



MILLER NASH LLP

ATTORNEYS AT LAW

Engaged Guidance, Exceptional Counsel.

PORTLAND, OREGON
SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
WWW.MILLERNASH.COM

3400 U.S. Bancorp Tower
111 S.W. Fifth Avenue
Portland, Oregon 97204-3699
OFFICE 503.224.5858
FAX 503.224.0155

Jeffrey G. Condit, P.C.
Admitted in Oregon and Washington
jeff.condit@millernash.com
(503) 205-2305 direct line

March 7, 2013

VIA E-MAIL
LYNN.BEATON@STATE.OR.US

The Honorable Brian Clem, Chair
House Committee on Land Use
c/o Lynn Beaton, Committee Administrator
Oregon State Capitol
900 Court Street N.E.
Salem, Oregon 97301

Subject: March 7 Hearing on HB 2251, 2254, 2255

Dear Chair Clem and Members of the Committee:

I am a member of both the Urban Growth Advisory Committee and the Urban Growth Design Team that have been working on the above-noted bills. I am unable to attend the House Land Use Committee's March 7 hearing on the bills. Please accept this letter into the record of that hearing. These are my personal comments and are not made on behalf of any client.

As a long-time practitioner in the area of land use law, I have participated in many urban growth boundary ("UGB") expansions on behalf of both municipalities and private clients. I have become more and more frustrated with the length, expense, and lack of predictability of the process. For example, in the recent City of McMinnville case, my client's UGB amendment was remanded by the court of appeals after an eight-year process based upon a completely new reinterpretation of the regulatory scheme not argued by any of the parties to the case. I was willing to contribute my time to the committees because I had become convinced by this case and others that a comprehensive overhaul of the UGB amendment process is necessary.

HB 2251, 2254, and 2255 offer the opportunity to bring some much needed clarity to this regulatory scheme by speeding up the process, reducing points of legal challenge, and eliminating the ambiguities and disconnects that plague the current scheme. The committees, which represented a broad spectrum of public officials, lawyers, planners, and policy persons, have worked diligently through the issues over



MILLER NASH LLP

ATTORNEYS AT LAW

Engaged Guidance, Exceptional Counsel.

PORTLAND, OREGON
SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
WWW.MILLERNASH.COM

The Honorable Brian Clem, Chair
March 7, 2013
Page 2

the past year. I believe that we have come up with a set of bills that should result in a significantly faster, less litigious, and more predictable process that will better accomplish the twin purposes of the program: providing for efficient, cost-effective, and livable urban growth, while at the same time protecting Oregon's most valuable farm and forestlands.

I urge the Committee to support the bills in concept as we continue to refine some of the details.

Thank you for the opportunity to comment.

Very truly yours,

Jeffrey G. Condit, P.C.