



February 3, 2025

House Committee on Agriculture, Land Use, Natural Resources and Water
900 Court NE
Salem, OR 97301

Re: HB 3013 and -1 Amendment Concerns

Co-Chairs Helm and Owens and Members of the Committee,

The City of Hillsboro appreciates the opportunity to provide feedback on HB 3013 and the -1 amendment, introduced in response to a land use dispute involving the Aurora Airport. While the City of Hillsboro takes no position on that issue, the proposed legislation raises significant concerns for its impact on past and future land use decisions statewide. Specifically, HB 3013-1 would increase litigation, expose cities to increased liability, and increase costs and delay for needed housing production and economic development across Oregon.

The bill allows any person who participated in a local land use decision proceeding, even if they didn't appeal, to recover "actual damages caused to the person by any improvements or use allowed by the authorization," thereby exposing developers and cities to litigate and pay such damages. Further, by requiring a local government to terminate any development authorizations within 30 days of a decision from LUBA that remands a plan amendment such as a zone change, the bill will further delay the development of needed housing in those situations where the zone change is readopted and upheld. This is a very common scenario, for example when the city approves an application to "upzone" property, which is appealed by the neighbors. Even if the zone change is ultimately upheld, the bill requires the city to terminate any authorizations that were made in the meantime, which means the property owner must start all over again, with corresponding delays and costs. Additionally, the retroactive effective date would give appellants the ability to challenge land use decisions even after comprehensive plan and zoning code amendments have been completed and acknowledged.

Ultimately, current law already achieves what HB 3013 seeks. If a developer ignores an order from LUBA affirming a denial or reversing an approval and the developer goes ahead with construction anyway, several remedies exist:

1. LUBA can bring an action in circuit court under ORS 197.825(3)(b) to enforce its order;
2. A person can bring an action in circuit court under ORS 197.825(3)(a) to enforce LUBA's order or the local land use decision; and
3. A local jurisdiction can bring an action in circuit court under either 197.825(3) or 30.315 to enforce the land use decision and related land use ordinances.

Furthermore, because the law already gives circuit courts jurisdiction over enforcement decisions, including enforcement of LUBA decisions and local land use decisions, the language in the -1 amendment that purports to provide such jurisdiction is redundant and creates the potential for unnecessary and expensive litigation simply to determine jurisdiction.

Like cities across Oregon, Hillsboro is urgently working to meet the housing needs of its growing and diverse residents while encouraging economic development. HB 3013 and the -1 amendment is not only



unnecessary; it will increase costs and delay for local governments and threaten Oregon's housing goals and economic prosperity. We respectfully request the committee to consider whether the statewide, unintended consequences of this bill are the appropriate response to a single land use dispute.

Sincerely,

Ariel Nelson, Government Relations Manager
City of Hillsboro