



Save Helvetia.org

*Advancing policies, leaders and actions
that protect Helvetia's
treasured resources*

**13260 NW Bishop Road
Helvetia, OR 97124
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February 2, 2015

Honorable Brian Clem
Chairman, Land Use Committee
Oregon State House of Representatives H-284
900 Court St, NE
Salem, OR 97301

RE: HB 2047

Honorable Representative Clem and Members of the House Land Use Committee,

Save Helvetia wishes to thank you and your colleagues for the passage of HB 4078, the Grand Bargain, last year. After discussions with planners in Washington County and Metro, it appears there is an inadvertent oversight that occurred during the fast-moving discussions about HB 4078. This oversight involves the placement of the northern boundary of Area 8A. The urban growth boundary is on the south side of Highway 26 on the western portion of Area 8A and jumps north across Highway 26 to run adjacent to the new rural reserves and undesignated lands of Area 8B. The north side of Highway 26 includes 1.5 miles of a grassy strip and rural, dead-end Groveland Drive, neither of which are developable or have any urban use but which now reside inside the urban growth boundary by default.

We are very concerned that this error could later contribute to somehow making it easier to change the designation on the parcels along Groveland Drive (including the undesignated parcel on the corner of NW Helvetia Road and Northwest Groveland Drive) because "they are already adjacent to the UGB." We have learned through experience that often "adjacency" is used for subsequent land use decisions.

Our efforts to correct the oversight

We tried to correct this discrepancy locally, testifying before the Washington County Board of Commissioners on August 5 and August 19, 2014, during hearings regarding Ordinance 785, Washington County's adoption of HB 4078 (slideshow testimony attached). Chair Duyck agreed that "essentially, there is just no land to do anything with on the north side..." Commissioner Terry went on to say, "I agree with the chair, it's a superfluous argument it doesn't make any difference." Chair Duyck continued, "Now you could argue that it should not of been there in the first place, but it is and it makes no difference but it's an indication of this constant battle we've been having over urban and rural needs." Commissioner Malinowski said, "Okay, so this is once again one of those monkeying around things that in, if we do end up doing a cleanup, that might be one more thing that we ought to tidy up." STAFF responded, "It may be a good candidate for that given that there is no definition for the boundary for the two adjacent reserves." In the end, the Commissioners voted not to proceed with changing Ordinance 785, but suggested the change be pursued through DLCD. DLCD did not respond to Save Helvetia's letters.

Background

Planners for Washington County and Metro said that HB 4078’s text did not address the northern boundary of Area 8A’s eastern portion, leaving the language in place that was in Metro’s Resolution 11-4245 when that portion had urban reserves extending all the way north to Northwest West Union Road. Save Helvetia understands that the state Court of Appeals invalidated the Washington County urban reserves in Area 8A and 8B, while HB 4078 replaced them with undesignated and rural reserves. In the discussions we witnessed during the Grand Bargain negotiations, there was no discussion that the UGB would extend north of the highway to the very edge of the new undesignated and rural reserve lands of Area 8B.

The Problem

HB 2047 page 3 (2)(b) denotes that Area 8A’s northern boundary (on the new Rural Reserves in the WESTERN portion) is “south of the south boundary of the right of way of Highway 26.” Yet, in the section (2)(a) the language does not denote the northern boundary for the EASTERN portion of Area 8A.

This creates a UGB boundary that proceeds along the southern edge of Highway 26 for part of Area 8A and then jumps north of the highway all the way to the rural reserves of Area 8B for the rest of the way.

Recommendation

We strongly urge you consider correcting this technical oversight to align the northern boundary of the UGB in Area 8A to be consistent with both its eastern and western portions. This correction would eliminate having two different northern boundaries for the same section of land and to provide for the same buffer for the rural reserves and undesignated land on the north of Highway 26.

Suggested language

A simple way to fix this oversight could be language (in bold) such as this inserted at the end of line 13 on page 2:

(a) The real property in Area 8A on Metro’s map denominated as the “Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (09/17/11) DRAFT,” east of the east boundary of the right of way of Northwest Jackson School Road and east of the east bank of Storey Creek and the east bank of Waibel Creek is included within the acknowledged urban growth boundary. **The northern boundary of the Urban Growth Boundary in Area 8A should be south of the south boundary of the right of way of Highway 26 (or appropriate legal language to that effect).**

Respectfully,

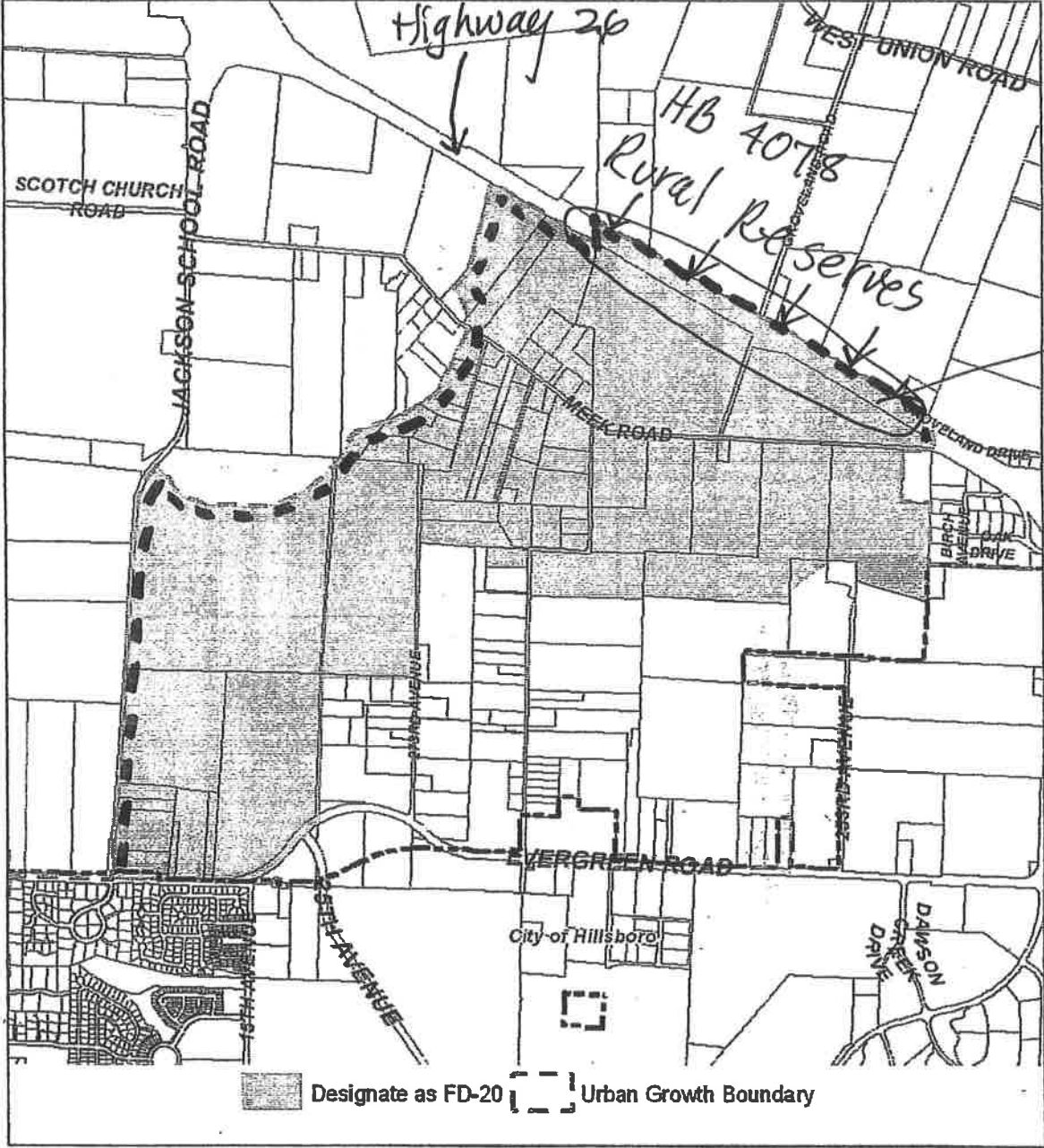


Cherry Amabisca
for Save Helvetia

Attachment: Testimony provided by Save Helvetia to Washington County Board of County Commissioners at a hearing regarding Ordinance 785 On August 19, 2014 regarding Washington County’s adoption of HB 4078 (slideshow)

cc: Rep. Joe Gallegos, Rep. Susan McClain, Sen. Chuck Riley

The "Land Use Districts" Map of the East Hillsboro Community Plan is amended by the addition of the Future Development - 20 Acre (FD-20) parcels shown below. The community plan boundary is also amended to include the shaded areas.



Amendments to map shown in bold or patterned areas; other features not amended by this exhibit remain in effect as shown on the plan map.



Groveland Drive

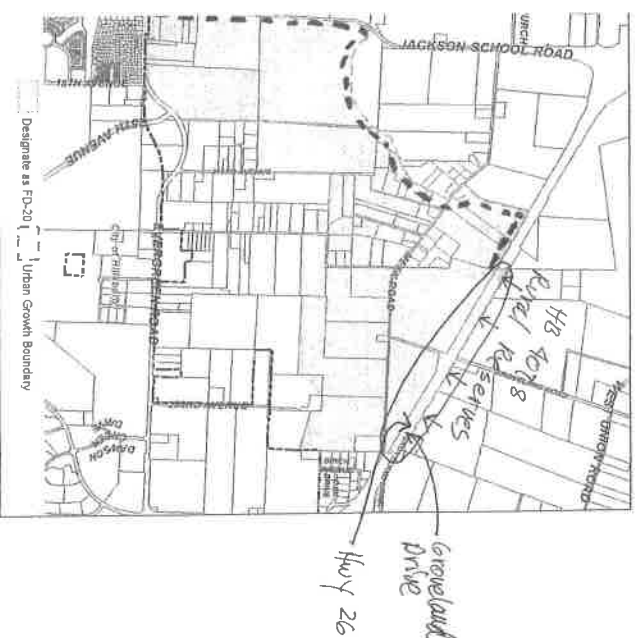
Washington County Ord. 785 (HB 4078 clarification)
Save Helvetia - August 19, 2014

UGB north line - Open to Interpretation

- ❖ HB 4078 is silent on where the northern boundary of UGB should be
- ❖ Open to interpretation
- ❖ Staff drew it where it was in PREVIOUS decisions
- ❖ Part of new UGB is south of Hwy 26 and part is north

Ordinance No. 785
Exhibit B
July 28, 2014
Page 3 of 5

Use Districts: Map of the East Hillsboro Community Plan is amended by the addition of 20 Acres (FD-20) parcels shown below. The community plan is also amended to include the shaded areas.



Items to map shown in bold or patterned areas; other features not amended exhibit remain in effect as shown on the plan map.

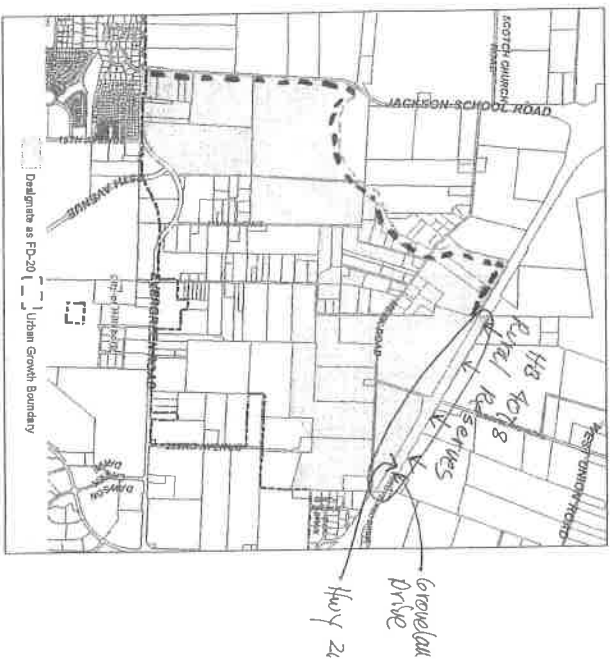
opposed additions
opposed deletions

Why is this a problem?

- ❖ Inconsistent with legislative intent of HB 4078 in which roads & creeks adjacent to new UGB are EXCLUDED from UGB
- ❖ Inconsistent with UGB boundary on west & north of new UGB

Ordinance No. 785
 2014
 July 22, 2014
 Page 3 of 5

The "Land Use Districts" Map of the East Hillboro Community Plan is amended by the addition of the Future Development - 20 Acre (FD-20) parcels shown below. The community plan boundary is also amended to include the shaded areas.

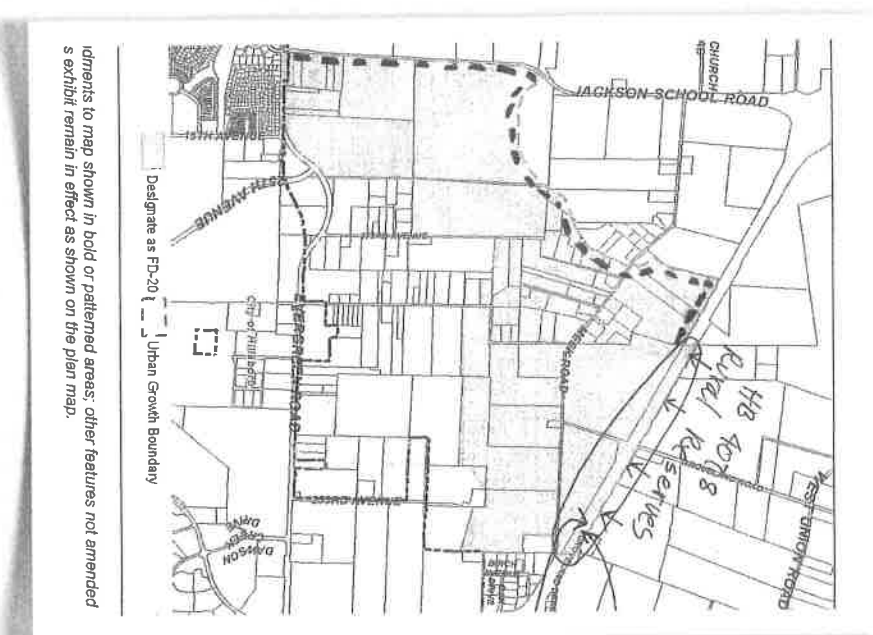


Amendments to map shown in bold or patterned areas; other features not amended by this exhibit remain in effect as shown on the plan map.

Shaded Proposed additions
 Dashed Proposed deletions

Why should Groveland Drive be excluded from UGB?

- ❖ HB 4078 changes previous land designations
- ❖ What were urban reserves north of Hwy 26 are now rural reserves
- ❖ Where HB 4078 made new land designations, the previous decisions no longer apply



What is the urban need on Groveland Drive?

- ❖ Groveland Drive is a dead-end, country road
- ❖ There is a 50-foot wide grassy strip between Hwy 26 & edge of road
- ❖ Road is only 25 feet wide
- ❖ Rural reserves on north edge of Groveland Drive



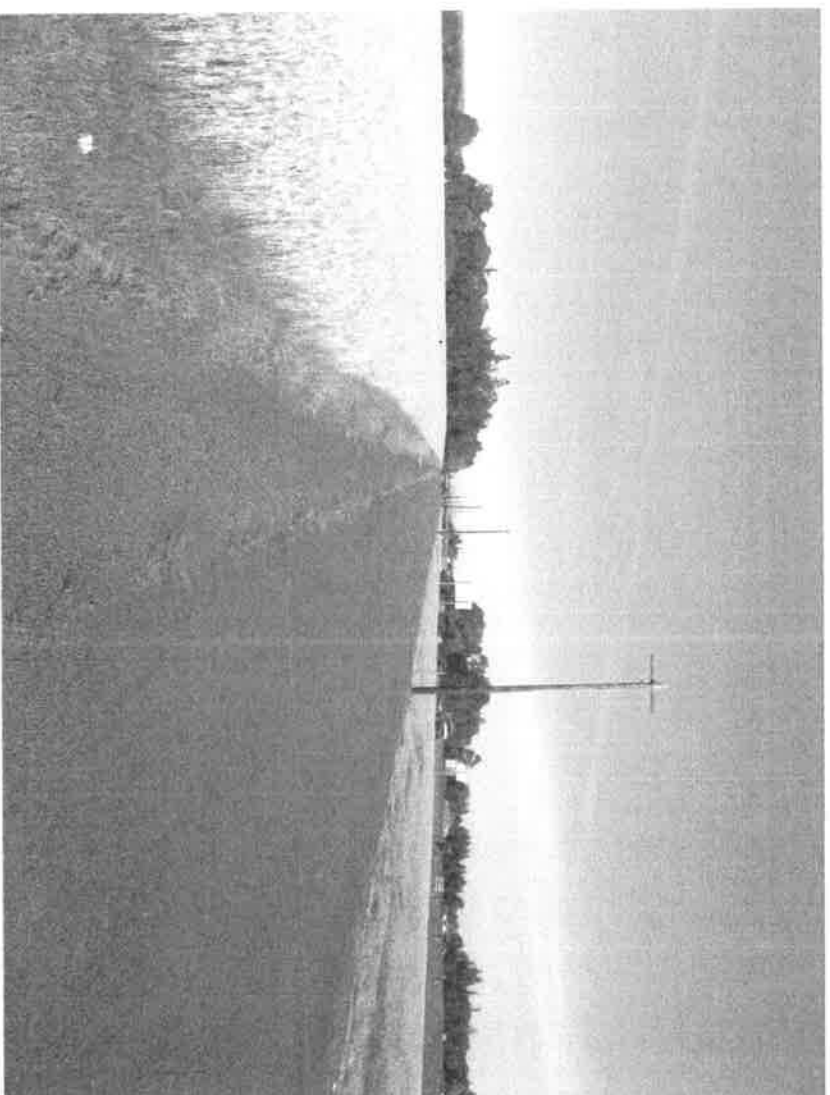


*Groveland Drive has no buildable land
Why bring a 1.5 mile dead-end rural road into the UGB?*

Rural Reserve farms need a buffer

UGB as drawn
would be inches
away from the
crops in rural
reserves on the
northern edge of
Groveland Drive
(currently wheat)

**CROPS NEED
A BUFFER**





Save taxpayer dollars

Exclude Groveland Drive from the UGB
Move the UGB to the south side of Hwy 26

Recommendation

- ❖ Ask Staff to re-draw the UGB for the Groveland Drive portion to be on the SOUTH side of Hwy 26
- ❖ This is consistent with legislative intent of HB 4078 AND consistent with the western and partial northern boundaries as already drawn by Staff
- ❖ OR - Approve this issue to be sent to DLCD for legislative “clean-up”

August 19, 2014
WaCo Ord. 785



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