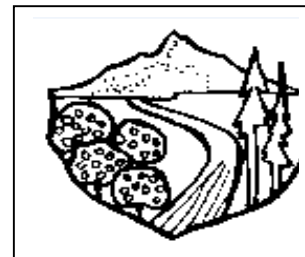


# **HOOD RIVER VALLEY**

## **RESIDENTS COMMITTEE**



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Issue Number 55

May 2006

Bill Sturman, Editor

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### Hood River Valley Residents Committee NEW DIRECTION By Mike McCarthy

After almost thirty years in operation, we, the board of the Hood River Valley Residents Committee (HRVRC) have re-evaluated our activities and decided to shift our focus. Issues like Measure 37, high real estate prices, costs of growth and a continual loss of farm, forest lands and green space are gradually eroding away quality of life and livability in Hood River County. These challenges force us to alter our mission and increase our commitment to maintain the special qualities of our county.

Our new focus will be on promoting a livable community by partnering with other community groups and local governments, and to include more citizens who share concerns about the future of the Hood River Valley. The primary elements of this campaign will be smart growth, strong educational programs, preserving recreational opportunities, protection of air and water quality, economic diversity and resource sustainability. The goals of this new campaign will be to maintain quality of life for our citizens and to reduce the costs of growth.

To achieve success on our new programs HRVRC we will be seeking a part-time executive director. The job of the executive director will be to increase membership, work with volunteer committees, partner with other organizations, do public relations work for HRVRC, work with grant writers to obtain grants to support organization activities, and to organize forums, events, and fundraising activities. We are requesting assistance from our members to find a director and as well to fund this position. HRVRC is taking this big step to increase our activities in the county.

We will be asking our members, old and new, to volunteer for committee assignments to assist HRVRC in accomplishing important work. Committees are Finance, Events and Partnerships, Stewardship, Membership, Monitoring, Public Relations and Marketing, and Volunteer Coordination. We welcome new members who share our progressive vision of the future for Hood River County.

### Will you Join Us in Protecting Our Community? By Judie Hanel

We're asking you to help us as you always have. We not only need your financial support, but your thoughts and ideas. Who better than our membership to come forward with ideas and solutions for what we have planned.

Do you know someone that would be a candidate for the position of Executive Director? If so, please contact someone on the Board and we will be glad to send out a job description. The position will be

no more than 20 hours a week and with the help of Paul Lindberg, our grant writer, we might possibly be able to fund a full time position in the future.

We are enclosing a self addressed envelope for your much appreciated donation of support as we move forward with our “new look”. Thank you for your support over these many years and for whatever you chose to donate at this time.

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### **Message from the President, Scott Franke**

As we approach our annual meeting at the end of this month, we conclude a busy year that has brought the disappointment of Measure 37 passing. It threatens the land use planning that our organization has championed for over a quarter century and with it the very complexion of our valley. However, as this newsletter goes to the printer, it also appears that many hours of intense negotiation between the Residents Committee, Mount Hood Meadows and Hood River County will result in a proposed solution to the lawsuit we filed to invalidate the land swap between the County and Meadows. This settlement will be truly historic if it can be implemented. The mediation process leading to this far-reaching settlement agreement is subject to a confidentiality agreement that restricts further clarification here until all parties have signed and there is a joint statement to the press. We expect that to happen by mid-July and to be able to provide those of you who can attend our annual meeting with the details and information regarding the challenges remaining to see it through. Meanwhile, keep an eye on the newspapers for the exciting announcement!

Regarding Measure 37, it appears that many people have their heads in the sand, believing that our long-established land use planning system will prevail over the madness of inappropriate development in the midst of our orchard and forest lands. Indeed, lots of people are expending countless hours trying to find a fix to the vote that we believe many folks made without any real understanding of the horrific implications of passage. As reflected in the questions posed in Mike McCarthy's contribution to this newsletter, confusion reigns and the ambiguities and gaps in the language of Measure 37 demand additional clarification. Measure 37 itself is being challenged by several farm bureaus joining 1000 Friends of Oregon because it compounds the inequities of the past by treating one property owner differently than their neighbor. This equal protection argument is so strong and intuitively correct that there is some

optimism that the suit will result in invalidation of this new measure. The circuit court in Salem should conclude its deliberations no later than September, with an inevitable appeal directly to the Oregon Supreme Court to follow.

Meanwhile, the legislative session is winding down and it is unlikely that new legislation will pass both houses. Senate Bill 1037 was sent back from the floor to the rules committee in the face of opposition from various interest groups due to problems each constituency had with the compromises attempted in that bill. Now that committee has reported out a substantially scaled-down version, but we don't know yet if it will be considered by the full Senate and how that would be received by the Republican majority in the House. If you have internet access, you can keep updated by visiting 1000 Friends of Oregon's website at [www.friends.org](http://www.friends.org).

Hood River County delayed addressing the claims filed for compensation or waiver for much of the six month period given for responding to claims filed under Measure 37, hoping against hope that the legislature would produce clarifying legislation at the very least. It has now been forced to address claims as the end of that period nears, without further guidance from the State. While we lobbied hard for avenues of public input to be provided when the claims-handling resolution was drafted by the County, there is no substantive right to be heard embraced in the current process. However, we have been assured that timely comments will be included in the commissioner's packets for review prior to their vote. So, we encourage all of you to submit written testimony in advance of consideration of these applications under Measure 37. Unfortunately, the County has not undertaken a notification process to alert you to these claims, making it much harder to know when you have a neighbor that may put in for a resort development with a 24 hour mini-mart right next to your little bit of heaven.

Massive developments are actively being planned in the Pine Grove area and elsewhere in the valley, and thus we all need to keep each other informed. County staff and the Board of Commissioners are taking some laudable stands when addressing these claims, but have thus far been granting some level of development waivers to applications they deem legitimate, because there are virtually no funds available to compensate claimants. In light of the unlikelihood of finding funding for compensation in the current economic environment, your efforts are important to demand that our elected officials fully examine whether the applicants have clearly demonstrated an actual reduction in the value of their lands and have the other necessary ownership prerequisites to a valid claim, even under this terrible law as it stands today.

If the frontal attack on this legislation by 1000 Friends fails, and lacking a thorough-going legislative fix, we will certainly see a proliferation of lawsuits filed by less than fully satisfied claimants as well as by land use stalwarts and affected neighbors. The result will be a case by case interpretation of what Measure 37 means. HRVRC is looking hard at mounting legal challenges here in our county, which is really on the front lines of this battle given the opportunities for successful residential development and the high stakes for our tree fruit industry. The entire land use community, HRVRC, 1000 Friends and others, are seeking ways to preserve our land-use planning system in this challenging

## **What will Measure 37 do to Hood River County? Time will tell.**

By Mike McCarthy

The legislature attempted to “fix” 37 with SB 1037, but has taken no action (surprise?). Many questions remain unanswered about Measure 37. Some will be answered by the courts, some by state and county rulemaking. The principal questions revolve around transferability. Can Farmer John who bought his farm in 1974 file a claim, receive a waiver of land use laws that were enacted after 1974 and then sell his land with the waiver to Developer Dave? Thus he “transferred” the waiver to a new owner, allowing the new owner to be exempt from existing land use laws. Or can Farmer John, whose father bought the farm in 1974 and sold it to John in 1999, file a claim, and be granted a waiver from post 1974 land use laws. In this case the right to the waiver was “transferred” to John. A further question, if Farmer John bought his farm in 1974, formed a corporation in 1999, would his corporation be eligible to receive the waiver? And so on go the questions.

environment, and we hope that you will aid us by communicating your ideas to us, to your representatives on the Hood River Board of Commissioners, and to those in Salem. One way of communicating that to us and to some of the elected representatives that we expect to join us is to come to our annual meeting. Otherwise, contact any of our board members at the numbers published with this newsletter and your representatives by the usual means. We continue to look forward to helping to give you a voice through the power of joining together via the HRVRC.

## **Received written notice of a Measure 37 claim? Don't know how or whether to respond?**

You definitely should! These notices are coming to land owners who live very near claims filed, but are only being sent out by the Oregon Department of Administrative Services (DAS) for claims filed with the State. While it may in some cases be too late to make your comments to Hood River County, you can get something to DAS by acting fast; and you should copy the County with these comments as well. Past HRVRC president, Peter Frothingham, is tracking claims made and is our lead contact to offer assistance and encouragement to you in making your comments. He can be reached at (541) 354-3021 or at [p145f246@netscape.net](mailto:p145f246@netscape.net).

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Potentially, however, Measure 37 could irreparably alter the farm and forest zones in Hood River County. Our beautiful rural landscapes could be changed to subdivisions, with increased traffic, more stop lights, more light and noise pollution, and overall reduced quality of life. Who will pay for services and infrastructure for all this development? You will! Property taxes from new developments do not cover costs for new capital projects needed to serve new residences. This is why you have a right to voice your concerns to Hood River County Commissioners.

Approximately 25 claims have been filed in Hood River County, in late 2004 and 2005. These claims vary in size from a request for a partition into two parcels to a request for \$33 million and 485 lots. Total potential for new houses is 1085. Certainly more claims will be filed and if rumors are anywhere near correct some additional 1800 acres of farm land may fall to Measure 37 developments. A significant loss of farm land may result in a reduction in packinghouses and other businesses that service agriculture, making the entire industry in Hood River County less competitive. Scattered

developments in the farm zone will make it more difficult for farmers to carry out normal farming practices, thus increasing their costs.

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## **Girding to be effective.**

By Jeff Hunter

Folks, what follows is a personal note. We have a critical situation on hand here. Three quarters of a year after passage of Measure 37, the idea of land use planning for a better future is under attack. Planning to promote values for the greater public "good" -- preserving our best farm land, focusing on tight urban growth boundaries which minimize infrastructure costs, incorporating the needs of our wildlife, etc. -- are all portrayed as "socialist" meddling with personal freedoms and denying private property rights.

We must find ways to bridge this gap, to find common ground with people of seemingly vastly different views and values. I want to suggest that each of us do some introspection on how our lives have gotten so busy that we don't feel we have time to "get involved". Let's examine our daily routines in order to clear our decks of unnecessary activities. Let's find ways to slow down and to spend less time getting, maintaining and guarding our possessions. Let's trim down and focus on our deeper values in order to get Oregon back on track.

Our valley is literally filling up with newly arrived people who love what they see here, but who have no idea how our land use laws were designed to work, no idea of the underpinnings tracing back to Senate Bill 100 in 1972 and the millions of volunteer hours that produced the 17 goals that every land use plan must address. There were endless compromises. If we are going to save

something of these heroic individual volunteer efforts, then more of us must free up our schedules to devote time to this effort, to read up on the issues, to get involved. **After all, the best things in life are not things.**

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## **Cooper Spur Wild and Free annual gathering at Cooper Spur**

What: Benefit potluck and community gathering

Where: Kading residence, 10734 Cooper Spur Road

When: Sunday, July 24

Morning hiking and boating outings for those interested (call numbers below), then afternoon/ evening gathering

3:00 - 4:00 PM - Arrive and relax! Enjoy the music and community

4:30 PM - Short presentation and discussion of the latest CSWF efforts to protect the mountain and the upper Hood River Valley

5:00 PM- Lets Eat!

6:00 to 8:00 PM - Live music by Peabody's Daughter, playing jazz, folk and unique originals

Please bring a potluck dish. We will provide utensils, plates, cups and beverages.

Suggested Donation: \$25 per person, but no one turned away for lack of funds; all are welcome. Give what you can, but come. Your presence is the most important thing! Donations are tax deductible.

For more Information call: Kate (541) 352-6228 (Hood River Valley), Barbara (503) 644-0762 (Portland Area), Russ (360) 993-5259 (Vancouver Area)

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# **ANNUAL MEETING AND PICNIC**

**Sunday, July 16**

**2 to 6 p.m.**

**Tollbridge Park.**

**Parkdale**

Put this date on your calendar TODAY for HRVRC's annual meeting and picnic. Invite your friends and neighbors and don't forget your "kids" to help celebrate one of the most remarkable years in our 30 some years of existence. You will learn about the new direction that HRVRC is embarking upon, celebrate historic settlement with Mt. Hood Meadows and find out what's in store in land use issues with the fall out from Measure 37.

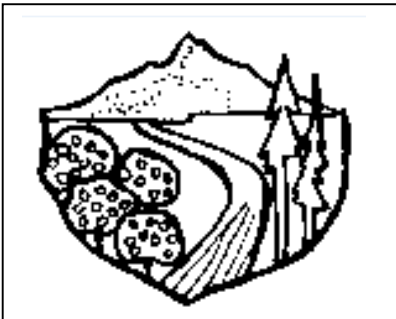
The Committee will provide beverages, makings for sandwiches of turkey, ham and beef. Members and guests are requested to bring side dishes and desserts. Tollbridge Park is just off Hwy 35 about a mile south of Mt. Hood Country Store; there is a prominent sign at the road leading off the highway.

## BOARD OF DIRECTORS

The Board meets on the fourth Monday of the month at 5:30pm. If you are interested in attending, call for the location as it is different each month.

Ron Cohen 352-7092, [taxsri@aol.com](mailto:taxsri@aol.com)  
Margo Earley 352-7669, [drrearleys@aol.com](mailto:drrearleys@aol.com)  
Scott Franke 386-3381, [frankelaw@aol.com](mailto:frankelaw@aol.com)  
Rich Garber, 354-1766, [RichGarber@hotmail.com](mailto:RichGarber@hotmail.com)  
Judie Hanel 386-6221, [judieh@gorge.net](mailto:judieh@gorge.net)  
Jeff Hunter, 386-5779, [jhunterpc@gorge.net](mailto:jhunterpc@gorge.net)  
Ken Maddox, 386-4526, [maddox@pacifier.com](mailto:maddox@pacifier.com)

Kate McCarthy, 352-6228  
Mike McCarthy 352-6476,  
[comicepear@aol.com](mailto:comicepear@aol.com)  
Larry Martin, 354-5844  
[pearpeople@gorge.net](mailto:pearpeople@gorge.net)  
Nancy Moller, 386-4764, [nmoller@gorge.net](mailto:nmoller@gorge.net)



HOOD RIVER VALLEY  
RESIDENTS COMMITTEE, INC.  
P.O. Box 100  
Mt. Hood, OR 97041  
Return Service Requested

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