



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

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Explanation of the Genesis of the Grand Bargain (HB 4078) 2009 - 2014

Background History and the WCCC

Washington County nominated thousands of acres of Foundation Agricultural Land south of US-26 and in Helvetia, north of US-26, as urban reserves as early as 2009, at the beginning of the reserves process, including the 1,720 acres in question. The recommendation to nominate the county's non-irrigated farmland as urban reserves and the irrigated farmland as rural reserves was made by the Washington County Coordinating Committee. The WCCC was comprised of 15 representatives of the urban areas (cities and county) and 2 representatives of the rural areas, who were given one vote only.

Cities' Aspirations Prevail

The two farmers were outvoted in every meeting when they objected to the unfair characterization of non-irrigated farmland as being less valuable than irrigated farmland. The urban interests of the cities won out - they wanted as many urban reserves as possible, even going as far north as the foothills of the Tualatin Mountains in Helvetia. And so the non-irrigated farmland remained on the maps as proposed urban reserves for the next three years, including the 1,720 acres in question.

Farmers Know Soils

The mayors of the cities were happy; the farming community was not. The farmers knew that non-irrigated farmland was as productive as irrigated farmland - they each used different crops to achieve that productivity. In addition, non-irrigated farmland, they argued, was a carbon-sequestering, sustainable natural resource that did not require energy and added water to produce high-value traded sector crops. It didn't matter to Washington County.

Factors Required for Reserves

Washington County had to find a way to justify the nomination of non-irrigated farmland as poor and ill-suited for farming. If they used the criteria, called “factors”, in SB 1011 (the Urban/Rural Reserves law), the non-irrigated land would have qualified as rural reserves. The “factors”(i.e. law) said that irrigation could not be used as a rationale for ranking non-irrigated land as less productive as they are both equally productive; they used different crops to achieve that productivity.

County Seeks Another Track

So, Washington County found a long-discredited report from the 1950’s, called the “Huddleston Survey”, that said exactly what they wanted: non-irrigated farmland was not as productive. Bingo - that is what they based their analysis on - no matter that ***it did not follow the statutory factors in SB 1011.*** The county was hellbent on getting as many urban reserves for their cities as possible and this scheme would accomplish that goal.

Warnings Repeated Over Three Years

Throughout the years 2009 through 2012, the area’s farmers and the Oregon Department of Agriculture (ODA) testified at multiple reserves hearings that Washington County was incorrect in its assessment of the county’s farmland. They testified that Washington County was not following the statutory factors required by SB 1011, including the statutory factor for parcelization. The other counties, they pointed out, were using the correct statutory factors for their farmland analysis.

Approval Train Leaves the Station

Metro and LCDC approved Washington County’s bogus nominations of urban reserves in 2011. The farmers and citizens (1000 Friends, Save Helvatia) appealed the decision in early 2013 based on the county’s disregard for the statutory factors for irrigation, parcelization and suitability.

Emergency - Train Crash

The Oregon Court of Appeals issued their ruling on February 20, 2014: Washington County “predicated its assessment on narrow circumscribed pseudo factors that did not meaningfully engage with the content of the statutorily prescribed factors...” The Court of Appeals concluded that “because Washington County’s analysis of the rural reserve factors was legally impermissible, it necessarily misapplied the rural reserve factors and LCDC erred in concluding otherwise. Thus, LCDC’s order is unlawful in substance in that regard and must be reversed and remanded.”

“Pseudo-factors” Caused Derailment

So, the nomination of urban reserves for the 1,720 acres in northwest Hillsboro, was unlawful from the beginning. The urban reserves designation was based on “pseudo” (fake, made-up factors).

Crash Clean-up in 2014

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 negotiations in early January 2014 ensued between the 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 (is this correct??????), parties gathered in Hillsboro for the final negotiation. The decisions:

- No further legislation of local and use
- No additional urban reserves until 75% of existing urban reserves had been developed in the metropolitan area
- The 1,720 acres in North Hillsboro would be designated rural reserves
- 1,050 acres to the east of the 1,720 acres would be added to Hillsboro's UB 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. The 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.

Fairness Claim Bogus

The proponents of converting the 1,720 acres south of US-26 (bordered on the west by Storey Creek, on the south by Evergreen Road and the north by Hwy. 26) to urban reserves asserted that "their urban reserve designation was taken away from them" and that they just want it "restored to urban reserves". They have tried three times to change the designation from rural reserves to urban reserves via the legislature. The 1,720 acres in northwest Hillsboro never had legal status as urban reserves because the designation of "urban reserves" was unlawfully applied by Washington County.

The 1,720 acres in northwest Hillsboro did not have legal status as urban reserves. Nothing was taken away from the stakeholders. The urban reserves nomination for the 1,700 acres never legally existed. The Court of Appeals took the unlawful reserves plan and quashed it.

It's the Law

HB 4078 designated the 1,720 acres as rural reserves, according to the statutory factors in SB 1011. The way it should have been. By the law.