From:	Richard Van Pelt
To:	Raszka Shelley
Cc:	Rep Clem
Subject:	SB 77
Date:	Monday, February 25, 2013 2:47:45 PM

I am writing in opposition to SB 77.

Oregon's land use system today represents four decades of citizen struggle to craft a vision of Oregon that preserves the unique character of this State and the importance of living up to the words in Robert Frost's *Mending Wall* "Good fences make good neighbors." His poem stands as a metaphor for one of the issues that pits neighbor against neighbor. Zoning, like good fences, preserves amity among community members by regulating what one can do with land without bringing harms to self, neighbors, or community. Zoning which occurs outside of a larger scheme risks being idiosyncratic, arbitrary, and/or capricious. Land use plans provide the framework within which zoning occurs. It is framework within which community members can live, work, enjoy, recreate, and die.

Though the specifics of Goal 1 do not apply to this bill, the spirit of the Goal "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process" does. Participation in general should not preclude participation in detail when issues contesting the applicability of land use provisions come before LUBA.

Land is the least portable of property. I can take my book and sit elsewhere when disturbed; I cannot do so with my land. The comprehensive plan creates the context in which I can live and work in amity with my neighbors and with the confidence that the value of my property (economic and non-economic) is preserved. My interests do not end at my property line and what occurs next door, within my community or county dos profoundly impact my quality of life.

A contested land use case within my community affects me as much as it affects the directly affected parties. The effect of SB 77 is to impose a poll tax upon my involvement. More than once I have heard neighbors confronted with development told that "they cannot afford" to fight proposed changes. Developers can lawyer up and the costs of appealing to LUBA are simply written off as one of the costs of doing business. Not so affected neighbors. Neighbors cannot deduct such costs.

This bill would have a chilling effect on citizen participation, effectively making a mockery of Goal 1. My specific concerns are twofold:

1. $2000 is a very high bar that effectively limits citizen access to this very critical part of the land use process.

2. Specific pleading in the NITA does not make sense. It is unnecessary in the quasi-judicial circumstances.

Sincerely,

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