

FROM: Russ Dondero, 1506 Limpus Lane, Forest Grove, Oregon 97116 (503) 357-3345

I was unable to be in Salem for the hearing on HB 4078 due to family responsibilities. Please include my testimony in the record.

RE: HB 4078

TO: Chair Clem and Members of the Rural Communities Committee:

Rep. Brian Clem, Chair

Rep. Kevin Cameron, Vice-Chair

Rep. Caddy McKeown, Vice-Chair

Rep. John Davis

Rep. Paul Holvey

Rep. Kim Thatcher

Rep. Ben Unger

I am opposed to HB 4078 in its current form.

While there are revisions being proposed which will fix some procedural issues by setting fixed deadlines for agencies and courts involved in the decision-making process, the origin of the problem is not a legal issue but a political issue.

Courts and administrative agencies should avoid getting into purely political entanglements. Senate Bill 100 laid out on a bi-partisan vote, decades ago, the intent of those who passed it in the McCall era:

- 1) To protect Oregon farm and timber lands against the market's inevitable pressure to gobble up land to advance the narrow interests of developers;
- 2) To assure that Goal #1 - citizen's involvement - was protected despite the pressure from special interests and their political allies to short-circuit the process laid out by Senate Bill 100;
- 3) To give everyone involved in land use decisions an even playing field where the rules are transparent and known to all. It's the certainty of the process that attracts business to Oregon compared to states where urban sprawl reigns;

These principles must not be sacrificed by those who seek a short-term objective based on narrow economic interests.

When the latest UGB debate began by METRO and county boards in the Metro region, it was clear that special interest politics would weigh in and it did. The most egregious example to me was the inclusion of the Damascus area as a future development site.

Aside from being adjacent to I-5 I've never seen the logic of that decision and obviously neither have the voters of Damascus nor Clackamas County. It's a classic example of agency "over reach" on Metro's part.

At the same time, the powers that be at METRO shunned more obvious additions to the UGB in the Forest Grove/Corneilus area while ultimately including "steep slopes" property within the UBG in North Bethany.

That decision has opened the door to the South Cooper Mountain development which will require huge public investments in schools and transportation networks to move residents and their families to and from home or work.

I feel especially frustrated by Metro's decision-making process because I was one of only two signers in the voter's pamphlet supporting Metro's current organizational configuration.

The logic of the UGB decision escapes me.

But we're not dealing with logic but developer driven politics aided and abetted by 3 members of the Washington County Commission. So again, politics not good land use planning ruled the day!

So as much as one would like to believe that intervention by the legislature might cobble together a rational fix, I don't think that's in the cards. I think it is better to let quasi-judicial agency reviews and judicial process by courts take its course.

Some are bothered by the time such reviews take, well democracy is messy and not intended to be an assembly line process. We have a checks and balances system for a reason - as James Madison noted in Federalist #51 - "if men were angels, no government would be necessary."

Before we rush to judgment let the process play out and then we can see what if any fixes for 2015 are needed.

Respectfully,

Russ Dondero
Professor Emeritus,
Department of Politics & Government,
Pacific University

PS: The views above are my own not a representation of either Pacific University nor community groups of which I am a member.