



# The Homestead

## Spring 2004

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### Message from Your President

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As we begin 2004, I would like to give a brief summary of last year's activities. Through monthly meetings and activism, your Board of Directors has been busy protecting farm and forestland in Polk County and supporting efforts for smart urban development. For example, at our annual meeting in April we had three invited speakers discussing water issues in Polk County (see article below). Kelly Gordon and Penny Cox provided citizen testimony regarding the poorly justified expansion of industrial land for the City of Dallas, which was subsequently withdrawn, though we expect to see it again. Wayne Hiebenthal has been attending meetings on regional transportation issues to keep us informed about the ranking of specific projects in our region and in Polk County. Wayne and Penny have also worked diligently to prevent Meduri "Farms" from expansion of their industrial fruit-drying operation on land zoned for exclusive farm use. That operation has been severely polluting surrounding properties, including Baskett Slough. Kelly Gordon and Pat Wheeler provided testimony at public hearings regarding the proposed expansion of the Compton Gravel pit into both Willamette Greenway property and high-value soils zoned for exclusive farm use. Your Board will be providing testimony in favor of the proposed new AR-10 zone for 10-acre minimum lots in the rural regions of Polk County, and against a proposed AF-10 zone that would allow commercial and industrial activity on *residential* farm and forest lots.

We realize that many of our members are unable to follow County land-use activities closely, and are often unable to attend public hearings. One of our roles is to keep you informed through our quarterly newsletter. Another role is to provide vital citizen input and assistance at public hearings. All too often the approval of land-use applications is based only on information provided by the applicant to maximize their own personal

interests. Because the activities of each individual cast a shadow in our finite world, our goal is to provide better representation of neighbors and the surrounding community in the land-use decision process. Please help by renewing your membership for 2004, or becoming a new member of Friends of Polk County. – *Pat Wheeler*

### Message from Your Secretary-Treasurer

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The past year has been particularly energizing because our committed and active Board of Directors has worked closely together to get things done. With your continued help, we are committed to fostering the development and effectiveness of Friends of Polk County in 2004. We're automating some processes, and anticipate communicating more quickly and frequently with members via email when possible, so if you use email please make sure we have your address (send email to: [info@fopc-oregon.org](mailto:info@fopc-oregon.org)).

We are moving to a calendar year for memberships, which is easier to administer than rolling memberships, thus you'll find a membership renewal envelope included in this newsletter. Appeal fees required to contest bad land-use decisions by the County consume half of our resources; we operate on a tiny, shoestring budget, so please be sure to send your dues today. The Board wants to hear from you; let us know what's on your mind! – *Tim Wallin*

### Annual Spring Meeting Coming Up

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Every spring for our annual meeting we invite guest speakers to cover topics of interest to our membership. Last year we focused on water availability in Polk County. The three speakers were Bill Ferber from Oregon Water Resources Department, Tremaine Arkley, Luckiamute / Ashcreek Watershed Council, and Jim Allen, Polk County Planning Director (representing the Polk

County Water Resources Committee). About thirty people attended the session. The meeting format was a brief presentation from each speaker followed by a question and answer period. Bill Ferber reviewed water rights in the State of Oregon and had lots of pamphlets with more information. The Oregon Water Resources Department also has a useful Web page. Tremaine Arkley gave an engaging, uplifting presentation about the ongoing activities of the Luckiamute/Ashcreek Watershed Council. Major activities include forming a database for the watershed with an \$80,000 grant from the Oregon Watershed Enhancement Board, and volunteer projects to improve the watershed environment. Jim Allen reported on the recently formed Polk County Water Resource Planning Committee. This Committee was formed in February 2003 to assess future County "needs" for redistributing surface water and the best way to address these "needs". The final report of the committee should be available within six months, and we hope to hold another public session with guest speakers to apprise our membership of the county's population projections, and the most feasible ways of providing water for the expected increase in population. This year we plan to feature transportation and/or water issues again. Be sure that your dues are paid for 2004, and that you are on our mailing list for announcement of the 2004 annual meeting.

## Proposed Amendment of Polk County Zoning Ordinance

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On July 15<sup>th</sup> the Polk County Planning Commission proposed amendment of the Polk County Zoning Ordinance to establish a new acreage-residential 10-acre minimum zone (AR-10). Polk County Planning Department staff had provided a report for alternatives that could be incorporated into an AR-10 zone taken out of the existing AR-5 zone. Both Friends of Polk County (FoPC) and the Planning Commission were concerned with possible conditional uses that might be approved which would allow misuse of this zone for commercial and industrial uses. Eventually, the Commission reached a consensus in which both forestry and agriculture uses would be allowed, despite the fact that the zoning is *by definition* residential! What is the use of zoning if commercial and industrial uses are to be allowed in

residential zones? The Commission came up with a compromise that permitted residential use with small business allowed as long as it is connected to an owner-occupied residence. They did this by putting the conditional uses for AR-10 into the provision for home occupations and cottage-based industry.

A couple weeks later the Polk County Board of Commissioners met and held a public hearing on the AR-10 zone. Both Oregonians In Action and FoPC testified, and then the Commissioners closed the public hearing and testimony. Commissioner Prokes spoke against the Planning Commissioner's plan requiring a home-occupation and cottage industry-based conditional uses. He wanted all sorts of commercial and industrial uses included in this residential zone without restriction, so no one would have a problem operating a commercial enterprise on their residential land (we're not making this up!).

The Polk County Planning Commission met in September to consider the remanded (sent back from the Polk County Board of Commissioners) proposed zoning ordinance of the new zone of AR-10 (Agricultural-Residential 10-acre) and another new zone AF-10 (Agricultural-Forestry 10-acre). As remanded by the Board of Commissioners (BOC), the new AR-10 zone would continue as the Planning Commission had intended, that is, as a residential zone in primarily agricultural and forest resource areas, with the only commercial uses allowed being those associated with home occupations and cottage industries. The new AF-10 zone, which the BOC insisted on, would consist of any use allowed in Agricultural or Forest zones. This would include many uses that are not intended for Residential zones, and could cause conflict down the road. For example, facilities like slaughtering and rendering plants, some light industrial uses, and many commercial uses that should be inside the nearest city could be located just about anywhere.

The Planning Commission opened the public hearing without much discussion and heard from Sid Friedman of 1000 Friends of Oregon, Kelly Gordon of Friends of Polk County, and a member of the Oregon Farm Bureau, all of whom were opposed to the new AF-10 zone because of probable future conflicts with neighboring residences. The Planning Commission then closed the public hearing and voted 5-1 to give the BOC what they wanted. There was no attempting to

reach consensus with the commissioners regarding their concerns, just the vote and to go home.

In our view, most of these proposed changes are ridiculously permissive. They are the product of an anachronistic frontier mentality, as if each of us is still taming the wild West, thereby fulfilling our Manifest Destiny. We are way past that, folks. Each of our individual actions casts a shadow, and we simply have to acknowledge that and work better together. Most of the proposed changes make a mockery of zoning, and all Oregonians need to be concerned about that (unless you don't mind Oregon looking like southern California). The County Commissioners are elected, so they are responsive to political pressure. The more they hear from their constituents, the less they tend to go along blithely with attempts to "develop" our County at virtually any cost to our natural heritage. Development *can* be done thoughtfully. If you have a problem with the BOC ripping the zoning laws apart with blatant disregard for long-standing statewide planning goals, please think long and hard about your vote for County Commissioners in the next election. We're trying to arrange a forum for candidates for County Commission at our upcoming Annual Meeting.

### City of Monmouth Zoning

This April, the City of Monmouth's Planning Commission held a public hearing to revise its Zoning ordinances. Many of the proposed changes were to "clean up" the previous set of zoning ordinances which dated back into the late 1980's. The City had received a grant from the State Department of Land Conservation and Development that allowed them to hire a consultant connected with the Mid-Willamette Valley Council of Governments (COG) to update their zoning ordinances. The COG made recommendations for action to the City of Monmouth's Planning Commission, and the public hearing was held to "just get it out of the way".

Sid Friedman of 1000 Friends of Oregon testified for many of the proposed changes and suggested small changes for improvement. Friends of Polk County testified against many of the land-use action processes as they reduced citizen access to the process, and made those who were next-door neighbors to applications the only ones notified. The planning commissioners ignored the

recommendations of both citizen groups. The moral of the story is that we should all be concerned about the local erosion of public involvement in planning; it mirrors national trends and does not bode well for our environment.

### Polk County Water Resource Planning

Last year, a new committee was formed to legalize a process begun informally several years ago for planning the use of water resources in Polk County and how to increase water supplies. Former Polk County Commissioner Ralph Blanchard was appointed chair and as a representative of Tanglewood (the northwestern part of the rural Dallas area). Representatives from the Cities of Dallas, Monmouth, Independence, and Falls City were appointed. Other water uses were coops from Perrydale, Luckiamute, Rickreall, Buell-Red Prairie, Grand Ronde, Rock Creek are represented. A person from the Polk County Soil and Water Conservation District, an engineer from the Siletz Tribe, and an engineer from Adair Village were also in attendance. Gene Clemens from Polk County Community Development acts as secretary and staff. A representative from Oregon Water Resources is present unless he is uninvited by the representatives when discussing issues involving regulation by the State. Several citizens have periodically been attending, as has a representative from Friends of Polk County.

This Polk County Water Resources Planning Committee has obtained a sizable grant to hire a water engineer /consultant to conduct a study. The study is to indicate what water resources are currently in use, what water resources could be used if they were fully exploited and redistributed throughout Polk County, what water resources are currently available to augment existing water supplies, and what is the need for more water. The important considerations identified are how much people are willing pay for the water, and what quality of water will be available.

The committee has met monthly and has hired a firm called Economic and Engineering Services (EES). EES is continuing to proceed with discussions on sources, costs, quality and quantity, and methods of water in Polk County. The final report should be available in spring or early summer. The sources being contemplated are three possible dam sites on the western portions of Polk

County, other groundwater sources in the vicinity of the Willamette River north and south of Independence, pumping directly from the Willamette River, and buying excess water from Adair Village in Benton County.

Quality of the water will have a direct bearing on cost due to variation in initial water quality and how much it will cost to treat it. Treating groundwater to remove nitrate from agricultural fertilizers and contaminants from various city treatment plants and industrial plants is costly. Water quantity considerations include how much is needed now, and how much will be needed later. Population and water consumption projections are being refined out to 2050.

Preliminary costs for project-related construction only (i.e., not maintenance) run from 45 to 90 million dollars.. Included in every one of the potential projects are transmission lines to move the water to each and every water system in the county, a water treatment plant, and development costs. One big difference is that every person in the county linked to this system will be drinking chlorinated water, and it will cost a lot more than water costs now. If you are concerned about this project and the debt that it will incur, a written letter or a call to the Board of Commissioners will help. Come and hear what they are proposing. It is open to all citizens of the public. For questions, contact Gene Clemens at Community Development at the Polk County courthouse.

We celebrate that long-term planning is being done, but question whether Polk County really has the “water problem” often referred to by County leaders. In other words, if parts of the County are relatively dry, does that mean they should be plumbed at high cost? Friends of Polk County is concerned that redistribution of surface and groundwater across the County will be used to foster rapid, poorly planned economic development (along the relatively dry Rt. 22 corridor for example) rather than thoughtful development of which we can all be proud that is consistent with statewide planning goals. This topic is important because decisions about water and transportation policy drive economic development of all types.

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## Fitts-Valley Concrete Gravel Pit

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Last summer, a public hearing was held on new applications (LUD 03-15 PA 02-04 ZC 02-04) by Valley Concrete to expand their aggregate (gravel) pit adjacent to the Willamette River by 16.5 acres. It will also include a fish passage connecting their existing, nearly mined-out extraction pit with the Willamette River. The applicant has hired various experts to explain the proposed activities. A consulting engineer testified that there would not be a problem from stockpiles of gravel because the old processing site would be used, and no new processing sites or structures would be constructed. A planning consultant testified that there were no conflicts with surrounding uses or occupants of farms. Jay Compton stated that without this source of aggregate, the price of rock and concrete would increase. The landowner, Robert Fitts, who wants to lease the land for this use spoke in favor of these applications.

Several people expressed their concern about the potential for avulsion of the river into the expanded gravel pit. Avulsion is the process by which a stream or river suddenly changes its course and moves into another area on the floodplain, in this case the gravel pit. A citizen testified expertly about the risks of avulsion, and noted other places and times when the river avulsed into an old aggregate mine, one in Washington and another near Medford. A geologist from the Oregon Department of Geology and Mineral Industries (DOGAMI) reclamation division testified that the Willamette River is stable and there is no danger of avulsion in this area. Friends of Polk County testified against these applications because there is clearly a chance of avulsion of the Willamette River, with potentially harmful effects on neighboring lands. The hearing officer gave opponents three weeks to add any additional testimony to the public record, and the applicant one week to rebut any such additional testimony. The hearing officer began his deliberations and approved LUD 03-15, and the two other related applications (Plan Amendment 02-04 and Zone Change 02-04).

In October, the Polk County Board of Commissioners held a public hearing. The Polk County planning staff stated their findings along with the recommendation of the Polk County

hearings officer. The applicant then presented testimony, which included owner Jay Compton, his hired engineer, hired hydrologist, hired planning consultant, and the supportive geologist from the State Department of Geology and Mineral Industries (whose budget is derived partly from promoting new gravel pits). Then the opposition had a turn to testify. A representative from 1000 Friends of Oregon testified first, followed by Friends of Polk County, several members of community, and finally a neighbor testified against the proposed expansion. The applicant and opposition each provided a rebuttal. The County Commissioners closed the public hearing, set deadlines for additional testimony to be entered into the public record, and chose a date (Oct 30) for a site visit to the proposed expansion.

Both commissioners and a few county staff employees showed up at the proposed expansion, along with several community members. Although no testimony is supposed to occur during a site visit, the applicant, along with several employees of Valley Concrete, presented their opinions anyway, thus several members of Friends of Polk County commented on the applicant's statements. The applicant successfully petitioned the Board of Commissioners to include more testimony after the original deadline for new testimony. This request pushed back testimony, rebuttal, and deliberations by two weeks until Nov 28. In January, they approved the applications. FoPC appealed the decision, which will give us standing when the case goes to LUBA (State Land-Use Board of Appeals).

## Calendar

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Feb 19 Friends of Polk County monthly meeting (7 pm Independence Library Conference Room)

Mar 5-7 1000 Friends of Oregon Affiliates Retreat (Sweet Home) call Pat Wheeler 503.838.1436 for info.

Mar 18 Friends of Polk County monthly meeting (location TBA)

Apr (TBA) Friends of Polk County Annual Meeting  
(we hope to have a forum with candidates for Polk County Board of Commissioners; details will be announced in February)

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“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it’s the only thing that ever has.”

– *Margaret Mead*

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