



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

February 3, 2018

**Subject: Opposition to HB 4075 - Violation of Principles of Oregon Land Use Process**

TO: Honorable Members of the House Agricultural and Natural Resources Committee

**We are writing on behalf of the Board of Directors of Save Helvetia regarding the reasons why we ask you to vote NO on HB 4075.** Save Helvetia organized to protect area farmland during the Washington County Reserves Process. We provided many testimonies and conducted much citizen science of our lands. We then sought review and eventual appeal of the county's plan. During this lengthy process, we became stakeholders and defenders in Oregon's land use system. From this context, we say...

Save Helvetia's interest in the bill is multifold: First, this bill reverses 1,729 acres of high-value farmland consisting of Class 1 and 2 soils south of US-26 from rural reserves to urban reserves. This large block of Foundation farmland provides connectivity to Helvetia's farmland directly to the north; without it, Helvetia's farmland becomes an island surrounded by urbanization. **The loss of this excellent farmland to urbanization would have a permanent and detrimental impact on the future of the farm economy in Washington County.**

Second, this bill shreds Oregon's land use laws and processes, opening the door for landowners with financial interests to go straight to the legislature for immediate conversion of specific properties, eroding the land use process that has protected Oregon farmland for over 40 years. **ALL reserves areas, including Helvetia, are at risk of having their rural reserves overturned** by individuals going directly to the legislature and bypassing Oregon's land use process and laws. HB 4075 would set a dangerous precedent because legislative land use actions restrict citizen involvement and usurp citizens' rights to timely review and appeal.

## **In addition, Save Helvetia is opposed to HB 4075 for the following reasons:**

### **HB 4075 Violates the “Grand Bargain” (HB 4078) legislative settlement**

- HB 4075 violates the good faith negotiations that resulted in the Grant Bargain. The “Grand Bargain” was an extra-ordinary state intervention into a county’s land use authority. The legislature was only sitting for six weeks in 2014. The court issued its ruling in late February, 2014. The State of Oregon faced the prospect of lost time and tax base if development was held back for more years. Into this window, creative legislative leadership devised the mechanism to negotiate a settlement on a balance of urban and rural reserves, bringing litigants and governments together to protect farmlands as rural reserves, while moving other lands forward for development. This quickly won bipartisan, unanimous and statewide support in the legislature. This does not, however, constitute a precedent and HB 4075 does not resonate with any level of emergency or statewide benefit.
- At the end of the settlement, the Oregon Legislative Committee Chairperson, Representative Val Hoyle, had every jurisdiction come up and promise that they accepted the settlement and would abide with it - including Washington County and the City of Hillsboro. Hillsboro is now renegeing on their testimony, saying they were holding their noses when they were forced to agree to HB 4078. Are they offering to give back what they got in trade? NO! They just want more.
- HB 4075 violates the principle of the “Grand Bargain” by allowing individual landowners and groups of landowners to have their land treated specially. That is not good planning. It does not protect our local food supplies and Oregon’s #2 industry.

### **HB 4075 Violates SB 1011 and its associated Administrative Factors**

- HB 4075 proposes to designate 1,700 acres in Washington County as urban reserves. There has been no legal suitability analysis by the proponents. The City of Hillsboro says they would do that “after they are given the land”. The NW Hillsboro Alliance has produced a glossy booklet that asserts suitability for urban and diminishes its profile for agriculture: they engage in pseudo factor use by claiming that their being outside the irrigation district makes them poor farmland and avoids soil science all together.
- Using the Oregon Department of Agriculture criteria in SB 1011, these lands met the criteria as rural reserves. The “Grand Bargain” simply applied the legal criteria in the Administrative Rules that Washington County should have used but chose not to. HB 4075 should not be the vehicle now used to circumvent the findings of the State Court of Appeals and the subsequent adjustment by the Legislature.

- HB 4075 threatens the connectivity of large blocks of agricultural farmland using simplified criteria, without appropriate citizen involvement, while taking away any method of redress. That is simply wrong.
- The mission of the Reserves process was to advance a public good, setting aside lands and protecting lands for urbanization and protecting agriculture for a substantial duration. HB 4075 lacks a public good “mission”, while detracting from the Reserves process itself.
- The Reserves process was promoted as providing farmers and landowners the essential “certainty” needed for agricultural or forestry business plans and for those awaiting urbanization. HB 4075 dashes certainty and replaces it with a monopoly game of chance.

**HB 4075 Violates Goal One of SB 100**

- Utilizing legislative action to make land use decisions on specific parcels of land as requested by individual landowners prevents the robust citizen involvement process required by Goal One of SB 100. While the legislature has a citizen involvement process, it lacks timely notice, diminishes citizen involvement in the planning and input opportunities (for citizens) required by Goal One that are enshrined in county ordinances for local land use planning. HB 4075 might require Washington County counties to violate its their own citizen involvement ordinances.
- HB 4075 would take away the right of appeal, an established system of redress, a valuable check and balance in the scheme of land use planning. The development of standing and the right to appeal to a higher level of review helps our land use system remain robust. This is quality assurance. It helps governments follow the law and its ordinances. Citizens and advocacy organizations bring forward detailed information and perspective about lands and issues that governments might be more distant from.

***The legislature should not support any legislation unless it is supported by all three counties and Metro.***

***We urge you to follow the long-established process of our proven system of land use planning and vote NO on HB 4075.***

Respectfully,

Cherry Amabisca, President

Robert Bailey, Secretary

for the Save Helvetia Board of Directors