



April 8, 2019

*Via email: [haglu.exhibits@oregonlegislature.gov](mailto:haglu.exhibits@oregonlegislature.gov)*  
House Committee on Agriculture and Land Use  
State Capitol 900 Court Street NE  
Salem, OR 97301

RE: Testimony on HB 3272 (Procedural revisions to reduce response time periods for LUBA petitioners)

Dear Chair Clem and Honorable Members of the Committee:

Thrive Hood River (formerly Hood River Valley Residents Committee) is one of Oregon's oldest local land use advocacy groups. Since 1977 our mission has been to protect farms, forests, special wild places and the livability of urban and rural communities in Hood River County. We have a lengthy history of encouraging public involvement in Oregon's land use system. For that reason, we encourage your committee to reject HB 3272.

Our understanding is that HB 3272 originated to stymie the actions of one bad apple, a petitioner who filed a series of meritless appeal and record objections at LUBA in order to kill a development proposal through delay. While this situation was surely frustrating for all involved, the current system works as it should for the vast majority of cases and the Legislature should not change good rules to deal with one bad apple.

For LUBA appeals, it is the job of the local government to prepare the record of the case. This is important because all parties are limited to using only the facts, testimony and legal arguments that are in the official record when they present their case to LUBA. Once the record is filed, the petitioner has an opportunity to review the record to make sure it is correct and to file a "record objection" if it is not. In our four decades of land use advocacy we've observed a high degree of variability in how long it takes a local government to put the record together and how accurate the record is once submitted. Some local governments have outstanding record-keeping practices and are able to submit a complete and accurate record easily within the 21 days allowed by ORS 197.830 (10). Other local governments request repeated extensions of time beyond the statutory 21 days and file sloppy and incomplete records. These delays are something the petitioner has no control over.

Under HB 3272, the petitioner would have only 7 days to complete and file their brief after LUBA deems the record complete, instead of the 21 days currently allowed. In practice it would be much less than 7 days and possibly as few as 2 or 3 days as LUBA issues its rulings by the US Mail which can take 3-5 days to arrive in Hood River from Salem. This puts the petitioner at a tremendous disadvantage in preparing a thorough, well-argued case and for very little benefit. While time is money, we've never seen a project where saving 14 days would mean the difference between it going forward or falling apart.

Our land use system relies on the public—the petitioner—to provide oversight of the legality of local government decisions. Local governments don't always make decisions that are consistent with state and local law. Matters which rise to the level of LUBA are significant ones and adequate time should be allowed for both parties to prepare briefs. Saving two weeks does not seem warranted in a process that takes multiple months. We urge you to vote no on this bill.

Best regards,

Dale Hill  
President