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June 28, 2013

To: Senate Rules Committee
State Capitol, 900 Court Street NE
Salem, OR 97301

Re: SB 845: -7 amendments Oppose; Substitute the -5 or -6 Amendments

1000 Friends of Oregon appreciates the opportunity to testify on SB 845. We have worked collaboratively since the inception of Oregon's land use planning program, at the local, regional, and state levels, to ensure the program is responsive to the state's economic development interests. We have done that by advocating for policies that ensure land is available, and remains available, in the right places, with infrastructure and near to where people live and transportation facilities exist for both workers and products. We have also advocated for protection of the land base critical to the state's #2 industry – agriculture. Agriculture is also the #2 industry in Washington County – the focus of this bill. Oregon's agricultural industry has continued to grow and flourish even during the economic downturns that other industries, including high tech, have experienced.

1000 Friends opposes SB 845-7. In order to super-site one possible industrial user, this bill would override Oregon's land use planning program, and the right of citizens to participate in it, including the right to seek redress in court if they believe local or state officials have violated the law. Moreover, SB 845 undermines the public's trust in the rule of law in general, if it can be overrun by an anonymous, speculative, industrial suitor.

Nonetheless, we have worked with Hillsboro to draft the technical changes to the narrow the focus of the original bill to the presumed site and use represented by a yet-to-be-identified high tech user known by the name "Azalea."

SB 845 has been described as necessary because of appeals clouding the status of the site believed to be of interest to "Azalea." However, that is incorrect. Many who appealed the decision, including 1000 Friends of Oregon and local farmers, *proposed a compromise in the area north of Hillsboro and south of Highway 26, presumably the focus area of this bill, which would have resulted in several hundred acres being designated urban reserve and which would therefore be in the UGB today.* The reserves law encourages using natural and manmade boundaries - such as creeks, streams, ravines, and major roads – to separate rural and urban reserves. We recommended using these boundaries, which would have resulted in the 330 "Azalea" acres, plus several hundred *more* acres, being in Metro's urban reserve.

Moreover, 9 state agencies signed at least two letters advising that compliance with the reserves law would lead a similar urban reserve in the "Azalea" area, using natural boundaries.

However, Washington County and Metro designated, and LCDC approved, a much larger urban reserve – over 2000 acres in the north Hillsboro area alone, resulting in a "boundary" between urban reserves and farming that is simply an invisible line down the middle of a field. LCDC, Metro, and Washington County put themselves in their current position. They over-reached in their designation of urban reserves in Washington County *knowing the decision would be appealed.*

Many of the participants in the reserves process— *including the state agencies* – also advised that the Helvetia agricultural area - north of Highway 26 and separated from the focus of this bill by Highway 26 - warranted *rural* reserve protection. However, at the end of the process, Metro and Washington County changed the Helvetia area’s designation from rural reserve and undesignated, to urban reserve, with some undesignated.

The -5 and -6 amendments are alternative methods of protecting the 660 acre Helvetia area as it should have been, and almost was. The -5 version would designate all of the Helvetia area as a rural reserve; the -6 version would designate part as rural reserve and part as neither urban nor rural reserve (i.e., undesignated). The Helvetia area deserves this protection, because:

- It is of high agricultural value: it is over 600 acres of primarily Class 1 and 2 soils, the best of the best.
- It is an intact farming area, separated by Highway 26 from Hillsboro’s urban industrial area, including “Azalea,” on the south side of Highway 26.
- It has extensive agricultural infrastructure, including tiling and agricultural businesses.
- It is of cultural and historical significance: The Helvetia area contains Native American sites and it is the original area of Swiss settlement in Oregon. Both traditions are celebrated annually with festivals in Helvetia.

If the extraordinary measures authorized by SB 845 are passed, **protection of the Helvetia agricultural area provides an appropriate balance, as reflected in the – 5 or -6 amendments to SB 845.** If SB 845 moves, please adopt the -5 or -6 amendments.

Thank you for consideration of our testimony.

Sincerely,



Mary Kyle McCurdy
Policy Director