

3rd February, 2014

This testimony is offered in opposition to HB 4078.

We are residents of Oregon and take great pride in being Oregonians. Our pride is based, in part on being able to live in a state such as Oregon that values the protection of land and for maintaining and protecting our farm and forest land.

We are also proud to live in a state where participatory democracy is recognized and encouraged. As Oregonians we have an interest in preserving the character of the state with respect to the land use policies we worked so hard to put into place 40 years ago.

When you remove the ability of Oregonians to participate in the processes that make Oregon Oregon, you erode what it means to be an Oregonian. That is why we have Goal 1: "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

House Bill 4078 seeks to diminish public involvement and to blatantly do so in the interests of those few people who seek to profit in the short term, by fast-tracking Metro's UGB expansion in Washington County. The words of Metro Council President Tom Hughes clearly indicate that the interests of developers takes precedent over the interests of Oregonians:

> That UGB expansion has been held up in court for more than a year, and developers who own land in the expansion areas have warned that it could be 2019 before legal challenges to the expansions are out of the courts. H.B. 4078 would legislatively end those legal challenges, a move that itself could be contested in court.

> ( [http://news.oregonmetro.gov/6/post.cfm/hughes-drafts-letter-on-ugb-bill-gets-council-support-at-work-session?utm\\_source=Metro+contacts&utm\\_medium=email&utm\\_campaign=5c0c2af27b-EMAIL\\_DIGEST\\_CAMPAIGN&utm\\_term=0\\_e7c2405cf5-5c0c2af27b-278871521](http://news.oregonmetro.gov/6/post.cfm/hughes-drafts-letter-on-ugb-bill-gets-council-support-at-work-session?utm_source=Metro+contacts&utm_medium=email&utm_campaign=5c0c2af27b-EMAIL_DIGEST_CAMPAIGN&utm_term=0_e7c2405cf5-5c0c2af27b-278871521) )

The process Oregonians put into place in the 1970's is working; it is just not working fast enough for interests seeking to develop land in Washington County.

You will receive testimony describing the technical deficiencies in this bill and how it violates the spirit and the intent of Oregon's land use process. The points we seek to make is that this bill effectively short changes our participation in the process through an attempt to do an end run around the process. This is how it used to be done; we do not seek a return to those days.

To summarize our opposition:

The ability of citizens to appeal government decisions that they believe are illegal is a basic right of our system of government, and no less so in the area of land use laws. This proposed legislation is contrary to the right of citizens to have their day in court.

Metro seeks to co-opt the Legislature, and be extension all of us, into an act of hubris by seeking to interfere with a court decision while it is still pending before the court. This sets a very slippery-slope precedent, one that clearly asks you to take on a power our Constitution reserves for the judiciary.

In conclusion, we live in an increasingly fractured world where a few seek to exploit a process in violation of principle - in this case seeking to benefit a few developers have failed to factor in the democratic process into their business plans.

Sincerely,

Richard and Michele van Pelt  
4492 Hayesville DR NE  
Salem, Oregon