planner in charge of the application to understand the specifics of the application. Even if you plan to provide oral testimony, send in written testimony in time to be included with the application package so that it can be read by the decision-makers before the hearing. This usually means getting testimony to the planner for the application AT LEAST 10 DAYS prior to the hearing. If this cannot be done, check with the planner to see if written testimony delivered within 10 days of the hearing can still be included in the hearing packet. If that is not possible, bring at least six copies of your written testimony to the hearing to be distributed to the hearing body that night. The hearing body may not have time to fully read the testimony; however, it will be part of the record and you can refer to it in oral testimony.

**Review the Staff Report** for additional points that you need to address during your

testimony. You have prepared testimony showing where you differ from the applicant's view that the relevant criteria are met. It is also VERY important to compare your arguments with those of the staff. The staff report is published one week before the hearing and may be reviewed at City Hall in its entirety or online on the Agenda page of the city's website (the full record is typically only available in the office). If you object to one or more parts of the staff report, submit your concerns as soon as possible. Be prepared to testify on them since the decision-makers may not get them prior to the hearing date.

Practice oral testimony to make sure you can present your message clearly and stay within the time limit. Many people get nervous when testifying, but practice helps. If possible, attend a public hearing or view an archived hearing online. Understanding the process will help you prepare and give you confidence.

- Don't make any statements that you would not want to see online or in print.
- Don't make any statements that could be misinterpreted.
- Don't use sarcasm.

### **Fill out the testimony card**

In order to testify at the public hearing, a card at the sign-in table must be filled out and given to the Recorder. After turning in the card you may decide not to testify, but you will not be a party of record unless you've already submitted written testimony. If you fill out a testimony card but do not speak or provide written testimony, you will not have standing to appeal.

### **Be concise when providing testimony**

Since a hearing on a controversial application may last several hours, conciseness in the presentation is helpful. A clearly presented argument that cites the approval criteria and how the application either meets or does not meet each criterion is most effective. Anecdotal statements and value judgments not supported by evidence do not provide the level of precision necessary to make a finding.

### **Use the application approval criteria**

Keep in mind the limitations of what the hearing body can do. Decisions must be made on objective, relevant criteria. If an application meets the objective criteria, the application will likely be approved. It cannot be overstated how important it is to use the applicable criteria in your arguments. If you support an application, you must demonstrate how it meets the criteria; if you oppose it; you must show how the approval criteria are not met. You can spend two minutes or ten providing testimony, but if none of it addresses the approval criteria it can't be factored into the decision.

### **Be polite, professional, and to-the-point**

Remember that decisions are based on the approval criteria. Decision makers must balance different and sometimes conflicting interests. You may only have three minutes to provide your testimony; don't waste that time with an emotional appeal. Just because

something may be important to you or other neighbors, that does not mean it is part of the approval criteria.

Ask yourself if your testimony would be any different if the proposed development/project were in the same zone but a different location. Would your testimony be the same? Would you still support or oppose the application? All land inside the City's Urban Growth Boundary is intended for development at an urban scale; just because it has not developed yet, does not mean it will not or should not be developed consistent with what the zoning allows.

### **Explore your options in case you want to appeal**

If you wish to appeal a decision, there are certain requirements that must be met. First and foremost, you must have standing to appeal. That means you must have participated in the proceedings on the record, either by providing written or oral testimony to/at the Planning Commission or City Council public hearings. Comments on social media are not part of the record and do not count as participating. If you submitted written testimony but did not attend a public hearing, you can view all decisions on the Land Use Decisions page on the City's web site.