



The League of Women Voters of Oregon is a 99-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

April 28, 2019

To: [House Committee on Human Services and Housing](#)
[Representative Alissa Keny-Guyer](#), Chair

Email: hhs.exhibits@oregonlegislature.gov

Re: **[SB 8 A](#)** – Requires Payment of Costs on Appeals for Publicly Supported Housing – **Oppose**

The League supports our statewide land use planning program **with local implementation**. Since 1959 we have been studying and participating in the development of legislation related to land use in Oregon. Land use planning is about where people live, work, play, shop and how they get there.

The League has long supported the involvement of residents in developing their Comprehensive Plans and Development Codes. The next step, of course, is actual implementation of those documents by development applications. **Residents should have the same right to participate in the quasi-judicial process as the legislative one.** The rules become more proscriptive since the general policy questions should have been answered. We support such a clearly defined process. However, **policy documents can lack clarity and may be applied in a manner that those participating feel is incorrect. At that point, those appealing should have reasonable access to their local elected officials and to the Land Use Board of Appeals.** Remember that appellants might be the original applicant and not just “the neighbors”.

The League appreciates that President Courtney has narrowed the scope of this bill as amended. We have focused our work this session on housing for people who are at 50% or lower A.M.I. and support bonding for new housing for that purpose and for preserving such housing. But we believe that this legislation is the camel’s nose in the tent and will have a chilling effect in public participation in our land use system. To be clear, we are not supportive of frivolous appeals without merit. But most appeals are clearly decided in LUBA, many of which are remanded to the local government to address the appealed issue.

It has long been recognized that our Land Use Board of Appeals (LUBA) should be accessible to those wishing to challenge a local decision. LUBA was created to help keep decisions out of a long, drawn out, expensive Circuit Court proceeding. There should not be an unreasonable barrier to the local government even before such LUBA appeal—if any. In fact, clarity of interpretation of a local decision belongs first with the final local authority—the city or county elected officials. However, the current elected officials might not be the ones who adopted these important guiding documents. LUBA is the mechanism to adjudicate any discrepancy.

Enforcement of our land use laws is a complaint driven system. All parties must have access to adjudication of those complaints without undue threats of financial harm.

Current statistics from the Land Use Board of Appeals indicates that 131 Final Opinions were issued in 2017-2018. There are more than 10,000 local actions taken around Oregon every year. Changing state law to address a few appeal actions is dangerous in setting precedent. We ask you to reject this bill.

Thank you for the opportunity to discuss this legislation.

Norman Turrill
LWVOR President

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