



MEASURE: SB 452  
EXHIBIT: M  
Senate Finance and Revenue 76<sup>th</sup> Session  
DATE: 03-02-2011 PAGES: 2  
SUBMITTED BY: Vickie Hardin Woods

March 2, 2011

The Honorable Ginny Burdick, Chair of the Senate Finance and Revenue Committee  
143 State Capitol  
900 Court Street NE  
Salem, OR 97301

RE: Senate Bill 452, Local Government Land Use Appeal Fees

Dear Chair Burdick and Committee Members:

Passage of Senate Bill (SB) 452 would have a substantive negative impact on the City of Salem and other local governments by instituting statutory limitations on the fees a local government may charge for local appeals of land use decisions.

SB 452 acts on a broad assumption that the public right to local appeal of land use decisions is somehow curtailed by excessive appeal fees charged by local governments. Most jurisdictions currently adhere to strict local rules mandating a nexus between the amount of appeal fees and cost-recovery for staff time required to process an appeal, which is often equivalent to that required in processing the original land use case.

Many jurisdictions also provide some form of relief to those who cannot afford appeal fees, whereby fees are waived for recognized neighborhood organizations or low-income appellants. In the case of the City of Salem and other Oregon jurisdictions of similar size appeal fees are maintained at an artificially low level; thereby fostering access to, and citizen involvement in, the land use process. The amount a local government charges for appeal of a land use decision is therefore not of issue in the vast majority of cases, negating any perceived need for regulation.

The provisions of SB 452 set a troubling precedent whereby local government control of fees related to the delivery of services, an integral part of local government budgets and revenue forecasts, is usurped by statutory limitations. Consequently SB 452 erodes local government control over city and county budget processes. Passage of this measure would encourage a larger number of local appeals of land use decisions while

disproportionately and negatively impacting the ability of local governments to provide services to citizens. Issues of fee affordability are a local issue to be resolved by local governments, and have no place under the purview of state-level regulation.

Sincerely,



Vickie Hardin Woods  
Community Development Director  
City of Salem  
555 Liberty Street SE  
Salem, Oregon 97301