



# The Homestead

May 2008

## M-49 Claims: 92% Choose Express Option

By the end of April 2008, the Department of Land Conservation and Development notified all Measure 37 claimants (approximately 8,000 claimants) of their options for pursuing claims under the Measure 49 process. Claimants have 90 days from the time their notification was mailed, to choose one of three options: *Express* (1-3 new dwelling sites), *Conditional* (4-10 new dwelling sites, after justification via an appraisal) or *Vested* (continuation or completion of a development that was substantially underway prior to enactment of Measure 49). As of the date of this report (5-8-2008), 2569 claimants have filed their Measure 49 Election Return. Most claimants 2,357 (92%) have chosen the *Express* option, 107 (4%) have filed for *Vested* rights, and 76 (3%) have filed for the *Conditional* option.

Property owners in Polk County have filed 117 Measure 49 Election Returns (as of May 8). The results are similar to the statewide trends. Most Polk County claimants (117 to date, 93%) have chosen the *Express* option, five claimants (4%)

have filed for *Vested* rights, and two claimants (2%) have filed for the *Conditional* option.

Overall, the impact of Measure 49 is expected to reduce the number of approved new dwellings sites in rural areas of the state to about 10% of the number of new dwellings proposed by Measure 37 claimants to justify their loss in value. Measure 49 was designed and approved by a majority of Oregon voters (and 65% of Polk County voters) to limit subdivisions in Exclusive Farm zones and on forest land. Measure 49 Election Returns filed in Polk County to date could result in 152 new dwelling sites, in comparison to the 1356 new dwelling sites that were proposed in Measure 37 claims.

The Department of Land Conservation and Development will conduct a review of allowed uses for each Measure 49 claimant who has chosen the *Express* or *Conditional* option. Neighboring property owners (within 750 ft) will receive notice of the preliminary decision and can submit comments. Neighborhood groups whose boundaries include the property will also receive notice and have an opportunity to comment on the preliminary decision. For more information on Measure 49 claims see the Department of Land Conservation and Development web page (<http://www.oregon.gov/LCD/index.shtml>). For more information on Polk County Measure 49 claims see our web page (<http://www.fopc-oregon.org/index/htm>).

Claims for the *Vested* option will be processed at the county level either as a vested right determination reviewed by the Planning Director and the Hearings Officer or by Circuit Court. Two property owners in Polk County are attempting to proceed with their development of multiple dwellings and/or commercial property. Wayne and Allen Simmons have partitioned their 267

### Table of Contents

	Page
•Status of Polk County Measure 49	
Claims .....	1
•Food Supply and Land Use .....	2
•Big Look Committee Back in Action . . . .	2
•Polk County Planning Commission . . . . .	3
Resigns	
•Mission Statement .....	3
•Membership renewal form .....	4
•Water Supply for Polk County .....	5
•Spring-Summer Calendar .....	6

*Continued on page 5*

# Food Supply and Land Use

by Sarah Deumling.

When Measure 37 surfaced in Oregon four years ago many of us felt intuitively that it reflected seriously wrong-headed, short-sighted thinking – a trade off of short term gain for a few against long term loss for many, for the state of Oregon. Oregon’s strong suit is the immense variety and abundance of its natural resources: productive farm and forest lands, fisheries, scenic wild land, fresh water, and clean air. These resources need to be rigorously protected as a hedge against all future threats and hard times.

All this seemed obvious to me in 2004, but I had *no idea* that in a few short years we would read daily headlines about: rising food prices, declining world food supplies, food riots around the globe, demands for more local, wholesome food at home, questions of local, regional and national food security, rising fuel and energy costs with no end in sight, global climate change and both local and global water shortages.

The resounding passage of Measure 49 spared us the worst. Counting claimants who have responded to date to the M 49 election letters; 152 dwellings are requested instead of the 1356 requested by the same claimants under M 37. As population pressure increases we will continue to lose resource land bit by bit or large chunk by

large chunk unless we are informed and vigilant participants in our democracy. It looks very likely that as time goes on these bits and chunks will be more valuable to our communities as farm and forest land than as high end rural residences. Wouldn’t we all rather eat fresh locally grown food and not be dependent on questionable imported food?

I urge our county leadership to think hard about the long-term prosperity and livability of the county when addressing land use planning. I urge our leadership to include transportation, energy and water considerations when making land use decisions. I urge all of us citizens of Polk County, to the extent we feel comfortable, to become engaged by working with and through Friends of Polk County, by attending county hearings or weekly commissioner meetings when important issues are discussed, or just by voting wisely for thoughtful, visionary leadership. I suggest that we make a growing effort to buy more and more local products, to shop in locally owned stores, to visit the nearest Farmers Market for our own good and to show solidarity with our neighbors who are stewarding this land we love. It is, after all, our future and the future of our children and grandchildren that is at stake.

## Big Look Committee Back in Action

The Oregon Task Force on Land Use Planning (also known as the Big Look Task Force), created by Senate Bill 82 (2005), is charged with conducting a comprehensive review of the Oregon Statewide Planning Program and making recommendations for any needed changes to land-use policy to the 2009 Legislature.

After a six month quiescent period due to Measure 49, early in 2008 the funding for the Task Force was reinstated and they held four meetings so far this year. A preliminary report is available on their web page (see below). Currently the Task Force is preparing a brochure that describes possible plans for revising Oregon’s land use policies. The Task Force has identified four over arching goals (that should contain all of the current 19 land use planning goals). The over arching goals are to: provide a healthy environment, sustain a prosperous economy, ensure a desirable quality of life, and maintain a system that is fair and equitable. The draft ideas will be presented to key stake holders this summer, revised and presented to “informed citizen groups” and lastly a major public outreach program is proposed for Fall 2008. Documents and recordings of the Task Force Meetings are posted on their web page (<http://www.oregonbiglook.org/>).

Upcoming meetings are scheduled for May 19 in Bend and June 30-July 1 in Newport. The meetings are open to the public. Schedules for the planned stakeholder and outreach meetings will be available by early summer.

# Polk County Planning Commission Resigns

Six of seven planning commission members quit in April in protest of the state ethics rules that expanded reporting requirements for hired and volunteer government officials. Ethic reports (i.e. Statement of Economic Interest, SEI) were due April 15. A list of elected and appointed officials who are required to file the SEI reports is posted at: [http://www.oregon.gov/OGEC/public\\_records.shtml](http://www.oregon.gov/OGEC/public_records.shtml).

The requirements include a disclosure of the sources but not the amount of income. The past chair of the Planning Commission owns an engineering consulting firm, and has received at least one contract for services from Polk County. The Planning Commission is not involved in awarding such contracts, so there may not be a conflict of interest. Nonetheless, the resignations and the intent to seek reappointment without ever filing disclosure statements does not reflect positively

on the county planning and appointment process. The Board of Commissioners discussed using a loophole in the law to simply reappoint the commissioners who resigned. The planning commission members could resign prior to April 15, and then be re-appointed after April 15 and never have to file a disclosure. Is this what we want for Polk County? Several citizens commented to the Board at their April 23 meeting in opposition to side stepping the ethics requirements.

The Commissioners decided to open the process, collect applications and to seek qualified applicants. According to the Itemizer-Observer, "Propes was especially concerned about getting qualified applicants. He said that it can take years to understand the complex state land use system." The Association of Oregon Planners provides training sessions for Planning Commission

*Continued on back page*

## Our Mission Statement

Who are the Friends of Polk County, Oregon, and what is our purpose?

### Mission

Friends of Polk County, Oregon, seeks to protect farm and forest lands which form the base of Polk County, to maintain the health and livability of our communities in the face of increasing population, and to preserve the quality of life we presently enjoy.

### Implementation

These objectives will be achieved in part through involvement in the following activities:

- Preservation and enhancement of the statewide land use planning system by, for example, contact with individual legislators, testifying at committee hearings, and providing information to the media.
- Monitoring local land use decisions at the county and city level to ensure compliance with regulations and ordinances.
- Organizing opposition to proposals, regulations, and decisions not consistent with our objectives.
- Improvement and strengthening of local land use regulations through participation in citizen's advisory committees and planning commissions.
- Education of the public about land use issues and their importance to livability, the local farm and forest economy, and the cost and efficiency of local government, through media contact, workshops, and forums.



## 2008 Support Renewal Form

If you have not renewed your membership for 2008, please do so now in order to continue receiving the newsletter.

Support (Basic membership cost is \$25, additional contributions are welcome)

\$25     \$35     \$50

\$75     \$100

Contribution to Appeal Fund (Suggested contribution = \$100)

Please send my copy of the newsletter by e-mail (this will reduce our mailing costs)

Email:

*(if you have email, please provide the address as it is the best way to communicate quickly; we don't send many messages, and we do so in a way that precludes sharing of your email address)*

Fax:

Phone:

Please make your check payable to: *Friends of Polk County*

Your support is making our community work better and be a better place to live!

Mail to: Friends of Polk County / PO Box 75 / Rickreall OR 97371    [www.fopc-oregon.org](http://www.fopc-oregon.org)

Interests, Priority Issues, or Other Comments:

# Future Water Supply for Polk County?

Dallas, Monmouth and Independence have limited water resources to meet projected demands over the next twenty years. Some of the rural areas of Polk County also have limited water supplies. In 2002-2004, the 13 water providers in Polk County participated in a technical review of water needs and of possible new sources of water. The June 2004 technical report is available on Polk County's Community Development web page. We will also post the PDF file on our website. The result of that technical review was that the most feasible water source was from the Willamette River. Polk County has explored the possibility of transferring water rights from the Willamette River at Adair Village to Independence. A water treatment facility would be built in Independence to make this water potable. This plan is not yet approved, implemented or funded.

Meanwhile, a new owner acquired property in the Valsetz area, and surface water storage there for meeting future water needs is being reconsidered. This option would involve building two dams, one on the Siletz River and one on a branch of the Luckiamute. This option would be a joint project between Lincoln County and Polk County. It would have to pass through many hurdles including concerns regarding sensitive, threatened, and endangered fish, tribal concerns, financing, and legislative action approving interbasinal transfer of water. According to Austin McGuigan (Polk County Planning Director) an update on this option will be provided in a newsletter being released soon to the water associations. We will report on the proposed plans as more information becomes available.

With regard to ground water, the number of domestic wells is always increasing, and there is concern that in some areas aquifers (groundwater reservoirs) may not be able to support additional use sustainably. In Oregon, all water belongs to the state, and water rights are issued for its use. There are a few exceptions, one of which is the use of up to 15,000 gallons per day for domestic use. In the last legislative session, there was an unsuccessful bill that sought to eliminate the

exemption from the need for a water right for domestic use. That bill would have required that all new applications for domestic use undergo the same public interest review that other water-right applications undergo, to make sure that the resource can be used sustainably, and that there will not be interference with either surface water or other users. Those in favor of unsustainable economic growth at any cost complained loudly, and the bill was weakened to reduce the amount allowed to 5,000 gallons per day (still an astronomical amount of water for most households). Ultimately the bill was sidelined completely. That of course does not mean that the proliferation of domestic wells will stop, consequently a similar bill will likely be introduced in the next legislative session, and we'll keep you informed about it.

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## Measure 49 Claims

*continued from page 1*

acre property in the Eola Hills and have built one house. They want to continue the residential development of the property but have not yet filed for a vesting determination in Polk County. Their property lies in a ground water limited area and is not eligible for the *Conditional* option for (4-10 dwellings). Ladd and Eileen Martinson have proposed a large commercial development near Highway 22, including a car dealership, farm equipment supply and other retail stores. In addition, they proposed an adjacent residential development. Commercial and industrial development is not allowed under Measure 49. The Martinsons have not started any building construction yet, but have completed some road improvement. The Martinsons have not yet filed for a vesting determination in Polk County.



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## County Commissioners Resign

*continued from page 3*

members. Perhaps if Polk County would pay the modest fees for these workshops to educate their selected applicants it would speed up the learning process.

Meanwhile, the county will be without a Planning Commission for at least six weeks. Public Hearings on the Compton Gravel Permit were postponed. The review of the citizen involvement program and deactivation of the citizen area advisory committees is also postponed. The Planning Commission has been relatively inactive for the last two years, several more inactive months will probably not be noticed. However, don't we deserve a more responsible level of commitment and involvement from the Polk County Planning Commission?

### Spring – Summer Calendar

- May 19 Big Look Task Force  
Bend
- June 19 FoPC Board Meeting, 7 p.m.  
Independence Public Library
- Jun 30-Jul 1 Big Look Task Force  
Newport
- July 17 FoPC Board Meeting, 7 p.m.  
Independence Public Library
- Aug 21 FoPC Board Meeting, 7 p.m.  
Independence Public Library