

ATTORNEY GENERAL OPINION REQUEST RQ-1070-GA

**DECLARATION OF GREG GUERNSEY, DIRECTOR OF THE CITY OF
AUSTIN PLANNING & DEVELOPMENT REVIEW DEPARTMENT**

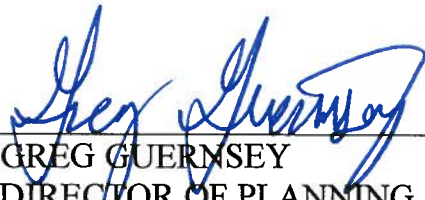
**STATE OF TEXAS §
 §
COUNTY OF TRAVIS §**

Before me, the undersigned notary, on this day personally appeared Greg Guernsey, known to me to be the person whose name is subscribed below, and being duly sworn, testified as follows:

1. "My name is Greg Guernsey. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. "I am a City of Austin employee. I have been employed by the City of Austin since 1985. My current job title is the Director of Planning and Development Review ("PDRD"). I became the Director of PDRD in July, 2009. My department handles many planning and development issues including but not limited to zoning, subdivisions, site plans, building permits, inspection, and Chapter 245 issues.
3. "Prior to becoming the Director of the Planning and Development Review Department, I was the Director of the Neighborhood Planning and Zoning Department ("NPZD"). I was the Director of that department for approximately 3.25 years. Prior to being the Director of NPZD, I was an Assistant Director of NPZD.

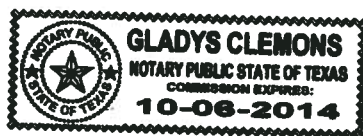
4. "In my role at both PDRD and NPZD, I have been directly involved in reviewing vested rights claims made by applicants for development permits under Chapter 245 of the Local Government Code.
5. "To the best of my knowledge, following the adoption of Chapter 245, the City has only applied the 3 and 5-year expiration periods under the Project Duration Ordinance to permits applications submitted after the effective date of September 6, 1997, that are not the continuation of a project in which the first permit in the series was submitted before the effective date.
6. "To the best of my knowledge, the City has not applied the following sections of the Project Duration Ordinance: City Code § 25-1-534 (*Exceptions to Provide a One-Year Grace Period*); Subsections (B)(1)-(3) and (C)(1)-(2) of City Code § 25-1-535 (*Exceptions to the General Rules*); and City Code § 25-1-538 (*Voluntary Compliance*).

"FURTHER AFFIANT SAYETH NOT"



GREG GUERNSEY
DIRECTOR OF PLANNING
AND DEVELOPMENT REVIEW

SWORN TO AND SUBSCRIBED before me on the 26 day of JULY, 2012.





Notary Public, State of Texas