



Save Helvetia

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

March 3, 2014

Honorable John Kitzhaber
Governor
160 State Capitol
900 Court Street
Salem, Oregon 97301-4047
Re: Support of HB 4078

Dear Governor Kitzhaber:

We, the undersigned representatives of [Save Helvetia](#), have participated in discussions to collaboratively resolve the conflicts concerning Washington County's and Metro's pending urban growth boundary expansion and the urban and rural reserves designations.

We recognize that the 2007 Legislative Assembly established a process under Senate Bill 1011 to determine urban and rural reserves in the Portland Metro area in order to achieve greater certainty for agricultural and urban prosperity. The [Oregon Court of Appeals](#) affirmed Metro's ability to establish reserves. However, it invalidated the decisions of Washington County, Metro and the LCDC because of the process by which Washington County developed reserves designations.

We support the 2014 Legislative Assembly's intervention via HB 4078. However, we advocate for improvements in the citizen involvement process.

As an example, the attendees at the Sunday, February 23, 2014, "collaborative" meeting were 90% elected officials, government staff, and land developers. We and the several farmers associated with the 1000 Friends of Oregon appeal were the only "citizens" in the room of 60.

As we move forward, our five-year experience in the reserves process can provide

some perspectives from the citizens' point of view. We do not intend to encumber HB 4078 with these concerns, but we pass them to you for your consideration.

- If and when long-term reserve planning occurs again, we strongly recommend strengthening conflict of interest disclosure and recusal requirements. In our Goal One Objections to LCDC during the reserves process, *Save Helvetia* identified significant failures to disclose conflicts of interest that went by the wayside. Watching decision-makers act despite active conflicts of interest fueled contention.
- Washington County and Metro interpreted SB 1011 as a “legislative mandate.” They used this interpretation to deviate from Oregon’s public meeting laws, contributing to citizens’ perception of back room dealing and lack of transparency. *Save Helvetia*’s interpretation is that it was a legislative opportunity and public meeting laws should have been rigorously applied. We encourage clarification here and believe that it would force transparency into the process, preventing citizen mistrust and possible appeals.

An upcoming situation is another use of the “legislative mandate” in Washington County, where the legislature has funded the \$1.5M Westside Transportation Solutions Study (aka the Washington County Transportation Study). Rather than following land use law, skirting citizen involvement requirements could easily take us down the same path as the Study goes forward for the next 1-1/2 years. A citizen observer was already denied entrance to the first "non-public" meeting, casting doubt on the county's intentions.

- Lastly, we experienced manipulative citizen involvement processes in Washington County and with Metro. Our Goal One Objections fell on largely uncaring ears at Metro, DLCD, and LCDC. We therefore encourage you to consider convening a Senate Bill 100 Goals Task Force, perhaps co-convened by LCDC’s Citizen Involvement Advisory Committee and 1000 Friends of Oregon. The focus would be to assess Senate Bill 100 Goals to assure that there is sufficient guidance for county and regional governments with regard to citizen involvement programs.

We support the development of Oregon Administrative Rules for [Statewide Planning Goals 1 & 2](#). In our estimation, this would help prevent the breach of good governance in Washington County from recurring. Integrity of leadership

will always be primary, but stronger guidelines for citizen involvement will also help create a stronger foundation from which consensual planning and agreement can be achieved, thereby preventing legal appeals.

We look forward to opportunities to work with our local governments in a manner by which our interests and concerns can be seriously considered.

Thank you for your consideration of our views.

Save Helvetia

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