



# City of Tualatin

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March 30, 2015

The Honorable Brad Witt, Chair  
House Committee on Agriculture and Natural Resources  
900 Court St. NE, H-374  
Salem, Oregon 97301

RE: Testimony in Opposition to HB 2985 for Public Hearing Scheduled on March 31, 2015

Dear Chair Witt, Vice-Chairs Krieger and McLain, and Members of the Committee,

The City of Tualatin opposes HB 2985, as introduced. The bill has the effect of abrogating city Home Rule Authority guaranteed by the Oregon Constitution, preempting carefully crafted local ordinances and zoning, and potentially creating unintended consequences including new liabilities for local governments under Ballot Measures 37/49 and other hazards or harm.

Section 4 of the proposed bill explicitly impinges on Home-Rule Authority by preempting local government's ability to enforce its own ordinances: "a local government may not enforce an ordinance to require or prohibit the removal of a tree that is enrolled in a forestry product cooperative project." It also imposes on the City's ability to make important decisions regarding safety, preservation and aesthetics.

As a Tree City USA, with well thought-out tree ordinances crafted with local voter input, the City of Tualatin seeks to maintain community standards without degradation or unnecessary interference from the State.

In addition to upending the City's tree ordinances, the proposed legislation impacts local zoning codes, where industrial and commercial activities are prohibited or regulated in areas zoned for residential use. HB 2985 seeks to encourage "forestry products grown on nonforest land be commercially produced and marketed through a forestry products cooperative" that landowners sign up to participate in. "Forestry" by definition is an industrial activity and by this legislation is a commercial activity; both of these activities are regulated in cities via local ordinances and zoning codes.

HB 2985 creates inappropriate and unintended consequences when the proposed legislation preempts local ordinances that also have the effect of regulating the kinds of industrial or commercial activities that may occur in residentially zoned areas. The legislation could potentially create new liability under Measures 37/49 for takings claims based on diminution in value of residentially zoned properties by allowing commercial and industrial activities not otherwise to be permitted in these zones.

Additionally, significant impact could also occur to local streets not constructed for the proposed activities, including unreasonable wear, and traffic safety, where trucks and equipment interface with children and neighborhood traffic.

The City of Tualatin respectfully urges a “Do Not Pass” vote on HB 2985 by the House Committee on Agriculture and Natural Resources. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lou Ogden', with a stylized flourish at the end.

Lou Ogden  
Mayor