

The Homestead

Spring 2005

Measure 37 Brings Caste System to Oregon & Subsidizes Hodgepodge Development in Polk County

Well it is here, and it is every bit as lousy as we expected. Supporters of Measure 37 claimed it was about fairness to individuals. Perhaps. However, if we're to discuss fairness, what about fairness to taxpayers and those who don't own land? The "Landed Aristocracy Act" aka Measure 37 is creating a caste system similar to that in India; in our version, some taxpayers follow land-use regulations that benefit the entire community, but others needn't bother with pesky notions such as community well-being.

In addition to the many indirect costs of Measure 37 such as accelerated destruction of high-quality farmland and unexpected impacts on neighbors that result from zoning waivers, Measure 37 has a direct financial cost. Few taxpayers realize either how expensive claims processing is, or that they are paying for it. For example, the County originally intended to charge a \$500 fee for claim processing, and considerably more if the cost of staff time exceeded that amount, but inexplicably the decision was made to charge nothing, which amounts to a public subsidy for private developers, big or small.

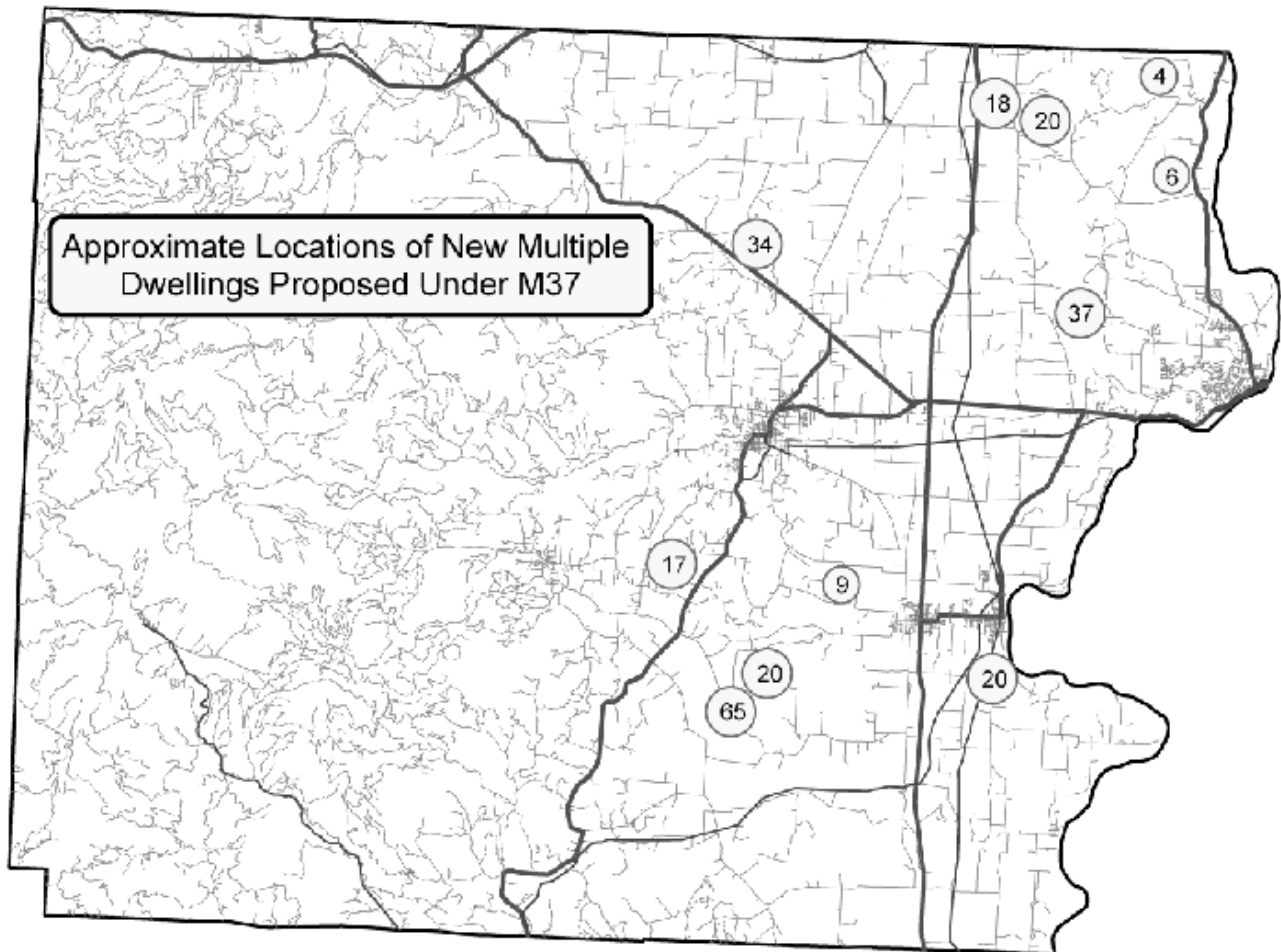
So far, 34 claims for either compensation or waivers of land-use regulations have been received in the County. The claims request millions of dollars in compensation. The County position is that no money is or will be available to compensate landowners, so in

every case examined to date the County has approved a zoning waiver and passed the claim on to the state for review. Indeed, circumventing the land-use system that is the envy of the rest of the country was the intent of Measure 37 all along.

Statutory timelines for decision-making are short. Consequently, the opportunity for public comment (democracy) is almost nonexistent, with deadlines as short as ten days between stages. That would be fine, except that it is all but impossible to even get "public information" from either the County or the State in a timely fashion. Both governments refuse to put public information such as claim information, hearing dates, or decision deadlines on their websites in a form that can actually be used; in fact, what is available is so fragmentary that we consider the obfuscation to be deliberate.

In an attempt to counter this Orwellian state of affairs and provide citizens with some idea of what is happening in the County, we have assembled, to the extent possible, information on claims in Polk County in this newsletter, and will maintain it on our Web site (see Measure 37 link on the homepage).

Please let your state legislators know that you believe the gutting of our land-use system is unacceptable, and that you will hold them accountable for their role in doing so. Tell County officials that you value public involvement, and that your perception is that they do not. And when they tell you Measure 37 claims are *not* land-use decisions, tell them that's the point.



Measure 37 Mega-Mall Approved on Polk County Farmland

Measure 37 claims are scarring Oregon's landscape. Last week the Polk County Board of Commissioners approved a Measure 37 demand for one million square feet of commercial space, about the size of Washington Square, and 17 homes on 77 acres of farm and forest land. A one million square foot shopping center will generate about 30,000 to 40,000 automobile trips per day.¹ Neighbors were not told when the board would consider the Measure 37 demand. There are about a dozen pending claims for other large developments in Polk County.

¹ Source: International Traffic Engineers Trip Generation Manual, 7th Edition

"This is every farmer's nightmare," said Penny Cox, whose family farm is near the proposed shopping center, "Our lifetime investment can be wiped out overnight. Measure 37's backers never told us it would lead to this kind of unplanned mega-development."

The demand filed by Cory and Julia Seibert is for 77 acres on a two-lane rural state highway a few miles south of Dallas. "The demand approved by the county means clogged roads, destruction of farmland, and reduced property values. The water system is already overtaxed. My home will be worth less money at the same time my quality of life will suffer," said Allison Hamilton, a local resident. "We chose to live in this part of Polk County because we liked the area and were told thought that basic zoning rules would

protect us from this kind of wild get-rich scheme. Waivers are hurting us. We need our leaders in Salem to stop the waivers and fund fair compensation.”

Polk County taxpayers will have to pick up the costs the development will impose on the community. These costs include new roads or turn lanes, added fire, police and water. As a result, Polk County taxpayers will end up with higher taxes that subsidize the development.

“Measure 37 is creating a new wave of unfairness across Oregon,” noted Bob Stacey, Executive Director of 1000 Friends of Oregon, “Oregonians voted for fairness, not special exemptions for a new privileged class. Measure 37 is making life worse for working Oregonians. It does not have to be that way.”

The legislature is considering omnibus legislation dealing with Measure 37. In a hearing last week, landowners, farmers and ranchers told Senate Environment and Land Use Committee members that voters wanted compensation, noting that the first three words of the Measure 37 ballot title were “Government must pay.” 1000 Friends of Oregon supports funding compensation by recovering a small portion of the future windfall profits made as land is brought into urban growth boundaries and developed.

- 1000 Friends of Oregon press release 4/14/2005



Comment - Kings Valley M37 Claim

A one million square foot "industrial park" is a slap in the face to the many people who have elected to live and invest in rural homes and want to live in a farm community.

Certain types of retail along historic route 223 (the Applegate Trail) may be appropriate and serve the needs of rural residents who now have to drive to Dallas or Monmouth/Independence for banking, gas, shopping, medical and social services. Such projects would be planned in advance, based on information and needs of local residents.

Blackmail tactics using Measure 37 as a club for personal gain and profit at the expense of quality of life issues for the entire scenic Luckiamute Valley are inexcusable. If proper planning processes were in place, landowners would have been notified and would have had a chance to comment and act in their own defense. Such a project, lacking system development costs paid by the developer, will cost all of us a huge amount of money, and will cause exactly the kind of noise, traffic, congestion, ugly landscape we have come here to escape. Many of us are working hard to raise funds to preserve the dignity and rural character of this Valley. A one million acre "industrial park" can do nothing to further the goals of those seeking orderly progress in a historic valley.

*Randolph E. Osman, MA, ASA
Chair, Falls City Historic Landmark
Commission
Chair, Falls City Arts Council
Chair, Historic United Methodist Church*

What You Can Do To Protect Your Property And Neighborhood

As some of you might know from the recent Oregonian article, a Measure 37 claim has been filed by Cory Seibert and approved by the Polk County commissioners that includes a request to convert 22 acres of farm land to commercial use, most likely a small strip mall. This property is 5 miles south of Dallas at the intersection of the Falls City Road and the Kings Valley Highway and borders the rural forest land of John and Pennie Freeburg, members of the Polk County Democrats. The claim has moved on to the state for the next level of approval before building permits can be authorized. Your comments could have an influence on the state's decision for this and any other property near you in Polk County.

Polk County does not provide a registry of County claims. Nor does Polk County let any neighboring property owners when they will hold public review of the pending applications. To get this information you need to make two contacts:

- 1) write or call the county and ask for information on a specific application AND
- 2) to comment on the review of any Polk County Measure 37 applications you must get your name on the Department of Administrative Services (DAS) M37 list and ask for information on State Claim Number: Mxxxxxx and Polk County Application number M xx-xx.

The deadline to submit initial comments to DAS for a Measure 37 claim is ten days after a DAS postmark date. A sample letter is attached below. You can express your concerns in this letter or just ask to be on the mailing list. Once you are on the mailing list you will get a copy of the Department of Land

Conservation and Development staff review, and you will have 10 days after the postmark of that report to submit final comments at the state level. Below is a sample letter:

DAS - State Services Division
Risk Management - Measure 37 Unit
Attn: Jessica Preston
1225 Ferry Street SE, U160
Salem, OR 97301-4292

Dear Ms. Preston,

I am a resident of Polk County and have concerns about the xxxxxx Measure 37 application (State Claim Number: Mxxxxxx and Polk County Application number xx-xx) for development in this area. Please enter these comments into the record and add my name to the notice list for this claim. Thanks for your attention.

I would like to get a copy of the Department of Land Conservation and Development staff report before the final comment period.

Sincerely yours,

Name

Address

Dog Pound Approval Remanded to County by Land-Use Board of Appeals

The decision by the Board of Commissioners to put the new Dog Pound at the Polk County Fairgrounds has been appealed successfully by a Polk County resident. The bases were that the decision-making process used did not comply with Statewide Planning Goals 2, 5, 8 and 18. The decision was remanded to the County to try again with a new round of hearings.

Statewide Planning Goals

Ever taken a look at Oregon's Statewide Planning Goals? They constitute the foundation of the visionary legislation passed in 1973 that has kept Oregon beautiful. Oregon's statewide goals are achieved through comprehensive local planning. State law requires each city and county to adopt a comprehensive plan, and the zoning and land-division ordinances needed to put the plan into effect. The goals are listed below. For more information, visit the following Web page:
http://oregon.gov/LCD/goals.shtml#Overview_of_Goals

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 3 Agricultural Lands
- Goal 4 Forest Lands
- Goal 5 Open Spaces, Scenic and Historic Areas, & Natural Resources
- Goal 6 Air, Water & Land Resources Quality
- Goal 7 Areas Subject to Natural Disasters & Hazards
- Goal 8 Recreational Needs
- Goal 9 Economic Development
- Goal 10 Housing
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Goal 13 Energy Conservation
- Goal 14 Urbanization
- Goal 15 Willamette River Greenway
- Goal 16 Estuarine Resources
- Goal 17 Coastal Shorelands
- Goal 18 Beaches and Dunes
- Goal 19 Ocean Resources

Renew Your Support of FoPC

With Measure 37 now law, we must work together to keep the Valley from resembling central California. Friends of Polk County and 1000 Friends of Oregon are more important than ever. Enclosed find a form and postpaid envelope to renew your support. Please discuss land-use issues with others and encourage like-minded people to join us. We have no choice. Thank you!

Calendar

- May 19 FoPC Board Meeting, 7 pm
Independence Public Library
- June 16 FoPC Board Meeting, 7 pm
Independence Public Library

Contemplation

How easily we might walk onward into the opening landscape, absorbed by thoughts fast succeeding each other, until by degrees the recollection of home was crowded out of the mind, all memory obliterated by the tyranny of the present, and we are led in triumph by nature. These enchantments are medicinal, they sober and heal us.

- R. W. Emerson (1844)

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