

Handout

“May 2, 2014 Training Workshop on *Effective Land Use Testimony*”

Effective Land Use Testimony. Take responsibility. Verify the proposed land development activity. What are the potential impacts of the proposal? Investigate. Discuss your concerns with planning staff. Be sure of your facts when presenting or preparing comments. Stick to the issues, standards, and/or criteria of the land use application. Testimony that does not address the issues and standards and/or criteria for approval will not be considered by the decision makers.

When you provide local land use testimony you are trying to persuade the local government to make a legal decision. When you file a local government land use appeal or an Oregon Land Use Board of Appeal (LUBA) appeal, you are challenging the *legal sufficiency of the local government's decision* based on the evidence that was before the local government.

The core foundation of land use testimony is the potential assignment of error (AOE). An AOE generally consists of a sentence or short paragraph that briefly identifies: 1. the local government's finding/decision, omission or aspect of the decision that is challenged and 2. cites one or more bases on which LUBA is urged to conclude that the decision is erroneous and the error(s) warrants reversal or remand. The specific numbered elements of local plans and zoning ordinances, ORSs, and OARs are not identified in the sentence or short paragraph. The summary AOE is typically followed by the rest of the AOE which are supporting arguments that include discussion of the standard of review, the applicable law and the evidence in the record that has some bearing on that applicable law. The lack of cognizable AOE's make it difficult for local governments or LUBA to read and respond to the issues or the petition for review (i.e., PFR, Petition, Brief). Noncompliance with OAR 661-010-0030(4)(d) is somewhat self-penalizing, in that LUBA cannot reverse or remand a decision based on AOE's that it does not understand.

Public Document This information handout is available via email as a pdf document. It is a public document and can be shared as determined applicable (i.e., invite your friends and neighbors to learn about representing themselves).

SCHEDULED TRAINING DATE & TIME: May 2, 2014, 10:00 a.m. - noon Training workshop, including questions and answers, for the **Sunny Valley group** was scheduled for 30 minutes starting at 10:00 a.m. Members of the Sunny Valley group are residents living in or near Sunny Valley, Oregon. Their issues and needs are presently unknown to the Trainer.

Sunny Valley Group Contacts

John Ahlf
1776 Placer Road
Sunny Valley, Oregon
541-956-2013 or 2012?
Email: john.ahlf@gmail.com

Agenda for the Friday, May 2, 2014 introductory “Effective Land Use Testimony Workshop” follows.

1. Getting to know each other.
2. Advising all neighbors that are interested, that significant web published resources are available for their consideration.
3. Trainer’s availability for future consultations on how to use the web resources.

Web Resources On Effective Land Use Testimony: May 2, 2014

Rough Notes: Training Workshop on Effective Land Use Testimony: June 19, 2013

<http://www.hugoneighborhood.org/effectivelandusetestimony.htm>

Recommendations The Trainer recommends that all those interested in providing land use testimony review and study land use educational brochures on findings, especially brochures 1 - 4. The Trainer believes that the neighbors’ interest in the Sunny Valley Sand & Gravel land use application is a long-term involvement process where time will probably be available to the interested advocates to discuss these and other information resources in the future.

“Findings” - Citizen Involvement Issues

Hugo Neighborhood Association & Historical Society

http://www.hugoneighborhood.org/Citizen_Involvement_Series.htm

1. Land Use Decisions: What Are Findings?
2. Standards and Criteria
3. Facts
4. Standards Are, Or Are Not, Satisfied
5. Must Address Relevant Issues Raised by Public
6. Conditions of Approval
7. LUBA Remand
8. LUBA Reversal

Opportunity To Learn & Provide Effective Land Use Testimony The Trainer will make himself available with small groups of two - six individuals as a followup to the May 2, 2014 workshop in his Hugo, Oregon home (681 Jess Way, Grants Pass, Oregon 97526), and/or make himself available as a telephone resource. Quite candidly, the real action in effective land use testimony is with the small study group versus the larger information group.

All Training Material Will Be Web Published What information would neighbors like web published? It does not happen quickly as our Web Master is ill, but web published material can include neighbors’ organizational information (e.g., issues, goals, objectives, organization, contacts for networking, scheduled meetings, minutes, draft & final testimony, car pooling, any applicable pdf document, etc.).

Parts of Training May Be Recorded for accuracy in developing training materials, understanding opinions and facts, minutes, future information resources, etc.

Training Handouts Single review handouts provided at the meeting are available online.

SPONSOR REPRESENTATIVES The Sunny Valley training workshop on effective land use testimony was co-sponsored by three organizations: Rogue Advocates, Hugo Neighborhood Association & Historical Society, and the Goal One Coalition. Their representatives' contact information follows.

<p>Steve Rouse, President Rogue Advocates P.O. Box 3260 Applegate, Oregon 97530 541-821-1374 Email: save@apbb.net Web Page: http://www.rogueadvocates.org/</p> <p>Nena Lovinger, President/Director Goal One Coalition 40093 Little Fall Creek Rd Fall Creek, Oregon 97438 541-741-3625 Email: hopsbran@aol.com Web Page : www.goall.org</p> <p>Wayne McKy, Chair Hugo Neighborhood Association & Historical Society 6497 Hugo Road Grants Pass, Oregon 97526 541-476-4006 Web Page: http://www.hugoneighborhood.org/</p>	<p>Information Contact/Trainer</p> <p>Mike Walker, Director Rogue Advocates P.O. Box 1318 Merlin, Oregon 97532 541-471-8271 Email: hugo@jeffnet.org Web Page: http://www.rogueadvocates.org/</p> <p>Mike Walker, Director Goal One Coalition Web Page: www.goall.org</p> <p>Mike Walker, Education Chair Officer Hugo Neighborhood Association & Historical Society Web Page: http://www.hugoneighborhood.org/</p>
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TRAINER Mike Walker, Trainer for “Effective Land Use Testimony Workshop” represented Rogue Advocates, Goal One Coalition, & Hugo Neighborhood at the May 2, 2014 meeting. Steve Rouse, President, Rogue Advocates, organized the meeting.

Mike Walker, Education Chair
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FUTURE TRAINING EVALUATION