

Coburg Power: Enron End-Run

Lane County citizens beware. Coburg Power's proposed 605 megawatt natural gas-fired power plant is unlikely to be the "positive thing for Lane County" touted by Coburg Power managing member Gary Marcus, and Enron representative Jeff Shields. A word about the principle players in this story. In essence Gary Marcus is Coburg Power. To guide this project Marcus has formed a two-person business partnership with a friend who is only minimally involved. Jeff Shields was General Manager of Emerald People's Utility District (EPUD) until 2000 when he was lured away by energy giant Enron North America.

Marcus and Shields conducted an informational meeting about the proposed plant on August 22 at Coburg Grade School. Anxious for details, an overflow crowd of about 500 people showed up. If built the plant would sully 17 acres of farmland two miles north of Coburg, and impact aquifers and airsheds for miles around. Except for a small group of union workers who hope to gain employment on the project, the majority of attendees wanted nothing to do with it.

Power generated by the plant would be marketed nationally and sold on the open market. Marcus confessed that Coburg Power would likely be bought by Enron before long. "I probably won't be involved in this project in two years," he said. Enron in turn could sell the plant, as it frequently buys and sells what in the trade are called "merchant plants."

To satisfy its water needs the plant would require 1,300-3,100 gallons per minute. A study indicates that its own well could supply 1,300 gallons per minute. Additional water would be drawn from unidentified sources outside the area. It is estimated that the plant would use 10 times the daily consumption of Coburg. Ralph Christensen, a consultant on water issues for Coburg Power, said that a slight draw down of the water table near the plant might be expected. No plan exists for disposal of great volumes of waste water discharge that will contain carbonates, sulfates and chlorides.

Emissions from combustion of natural gas, and fuel oil used in backup situations, would include sulfur and nitrogen oxides, carbon monoxide and dioxide, and particulate matter. Compared to what exists in the area currently, the plant would generate approximately a 2% increase of these pollutants. Although the percentage sounds low, it equates with about 10 tons per year, which will be added to an airshed already heavily impacted by auto and industry emissions, field burning, woodstove smoke and air inversions. Developer Marcus envisions two 200' high stacks dispersing the pollution. The drift would be pushed by the wind. Will vegetation be harmed? Will we be harmed? Will views of

LandWatch is committed to protecting Lane County's farms, forests and open space from urban sprawl by promoting responsible and sustainable land use policies. As this, our third newsletter, reveals, Lane County continues to give us plenty of work to do. We welcome and depend upon your interest and support. What we can't do alone we can do together.

Robert Emmons,
President

Farms Not Gravel Pits

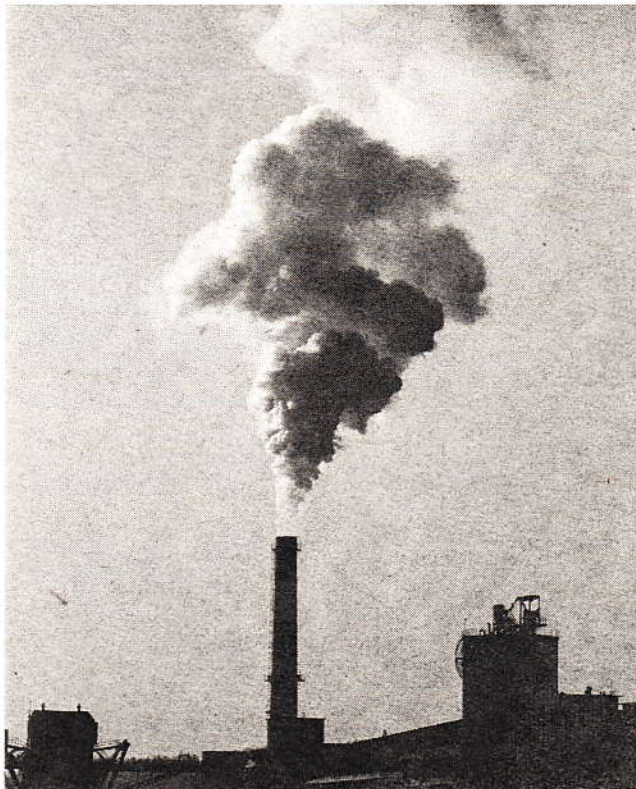
In early August LandWatch board members expressed their opposition to Eugene Sand & Gravel's relocation plan in a letter to the Lane County Commissioners. Several days later members testified at a three-day gravel pit hearing. LandWatch supports farmers on River Road and is opposed to opening up prime farmland on the banks of the Willamette River to gravel extraction.

An active gravel mine on at least 240 acres in close proximity to Thistledown and Lone Pine Farms would likely drive those and other nearby farms out of business. Dust and incessant noise from the mining operation, and toxic emissions from the proposed asphalt batching plant would be incompatible with nearby agricultural activities. The local aquifer and nearby wells could be seriously impacted. Wildlife would suffer.

Farming belongs on the high grade soils in the River Road area. And the banks of the Willamette River should be spared from the jaws of heavy equipment.

Nena Lovinger

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Community Organizational Status

From its inception, LandWatch Lane County has pushed for full disclosure of land use actions that affect the land and the people of this county. County government has never been receptive to this idea even though it is codified in Goal 1 of Oregon's land use law.

LandWatch often receives complaints from people living in proximity to proposed developments who only learned of proposed subdivisions when the bulldozers arrived. We have heard stories of one neighbor receiving two or three notices of a proposed land use change, while another neighbor received an empty envelope from the Land Management Division. In an effort to get the County to promptly and accurately disclose information that affects the community, LandWatch has asked the County for recognition as a "Community Organization" under ORS 197.763(2)(C)(b).

On April 13, we wrote to the County Commissioners requesting that LandWatch Lane County be recognized as a "community organization" under the law. Almost three months later, on July 6, we received a reply from the Commissioners requesting very detailed information on the structure of our organization. On August 8, we sent the Commissioners a letter containing all of the information they requested.

Lane County must recognize us as a community organization and inform us of all proposed land use changes. This will allow LandWatch to better disseminate this information to neighborhood groups and concerned citizens.

Rich Fairbanks

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the Three Sisters be obscured? How much air pollution will we tolerate?

Nearby property owners believe that the power plant would negatively impact adjacent farm and forest uses by forcing a significant change in accepted farm or forest practices and by likely increasing the cost of accepted agricultural practices on this land.

The evening's presentations failed to address important concerns associated with power plant development. While Enron and Coburg Power representatives are well versed in the rhetoric needed to forward

their project, the public needs to be fully informed about the impact this facility will have on their lives.

Energy facilities such as the one being proposed for Lane County can be sited without being subject to county land use laws, but this facility does not quite have the full 'carte blanche' privilege. The proposal calls for 17 acres of Exclusive Farm Use (EFU) property; this exceeds by 5 acres the 12 acres allowed by the State without restriction, leaving the siting subject to Goal 3, Agricultural Lands.

Beware of being lured by the reported benefits of this project. When asked by a person in the

audience at the Coburg School meeting how much money he expected to make with this development, Mr. Marcus indignantly declined to offer a figure. Needless to say the millions he would reap wouldn't fairly equate with what residents of Coburg and greater Lane County would lose to environmental degradation.

There will be opportunities this fall to ask questions and submit comments on this proposal. For more information contact Gary Marcus at 683-5200 or GMarcus@aol.com, or John White, contact person at the State Office of Energy, john.white@state.or.us

Nena Lovinger and
Lauri Segel

Land Use Groups Open Joint Lane County Office

On July 18, LandWatch Lane County, Friends of Eugene, and 1000 Friends of Oregon officially opened their new joint office. Serving Lane County, the office is being funded by donations from Lane County residents who are members of the three groups.

The event was celebrated at a well-attended open house held at the office, located at 120 West Broadway, between Olive and Charnelton streets on the Eugene downtown mall.

"We are glad to establish a permanent presence in Lane County, because this county is grappling with the whole spectrum of growth and develop-

ment issues, from downtown revitalization and bypasses to coastal sprawl and the loss of farmland," said Robert Liberty, executive director of 1000 Friends of Oregon. In addition to its headquarters in Portland, 1000 Friends also has offices in Medford and Salem.

Robert Emmons, president of LandWatch Lane County, welcomed "the professional help we need to turn back the tide of rural sprawl" that threatens the county's forests and farmlands. Four years ago LandWatch played the leading role in convincing the Lane County Board of Commissioners to maintain zoning that protects F-1 forest resource land. This effort saved over 750,000 acres in the county from residential development.

"The new office will increase both the impact and the visibility of the great work our volunteers have been doing for years to improve our commu-

nity's quality of life," said Friends of Eugene co-president Deborah Noble. Friends of Eugene has been involved in many local land use and transportation issues, including Eugene's Lane Use Code Update project and the proposed West Eugene Parkway.

The office is staffed by Lauri Segel, who will work half-time for the three nonprofit groups. Segel, a long-time Eugene resident, has worked with nonprofits as a volunteer, and has professional experience in land use planning. Segel welcomes this opportunity to work with local activists and others in the community who want to protect the area's livability.

For more information, please contact Lauri Segel at 431-7059, or lauri@friends.org

Backyard Odyssey: Conserving Biodiversity in Eugene

Since 1998, I've been on an odyssey of sorts, trying to save a two-acre remnant of oak savanna and native bunchgrass in south Eugene.

I became involved with the site when I learned it had come on the market and was at risk of development. I contacted the city to see if the city might want to buy it as an extension of an adjoining city park. The city expressed interest but declined to act, apparently because they couldn't act quickly enough.

By coincidence, I was looking to invest money from the sale of my house while I cared for a parent. I determined that the property was fairly priced and decided to use my investment to protect the land as long as I could. I bought it in early 1999, informed the city of my actions and said I hoped the city might be ready to buy the property if and when I have to sell it.

In the two and a half years since then, I have been trying to ensure that, should I need to sell, the city or some other entity will step in to save the land, not only from development but also from invasive vegetation. This has turned out to be more of an adventure than I expected.

Searching for answers, I began to learn about the property's ecology. I grew up in Eugene and went to kindergarten

across the street from the site, but so little native bunchgrass remains I had no idea what it looked like, until botanist Bruce Newhouse pointed it out to me.

I've devoted most of my efforts to protecting and restoring the ecological value of the savanna, primarily by weeding the ivy,



Adam Novick is restoring native oak savanna and indigenous plant species.

vinca, Scot's broom, and other invasive species overtaking the site. The most intact portion is dominated by a tall and elegant bunchgrass called California fescue. This species apparently populated much of the Willamette Valley's native oak savanna. Now, so little remains that the property has been serving as a source of bunchgrass seed and seedlings for the BLM, Marion County, and the City of Portland.

This botanical work was possible only because Bruce generously donated an inventory of plants on the property and taught me to recognize several native and exotic species. This work has also been helped by cost-share support from ODFW and USDA Natural Resource Conservation Service, advice from The Nature Conservancy, and the encouragement of stewardship

awards from the Oregon Chapter Wildlife Society, ODFW, and ODF.

From the start, I've also tried to address the social challenges of preserving habitat on private land. Through talking with educators, planners, and others, I've been trying to get people to recognize the ecolog-

the property and was excited when it was accepted.

However, I was disappointed to find the program deferred only about 30% of the taxes, reportedly the program's maximum deferral. Last month, in a court-mediated settlement, Lane County agreed to increase the property's deferral to 96%, by comparing its

ical value of the property and help answer questions such as, "Who should own it? How hard should we try to protect it from invasive vegetation? Who should pay to maintain it? What access should the public have to it?"

With the encouragement of conservation organizations, I've advocated for greater funding for habitat conservation. In this regard I'm pleased to report that Conservation Incentives Bill HB3564 recently passed without opposition in the state legislature. It offers to help improve incentives and reform regulatory disincentives for conservation.

Through an appeal in Oregon Tax Court, I've attempted to make the state Open Space tax incentive program more effective. I had applied to the program three days after I bought



In the spring, fawn lilies dominate a remnant of oak savanna in south Eugene.

present conservation to protected wetlands. I hope this apparent precedent might help preserve habitat elsewhere in the state.

Meanwhile my odyssey continues with new botanical and social challenges to preserving the land's native vegetation.

Adam Novick

Protect Prime Forest Land

Recently a couple who live in Brookings asked the Land Management Division to rezone 40 acres of prime forest land (F-1) they own on the west slope of the Coburg Hills. A rezone would allow construction of a spec-house on the property and would effectively take five acres of excellent tree growing land out of production.

Several years ago the subject property was logged. Though restocked, it is in violation of state forestry practices because the new trees have not been kept free of brush competition. Moreover, because this property is on a slope and has been allowed to accumulate vegetative fuel, there is significant risk of catastrophic fire. It appears that the owners have neglected mandatory maintenance and have degraded the property as resource land in order to pave the way for development.

Fine Ritner soils on the parcel have historically supported healthy stands of marketable timber. None of the soil base should be built upon and taken out of production. Furthermore, placement of a house on the site would give rise to conflicts between residential activities and forest management, compromising the quality of both.

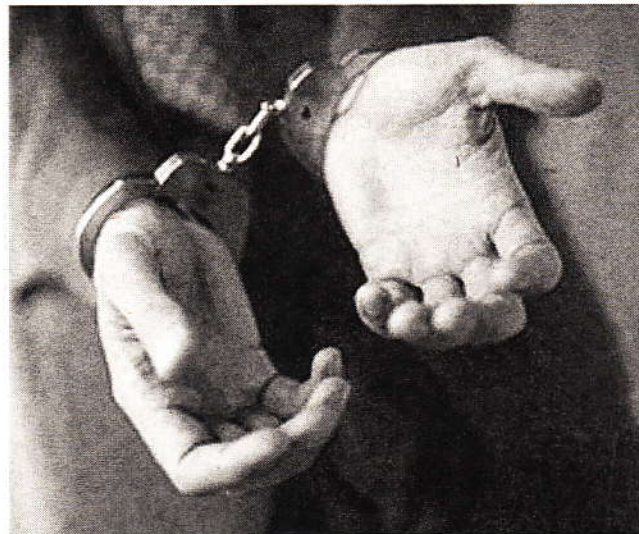
Fortunately, at an August 23 hearing, a county hearings officer agreed with a LandWatch member who testified that this is the sort of property that Goal 4 (conservation of forest lands) was written to protect. He warned the applicant that convincing him of the need for a zone change will be a burden steep as the slope of the land.

White Collar Crime, White Collar Punishment

White collar criminals Thomas Miller and Katherine Kline recently squeaked through Lane County corrections' revolving door. While Kline was ordered to pay \$36,990 in restitution to Lane County, she was sentenced only to community service and two years probation, possibly because she attributed her transgression to family hardship and cried a lot.

Less repentant, Miller was sentenced to fifteen days in jail and ordered to co-pay \$36,990 (with Kline) to the county and \$205,577 to private victims. In addition, he was given five years probation and ordered to serve 300 hours of community service. In defense of his actions, Miller told the judge that Lane County's permit process was too difficult – though not, apparently, too difficult to steal from – and cost too much for too many.

Not at issue in the ruling was how a long time Lane County employee and a land use consultant with whom Lane County did frequent business could have fleeced the county and its clients for so long. A subsequent financial audit revealed serious problems with the way public monies were handled, including inadequate or non-existent accounting, and lack of managerial oversight. In the last year four Land Management Division (LMD) employees have quit, including three planners and



White collar criminals at the Lane County Land Management Division received light sentences for robbing Lane County citizens of permit fees.

the auditor, Dean Stephens, who failed to show up for the Board of County Commissioners' (BCC) hearing of his audit.

The BCC has not commissioned a performance audit. Such an audit would expect to examine management styles, practices and competence. It might also consider the advisability of having building permit fees continue to pay for Lane County's long range planning program. While he agrees that even the potential for a conflict of interest should encourage the commissioners to include long-range planning in the General Fund, LMD manager John Cole says that his requests have fallen on deaf ears.

Meanwhile business as usual is falling on the overworked planners who remain. Commissioner Anna Morrison suggested in a recent work session that the Home Builders Association be consulted for information to improve the

permitting process. When Commissioner Pete Sorenson asked that LandWatch be at the same table, Chair Morrison said she thought that LandWatch would neither be interested in nor able to address the tenets of the building permit process.

Lane County public works recently hired a new director, Ollie Snowden, who has indicated that he wants the LMD to be more responsive to the public. To that end he's agreed to meet with LandWatch members, and we look forward to a ground-breaking session in the next few weeks.

Robert Emmons

Fire Road: Holding the Line

Lane County's Land Management Division/developer complex has been working hard the past couple of years to reduce the zoning in the 107-acre Exception Area 260B at the end of Fire Road near Lorane. However, the LMD sometimes neglects to notify people adjacent to a proposed development. When it does send notice, it isn't always apparent that the proposed action is only a piece of a larger development. The battle of Fire Road has been fought over a number of such deceptions.

When I first became aware of the LMD "lot line adjustment" the developer used to move two acres off of an eight acre lot around an existing farm house at the end of the road, I didn't believe the neighbor who informed me. My lawyer told me that this was illegal: Oregon land use law defines a lot line adjustment as "the movement of one boundary line common to

two tax lots." The developer bought an additional 12-acre piece of property that adjoined his previous holdings and my west fence line. With the aid of the LMD, he used a "lot line adjustment" to cut off the existing mobile home on two acres without notifying me. He managed to sell this questionable parcel to a young couple but failed to mention that there might be legal controversy and litigation. The couple now wants to sell, but it's unlikely that anyone will buy the property before the legal dust settles.

Common sense was the first casualty of this unscrupulous movement of boundaries, followed by Oregon land use law and Lane County land use policy. In the end, individuals like the unwitting couple, the land, and the wildlife it supports suffer the fallout.

I was told that if I didn't like what was going on I could use the Lane County appeal hearing process to challenge it. I did this and won my case. The developer appealed. Kent Howe, director of the LMD

joined the developer in appealing, too, and the hearings official promptly reversed himself.

The Board of County Commissioners blessed the decision and passed it on to Oregon's Land Use Board of Appeals. The developer who had been using a former county commissioner as his lawyer switched to a former LUBA "referee" at this point. LUBA bought Lane County's and the developer's claim that I had missed a critical detail before a deadline and that therefore everything was legal now.

I appealed "Maxwell vs. Lane County & Developer" to Oregon's Court of Appeals. Presiding Judge Haselton informed Lane County's lawyer that the land use decisions and actions permitted at the end of Fire Road "smell."

Normally the three judges have 91 days from the date of oral arguments to render a decision on the case. Asserting that this case is so convoluted they need more time, the triumvirate granted themselves an indefinite extension and requested further briefing on

Lane County's concept of "parcels." A letter from the Court of Appeals added that parcels are not created for the sole purpose of creating tax lots, which, of course, is exactly what happened at the end of Fire Road.

If judges Haselton, Linder & Wollheim render a decision in our favor, which they seem inclined to do, creative land use practices such as the "migrating tax lot" should cease in Lane County.

Norm Maxwell



Regulation Mires as Towers Rise

Inappropriate siting of cell phone transmission towers has many subtexts. They are about corporate greed and arrogance. About creating an excessive demand for a potentially dangerous tool (cellular phones) that should be used in moderation. About how excessive use (a personal choice) creates the demand for PCS (Personal Communication Systems) towers that will be placed in communities which may not have a choice. They are about the health and safety of a nation.

Members of our group, Citizens for Responsible Placement of Transmission Towers (CRPTT), spent months making weekly three-minute presentations before the Lane County Board of Commissioners. After much political posturing, the Board of Commissioners unanimously voted to establish a task force to study and make recommendations regarding the siting of these towers. The task force was comprised of Commissioners Weeldreyer and Green, Planning Commissioners Esty and Martorello, legal counsel Steve Vorhes, and planning director Kent Howe.

Setbacks from neighboring residences are not usually meaningful because health concerns are not a criterion. However, Mr. Howe recom-

mended that a tower be no closer to neighboring residences than to the residence of the property owner. That could act as a deterrent. He averred that the new ordinance should have the same stipulations and criteria in all zones. This would be beneficial for those of us in F-2 zones where, e.g., compatibility with adjoining properties is not now a criterion.

Presently, the public only has the word of the tower applicant that a tower is needed and that a particular site is the only site that would suffice. Moreover, towers under 200 feet (as many are) are not even in the Federal Communications Commission (FCC) database. They are subject to FCC standards, but they are not being monitored. We want them monitored and monitored frequently. A third-party technical review would help set standards and provide oversight.

The Federal government has eliminated the most crucial criteria from consideration, potential negative health ramifications from exposure to RF waves (non-thermal ionizing radiation). Because of this, the task force has not recommended meaningful setbacks away from homes and schools.

On August 8 the planning commission met to discuss the task force recommendations. These covered such issues as co-location, height, tower abandonment, compliance review, and the application notification

process. Commissioner Esty cautioned the other members that monitoring was sure to be a contentious issue at public hearings. Apparently content to let upcoming hearings do the work, the Planning Commission simply accepted the recommendations with little comment.

CRPTT members are concerned that applications for special use permits for cell tower facilities will be made and processed under existing guidelines (none). Mr. Howe assured me, however, that the Seavey Loop decision is now considered precedent in Lane County and that the industry has reduced its applications.

We remain skeptical. The tower companies are still out there scouting for new placements. And the Springfield School District already has permitted tower sites on school grounds and is in the market for more. We hope to derail those sites too near schools and homes, but we must be ever vigilant. Even when an ordinance exists, communities will still need to be educated on what their options are and be convinced that they can make a difference.

Meanwhile, Verizon has a site across from a small community of single-family dwellings and apartment buildings off Garden Avenue. And soon the City of Eugene may receive a variance request from Sprint for a site on Villard Street next to new student housing with an entire neighborhood extending south, east, and west. A vari-

ance will be needed because city code stipulates towers cannot be closer than 2000 feet to each other (the site is just across Franklin from the Verizon site).

Commissioner Sorenson will participate in a community meeting in early October, prior to the hearings this fall. He would like to hear from you. Meanwhile, beware: PCS towers are equal opportunity threats; the telecommunications industry will site them in anybody's neighborhood.

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A Burning Issue

State Parks forester Amy Gillette is committed to conserving the few remaining white oak groves on State Parks property. Toward that end she worked with several LandWatch members in May to survey plants in a two-acre grove in Bristow Park near Dexter. Her goal is to restore this small oak stand to conditions that prevailed when Native Americans periodically burned the valley and to have it serve as a learning tool.

The lesson began with the removal of seven Douglas firs earlier this year and will continue with the eradication of noxious weeds and the re-establishment of native shrubs and forbs. The grove is adjacent to a previously cultivated seven-acre field which Ms. Gillette hopes to restore to native grasses and perennials in order to attract western meadowlarks and other native species. This newly plowed field may also accommodate new oaks, planted individually and in clusters.

On August 29, Amy Gillette, six fellow State Parks foresters, two firemen, a member of Friends of Mt. Pisgah, Ed Alvorsen of the Nature Conservancy, ecologist and LCC instructor Dennis "Whitey" Lueck, and I met to

discuss the advisability and logistics of a prescribed burn in the two-acre stand.

Because the Bristow grove contains some natives that are typically found in riparian habitats that do not typically burn, Conservancy botanist Alvorsen observed that these plants may not regenerate from a fire. But the stand also contains upland species which respond favorably to fire and is rife with noxious weeds such as Canadian thistle and blackberry. While considerable uncertainty remains as to what results to expect, all participants seemed to agree with Mr. Lueck's admonition that we learn by doing rather than agonize over the data for a preconceived or desired result.

Accordingly, a controlled burn is planned for the end of September or the first week of October. The fire officials recommended that the fire be confined to strips rather than burn the entire grove at one time and that the understory should be mowed and allowed to dry out in order to provide fuel for a continuous fire.

Results from the fire will be monitored over time, and LandWatch volunteers have committed to ongoing removal of invasive species. Thanks to Amy and her fellow foresters, LandWatch Lane County is a participant in an on-the-ground project that demonstrates as well as any what the fuss is all about.

Robert Emmons



Without strict riparian protection, houses built too close to rivers destroy habitat.

Rural Retreat: WRR Vanquished by BCC

Although Ballot Measure 7 has been judged unconstitutional, the Lane County Board of Commissioners (BCC) has found it a convenient excuse for doing business as usual. Several months ago commissioners directed the Land Management Division (LMD) and the Planning Commission (LCPC) to eliminate the already weak environmental protections in the newly proposed Watershed Rural Residential zone and even the WRR designation itself.

By doing so they rendered null and void the interest and participation of residents in the McKenzie-Mohawk watersheds who responded to surveys and attended planning sessions and town hall meetings throughout the area for almost a year. Considerable county staff time and money were squandered as well.

Instead, planning staff proposed that the LCPC retain all the old uses allowed in the Rural Residential zone, including RV Parks and camp-

grounds, commercial kennels, golf courses and R.V. and boat storage facilities. Primary fire breaks for dwellings abutting forest land and expanded riparian setbacks would be scuttled.

The new rural home business allowed as a "special use" was retained, despite its obvious conflict with Goal 14, which restricts urbanizing influences in rural areas. While the LMD claims that the proposed restrictions make home business compatible, a totally customer-oriented commercial business has no business in any rural residential zone.

Conjuring the specter of ballot Measure 7, the Board of Commissioners and the Land Management Division have retreated to the familiar fortification of wholesale development. LandWatch intends to monitor land use applications for inevitable violations of State goals and statutes as well as the Federal 4 D Rule to protect endangered salmon.

Carrienne Davis,
Lane County Planning
Commission, 1996-2000;
Board Member, McKenzie
Valley Residents' Association

and Robert Emmons

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