From:	Jody McCaffree
To:	Raszka Shelley; Jody McCaffree
Cc:	Sen Roblan; Sen Baertschiger; Sen Burdick; Sen Close; Sen Prozanski
Subject:	Senate Bill 251
Date:	Thursday, February 21, 2013 10:01:08 AM

Dear Senate Rural Communities and Economic Development Committee:

The only thing I can see Senate Bill 251 expediting is appeals to the 9th circuit. Legislators should probably take some time to educate themselves on the State's Land Use permitting process along with the Coastal Zone Management Act, the Clean Water Act, the Clean Air Act, the Endangered Species Act, etc, etc. Local, State and Federal Agencies ALREADY DO WORK TOGETHER. Each aspect of the State's Land Use permitting process addresses specific issues and criteria that is necessary but separate from each permit that is issued.

Since 1973, Oregon has maintained a strong statewide program for land use planning. The foundation of that program is a set of 19 Statewide Planning Goals. http://www.oregon.gov/lcd/pages/goals.aspx The goals express the state's policies on land use and related topics, such as citizen involvement, housing, and natural resources.

Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect.

The local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the state's Land Conservation and Development Commission (LCDC). When LCDC officially approves a local government's plan, the plan is said to be acknowledged. It then becomes the controlling document for land use in the area covered by that plan.

WHY SOME PERMIT APPROVALS TAKE SO LONG

Currently permits are being held up due to several factors:

1) Local County Land Use Comprehensive Plans and Zoning Ordinances have not been updated for years and are not in line with the current Statewide Planning Goals. **This is because there has been no money at the county level necessary in order for Planning staff to update their Comprehensive Plans and Zoning Ordinances**.

Instead of the legislature addressing this issue, year after year they continue to cut funding from our permitting agencies. <u>This means less people to do the enormous task that is required and less money too</u>. If permit reviews are rushed and decisions made hastily or if permitting agencies are told to approve a permit when it doesn't meet the permit's criteria, this sets the stage for opponents to appeal those decisions. Appeals delay permit approvals and can take months or even years. **In**

addition, expediting a permit that should not have been given approval in the first place really defeats the entire purpose of why there is a permitting process.

2) Some projects are clearly not in line with the Statewide Planning Goals or Local Comprehensive Plans. These projects should be stopped early in the process - **not rushed through the process**. **The State's Land Use plans are designed to make sure proposed projects are in line with the law.** Attempts to streamline or expedite these permits in order to get them approved or to have the Governor apply political pressure will not change that fact and will likely only make things worse.

We have a good example of what can happen when permits are expedited that is currently going on right now in Coos County. The Oregon Resource Corporation (ORC) [Chromite Strip Mining] several years ago did not want to hear the word "no" on their 404 permit so they sought help from the South Coast Development Council and the Oregon International Port of Coos Bay who applied "political pressure" to get the ORC project streamlined through the permitting process. Instead of ORC being made to correct their problems and follow the rules, permits that should have been denied proceeded to sail through with approvals. All this did was build a good case for opponents who appealed to the 9th circuit. Unfortunately before the 9th circuit case was even settled ORC found out the hard way WHY THE PERMITTING PROCESS IS THE WAY IT IS. The permitting process is designed to weed out and/or stop projects early on that are not viable or in line with our Local, State and Federal rules and regulations.

As it stands now ORC is currently on its way out of business and their heavy equipment is currently being prepared for auction. Unfortunately they will probably also take out other local industries when they go. Expediting and streamlining ORC's permits did not save them nor their investors and in the end actually made things worse for everyone involved.

If industries want to expedite their permit review process to ensure fast and efficient consideration of proposed land developments there are several ways to currently do that. For starters, applicants can follow the rules instead of trying to circumvent them. They can make sure that their proposed project is in line with the Statewide Planning Goals, the Coastal Zone Management Act, the Clean Water Act, The Clean Air Act, the Endangered Species Act, etc, etc. If their project does not meet Local, State and Federal rules and regulations, they can revamp their project so that it does or stop it entirely.

IF THE LEGISLATURE WANTS TO STREAMLINE AND EXPEDITE THE PERMITTING REVIEW PROCESS THEY CAN GIVE OUR LOCAL AND STATE PERMITTING AGENCIES THE FUNDING AND STAFF THEY NEED IN ORDER TO DO THAT. THE LEGISLATURE CAN ALSO PASS A LAW THAT THE RECOMMENDED GUIDELINES SPELLED OUT IN THE "***STATE OF THE ENVIRONMENT REPORT 2000***" [http://www.oregon.gov/dsl/WETLAND/Pages/soer_intro.aspx] ARE FOLLOWED. THIS WILL HELP TO ENSURE SPEEDY ENVIRONMENTAL REVIEWS AND

ALLEVIATE APPEALS OF PERMIT APPROVALS.

Please completely overhaul Senate Bill 251 or let it die on its own accord.

Sincerely,

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