



February 23, 2017

House Committee on Transportation Policy

On behalf of Washington County Board of Commissioners we offer the following comments on HB 2208, which creates a process that allows landowners to petition for transportation access to property.

Washington County is familiar with the circumstances that surround transportation access to a property located in Sherwood, Oregon which serves as the motivation for HB 2208. We along with the City of Sherwood and Oregon Department of Transportation have met multiple times over the past year in an attempt to find a solution that provides for commercial access to this individuals property. Unfortunately the only option available given the existing zoning in place is with an adjacent existing private landowner that has commercial buildings in place and access. This option requires both private parties to resolve the access issue.

After some discussion with Washington County's Land Use and Transportation Department we are concerned that the elements in HB 2208 provides a significant, far reaching solution that would force local and state governments to provide access to property who's landowners felt a past or future land use decision was unjust.

In other words, HB 2208 as written has no side boards or standards for a local government to test or for a landowner to meet when bringing a petition forward. As an example, the definition of "*insufficient to allow the development*" in Section 2 (8) is simply too vague and has no limitations on its meaning.

In Section 4 (2) the government (state or local) would be forced to pay for adequate access for the petitioner or pay damages to a property owner for not allowing them multiple access points, when rights of access have been acquired by the state or local government. This likely outcome of HB 2208 sets a bad precedent that would greatly interfere with local land use and transportation planning and introduce potential for significant instability in decision making with no limitation on the timing of decisions.

Compensating for access needs that did not exist at the time access was purchased (ie the property zoning has since changed) is not the responsibility of local government and would create significant risk to local governments across Oregon, while landowners could look for a reset on previous decisions made with virtually no limitation on when the original decision was made.

Thank you very much for your consideration.

Sincerely,

Jim McCauley
Washington County Government Relations