

February 26, 2013

Paulette Alexandria

**Please vote NO on SB 77:**

- 1) I am opposed to raising the fee:

I am waiting at this time to file a LUBA case. Marion County has chosen to approve any event a land owner wants to hold under SB 960, regardless of the relation of the event to what is produced on the farm, so my neighbors and I will go to LUBA.

My neighbors are real farmers and do not have the money or the skills needed to prepare written materials and state their case at LUBA. They are elderly and do not have the money to pay a lawyer or high fees to file for LUBA. Raising the filing fees means people will not file. How does raising fees help create a working civil society. I think legislators know that people who own land do not always have the cash for regulatory or legal fees. Many times these are the innocent people, minding their own business and trying to make a living farming. Many times these are just the people that State government needs to hear from most. Do you really want to make another barrier for them to be heard? \$1k-2k is a very high bar that will severely limit citizen access to this critical part of the land use process. It perpetuates the myth that the rich can get away with anything they want because others cannot afford to fight them. This should not be happening with land use issues.

- 2) I am opposed to requiring a specific pleading in the Notice of Intent to Appeal (NITA).

Specific pleading in the NITA does not make sense - it is unnecessary in quasi-judicial circumstances since all errors must be raised at the local level and impossible without seeing the record in legislative matters.

- 3) It is good for LUBA to allow consolidation of appeals. I have no problem with that part of the bill.

- 4) I think it is a good idea for LUBA to collect specific information

- The total number of appeal-able land use decisions made by local governments by type of decision
- The total number and rate of appeals filed by type of decision
- The total list by outcome of the decision
- A list of petitioners and all of the decisions which they have appealed and success rate of these appeals
- A list of respondents and their success rate
- Instances when LUBA has exercised its statutory requirement to require the losing party to pay the prevailing party's attorney fees and costs if the losing party's claims were not well founded in law
- Summary statistics showing type of petitioner (applicant or opponent) and success rate by type of petitioner

I would approve this bill if you throw out the increase in fees and the specific pleadings in the NITA and collect appropriate data as reviewed in this testimony. But barring that, **please vote NO on SB 77.**