

**Testimony of Metro Councilor Bob Stacey  
In Opposition to House Bill 4075  
House Committee on Agriculture and Natural Resources  
February 8, 2018**



Chair Clem and Members of the Committee:

As you know, Metro is the regional government of the Portland area with responsibility for managing the regional urban growth boundary. We also are responsible for the designation of urban and rural reserves, in partnership with the counties of our region. I serve as Metro Councilor for District 6 in Portland. Thank you for the opportunity to testify today.

**On behalf of a unanimous Metro Council, I urge you in the strongest terms to reject HB 4075.**

There are many reasons to reject this ill-advised legislation, but one should suffice: legislation that making site-specific local land use designations is fundamentally destructive of sound land use planning, which has contributed so much our region's and our state's prosperity and quality of life.

Before the 2014 session, the Metro Council adopted a principle to guide our participation in legislative conversations about land use. That principle is very clear: The Legislature should establish the policy and process for local land use decisions. However, the Legislature should refrain from inserting itself further into the process, and definitely should not actually MAKE those local decisions or draw the actual lines on the map.

There are several reasons why legislating local land use decisions is a bad idea.

- It undermines the proper role of local governments and assumes a role for the state that should be carried out at the local level, or in the case of the Portland area, the regional level.
- It sidesteps the difficult work of negotiation and compromise that results in better, more durable decision making.
- It has no basis in planning and ignores the need for thoughtful analysis of impacts to transportation, agriculture, jobs and neighborhoods.
- It cannot be modified except through even further changes to statute.
- Finally, it encourages even more special legislation of this type.

Today we raise this principle in relation to a proposal we find fundamentally misguided on a number of substantive and philosophical levels. However, we also adhere to this principle even when doing so works against our immediate interest. Case in point: in 2014, a bill was introduced that would have legislatively declared final Metro's UGB decision that was then subject to a legal appeal. We opposed that legislation because it wrongly interfered in the planning process.

So again, Reason #1: it is fundamentally inconsistent with our state's approach to planning for the Legislature to assume authority over local land use decision making.

But if that isn't enough of a reason to reject HB 4075, here is another one: it repudiates a unanimous fifty-year regional agreement that was reached just four years ago, and more

fundamentally, it flies in the face of efforts our region has been making for a decade to build consensus around land use.

The 2007 bill that authorized the creation of urban and rural reserves was the result of months of collaboration between Metro, cities, counties, and interest groups from across the spectrum, and enjoyed broad support when we brought it to the Legislature. Moreover, the legislation itself required agreement between Metro and the three counties of the region to designate both urban and rural reserves. The region then proceeded to identify the reserves through an open public process that offered broad opportunities for input by all parties.

When the Court of Appeals rejected a large part of the map that had been agreed to at the regional level, we once again worked to achieve a unanimously supported settlement agreement that was ratified by the 2014 Legislature. This was HB 4078, the so-called Grand Bargain. In fact, if there is an exception to Reason #1, the principle that the Legislature should not make local land use decisions, it would be when the region comes to consensus that legislative action is needed.

I participated in the negotiations that led to the Grand Bargain, along with Metro Council President Tom Hughes, and I know that the City of Hillsboro signed off on that compromise agreement. Moreover, while the agreement removed the land in question today from the urban reserves, it changed some rural reserves adjacent to Hillsboro to urban reserves and brought other land adjacent to Hillsboro into the UGB through legislative action.

The bottom line is that the Grand Bargain was exactly what its name implies: a bargain, a deal. Had Hillsboro insisted in 2014 that the land it wants to redesignate today remain an urban reserve, no bargain would have been reached, and we would be managing the UGB the old way: with no urban reserves at all in Washington County, based entirely on farmland quality, without consideration of what land is best for urbanization.

More to the point, bringing forward divisive legislation to break this long-term deal so soon after agreeing to it, without ever bringing the issue to the regional table, fundamentally calls into question Hillsboro's commitment to regional decision making.

So again, Reason #2: a deal is a deal until all parties agree to revisit it.

In this context, it is worth noting that Hillsboro is not an island. The urban reserves and the UGB provide for a regional land supply, not a land supply for each city. Irrespective of Hillsboro's view of its own needs, there is no shortage at the regional level of land in the UGB and the urban reserves, and the entire region has a stake in decisions that are made to change the current reserves map.

There are other cities in our region that either have industrial land available today or are working hard to make significant amounts of land ready for industrial development in the future. This includes cities that are not adjacent to the UGB and thus have no hope of gaining additional land by spreading onto irreplaceable farmland. Instead, they are investing in redevelopment of existing urban land. And as Metro staff testified before this committee last September, there are also thousands of acres of undeveloped residential land inside the UGB today. This regional context makes it even more important to seek regional consensus before asking the Legislature for major land use changes.

These are only a couple of the many reasons to reject HB 4075. We urge you to take no further action on this damaging legislation. Thank you for your consideration of these comments.