

19 February 2024

I write in OPPOSITION to the -1 Amendment of HB 4026, which bans the use of citizen referenda to challenge Urban Growth Boundary expansions, and makes this provision retroactive to 1 January 2023. I am a veteran of 15 years of direct involvement in Clackamas County land use and planning processes of all types, and am currently directly involved the City of Sisters process to expand its UGB. I have also closely followed the North Plains debate about the expansion of its UGB.

What passes for land use public process is more akin in most places to a spectator sport, with the citizens of a community in the third tier of seats. They have as much agency in the outcome of the land use decisions as a typical baseball spectator has on the outcome of the game.

Citizen referenda are used when a group of citizens disagrees with the decisions of the jurisdiction, or feels shut out of the decision-making process. No community of people will go to the trouble of qualifying and supporting a referendum unless they believe serious community harm is at stake.

Section 1. of the Oregon constitution reads thus (italics mine):

Section 1. Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; *and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.*—

It is essential that Oregon citizens retain this way to alter or reform our government and its decisions. If a majority don't agree with a citizen referendum, then it will have no effect. If a majority do agree, then the grievances being expressed are valid. Referenda are an essential way in which a community of people carry out this provision of our constitution. To make the proposed revision of law retroactive begs the question of cui bono? Which decision would be protected in the absence of citizen referendum? I know that in certain areas of the law, retroactive effectiveness isn't legal. Making such law retroactive an any situation opens a veritable Pandora's Box of future legal issues that should never be opened.

I strongly oppose this bill as proposed in HB4026-1.

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