



ACTIVIST CHRONICLES 2012-2013

Challenges, Accomplishments, Reflections

Stop the Stink -- Marilyn Schulz

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Note to readers:

This is the second issue of WC CAN's "Activist Chronicles", published in connection with our Third Annual Citizen Action Summit at Pacific University in Forest Grove, Oregon, April 6, 2013. We are grateful to the university's Tom McCall Center for Policy Innovation for co-sponsoring the Summit.

We invited grassroots network participants to report on their groups' work over the past year: goals, activities, problems, accomplishments, and continuing challenges. Five dedicated people submitted reports, which we hope will inform and inspire you.

The pieces compiled here reflect--sometimes vividly--the author's beliefs, experiences, research, and opinions, which are not attributable to WC CAN or Pacific University. Copyrights vest in the authors, so quotes for print or other media require the author's permission. (Requests submitted at "Contact us" on wc-can.org. will be forwarded to the relevant author.)

I hope that these pieces will both increase your appreciation of other activists' work, and inspire us all to more effective cooperation based on those values we share.

Sincerely,
Linda Peters
WC CAN Chair

Stop the Stink

Marilyn Schulz

Approximately 15 months ago, just prior to the County Commissioners vote to fully permit Recology/Nature's Needs, my husband Steven Schulz, Brenda Leppo and I attended a North Plains City Council meeting.

We had questions about what the City intended to do to protest the intense odor events we were experiencing. We learned that they intended to do nothing, we were told that it was a "done deal" and that the compost site was just outside the City limits and therefore there was nothing they could do.

With the help of Linda Peters, who was also at the meeting, the City was convinced to send a letter and a representative to the County Commissioners meeting. We also attended the Commissioners meeting and protested fully permitting Recology when the odors, vectors and leachate were so obviously not being controlled. The County Commissioners voted to extend the trial (demonstration) period for twelve months. The County Waste Management staff report fully supported granting Recology a full permit in spite of the obvious and numerous problems.

Brenda Leppo and I placed notices around town that there would be a meeting to discuss the problems being created by the compost site. There was a good turn out. At that meeting we requested that those interested sign up to participate in a Work Group. From that initial sign-up of 12 we ended up with 3-4 people who actually helped on the project. The others offered encouragement but not much else.

We incorporated as a non profit, "Stop the Stink."

We encouraged the City to create a streamlined method for making odor complaints and that was accomplished by having both a phone # and email address to use. These complaints were received by the City of North Plains, DEQ and Washington County. The City staff compiled numbers of complaints.

We contacted the Oregonian and Tribune and asked that reporters look into the odor and vector issues that were being created for this small community as a result of receiving Portland residential and commercial food waste. The media has been a big part of the success we have had out here. The Oregonian reporter, Katherine Driessen, has done a great job of covering this issue and related issues.

We created flyers explaining the odor source and the other problems of birds and flies that people were noticing. These were distributed around town to businesses and individuals.

We created a website that explained the problem and the complaint process. It has grown to include a great deal of information on the subject of composting. We have had over 11,000 hits.

We had lawn signs made and those were put up around town. Three larger signs were placed along Hwy 26 and Glencoe. All of the signs had information about the complaint phone # and email address. The lawn signs also had information on the website. Tony Spiering contributed money for signs and his office staff to print flyers and other material. He was also involved in planning meetings.

We passed a petition around the City and obtained almost 500 signatures. We could have gotten more signatures but wanted to include the petitions in a packet that we distributed to all of the Commissioners and City Council members.

This packet contained copies of all the petition signatures, the letters we had received from residents and letters we had received from over 30 business owners. We also included newspaper articles and other related information.

We attended City Council meetings, County Commission meetings. We did research on other compost sites that are causing problems for residents, homeowners and businesses around the country. We have looked into and tried to obtain information on alternative methods to composting on this large industrial scale.

I have written three op-eds for the Oregonian and the Tribune. I am now participating in a group that has been discussing the legislation proposed by Senator Starr and Senator Olsen. This legislation would require a pre-application process for would-be composters, and require the Environmental Quality Commission to become involved in addressing the siting process using a list of criteria.

At this point we have succeeded in getting the commercial food waste stream to the North Plains site stopped and in making this a statewide conversation with legislation to better protect communities being considered for a composting site.

OREGON AVIATION WATCH ACCOMPLISHMENTS 2012-2013

By Miki Barnes, President

Current Legal Challenges

Port of Portland and FAA Moving Forward with Hillsboro Airport Third Runway Proposal

On March 15, 2013, the Port of Portland announced plans to move forward with the Hillsboro Airport (HIO) Third Runway project. In response to a citizen challenge, this proposal was remanded back to the Federal Aviation Administration (FAA) in November of 2009 due to lack of sufficient environmental impact data. The public comment period closes on April 19, 2013. A Port of Portland and FAA sponsored public meeting is scheduled for April 17, 2013 at which time interested parties can submit testimony on the proposed project. Written comments can be sent at any time during the comment period. For those who have concerns about the potential increase in the airport's air and noise pollution or increased air traffic, now is the time to make your voice heard.

By submitting either written or oral testimony, you will be in a position to appeal the decision in the event that the FAA once again contends that an airport responsible for emitting nearly a ton of lead into the environment each year along with a host of other toxins and which produces frequent noise intrusions at all hours of the day and night, has no significant impact on the human environment.

City of Hillsboro Repeals Municipal Code Related to Aviation

Oregon Aviation Watch filed an appeal with the Land Use Board of Appeals in response to the decision by the City of Hillsboro to repeal all municipal code. Oral arguments were presented at a March 14, 2013 LUBA hearing in Salem. A ruling on the case is expected by mid-April.

Unlike Hillsboro, other jurisdictions have taken a more proactive stance towards protecting communities from the encroachment of aviation activity. For instance, the City of Portland's municipal code sets limitations on expansion at Portland International Airport (PDX), the largest commercial airport in Oregon, by including a provision prohibiting additional runways at PDX. Similarly, Santa Monica Airport (SMO) in California, a general aviation facility with less than half as many annual operations as

HIO, prohibits all helicopter training, places restrictions on noise levels, and limits hours of operations. SMO's noise regulations are enforceable rather than voluntary in nature. Sanctions for violating the code include fines ranging from \$2,000 to \$10,000. Repeat offenders risk losing their privileges and permits.

The above examples clearly demonstrate that local jurisdictions have the ability to protect area residents from the adverse impacts of airport activity. Nonetheless, the City of Hillsboro has intentionally chosen to relinquish its authority rather than advocate on behalf of the greater good.

Outreach Activities

Urban Ecology and Conservation Symposium. (2/11/13). Displayed an OAW banner and provided informational materials on general aviation lead emissions.

OAW sponsored a public power point presentation on lead and other aviation generated toxins on 6/13/12.

Public Interest Environmental Law Conference (PIELC). University of Oregon School of Law.

OAW President, Miki Barnes, was a member of a 3 person panel organized by attorney Sean Malone entitled *Aviation, NEPA, and Environmental Impacts*. Ben Williams, President of Friends of French Prairie, whose community is adversely impacted by Aurora Airport, was also on the panel. (3/4/12).

Articles – Researched, Disseminated, and Posted on OAW Website

M.D., Richard Angell M.D. and David Barnes. (4/4/13). *Oregon's Sequester Airport Tower Closures Justified Due to Declining Operations* by Miki Barnes, LCSW. (3/18/13)
Unbiased Analysis of Hillsboro Airport Needed (Hillsboro Tribune Guest Column) by Miki Barnes, LCSW. (2/8/13).

The Port of Portland, Flight Training, and Authoritarian Decree by Miki Barnes, LCSW. (10/26/12).

What Is the Port of Portland's Mission? by Miki Barnes, LCSW. (9/21/12).

General Aviation Airports Pose a Threat to National Security by Miki Barnes, LCSW. (8/12/12)
Oregon Aviation Watch Position Statement Opposing Flight Training in Washington County by Miki Barnes, LCSW. (5/17/12).

Aviation Lead Cloud Over Oregon by Miki Barnes, LCSW, Ben Williams, James Lubischer

NeighborsForSmartGrowth (NFSG)

Jake Mintz

NeighborsForSmartGrowth is a group created to oppose Beaverton's new zoning for the Peterkort Property around Sunset Transit Station. The City's new SC-S zoning gives the developer significant development opportunities that ignore previous Washington County zoning requirements for residential based mixed use development close to the Sunset Transit Station and along Barnes Rd.

Issue: Beaverton created and applied new zoning around the Sunset Transit Station that ignores the Urban Planning Area Agreement (UPAA) with the County that requires that, after an annexation, the City must provide their best available match of previous County zoning. NFSG members argue that the City's SC-HDR zoning is the best available match and should be designated for this property.

Background: Beaverton City Council rejected our appeal of their Planning Commission's decision, last year, resulting in an appeal to the Oregon State Land Use Board of Appeals (LUBA). LUBA remanded the decision back to Beaverton and directed them to also consider Permitted Uses for the property, along with the overall density criteria, argued in their previous justification.

Status: The city responded to the LUBA remand by making several small changes to their code and attempted to justify their previous plan amendments based on density requirements, once again, with little deference to the Permitted Use criteria. Neighbors filed a second LUBA appeal and the City is now required to provide their Response Brief by April 4th. The Board of Appeals will hear Oral Arguments in Salem a few weeks later, and a decision should follow around month's end.

NFSG (NeighborsForSmartGrowth.com) is an informal group, started to address this single issue and with the intent of continuing, as important growth issues arise. Contact mintzpdx@gmail.com with any questions.



Children's Opportunity Fund Initiative of Washington County
Katie Riley, Chair

The Children's Opportunity Fund Initiative (COFI) of Washington County arose out of the need for sustainable funding for children's programs during non-school time.

Our Vision: Every Washington County child deserves to grow up in a safe and nurturing home, to succeed in school and to pursue a prosperous adulthood.

Our Mission: Sustain evidence-based children's programs throughout Washington County:

Child abuse prevention, community schools, nutrition programs, mentoring, school-based health clinics, and after-school programs.

Background: The organization grew out of the concern of several members of the Washington County Commission on Children and Families that children and youth needed positive activities during times they were not in school. By 2014 Washington County will have the largest youth population in Oregon.

- Between 2000 and 2010 the Washington County population increased by 19% and the youth population under 18 increased by 26%.
- Children under the age of 18 now comprise over 25% of the county.
- Child abuse has increased by 77%.
- Poverty has increased: during this same period Free and Reduced Lunch eligibility increased from 22% of students to 40.3% in 2010.
- The number of child care slots, including after school care, for children under 13 yrs. has stayed around 18%.

The Commission's first Comprehensive Community Plan in 2002 with input from over 200 community members identified community schools as its top priority. Since that time the Commission has funded programs in county school districts to try to meet that need. They surveyed school principals twice to determine the availability of programs, offered technical assistance to groups that wanted to start the programs, sponsored a community school summit that attracted 200 participants, and provided recognition to schools that developed community school programs.

But, it was quickly apparent that all out-of-school programs for children needed sustainable funding. The subcommittee formed a separate group outside of the Commission and agreed to seek sustainable funding. We researched similar efforts: Miami-Dade County in Florida, the Portland Children's Initiative. We looked at different funding mechanisms: foundations, federal grants, social bonds, levies.

It was decided that a 5 year plan was necessary. The strategic outline includes:

- Determine the knowledge, wants, and levels of support of Washington County residents

- Develop educational materials

- Reassess resident wishes

- Determine funding source preferences and pursue them.

Current Activity: The group has expanded to include additional individuals and representatives of many different organizations and is meeting monthly to move the plan forward. Meetings are also being held with representatives of city and county government and community organizations to obtain endorsements and contributions toward the polling/survey that is the first step in the strategic plan. Linda Peters, Chair of WC-CAN attends the meetings. Contributions have been received from many individuals, public officials, and businesses. Much more is needed. Tax deductible contributions can be made through Impact Northwest at their website:

<http://www.impactnw.org> Be sure to note that the contribution is for "COFI." To be included on the COFI listserve, contact Katie@katieriley.org

The Saga of Neighbors Against Apple Valley Airport Expansion Ellen Saunders, Former Co-chair, NAAVE

In the spring of 2004 neighbors in NW Washington County noticed a new sign on property that had been a small private airstrip. Apple Valley airstrip had belonged to Rod Anderson who had recently died. The big new sign advertised Sight Seeing and Flight Training. Nobody seemed to know what was going on or what the sign meant as there had been no public meeting to inform the neighborhood of changes in use, as was required by law. Several neighbors from Manning began making contact with residents of Buxton, where the airstrip was located. The Buxton neighbors had not been informed of a conversion of the airstrip to a commercial flight training and sightseeing facility.

It seems that someone at the county had advised the new owner that he could greatly expand his newly purchased property. He planned a flight training school, a flightseeing tour facility, a stop off to gas up your private plane, a place to stop in your private plane to have a cup of coffee and a piece of pie, and for those who wanted engine repair or to buy a plane---well that would be available as well.

This property was listed in Washington County documents as a floodplain and a wildlife area. Residents were aghast. They forced the new owner to hold the legally required community meeting. He failed to show up, but the community used the time (at the Banks Christian School located in Buxton) to hold their own meeting and let the community know what was going on. When the rescheduled community meeting occurred the new owner appeared with an attorney. The attorney made it clear that he was going to prevail against the entire community and there was nothing we could do about it.

Unbeknown to the community, a new state aviation law gave applicant-sympathizing County staff and commissioners a way around protests from local residents. Our community needed the best land use attorney we could afford, and one who would be willing to work with a newly formed neighborhood group. The quest began.

NAAVE needed someone who knew the in and outs of the political as well as the very complicated legal aspects of Washington County land use. After calling many resources, the group finally settled on Ed Sullivan of GSB Law, a well-informed land use attorney who had come to the aid of the community in past years. We were fortunate that his

firm would take our case despite NAAVE's lack of formal organizational structure. Few attorneys are willing to take on unincorporated groups as clients in land use cases.

Over eight years later with a huge expenditure of time by a 10 to 12 member board and fees paid to GSB Law, Winterbrook Planning and Sisul Engineering, the community is \$200,000.00 poorer. We've been through multiple rounds of development applications, County hearings, appeals to LUBA and remands back to the County. We succeeded in limiting Apple Valley's aviation activities to agricultural uses only (except when the owner frequently violates the decisions).

So far not a bad result for all our work---right? **Wrong.** The county in its last remanded hearing--on Apple Valley's application to change the county's official floodplain map--re-set the hearing date so the Hearings Officer they wanted to hear the case would be ruling. Result--- in spite of large amounts of testimony, photos and video of the majority of the property being under water from time to time **the county moved 3 small sections out of the floodplain.** Guess where the sections were. You guessed it-- they are right on the flight line of the airport where new agricultural (?) buildings are being constructed, (farm building my clavicle)!

County staff says they can't stop agricultural building on a farm that is not in the floodplain. Oh yes, did I mention that the owner had cut down and burned most of the beautiful old apple trees? Now he has planted blueberries in the area because NAAVE stopped him from building a huge hangar where the apple trees had stood. Another legal twist—that section of the property was out of the Airport overlay zone. And a water rights issue on Dairy Creek has ensued since the blueberries have been planted to bolster the owner's false claims of farming activity.

It has been clear to the community from the beginning that powers behind the scene, who wanted this airport expansion, have been very carefully directing the applicant about every small detail in how to get around any legal precedents NAAVE brought to bear on the case. They have even changed the complaint procedures so the county only responds to written complaints. This forced the NAAVE members to watch for every small violation and make sure it was reported. Then the county would have to investigate, but seemed unwilling to leave paper or email trails of their investigations or findings: they would often answer questions by phone, and when asked to put their responses in writing they refused.

In summary:

Members of a community who have a problem with land use issues in Washington County need to organize. Here is a start up list of action items you will need to consider:

- 1 Start conversations with everyone you can. Go to your CPO meeting if active and town meetings.
- 2 Create a petition to help you get out your message and build a mailing list. Be sure you get full e-mail addresses clearly written, as it will become the quickest and least expensive way to contact your supporters.
- 3 Canvas all those affected with the petition. Go to local public events with the petition. Remember your free speech rights. There are entities who will try to stop you; if so call the ACLU for help. Trust me, it works!
- 4 Get members of your group to create road signs to publicize your issue. Remember to have permission for sign placement. ODOT will take down any signs on the highway right of way.
- 5 Hold well-advertised public meeting in a local venue but beware of who shows up and what they suggest you do. Moles are to be expected so watch what you say. Even expect county officials if your issue is contentious.
- 6 Research your possible legal support and decide on a lawyer
- 7 Discuss with the lawyer how best you can help him/her help you and decide cost.
- 8 Establish a board or steering committee with a treasurer and a bank account. Just the minimum of supplies for advertising, web development, and public meeting room rent can add up. If you are using a lawyer and expert testimony they will want to be assured they will be paid.
- 9 Fund raise, fund raise, and fund raise.
- 10 Construct your publicity statements. Choose some spokespeople from your Steering Committee.
- 11 Get a web site or Facebook account. People will use it as a resource & the press will want to be directed to it.
- 12 Create a press mailing list, contact journalists, write article for the news outlets, and get on radio talk shows. KBOO has a community calendar.
- 13 If you are bringing a case before a Washington County Hearings Officer, request from the county staff a list of all codes, regulations and statutes on which the hearings officer will judge the case. Be pleasant but diplomatically watchful of the information you get. It may not be accurate. Dates, times and processes can be manipulated behind the scene. Be aware that a Hearing Officer (HO) may

have conflicts of interest or personal perspectives that will color their ruling, so you must make sure you have every possible applicable law covered.

- 14 The HO, acting as a judge, chooses what testimony to consider, which means s/he can ignore testimony. Find out how the HO you're assigned has ruled in other cases. If you don't trust this judge to be sympathetic or open to your case, find a reason to have the timing changed to have a different judge hear the case. If necessary bring up conflicts of interest the day of the hearing but be sure if you are using legal counsel you clear it with them first. Remember your defense must include absolutely everything you might want to appeal to the Land Use Board of Appeals (LUBA). LUBA can't admit any new information.
- 15 At the hearing the attorneys can and often do ask for an extension of time to submit further information. If an attorney is not representing your group you can still ask for extra time. Take advantage of this time. The opposition will submit information at the last minute and you should have time to rebut anything they say, so read carefully all late submissions and ask for the time you need. (Usually 2 weeks but it can vary.)
- 16 The amount of time needed to read the land use laws and apply them to your circumstance must not be overlooked. It will take hours of time at the County to make sure you have all the paperwork the opposition has filed to support their action. Watch the property for any small legal notice as the property owner is not required to keep the sign up for a given period of time. The owner will try to sneak by any public awareness in any way they can and they will rely on the county staff to walk them around any rules that might hinder their project.
- 17 Democracy is a work in progress. **Citizen involvement does make an impact.** Don't be discouraged if the opposition has a lot of clout or money. A saying from Margaret Mead may help to keep up your courage. "Never doubt that a small group of committed people can change the world. Indeed, it is the only thing that ever has."

In dealing with Washington County remember the staff works for the Commissioners not for the public at large and therefore they must follow the directions of the 5-member board. They are often overworked and they may not have the information you need on your particular issue, so it is up to you to make sure you contact all staff members involved. They may be in different departments. It is advisable to attend Commissioners meetings, testify on your issue and submit a list of questions to be answered. The meetings are held at 10:00 AM on the first and third Tuesdays and at 6:30PM on the fourth Tuesday of each month. Check online for meeting agendas and materials at <http://www.co.washington.or.us/BOC/>