



The Furrow

Newsletter of Oregon Rural Action

Sowing Seeds of Change

March 2005

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Calendar

Baker County Grassroots Alliance meets either the first or second Tuesday of the month at Mad Matildas at 7 PM. The present focus is on renewable energy. Call Mike Braymen for details, 523-2348

The **Blue Mountain Chapter** meets the second Monday in June; your participation in the Green Power Team is welcome -- call Jane @ 975-2411

The **Snake River Chapter's** meeting will be announced.

The **Green Power Team** will be presenting the "premier" of their power point presentation on Renewable Energy at the EOU Earth Day Celebration, April 23rd.

Committee on Positive Community Growth Decides Against Testifying in Opposition to the new WalMart Supercenter -- Why?

As many local folks already know, plans are currently underway for Walmart to convert their Island City store into a supercenter. In fact, in early January, Walmart representatives met with Island City officials to present their plans. In turn, we at Oregon Rural Action, who opposed their initial idea to close their current store and build a supercenter on the Becker property across Highway 82, do not intend to oppose their alternative plan to expand their current store, and absorb lands now occupied by Shop & Kart. The reason for not opposing the expansion is simple: the property is already zoned commercial, and thus there are no land use planning rules that can be used to stop it. While we still believe that a supercenter is inappropriate for the La Grande area because it will draw an even greater percentage of retail dollars away from smaller, locally-owned businesses we feel that it is fruitless to waste time, energy, and money on a development that Island City welcomes, on land already zoned for commercial use.

On the positive side, we will *not* have two large dark buildings standing empty, facing a huge supercenter on the Becker land across the highway. If we have to have a Walmart supercenter, it is better to have it on Walmart's current site.

We believe that several factors contributed to Walmart's decision to change its collective mind. First, we were able to garner a total of \$6000 in pledges that would have been used to hire a land-use attorney in the event that Walmart persisted in its efforts to buy and develop the Becker land. Second, our activities that opposed plans developed by the La Grande Planning Department to increase allowable levels of commercial land within the Urban Growth Boundary, was a sign to anybody watching that we were serious and engaged in an effort to maintain a reasonable pace and style of development in our valley. In summary, our conspicuous activities related to a potential Walmart move across the highway were consistent with efforts elsewhere across the country, where people are organizing to stop or slow down Walmart. As a consequence Walmart has learned to cut its losses when they can, and that is exactly what they did in this case.

The Blue Mountain Chapter of Oregon Rural Action is dedicated to helping preserve the quality of life in northeastern Oregon. This involves the use of our collective energy in various ways, and one of our keenest interests has to do with maintaining economic health in our community. We believe that it is better to support locally-owned small and medium-sized business, because not only does this offer a better chance of family-wage jobs, but it keeps money flowing more freely within the local community. Huge box stores are not consistent with our view, because they offer a much lower percentage of family-wage jobs, and because more often than not, they take their money quickly out of the local community. We are proud that we were able to exert our influence on the decision of Walmart to stay where they are. Although their increased size will further impact local small businesses, stopping them from moving is a signal to other huge box stores that may try to locate here.

James McIver, Blue Mountain Chapter Chair

The Basic Elements of Measure 37

– Mark Tipperman, Oregon Rural Action member

The following is a brief summary of the major elements of Measure 37. The Committee for Positive Community Growth is not taking any direct action on Measure 37 claims now. It is possible that the Committee will get involved as claims progress through the system.

- ◆ Measure 37 authorizes property owners (and any other person with an interest in real property, such as a tenant) to file a claim for compensation with a government that enacts or enforces certain types of land use regulations, if the regulations both restrict the use of their property, and reduces the value of their property.
- ◆ The Measure applies to existing and new land use regulations
- ◆ Claims must be filed within two years of enactment or enforcement, whichever is later
- ◆ Not all regulations are covered, but the definition of "land use regulation" includes:
 - ◆ Any statute regulating the use of land or any interest therein, including the statutes addressing farm and forest practices;
 - ◆ LCDC administrative rules;
 - ◆ Metro regional framework plans, functional plans, planning goals and objectives
 - ◆ Local "comprehensive plans," "zoning ordinances," "land division ordinances" and "transportation ordinances"
- ◆ Specific exemptions from Ballot Measure 37 (i.e. no compensation is required even if a regulation reduces the value of property)
 - ◆ Restrictions on historical public nuisances. Measure 37 provides this exemption is to be narrowly interpreted
 - ◆ Restrictions to protect public health and safety (such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations)
 - ◆ Restrictions required to comply with federal law
 - ◆ Restrictions on use of property to sell pornography or perform nude dancing
 - ◆ Regulations enacted before acquisition of the property by the owner or family member of that owner ("owner" is the present owner; "family member" probably includes legal entities owned by one or more family members)

Continued on reverse side

Since September the **Blue Mountain Chapter** has been having quarterly membership meetings while the **Green Power Team** forges ahead in their efforts to encourage Oregon Trail Electric Cooperative to become more "renewable friendly". OTEC is unwilling to come to the table with our members before 2006 to discuss the possibility of creating a local green power program which would benefit our local citizens who want to produce green power and sell it back to OTEC. In the meantime we are moving ahead to add pressure on OTEC to move in the direction of renewables by promoting the purchase of green power, teaming with community partners, and encouraging schools to produce their own power.

Baker County Grassroots Alliance has decided to join with the efforts of the Blue Mountain Chapter's Green Power Team to promote renewable energy in the OTEC service district. The Chapter will be holding a OTEC Board candidates forum in late March or early April to introduce the three candidates running against the incumbent Glen Bates. Hopefully all four candidates will join us. Members are meeting monthly to delineate other actions and activities and we welcome your involvement.

The La Grande Farmers Market opens June 4th at Max Square -- this year will be spectacular with abundant fruits & vegetables, homemade items, music and other intriguing events. If you are interested in selling, please contact Julie Keniry at the Oregon Rural Action Office, 975-2411.

We hope to see you at the Market!!

The Basic Elements of Measure 37 (continued)

Within 180 days of property owner filing a valid Measure 37 claim, a county may:

- ♦ Pay “just compensation” equal to reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the land use regulation and continue to apply and enforce the regulation; or
- ♦ Modify, remove or not apply the regulation to allow the owner to use the property for a use permitted at the time the owner acquired the property.
 - ♦ This “waiver” provision is limited to “owner.” Because owner is defined in the measure as the present owner of the property, or any interest in the property, a waiver does not waive regulations in effect before the present owner took title. So the measure is clearly written to encourage waivers rather than compensation — because compensation must be paid for most land use regulations which restrict use and reduce value, except those in effect before any family member or family entity took title; but the scope of a waiver is limited to the regulations in effect after the current owner acquired title
 - ♦ Waiver is limited to a use of the property by the present owner. Land use regulations limiting or prohibiting partition or subdivision of land are arguably not restrictions on use of land
 - ♦ Land use regulations enacted by more than one governmental authority, such as farm and forest laws enacted by a county to implement state law, will likely need to be waived by both governmental bodies for an owner to proceed.
- ♦ A property owner may seek just compensation through circuit court lawsuit if the land use regulation continues to be applied after the 180 day period given by the Measure for the government to consider the claim. A claimant is entitled to costs, including attorneys’ fees, if they prevail.
- ♦ Public entities may adopt procedures for processing claims; however, adherence to such procedures cannot be a bar to filing a court claim. An application for land use permit cannot be a requirement either (except when necessary to file a claim in the first place).
- ♦ Actions on claims are not land use decisions, so the public and nearby property owners will not necessarily have their interests represented or an opportunity to do so, unless the applicable governmental unit adopts procedures to ensure the same. Many governments have adopted a process which provide for notice and opportunity to be heard.
- ♦ Claims approved for payment must be a budget line item and must be paid within two (2) years of the date the claim arises

This article is in large measure derived from a summary of the measure prepared by Multnomah County

Snake River Chapter

During February Chris Dunker, a contracted Latina woman, contacted 15 Malheur County Latino residents to discuss the possibility of joining forces to assure equal representation in decision making in their community. It appears that there are a number of folks who are interested in teaming with our Snake River Chapter and some of the key issues might be Spanish language access, problems with school busing, and school drop-out rates. We are looking forward to hiring a local Latino organizer to move this campaign ahead. In the meantime, the leaders are planning informational, community meetings on energy and food issues -- stay tuned for when and where!

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In late January the following letter was sent to Oregon Rural Action supporters. After having talked with a few of you, we realized that many members did not see or read this letter. We want to make sure that you are aware of what is happening and have a chance to support your organization.

Changes at Oregon Rural Action

Oregon Rural Action is facing a financial shortfall. Our mission (as a multi-ethnic organization that supports community organizing around locally identified issues) led to the Board's decisions last spring to focus the work of our two staff members on energy and social justice, expanding our social justice activities in Malheur and Umatilla Counties. However, we are insufficiently funded for these plans. Without increased internal, membership support, Oregon Rural Action could face further staff layoffs and decreased support to our Chapters.

Jane Sabin-Davis is the full-time staff director and organizer; Julie Keniry works ½ time as the Regional Farmers Market Coordinator under a grant from the Oregon Community Foundation. We have plans to hire a ½ time, Latino social justice organizer from Malheur County but we can only do this when we have foundation or internal funds committed to support this position for at least three months. The practical application of this decision is that staff time for all three of our current Chapters will be reduced and leaders in those communities will need to take responsibility for moving the Chapters ahead for at least the next six to twelve months, when we hope to be able to return to two full time organizing staff.

In response to this news some members have come forward to ask what is the role of Oregon Rural Action in my community? Why should I support this organization? The Board's visioning may help answer this and other related questions:

We have discovered that conservative voices make the majority of the decisions in Eastern Oregon. These governing bodies are not representative of the constituency, and many disenfranchised citizens do not know that they have a voice or know how to have a voice in the development of their communities. **We offer differing opinions for consideration by decision makers.** Given our remote location and the entangled network of governing bodies, **alternative voices are essential** to creating healthy, sustainable, and just communities in Eastern Oregon and we are determined to remain an integral piece of the political puzzle.

We have made a difference. Our member actions resulted in:

- ◆ Blocking a Wal-Mart Supercenter from expanding at a new location in La Grande leaving two empty box stores behind, which was a success that resonated statewide
- ◆ Sponsoring the La Grande Farmers Market, which blossomed into a vibrant avenue for local farmers to market their produce
- ◆ Obtaining a grant to promote regional farmers markets
- ◆ Pushing green power resulting in OTEC making green power available for purchase by customers
- ◆ Insisting that the Solid Waste Management Committee consider the inclusion of more environmentally-friendly alternatives in their options for dump expansion in Baker County and
- ◆ Working with the City of Ontario to provide water billing information in Spanish and make water policies clearer and more fair for low-income individuals.

Oregon Rural Action's members and staff keep in touch with what is happening in our communities, and we have the skills and know-how to speak up. We have access to some of the best community organizing training in the country as a result of our membership in the Western Organization of Resource Councils, a powerful, seven-state network whose mission is to advance the vision of a democratic, sustainable, and just society through community action. Also, the Center for Community Change from Boise Idaho is now partnering with Oregon Rural Action on social justice issues primarily in Malheur and Umatilla Counties.

The Western Organization of Resource Councils provided money and on-the-ground support to start our organization and many outside Foundations from across the country have been willing to further our work.

Now is the time for members of Oregon Rural Action to be active in assuring the longevity of this organization. If you think that Oregon Rural Action needs to be here for the long haul, consider:

- Volunteering to serve on the Board of Directors. We need a secretary and two at-large Board members.
- In addition to your normal membership, think about donating money to keep the doors open.

We are asking you to make your voice heard. Let us know you care and want Oregon Rural Action here for years to come. Without some immediate response from our members to support our activities, this organization could fail to be here in 2006

---Rich Minogue, Oregon Rural Action Board of Directors Treasurer.