

JANEEN SOLLMAN
STATE SENATOR
DISTRICT 15



OREGON STATE SENATE

March 7, 2024

Obadiah Rutledge
Secretary of the Senate

RE: Vote Explanation for House Bill 4026

Dear Secretary Rutledge,

When Senate Bill 100 became law in 1973, Oregon established a coordinated statewide program for land use planning and created the Department of Land Conservation and Development. Over the years we have crystalized our states land use planning system to ensure Oregon has sound planning principles based on science, data, and predictability for our land use decisions. This process takes *years* to go through and offers Oregonians many opportunities to voice their concerns at the local, county and state levels. I voted in support of House Bill 4026, because I believe we must maintain a smart and predictable land use planning process for our taxpayers, and our municipalities.

The local process to amend a city's urban growth boundary is complex. It takes cities many years, and hundreds of thousands of dollars to make land use decisions. This process is long, but it is intended to be that way so the public can be confident in the decisions cities make. **HB 4026 does *not* create a new land use process, and it does *not* remove Oregonians right to a referendum. All HB 4026 does is *clarify* the confusion on whether these types of decisions are administrative, or legislative in nature.**

I believe in the elector's right to a referendum of a local government's political decision, as given in the Oregon Constitution. However, our states land use planning system already has a statutory framework in place where Oregonians can voice their concerns about a land use decision at the local, county, and state level. Throwing in a referendum petition as the very last step in a long year's process that cost our small cities, and taxpayers hundreds of thousands of dollars to comply with, undermines the land use system we have built over the years. If an individual does not agree with the decision made around this process, then they have every right to submit an appeal either to DLCD, or the Oregon Court of Appeals.

According to Legislative Counsel, "referendums are only available for legislative acts, and does not apply to the executive or administrative actions of local governments. Even if a decision is made by an ordinance of a legislative body, it may still be administrative for the purposes of determining whether it is subject to a referendum . . . Because land use decisions are governed by specific land use provision created under a statutory framework, even if the local code considers a significant change legislative, it is likely that a court will find it adjudicative and not subject to a referendum".

Oregon's land use process needs to be predictable, if it is not, then our cities will not be able to plan their growth accordingly and taxpayers may be further burdened by covering the costs of a city's ongoing litigation fees. HB 4026 does not create a new policy for our states land use process, and it does not

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remove Oregonians constitutional right to a referendum. All this bill does is clarify and uphold the existing process our state has. This bill does not remove the right of a proponent to have their voice heard in local planning decisions, rather it encourages proponents to utilize the existing process by advocating at each level on whether they support or oppose a land use decision. If they are unsatisfied with the ultimate outcome, then the current process allows them to then appeal to the Oregon Court of Appeals. If a referendum is to be brought forth on a land use decision, all this bill asks is that the proposed referendum comply with existing case law and prove that the decision was legislative in nature.

Sincerely,

A handwritten signature in black ink that reads "Janeen Sollman". The signature is written in a cursive, flowing style.

Senator Janeen Sollman
Senate District 15