



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

www.SaveHelvetia.org

3 March 2023

RE: SB 4 - OPPOSE

Honorable Members of the Joint Committee on Semiconductors

How Did the Grand Bargain Come About?

What is the/a Grand Bargain? There are many “grand bargains” - attempts to bring multiple parties together in common agreement when there are some central common goals for all, and trade-offs are required to achieve it.

In 2014, House Bill 4078 became known as the Grand Bargain as it sought to bring the State of Oregon, LCDC, Metro, Washington County, the county’s multiple cities and several litigant organizations together in a land use settlement agreement that would: Allow the City of Hillsboro to move forward with its development goals in South Hillsboro and North Hillsboro Industrial Area; allow for the protection of prime farmlands as rural reserves; Washington County would not then have to redo its Urban and Rural Reserves planning process.

The litigant organizations were: 1000 Friends of Oregon representing 3 farmers of Washington County who constituted the land use committee of the Oregon Farm Bureau, and Save Helvetia, a land use advocacy group. Both groups had followed the multi-year planning process and became concerned that Washington County was not applying the factor rules of Senate Bill 1011 in an equitable manner, to the detriment of the protection of farm acreage. Save Helvetia attended all hearings, submitting “citizen science” profiles of the Helvetia area, and submitted over 50 testimonies to the county, Metro, and LCDC throughout the process. The group incurred \$75,000 in legal debt and amassed some 10,000 hours of volunteer effort.

Washington County was applying favor to those farmlands that were within the Tualatin Valley Irrigation District and discriminating against “rain fed” farm acreage. This was explicitly against the rules of SB 1011. The county also bypassed a modern soil study of the Tualatin Val

ley and instead used an old study that favored their selection of acreages. These practices accrued to the favor of the City of Hillsboro, which sought to expand north into the historic community of Helvetia, seeking lands past the tavern and up to the church.

There were suspicions during this time that the City of Hillsboro was seeking additional water supply to feed its industrial appetite, and that the contiguous farm lands to the north, although ideal for farming, would also be ideal for water resources. At the time, the City would publish an aspirational growth plan: the city aspired to grow to **325,000 in population in 25 years**. The report's face page contained the logos of Intel, Genentech, and the City of Hillsboro. Both companies had not approved the use of their logos. Hubris was afoot.

There were also suspicions that the Washington County Chairman was seeking to protect the membership of the Tualatin Valley Irrigation District. Members faced the eventual upgrade of the Hagg Lake Dam to make it seismically stable. Any loss in membership would increase the cost of the upgrade for remaining members. At a Citizen Participation Organization # 8 meeting, Chair Duyck affirmed this as a county goal. Chair Duyck and a number of relatives were members of the Irrigation District.

Helvetia was outside of the Irrigation District which ran approximately up to NW Glencoe Road from the west. Helvetia had another water source: **rain**. Weather would generally move from south to north during the rainy season. The Tualatin Mountains behind Helvetia would catch rain and the downhill slopes were full of water. Over the 130 years of cultivation in the area, Helvetia farmers managed to create underground drainage systems, now known as "tiling": Initially with lumber slats, then with clay tiles, and more recently with PVC drain lines. The over-abundance of rain water drains off into agricultural ditches taking them to area creeks.

The Helvetia silt loam soils would allow gravity drainage so the downsloping lands enjoyed "sub-irrigation": rain water moving to the south. Helvetia farmers did not need to join an "irrigation district": they lived in a natural one. This irrigation was ample for seed and grain crops. The area enjoys early germination, as most of the lands faced the sun. Some of the seed crops go year to year without plowing, allowing for carbon sequestration and conservation of fuels.

Once the Washington County plan was appealed, the State Court of Appeals took about 18 months to study the law, the planning efforts, the testimonies, and the basis of appeals. During this time, the City of Hillsboro was anxious to move forward with their development and reached out to 1000 Friends to see if there was interest in exploring a settlement. Both 1000 Friends of Oregon (and the farmers they represented) and Save Helvetia were. They met and

explored what settlement might take. Shortly after, Chairman Duyck of Washington County refused to participate, saying that he would await the court's ruling.

The State Court of Appeals ruled. The county plan was **NOT legal**. The county had strayed from the legal factors in the law and had created their own **PSEUDO FACTORS about water resources and soils**.

The pressure was on. The City of Hillsboro wanted to start their developments yesterday. The legislature was in session. The development sector was in anguish. Governments were anticipating their tax bases expanding, not contracting. Rep. Ben Unger reached out. He heard about our attempt to negotiate. He brought this to the attention of Rep. Clem of the Oregon House Land Use Committee. Soon there were "feeler" meetings in Salem. The ball started to roll. HB 4078 was identified as the carrier bill for a Grand Bargain that might bridge the range of interests of all.

The **Finale** was a hastily called meeting at the Hillsboro Civic Center on a rainy Sunday afternoon in early 2014. In attendance were some 60 individuals: the elected mayors of the local cities, the metro counties chairs, the Metro chair, a number of local legislators and staffs of above, and a representative from the Governor's office. While not invited, the litigants heard about the meeting and came; they were not turned away. Shuttle diplomacy would take place with some representatives going back and forth with the litigants and on occasion, some politicians and staff leaving the room for side meetings. In the end, the litigants came to sense that they prevailed in protecting about 2,000 more acres of farm land. The governments prevailed in quickly moving forward into development and without having to redo the reserves process. Richard Whitman of the Governor's Office warned all: this would not create any precedent in "legislative land use" and that the Governor would require all governments to swear to this or he would not sign the bill.

The bill passed both houses unanimously, the governments gave their sworn oaths, and the Governor signed HB 4078 into law.

Postscript

Since 2014, the NW Hillsboro Alliance organized. There are multiple parcel holders in the 1,700 acres south of Highway 26 and adjacent to NW Jackson School Road. They were aware from 2009 that the city of Hillsboro and Washington County had them "slated" for urban reserve status. It appears that a developer was busy signing them up for a mega parcel buy out. Their designation was never "formalized", as it was thrown out when the Washington County plan was declared illegal by the State Court of Appeals. However, they assert that they were "robbed". Had they testified and gained "standing" they may have been able to assert their

case at the court of appeals level. They organized and have made their case to Representative Sollman, now Senator Sollman. She has introduced three bills over the years in various attempts to break the Grand Bargain and enfranchise their development. They make the case that they are not irrigated and thus are less valuable as farmland. They also make the case that they are adjacent to Hillsboro, Highway 26, and Hillsboro will have infrastructure that can reach them.

That area however has some of the last remaining Class 1 and Class 2 soils, has ample sub-irrigation, is a continuation of the Helvetia slopes to the north, and has multiple tributaries of McKay Creek from which to draw water from. Many of the parcels have been in the same families for some time and consequently their family trees have grown and there are now many shareholders awaiting a buyout. This has contributed to the pressure for a change in their zoning.

Senator Sollman has a six-year history with the parcel holders. She has sponsored three bills to overturn HB 4078 and designate the 1,700 acres as urban reserves.

SB 186 (2017)

HB 4075 (2018)

HB 2832 (2021)

Upon a re-designation of these lands, the groundwork would be laid for fortunes to be made.

Respectfully submitted,

Robert Bailey

Save Helvetia Board Member

