Watts Remy

From: Mona Linstromberg <lindym@peak.org>
Sent: Thursday, May 23, 2019 12:03 AM
To: SENR Exhibits
Subject: Re: -A7 and -A8 amendments to HB 2106 A.

Goal One of the Statewide Planning Goals supports the position that **Citizen Participation** is paramount in the land use process. The following is an excerpt from comment made by Andrew Mulkey, attorney at law, addressed to the Senate Committee on Environment and Natural Resources, May 22, 2019:

"The land use system provides notice to neighboring property owners for a reason. Landowners should know if their neighbor proposes development that could affect their property values or the use and enjoyment of their property. The amendments in Sections 3(3) and 4(3) of the -A7 and -A8 amendments short circuits that process. Nothing is worse than thinking a permit has expired and finding out when your neighbor comes in with a bull dozer that not only has the permit not expired, but that the permit decision has also changed. Subsection (3) will lead to more acrimony and litigation.

The land use system affords property owners who are affected by a land use decisions notice and the opportunity to comment. The land use system also provides a relatively efficient and speedy forum to resolve disagreements about permitting decisions. In the land use framework, the County process, LUBA appeals, and appeals to the Court of Appeals are all governed by expedited time lines. The same cannot be said of litigation that originates in circuit court. By removing permit decisions from the land use process, the -A7 and -A8 amendments invite neighboring landowners to sue to stop the decision in circuit court, for example, under the writ of review statute. Any appeal of the circuit court's decision does not occur under the expedited times set out for the land use process. That outcome is neither smart, fair, or efficient. ***I ask the Committee to take the common-sense step of removing subsection (3) from the -A7 and -A8 amendments****.*

The -A8 Amendments: *The amendments in Sections 3a and 4a of the -A8 amendments are unprincipled and unfounded. The whole point of the -A7 and -A8 amendments is to allow additional permit extensions, while ensuring that those extensions comply with any changes in the law. There is no principled reason to exempt one change in the law—those enacted by HB 2225—over any other. The bill also undermines and unnecessarily complicates ongoing negotiations over HB 2225.* ***I ask that you vote down the -A8 amendments."***

Goal One of the Statewide Planning Goals supports the position that **Citizen Participation** is paramount in the land use process. I echo Andrew Mulkey when he asks " ***the Committee to take the common-sense step of removing subsection (3) from the -A7 and -A8 amendments"*** *and asks "* ***that you vote down the -A8 amendments."*** I think the proposed

amendments undermine Goal One and, as such, my ability to participate in the protection of my property value via meaningful access to process.

Thank you for your consideration,
Mona Linstromberg
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Andrew Mulkey