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February 11, 2022

House Committee on Housing  
For Hearing on February 14, 2022, at 8:00 AM  
**HB 4118**

Thank you for this opportunity to provide input on **HB 4118**. This testimony is in **OPPOSITION to HB 4118 as filed and to HB 4118 as amended**.

**Save Helvetia** is a private non-profit advocacy organization that has been working for the past decade to protect farmlands in Washington County. Many of our board members have been active in related efforts for many years prior to our formal organization in 2009, during the Urban and Rural Reserves process. Our success as a partner in litigation, when Washington County wrongly evaluated our reserves lands, was a key factor that led to the passage of HB 4078 in 2014 - the **Grand Bargain**. Save Helvetia continues to be an active stakeholder in assuring that our Oregon land use laws are followed to enable Washington County's urban and rural reserves function appropriately.

### **We Oppose HB 4118 as Filed**

This legislation may create the potential for expanding middle-income housing that is in short supply. This could benefit people by enabling them to live closer to where they work, potentially achieve more affordable housing, and possibly allow willing sellers/developers an avenue to expedite their desire to profit from their farm lands.

In an astonishingly greedy gesture, this bill violates the first six goals of Oregon Land Use Law, not the least is Goal One, Citizen Involvement. The next five are: 2) Land use Planning, 3) Agricultural land, 4) Forest Lands, 5) Open Spaces, Scenic & Historic Areas, and Natural Resources and 6) Air, Water & Land Resources Quality.

The bill also by-passes cities and their urban planners. The bill overlooks the establishment of "need" for expansion. The bill does not allow for the land use evaluation process but locks in by covenant the highest price use of housing. It puts land use in the hands of owners/developers ready to sell, overlooking all else.

## **HB 4118 promotes piecemeal development and agriculture/urban conflicts**

If you facilitate this “checkerboard” development of urban reserve farm lands, you create obstacles to surrounding farmers, you can create lifestyle hazards for new residents and you increase the cost and complexities of infrastructure.

Farming gets more complex when you add urban “amenities”, such as street lighting, into the agricultural environment. Citizen science in our area shows that crops ripen more rapidly near artificial *street lighting*, causing farmers to either give up this portion of their cropland or carve out extra time to come to these areas to harvest in small portions. This is time consuming and adds costs of fuel, time and frustration. When you develop rural roadways, underground *field drainage piping* is lost or becomes disconnected, causing flooding. Many farmers “tile” their fields to drain off excess water during the rainy season and they rely on this infrastructure, which is interconnected throughout many parcels of different owners, to carry this excess water downstream. When you install urban *sidewalks*, you create concrete obstacles adjacent to the path of farm machinery. Farmers are forced to either back off these edges, giving up their ground or risk damaging expensive equipment, often at critical times of planting or harvesting.

In “checkerboard” development, new residents discover themselves surrounded by farming practices, and begin complaining, only to discover they have no standing to complain. It sets in conflict the right to farm against the lifestyle expectations of new urban dwellers. These practices can include agricultural noise, seasonal dust from tilling and harvesting, periods of extreme pollen, drifting herbicides/pesticides, overflights by helicopters or drones checking on crop purity, or rodents chased from farm fields into residential yards. Coyotes run through farm fields at night, snatching unsuspecting pets near residential settings. When fields are dry with stubble they can become fire hazards to nearby structures.

Urban planning is designed to achieve efficiencies and economies of scale when installing urban infrastructure. Contiguity allows for the efficient access to new lands: the installation of sewer pipes, underground electrical, sidewalks, street lighting, among other amenities. “Checkerboard” development is the opposite. Projects become delayed or stymied attempting to negotiate easements across parcels and costs can go up as you do not know the size of the projects. Start-and-stop sidewalks are reminders of where development stops and starts. Fewer economies of scale are available. Putting a two-year cap on this process is overly ambitious and naive. What happens when the deadline passes? Does the farmland then sit idly by gathering noxious weeds that blow onto neighboring parcels? Who pays for the increased costs of “checkerboard” development?

Why can’t we respect what the urban and rural reserves processes have achieved? Why can’t we continue to value citizen participation in land use? Why can’t we still expect establishing a “need” for urban growth expansion? Why can’t we seek cost effective methods to plan infrastructure? Why can’t we incentivize the development of the range of housing types needed in other ways?

Our housing needs are known. HB 4118's method of facilitating one sort of housing throws out too much of our established practices and laws while putting a few owners/developers in the drivers seat of Oregon land use.

### **We Oppose HB 4118 as Amended**

As amended, the legislation asserts to create a balanced task force to champion not only housing, but industrial and manufacturing development. *Didn't we already do this with the Urban and Rural Reserves legislation that was designed to create certainty for farmers, cities, and developers?*

The task force composition is heavily weighted towards development and the majority would direct its business. The task force would violate Goal One of Oregon Land Use, as it minimizes citizen involvement from the beginning. As this task force would be a boon for future development, there are no special safeguards to guard against the conflicts of interest sure to arise. Special interests would dominate the task force: cities looking to increase their UGB outside of Oregon Land Use law, landowners looking to score a financial windfall, developers salivating over the potential financial gains.

The amendment refrains from naming specific cities, but it is obvious who would be on the task force by the very specific description. The City of Hillsboro, obviously, would be the representative for Washington County. The City of Hillsboro also entered into the 2014 Grand Bargain, allowing them timely access to develop South Hillsboro. The City would have to violate their oath to the 2014 Oregon Legislative Assembly to now participate in seeking more industrial lands for themselves.

Let's look at how the City of Hillsboro has used the thousands of acres it has already received for industrial use. In 2009, the City spent hundreds of thousands of dollars on studies by out-of-state consultants to justify its desire to have thousands of acres of land added to its urban reserves. At that time, Hillsboro's aspirations were to become the Bio-Tech center and the Solar center of the country. It aspired to be competitive with cities such as Raleigh NC, Albuquerque NM, Austin TX and Colorado Springs CO.

What actually happened in the 13 years since? The City of Hillsboro has allowed its larger parcels to be divided into small 25 acres or less, as developers, such as Majestic, complained that there was no market for larger parcels. As a result, the entrance to the vaunted "High Tech Hillsboro" features the Top Golf entertainment complex, a K1 indoor go-kart racing facility, Starbucks and the "Which Wich" sandwich shop, among others. And what has become of the Bio-Tech and Solar industries, which Hillsboro projected would employ many thousands of highly-paid employees? Not much. Rather than the center for Bio-Tech and Solar industries, Hillsboro is becoming known as the center for Data Server Farms, using vast amounts of water and land but few employees.

Hillsboro has a tendency of knee-jerk reactions to what they perceive as lost business, which they are quick to attribute to not enough land. Yet, in their 2009 justification for more urban reserves, they admitted that the reasons for prospects (at that time) declining to commit to Hillsboro were multi-faceted, and they did not receive specific reasons from prospects. For example, in 2000, with the news

that Intel had purchased 90 acres north of Highway 26 for a research and development facility that would employ hundreds of highly-paid researchers, Hillsboro sprang into action. It quickly added the surrounding 1200 acres to its UGB, planning for the ancillary businesses that would be needed to support Intel. Intel never developed their 90 acres and the area attracted warehouses that paved over the former Class 1 soil (best in the world). It is more than 20 years later and the 1200 acres is still dotted with vacant parcels and spec buildings waiting for a buyer.

### **Why did Intel select Ohio?**

The presumption is because of Washington County's lack of industrial land. This limited view ignores other key aspects, such as a local major research university to support the needs of a high-tech industry, the availability of a highly educated employee population graduating from high-performing public schools and most importantly, a pro-business environment. However, federal policy is surely trying to spread out industrial benefits to underserved parts of the country and the chip factory will enjoy major federal subsidies. Washington County should not deface Oregon Land Use law and tradition out of the assumption that they are the capitol of high tech. To be truly forward-looking, Oregon needs to stop attempting to cherry-pick business winners and losers, but instead diversify industrial development throughout the state.

*We need to stop sacrificing food-producing traded-sector farmland outside the UGB in the assumption it is the only way to get affordable housing. People want affordable housing options inside the UGB, near where they work, attend school, shop. That's why Save Helvetia supported the development of South Hillsboro. Let's work together to find innovative solutions, the Oregon way.*

Respectfully submitted,

Cherry Amabisca, President  
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for the Board of Save Helvetia

Save Helvetia is an affiliate of 1000 Friends of Oregon in Washington County.

