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March 6, 2024

Senate Committee on Rules
Oregon State Capitol
900 Court St., NE
Salem, OR 97301

Re: Vote “NO” on HB 4026A

To Chair Lieber and Members of the Senate Committee on Rules,

Friends of Marion County is an independent 501(c)(3) farmland protection organization founded in 1998. Our mission is to protect farm and forestland, parks, and open space in Marion County.

We oppose the adoption of HB 4026A and request the Senate Committee on Rules to reject this last minute “gut & stuff” attempt to overturn the will of the citizens of North Plains. If you decide to pass this bill out of committee, please remove the section making this law retroactive. To remove a measure from a local ballot is draconian.

For 8 years I have served on the Marion County Planning Commission and for 20 years as President of Friends of Marion County. I have seen many applications for development within the cities of the county and in the rural farm and forest lands surrounding them.

FoMC has appealed both administrative applications and legislative amendments in Marion County. Administrative changes to the county’s Comprehensive Plan are adopted first through an application to county staff, and then through a hearing before the county’s hearings officer. These decisions can be appealed to the Board of County Commissioners (BOC) and then appealed to LUBA and the Court of Appeals. Often the decisions made by the county staff are final and adopted without opposition.

Legislative Amendments are proposed by the BOC and can only be appealed to the courts because Legislative Amendments are land use laws that bypass the normal site-specific application process. They apply countywide. These amendments cannot be appealed to the Marion County Hearings Officer nor can they go before the BOC in reconsideration of their earlier decision.

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Therefore, there are significant differences between these two types of land use changes. A UGB decision is considered a Legislative Amendment because it originates in the local governing body and is also decided by the local governing body.

Our position in the North Plains case is identical to Legislative Amendments in Marion County. Legislative Amendments differ from Administrative Decisions because they affect all lands, all at once, within the jurisdiction of the county. So it's appropriate that all voters within the City of North Plains be given the opportunity to weigh in on that decision.

The voters of North Plains have decided that they have not been given an opportunity to weigh in on that decision and have decided to "appeal" the decision through the use of the ballot. Oregonians have already been stripped of the right to vote on annexations by the legislature. Please don't repeat that same mistake by denying citizens' a vote on UGB expansions.

Sincerely,

Roger Kaye, Pres.
Friends of Marion County
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