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February 26, 2013

Senate Committee on Rural Communities and Economic Development  
Oregon State Capitol  
Salem, OR 97301

RE: Opposition to some provisions in SB 77

Dear Committee Members,

Friends of Marion County is a non-profit 501(c)3 membership organization established in 1998 to protect farm and forest lands in Marion County. We oppose SB 77 because the increased fees are unfair to neighbors affected by decisions at the local level and ask that you vote "NO" for this provision. We also oppose the provision that requires specific pleading in the Notice of Intent to Appeal (NITA).

Marion County has a fee that requires appellants pay \$250 to file an appeal with the hearings officer. Appellants are refunded this fee only if their appeal is successful. The next stage of appeal is with the Marion County Board of Commissioners. That fee is an additional \$500 and only part of it, i.e. \$300 is refunded if the BOC refuses to grant a hearing. The county retains the remaining \$200 to cover administrative costs.

The next stage of appeal is to the Land Use Board of Appeals (LUBA). The current filing fee is \$400. The total of the local jurisdiction and LUBA filing fees can be as much as \$1150. Additional mailing and miscellaneous costs can often push this total to \$1500 or more. This is why we oppose the proposed increase in LUBA fees to \$2000. Added to the fees at the local jurisdiction, neighbors can face fees and costs of \$3000 or more. This is very unfair and will inhibit the Goal 1 process, i.e., "Citizen Participation."

Our other opposition is the provision to require specific pleading in the NITA. It is extremely difficult to prepare specific arguments in the short time frame stretching from a final decision at the local jurisdiction to the deadline required to file the NITA. LUBA rules require NITA filings within 21 days of the local decision. It would be nearly impossible to prepare arguments in this short time frame, especially without the benefit of evaluating the facts in the record. Please recall that now the record is only provided to appellants 21 days after the NITA is filed.

For these reasons we oppose the above provisions in SB 77 and ask that you vote "NO".

Thanks for listening.

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