



March 25, 2019

Representative Brian Clem, Chair  
House Committee on Agriculture and Land Use  
Oregon State Capitol  
900 Court St. NE, HR D  
Salem, OR 97301

**RE: Support for HB 3272**

The City of Hillsboro supports HB 3272. The changes proposed in the bill seek to level the playing field in land use appeals between petitioners and respondents.

Current law provides both parties to a land use appeal 21 days to file briefs. However, because the petitioner's 21 days is measured from the date the record is settled, petitioners have been known to file a record objection for the purpose of giving themselves more time to prepare their opening brief- thereby extending the brief filing time. This can give petitioners a minimum of a few more weeks and sometimes months before they have to file their opening brief. Then, the city gets 21 days to respond.

In addition, cities routinely have to respond to motions that have no legal merit, but LUBA has not been willing to award a city its attorney fees for the cost of responding to these motions. In the past, LUBA has held that it will only award attorney fees for the cost of preparing the briefs and oral arguments, not preparing the record or responding to meritless motions. HB 3272 makes it possible for LUBA to award fees for motions as well and will hopefully ensure only meritorious motions are filed.

In sum, we support this legislation because it creates parity between petitioners in land use appeals and cities by discouraging meritless challenges to the record for the purpose of gaining additional weeks or months for petitioners to file their opening brief.

Thank you for your consideration.

Sincerely,

Andy Smith  
Government Relations Manager