

**GOOSE HOLLOW FOOTHILLS LEAGUE**  
**2257 NW RALEIGH STREET PORTLAND, OR 97210 503-823-4288**

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March 28, 2017

Representative Jennifer Williamson  
900 Court St NE  
Salem, OR 97301

Dear Representative Williamson,

RE: HB 3245

Goose Hollow Foothills League (the recognized neighborhood association for the Goose Hollow neighborhood of Portland) is aware that HB 3245 is being circulated as proposed legislation to permit cities to authorize planning commissions or hearings officers to conduct hearings and make final decisions on applications for amendments to city Comprehensive Plans in Oregon. In its current form, this bill does not address critical concerns, which include making sure it does not apply to UGB decisions, and putting a cap on local fees to appeal the decision from the Planning Commission to the City Council. Apparently it would apply to all Comprehensive Plan amendments in the state.

**To reiterate, we strongly believe that only elected officials, accountable to the citizens, should make final Comprehensive Plan decisions. We believe that non-elected parties must not be entrusted to make final land use decisions.**

From our neighborhood association's perspective, here are the real-life problems with this proposal:

1) **It would make land use appeals more expensive.** The increase in cost occurs because instead of automatic review before City Council, the project opponent will have to pay an expensive fee to appeal a hearings officer's decision to the City Council. This is usually in the thousands of dollars. Since developers often have a "spend the opponent down" strategy and the opponents are often neighborhood associations who often can't even raise funds to hire an attorney, this gives wealthy developer interests an inherent disproportionate advantage.

2) **Non-electeds are not accountable in the same way that elected officials are.** As one example, when the Central City 2035 Comprehensive Plan Amendment came before Portland's Planning and Sustainability Commission (PSC), Goose Hollow Foothills League, Northwest District Association, Restore Oregon, the Architectural Heritage Center, and dozens of residents went on the record objecting to financial conflicts of interest in the West Quadrant planning process which was a key part of the Central City 2035 plan. The City Ombudsman did indeed find that there were significant potential conflicts of interest among the Stakeholder Advisory Committee members who helped

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craft the plan, and a requirement of disclosure after the fact was made to these members. Five of the thirty-three members refused to comply, including several developers with major holdings in the area. (These conflicts were documented by the Northwest Examiner, Willamette Week and other sources – I previously forwarded several attachments with these articles included.)

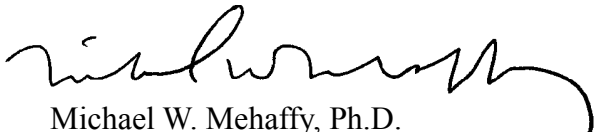
Despite compelling testimony from residents about their shock at such blatant ethical violations, the chair of PSC (named as one of the conflicted members of the West Quadrant Stakeholder Advisory Committee) simply asked planning staff to report on whether or not PSC decisions could be overturned in court because of these conflicts. Staff informed PSC that no decision made by them could be overturned in court because of West Quadrant SAC conflicts. PSC proceeded to vote to give increased heights and relaxed zoning to those same people who had served on the West Quadrant SAC, and who advocated to increase heights and relax zoning on their own properties—without disclosing they owned those properties, and without recusing themselves from SAC votes to give themselves increased heights and relaxed zoning. (One analysis we saw suggested that the profits gained by apparently conflicted West Quadrant SAC members as the result of the PSC vote are likely between \$50 million and \$100 million.)

Our neighborhood association board was deeply disturbed by these events, and the implications for the integrity of and public confidence in the Comprehensive Plan process. We are eager to work with Mayor Wheeler and others who have pledged to tighten ethics laws so that this cannot happen again. Meanwhile, we would like for you to know this story so that you can understand our concern. Appointed planning commissioners and hearings examiners are not accountable to the voters, and therefore must not be trusted to make final Comprehensive Plan decisions. The press and the public do not pay attention to their words and actions as intently as they pay attention to the words and actions of elected officials.

There is a great deal of money at stake in Comprehensive Plan changes, and a great deal of potential for ethical abuses. In our view there must therefore also be a great deal of ethical transparency and accountability to the voters.

We are happy to discuss this matter further.

Sincerely,



Michael W. Mehaffy, Ph.D.  
President, Goose Hollow Foothills League

cc: [HAGNR.Exhibits@oregonlegislature.gov](mailto:HAGNR.Exhibits@oregonlegislature.gov) (Via email)