

KAUTZ Sharon L

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Sent: Wednesday, August 24, 2005 7:45 AM
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Subject: RE: TPR Purpose Statement Comments

There has been a great deal of discussion, and a lot of text provided lately, regarding the status of "Purpose Statements". I disagree with the comments that purpose statements do not carry any regulatory impact. In Douglas County we have direct experience on the impact of purpose statements. They can and do have a regulatory impact.

I strongly urge all of you to complete this task. At the LUBA website you can search final LUBA decisions. Enter the phrase "purpose statement" (be sure to use quotes or you will get 155 instances). There are 14 instances (not cases) that address purpose statements.

I did not read all 14, but did sample the results. What I found is the following.

If the purpose statement is generally written, it does not play a direct role in reviewing land use applications or permits.

In other cases, it can provide additional duties for local jurisdictions to fulfill. These decisions do not look specifically at the purpose statements in OAR's but purpose statements in general. There are decisions that affirm the decisions based on the purpose statement and decisions that remand based on the interpretation of the purpose statement.

The outcome is still clear. All words have meaning, words with clear meaning have clear direction. Go to the case law.

Let's move forward cautiously, and as time permits, and the volumes of information on this issue ebbs, I will provide additional comments.

Thank you for all the great work underway... I will try to measure up...

John Boyd AICP
TPR Work Group

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8/24/2005