



OREGON PROPERTY OWNERS — ASSOCIATION —

March 6, 2024

Oregon State Legislature
Senate Rules Committee
Oregon State Capitol

Re: Senate Bill 4026A

Chair Lieber and Committee Members:

Thank you for holding the hearing on HB 4026A yesterday. Although this bill is about much broader policy than the current situation in North Plains, that situation highlights the absolute critical need for the bill, and dominated the testimony you heard yesterday.

At the hearing, you asked questions about North Plains, but I don't believe any of the witnesses informed you that LCDC has not begun the acknowledgement process for the City's UGB decision.

From a practical perspective, what that means is that all the arguments made by opponents to the City's decision can still be raised. But rather than using the blunt tool of a referendum petition, the opponents can raise all their existing issues to LCDC, the state's land use planning commission, with commissioners who are familiar with and understand all the details of Oregon planning law.

As I mentioned to Senator Hansell, there is no requirement that the opponents appeal the City's decision to LCDC. It is an automatic requirement of Oregon land use law that the City's decision be reviewed by LCDC for compliance with state land use goals and statutes. All the opponents must do is appear before LCDC and make their arguments. Since that process hasn't occurred yet, they have not and will not lose any opportunities to be heard.

If the City's opponents don't like the outcome at LCDC, they can then appeal LCDC's decision to the Oregon Court of Appeals. None of that process is available through the referendum, where the only choice is "yes" or "no", and the City receives no feedback on why people voted one way or the other.

It was significant that the two legislators who spoke in favor of the bill yesterday serve as the Chair and Vice-Chair of the Senate Housing Committee. On the House side, the bill passed 49-5, with every member of the House Housing Committee (Democrat and Republican) voting for the

bill. The legislators you have chosen as your housing experts understand the importance of this bill and the destructive impact on our land use system and our ability to meet our housing needs if Oregon turns to ballot box “planning” as a means of resolving complicated multi-year local planning efforts.

Now that the legislature has tasked cities with making very difficult choices relating to infill and UGB expansions to meet housing needs, the situation in North Plains sets an extremely dangerous precedent that should be fixed immediately, before it becomes the norm. If not, cities will exhaust their legal budgets on challenges that are procedurally inconsistent with our land use system. It will only get worse from here if this doesn't get resolved, and every impacted Oregonian, including yesterday's bill opponents, continue to retain the ability to make all their arguments to LCDC using the process the legislature put in place years ago, which has served the state well.

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