

Testimony of the Honorable Elizabeth Furse
Before the House Rural Communities Committee
On February 4, 2014
Concerning HB 4078
A Bill to Invalidate Citizen Appeals of Urban Growth Boundary Expansions
Adopted by Metro in October 2011 and Approved by LCDC in June 2012

Mr. Chairman and members of the Committee, thank you for the opportunity to testify.

SB 1011 was passed by the Oregon Legislature at the request of Metro and the Metro counties in 2007 for the purpose of addressing deficiencies in the existing UGB process. It was passed with the support of land developers and the Metro county governments, particularly the Washington County government that saw the need to develop prime farmlands in order to offer varied land development options for prospective large employers interested in locating in Hillsboro. It was not a farmland protection law but was instead aimed at limiting Senate Bill 100's constraints on development that required counties to first exhaust non-farmland options before expanding onto Oregon's prime agricultural soils. Though the legislation weakened farmland protection in some respects, it provided a series of "factors" as standards for planning so as to ensure farm and forest lands protection was taken into account when deciding where the UGB would be expanded.

Based on the terms of SB 1011, from 2008 until 2011, rural landowners and development interests invested countless hours and hundreds of thousands of dollars participating vigorously in the reserves process provided by SB 1011. When some who participated believed that their voices were not heard and that the outcome was inconsistent with the process and the standards provided by the Oregon Legislature and LCDC, they appealed aspects of Metro's and the counties' decisions to the Oregon Court of Appeals as provided in Section 9 of SB 1011. As a member of the Save Helvetia Steering Committee, I supported the decision for our organization to become one of the petitioners in the case now before the Oregon Court of Appeals.

HB 4078, in essence, eliminates the provision for judicial review that was an essential part of the process relied upon by rural communities in SB 1011. Yet it does not even mention that law by name.

Judicial review is bedrock for democratic government. Under Statewide Planning Goal 1, citizens are encouraged to participate in planning decisions by knowing that their voices are to be heard equally under the law. In this case, SB 1011, though it eased protection for natural resource lands, provided a process and standards by which decisions were to be made. HB 4078 breaks trust with citizens who relied upon these basic principles of government. It sets an unwise precedent for Oregon government and should be rejected.