



Save Helvetia
13260 N.W. Bishop Road
Hillsboro, Oregon 97124

www.SaveHelvetia.org

March 14, 2023

RE: SB 4 - Industrial Site Selection - OPPOSE

Honorable Members of the Joint Committee on Semiconductors

15 Years of False Promises

2009 - False promise #1

Landowners given false promise of Urban Reserves by Washington County

The landowners in the 1,760-acre NW Hillsboro area were assured by Washington County as early as 2009, when the reserves process hearings began (SB 1011), that their property would be approved as Urban Reserves. I remember sitting next to some of them at the various hearings. I noticed they were not testifying in support of Urban Reserves for their area and asked them about it. **They said they didn't need to testify because Washington County had designated their 1,760 acres as Urban Reserves and assured them it would stay that way.**

Farm land, including NW Hillsboro's 1,760 acres, was illegally designated as Urban Reserves by Washington County

Unknown to the landowners, Washington County intentionally chose to use an outdated soil study that asserted that irrigated farmland was more productive than non-irrigated farmland. Washington County used the study to justify designating the non-irrigated farmland of the NW Hillsboro 1,760 acres (and other farmland in Helvetia and other areas) as Urban Reserves.

However, in 2013, when 1000 Friends of Oregon and Save Helvetia (and others) appealed this decision, the Court of Appeals disagreed with Washington County, strongly stating that their decision was "legally flawed", "legally impermissible" and "unlawful" and they remanded it to be done over. (<https://law.justia.com/cases/oregon/court-of-appeals/2014/a152351.html> - pages 80-88) The landowners in the 1,760 acres were outraged and instead of feeling betrayed by Washington County, they directed their anger at the Court of Appeals, 1000 Friends of Oregon and Save Helvetia, saying they had been "robbed". **A lot of productive farmland** (including the 1,760 acres that Hillsboro wants to add to its UGB for semiconductor manufacturing) **was unlawfully designated as Urban Reserves. In reality the land always met the criteria for**

Rural Reserves - in spite of Washington County's attempt to go around the law to meet their own agenda. The 1,760 acres in NW Hillsboro never had legal status as urban reserves because the designation of "urban reserves" was unlawfully applied by Washington County.

2014 - False Promise #2

Elected Reps and Government Officials promised never to do it again

The reserves reassessment required by the remand could well have taken another three or four years, in a climate of substantial mistrust. Washington County had no appetite for that extended effort. Representatives Ben Unger and Brian Clem stepped in to provide a legislative solution via HB 4078. Several weeks of intense negotiations ensued in early January, 2014, between legislators, state officials, Washington County, City of Hillsboro, 1000 Friends of Oregon and Save Helvetia. Acreages were discussed, down to specific parcels.

Finally, on a Sunday in early February 2014, parties gathered at the Hillsboro Civic Center for the final negotiation. **The decisions:**

- No further legislation of local land use
- No additional urban reserves until 75% of existing urban reserves had been developed in the metropolitan area
- The 1,760 acres in North Hillsboro would be designated rural reserves with 30-50 years of certainty
- 1,050 acres to the east of the 1,720 acres would be added to Hillsboro's UGB immediately
- The 1,400 acres of the S. Hillsboro residential development would proceed immediately
- About 600 acres of Helvetia farmland adjacent and east of Cornelius Pass would be designated as urban reserves (pressure from a developer)
- The City of Cornelius would receive funding for a new city library (the mayor had objected to the settlement because "there was nothing in it for Cornelius" after describing the low income status of the residents of Cornelius).

All representatives to the settlement swore there would be no further legislation of local land use. District 30 Representative Gallegos was present in the negotiations and voted on behalf of the bill. Washington County commissioners representing rural Washington County were present during negotiations and backed HB 4078. Then-Metro President Hughes was present and consented. Then-Hillsboro Mayor Willey was present and supported the negotiations. The Governor's representative, Richard Whitman, enunciated the demand that all governments must consent and abide by the agreement in order to obtain the governor's support.

At the end of the day, the details of HB 4078, the Grand Bargain, were concluded.

Since 2014, THREE bills have been sponsored by then-Rep Janeen Sollman, seeking to change the 1,760 acres of RURAL RESERVES to URBAN RESERVES. As a House Representative, then-Rep Sollman believed the landowners had their original designation “stolen” from them. Ignoring the findings of the Court of Appeals and the accord of the Grand Bargain, she sponsored HB 4075 in 2018 (<https://olis.oregonlegislature.gov/liz/2018R1/Measures/Overview/HB4075>), HB 2914 in 2019 (<https://olis.oregonlegislature.gov/liz/2018R1/Measures/Overview/HB4075>) and HB 2832 in 2021 (<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2832>).

Now, as an appointed state senator, and Co-Chair of the Joint Committee on Semiconductors, she is sponsoring her FOURTH bill, SB4, encouraging selection of the NW Hillsboro 1,760 acres of RURAL RESERVES for semiconductor manufacturing, which will remove this large block of prime farmland from active farming forever. (<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB4/Introduced>) and amendments (<https://olis.oregonlegislature.gov/liz/2023R1/Measures/ProposedAmendments/SB4>).

2023 - False Promise #3

“This is a one-time thing”, “It’s just to cut red tape”, “Don’t worry - your land is safe”

The lure of attracting semiconductor firms who receive grants from the \$52 billion 2022 CHIPS Act put the state’s officials into overdrive. Jobs! Jobs! Jobs! went the clarion call from our representatives. In spite of all the existing potential sites located inside UGBs in Oregon, the Joint Committee’s Task Force recommended only NW Hillsboro’s 1,760 acres of RURAL RESERVES and several sites in North Plains. The problem? These sites are outside the cities’ UGBs and would require super-siting by the Governor to get them inside the UGB *fast*. This means there is NO ANALYSIS of the land capabilities as promised in SB 1011. The Task Force did NO ANALYSIS of the Readiness Tiers of these sites. They ignored the sites within UGBs around Oregon who had done their proper planning and have many hundreds of acres already zoned industrial, INSIDE THEIR UGBs.

In spite of an 80% OPPOSITION rate in the testimony submitted to the Committee and over 2,000 signatures on a petition in OPPOSITION, Sen. Sollman and Rep. Sosa continue to assure us that “This is a one-time thing”. Why should we believe them?

Respectfully submitted,

Robert Bailey

Board of Directors, Save Helvetia

2007 Recipient, Harold M. Haynes Citizen Involvement Award, Washington County