

Testimony of Randy Tucker, Legislative Affairs Manager
On House Bill 4031
Senate Committee on Environment and Natural Resources
February 23, 2018



Chair Dembrow 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. The Metro Council is also responsible for the designation of urban and rural reserves, in partnership with the counties of our region.

I would like to comment on two potential amendments to HB 4031. (Metro is neutral on the A-Engrossed version of the bill.)

First: the Metro Council opposes the –A22 amendment or any other provision intended to change the zoning or designation of the so-called “Red Barn” property in Clackamas County.

There are many reasons to reject such a provision, but one should suffice: legislation that makes site-specific local land use designations is fundamentally antithetical to sound land use planning, which has contributed so much to our region’s and our state’s prosperity and quality of life.

Before the 2014 session, the Metro Council adopted a principle to guide Metro’s participation in legislative conversations about land use. That principle is very clear: The Legislature should establish the broad 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, as the –A22 amendment does.

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.

Moreover, the facts of the “Red Barn” case do not even remotely describe a situation that merits legislative intervention. The landowner in question purchased the subject property at a price that reflected its value under farm zoning, AFTER it had been included in a rural reserve. Now that landowner objects to the restrictions that accompany that designation. It is not the Legislature’s responsibility to rescue a landowner who fails to conduct adequate due diligence prior to purchasing a property.

There is a solution to the problem this landowner seeks to solve legislatively: the landowner can sell the property and purchase land that is zoned properly for the activity they wish to conduct.

Second: the Metro Council supports the -A16 amendment.

The -A16 amendment fixes an oversight in a bill passed in 2017. That bill, SB 1051, authorized accessory dwelling units in areas zoned for single-family dwellings. Through an oversight, language limiting this authority to areas within urban growth boundaries was omitted in the last round of amendments, even though this had been in earlier drafts and understood to be the bill's intent from the beginning. We support restoring the original intent of the 2017 bill by including the -A16 amendment in HB 4031.

Note: irrespective of its other elements, the Metro Council will oppose the entire bill if it includes the -A22 amendment.

Thank you for your consideration of these comments.