



Walt Lock summed it up beautifully, to start with. "There's no disagreement. The entire community is unanimous in opposition to the introduction of 'formula food' restaurants." I fear, however, that the action taken by City Council on Sept. 5 isn't enough. We need to implement an "anti-formula-food" ordinance, as requested by more than 470 petition signers in June.

The Council's resolution instructs the city manager "to communicate to potential developers that the City Council and the community strongly feel that formula food restaurants are inconsistent with the village character of Manzanita." A resolution, we all know, is a statement of policy that is totally toothless, that cannot be enforced, in contrast with an ordinance, which has the power of law. A toothless resolution says clearly to developers that the city is afraid to even consider an ordinance or anything that can be enforced. It's trying to do something, while the actual effect is exactly the opposite.

The Council based their resolution on an attorney's opinion they stated "suggested that such a ban would be difficult to defend in court . . . , that no Oregon courts had ruled on such a ban, and that an extensive public record would need to be established" supporting the ban. What the opinion actually says is, "a properly constructed and supported ordinance would be defensible." Period. It says you need to prepare good findings, of course. That's always required.

No Oregon court has ruled on such a ban? Cannon Beach has had such a ban since the late 1970s, so if no Oregon court has ruled on such a ban, that means that nobody has challenged it, which means that the odds of challenging a Manzanita ban are pretty slim.

And such an ordinance isn't breaking new ground. At least twenty cities around the country - from San Francisco to Portland, Maine - have successfully enacted and defended restrictive ordinances on formula food restaurants and other businesses, even banning big box retailers. You can read the ordinances, and many of the legal opinions behind them at www.newrules.org/index.htm.

A belief that no formula food restaurant will locate here if we "say we don't want them", or that they will fail economically if they do is, to me, wishful thinking. Corporate chains have the resources and a proven record, of being willing to operate at a loss to starve out opposition and gain control of a market; and to subsidize initial operation until a market grows and they are established enough that entry of new competition is difficult.

Name recognition counts with outsiders visiting a community. They have no way of knowing if a local business is good or bad, and the easy choice is to choose a familiar product. Business survival here is always marginal, as more people want to live here than the economy can support, and the financial capability to outlast local businesses gives a chain unfair advantage. 470+ petition signatures indicate that the visitors, who are the survival margin of our business community, value having to explore and discover. And they come here for something that *is* deeply different from the same-old-same-old.

The litigation specter is always raised as a reason not to do something. But this should not be the central basis of city decisions. Regulation is what cities do, and people can always threaten to sue on ANY ordinances. Why have ANY regulations if that is how we are going to act?

If a community is fearful and waffling, it is a prime target for threats. If the community is solidly together behind an ordinance, it is rarely attacked. Let's stick with what Walt Locke said in the meeting, but really do something about it.

Now is the time to act. To truly act, not pretend. There's precedent, there's need. There's agreement. Let's leave the "what-if" until "what-if" happens, if ever. It's easy to back off an ordinance if needed in the future, but impossible to implement one after the fact. The formula food issue is mainstream enough that even the League of Oregon Cities held a workshop on the topic in their 2005 conference.

It was also sad to learn on September 5 that no community member, resident, or registered voter in Manzanita has the right, unless a property owner in the city, to initiate a request for change in city ordinances. Yet any non-resident property owner has that right. Can't we do a better kind of democracy than this?

Even if you are a local property owner, there is a \$1000+ open-ended fee requirement for ordinance change requests. That is punitive and unduly burdensome for public interest issues. Should participation in the city be only for the wealthy and for property owners?

The city has the ability to waive such fees. An open public hearing and discussion on a formula food ordinance does not preempt their ability to alter or not approve an ordinance when it comes before Council.

This is an opportunity for our community to help each other let go of the fears we're inundated with; empower ourselves, begin to define and be what we wish to be; to stop feeling powerless, paralyzed, and allowing exploitive forces to take control. Let's take the next step.