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October 25, 2024

Governor's Office  
900 Court Street Suite 255  
Salem, OR 97301

*Submitted via email*

Oregon.CHIPS@oregon.gov

Re: Proposed Urban Growth Boundary Expansion: Hillsboro

Dear Governor Kotek,

Tualatin Riverkeepers respectfully ask that you refrain from designating any new industrial lands under SB 4 provisions. These provisions override long standing local land use planning that threatens our land use system and could set the dangerous precedent of bringing massive amounts of vital farmland into existing UGBs for development. TRK acknowledges the economic opportunity of bringing the Semiconductor Industry to Oregon, and encourages you to apply for CHIPS Act Funding. However, as these comments will address, there is already plenty of land available within the UGB for the proposed semiconductor development, and expanding the current UGB to bring in the proposed 373 identified acres of land near Hillsboro would be superfluous.

**Introduction**

Under SB 4, which directs the Oregon Business Development Department to develop a grant and loan program to support businesses applying for financial assistance for semiconductor research, the Governor may override local land use ordinances and designate certain lands to be brought within urban growth boundaries for specified industrial uses.<sup>1</sup> In particular, Section 10 declares the Governor, by executive order, [...] may bring within an existing urban growth boundary designated lands for the purposes of providing lands available for industrial uses to become part of the state's covered incentive [...] that relate to the semiconductor industry [...].<sup>2</sup> On September 17, you declared your intention to bring 373 acres of farmland into Hillsboro's urban growth boundary as part of an application for a semiconductor research site. For the following reasons, we urge you to protect our farmland and not bring in these 373 acres to the UGB.

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<sup>1</sup> Senate Bill 4, 82nd Leg. Assem. (2023 Reg. Session) (hereinafter "SB 4").

<sup>2</sup> SB 4 §10(3).



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## **1. The Governor’s unchecked authority in SB 4 is contrary to regular order.**

In 1973, the Oregon Legislative Assembly, on behalf of the people of the state of Oregon, enacted SB 100, which requires cities and counties to prepare comprehensive land-use plans and zoning ordinances that meet various state goals, while preserving the principle of local responsibility for land use-decisions. SB 100 was enacted to combat threats to orderly development, the environment, and the health, safety, and welfare of the people of Oregon resulting from uncoordinated use of lands. The Bill promotes coordinated administration of land use consistent with comprehensive plans through a process of review of state agency, city, and county land conservation and development plans to ensure compliance with state-wide planning goals and guidelines. In SB 100’s Policy Statement, the Legislative Assembly declared that properly prepared and coordinated comprehensive plans for cities, counties, regional areas, and the state as a whole are required to assure the highest possible liveability in Oregon. These plans must be adopted by the appropriate governing body at state and local levels, to assure all public actions are consistent and coordinated with policies expressed in the comprehensive plans. Finally, these plans must be regularly reviewed and revised, if needed, to meet the changing needs and desires of the public they are designed to serve.

SB 4’s unchecked authority to override local land use processes, like those outlined in SB 100, is contrary to the regular order of land use decision making in Washington County and the state of Oregon. Allowing for the expansion of Hillsboro’s UGB without having to follow coordinated state land use planning negates the work of many, including TRK members, who have advocated for comprehensive local land use policy for decades. It also sets the dangerous precedent that future UGB expansion doesn’t have to comply with ordinary planning processes, and could open the door to massive and unnecessary growth that threatens the important natural resources within Washington County.

## **2. Bringing in the 373 Acres into Hillsboro’s UGB contributes to Washington County’s “Death by 1000 Cuts.”**

Washington County is facing unprecedented levels of proposed development, both in cities and unincorporated urban areas. From Sherwood Cities UGB expansion proposal<sup>3</sup> to King City’s Tile

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<sup>3</sup> Resolution 2024-013: Sherwood West Urban Growth Boundary Expansion Proposal 2024, City of Sherwood (Mar. 5, 2024)

<https://www.oregonmetro.gov/sites/default/files/2024/05/09/Sherwood-West-Expansion-Proposal-Part-2.pdf>



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Flat Road UGB expansion,<sup>4</sup> these proposals threaten permanent impacts on significant natural resources. While on its own, 373 acres may seem minimal in its overall impact on Washington County, the cumulative impacts of multiple UGB expansion would result in bringing in thousands of acres of pristine farm and rural land throughout the County.

### **3. Viable land already exists within the Hillsboro UGB for Semiconductor Research.**

Under SB Section 10(3)(c), before issuing an executive order bringing in land to an existing UGB for semiconductor research, the Governor must make a determination that *existing lands within the UGB* would not meet the needs of the specific project.<sup>5</sup> In your SB 4 land determination draft, you addressed how this determination meets the requirements of Section 10(3)(c).<sup>6</sup> Your response failed to meaningfully demonstrate that no land within the existing UGB is available for meeting the needs of semiconductor research. In fact, land already exists within the UGB that would serve the purpose of semiconductor research. Intel owns at least 100 acres of undeveloped land inside the UGB with., and if a larger site is needed, Hillsboro has about 1,500 buildable, industrial acres inside its UGB.<sup>7</sup>

### **4. Failure to provide details on the specific project that warrants bringing in 373 acres to UGB.**

What's more, you have failed to provide specific details of the project, making it difficult to make the required determination of Section 10(3)(c). While you have repeatedly expressed that the UGB expansion proposal is for semiconductor research, you have failed to provide details on the specific use of the 373 acres you propose to bring in. For example, the public notice on the proposed UGB expansion states: “Tina Kotek is considering a proposal to bring specific lands into the urban growth boundary near Hillsboro, Oregon *to increase competitiveness for semiconductor and advanced manufacturing development*.”<sup>8</sup> Similarly, a report from Business Oregon refers to a public meeting in Hillsboro to discuss the Governor’s proposal to expand the city’s Urban Growth Boundary to *increase competitiveness for*

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<sup>4</sup> Tile Flat Road (Urban Growth Boundary to Scholls Ferry Road), Washington County Land Use & Transportation <https://www.washingtoncountyor.gov/lut/projects/tile-flat-road> (last visited Oct. 22, 2024).

<sup>5</sup> SB 4 § 10(3)(c).

<sup>6</sup> SB 4 Land Determination, [DRAFT\\_SB4-Land-Determination.pdf \(oregon.gov\)](#) (last visited Oct. 25, 2024).

<sup>7</sup> Faun Hosey, *OPINION: Tell Gov. Kotek to honor farmland and rural reserves*, Forest Grove News Times (Oct. 9, 2024).

<sup>8</sup> Proposed Urban Growth Boundary Expansion, Business Oregon, <https://www.oregon.gov/biz/programs/sb4-10/pages/default.aspx> (last updated Oct. 22, 2024).



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*manufacturing projects in the region.*<sup>9</sup> Finally, in your SB 4 land determination draft, you describe the land identified as part of this action will serve as *critical infrastructure necessary for Oregon to remain the leading-edge research and development center* for the United States as companies and technical centers like those identified earlier in this determination expand and locate here in the Silicon Forest.<sup>10</sup> As previously addressed, SB 4 Section 10(3)(c) requires you, the Governor, to make a determination that existing lands within the UGB would not meet the needs of the *specific project*. Failure to provide more details on the proposed project that warrants bringing in 373 acres to the existing UGB violates SB4. More specific information on the details of the project are required to make a showing that land within the existing UGB will not meet the project's needs.

## **5. The public process forgot the public.**

When SB4 was being considered in the Oregon legislature, a number of legislators expressed concern about the unprecedented power the bill would give to the Governor. In order to support SB4, these legislators required a public process before an ultimate decision to add land. A critical component of this process was a public hearing held on October 10 in Hillsboro. Unfortunately, the hearing was missing one key individual - Oregon's governor. The hearing itself consisted of a polished hour long presentation by the City of Hillsboro and civic and elected officials, all quite practiced and coordinated in their comments extolling the proposed expansion. When it came time for the process intended by our state legislators, city officials went back and forth between those in support and those in opposition, ending the hearing when there were no more supporters looking to speak, yet dozens of citizens opposed still waiting their turn. In short, the "hearing" saw a time allotment of nearly 70% of those in support (who, notably, were able to line up their presentations well in advance) and 30% of those opposed, shutting out many voices and showing that this really was not a process.

## **Conclusion**

To protect some of the best farmland in Oregon, and to uphold the land use laws that have been crucial in shaping Oregon's incredible landscape, we urge you not to designate any land under

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<sup>9</sup> Semiconductor Firms Expand, Modernize, and Build New Manufacturing Facilities in Oregon with Next Round of Oregon CHIPS Funding, Business Oregon, <https://www.oregon.gov/biz/Publications/releases/Semiconductor%20Firms%20Grow%20in%20Oregon.pdf> (Oct. 2, 2024).

<sup>10</sup> *Id.*



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the UGB provisions of SB 4. Thank you for your time and consideration. Please do not hesitate to contact us if you have any questions regarding these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Eve Goldman", with a long horizontal flourish extending to the right.

Eve Goldman (she/her)  
Staff Attorney  
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