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# LandWatch

Spring 2007

Volume 7, Number 1



## With the Right SPIN You Win: Saving the Glenada Dune



Often in the domain of land use management, solutions to problems create new problems. In 2005, Lane County Commissioners proposed the sale of the Glenada Dune as a solution to funding shortfalls for the county park system. Glenada Dune, an 80-acre expanse of mostly open sand dune, lies along the south shore of the Siuslaw River across from Old Town Florence. Due to a recent tax foreclosure, the County held title to this property that has been the often-photographed backdrop scenery to Old Town for over 100 years.

Residents in the Florence area were unaware of the potential sale of the dune until a reporter noticed it in a proposed public sale listing. Once informed, local people immediately organized a concerted, and powerful, effort that eventually stopped the sale of their beloved dune to private developers. Their arguments against the proposed sale covered economic, social, and ideological rationales. And the local citizen activists advocated a different solution, one that benefited the public – they arranged to have the dune purchased by Oregon State Parks.

Lisa Brandt, an anthropologist from North Dakota State University, studied the process as it was unfolding. She noted in her academic article that citizens, particularly those involved in the Save Our Dune Alliance, employed the powerful strategies of “public protest and pressure actions, local construction of a common vision and consensus, and the warning for potential litigation.” Her study found that a transition was underway in the democratic process. In the past, “rational debate” and science were the underpinnings of any democratic discussion. Today, decision-makers tend to listen just as attentively to non-material arguments based on spiritual qualities, rights of tradition, and local aesthetics, each very important to the people of Florence.

Brandt’s study pointed out a very successful organizational form known as “SPIN” (Segmentary, Polycentric, Ideologically-integrated Network). Florence’s grassroots movement involved many subgroups, often with overlapping membership (segmentary); there were several centers of power – each subgroup had its own leadership, and many people worked independently of any group (polycentric);

despite political, strategic, and tactical differences, the movement created an overarching understanding of the value of the dune to the local area, and a vision of what the future would hold for Florence if the dune was sold (ideologically-integrated); and, finally, the local effort was united through one-on-one encounters, email chains, petition signature gathering, media articles, letters to the editor, and commentary at public meetings (network).

Another element which worked in the Florence community’s favor was the fact that our laws not only provide, they require, public participation in the decision making process. A policy of public accountability, freedom of access to government information, and freedom of the press, gave locals advance notice of the county’s intent to sell the property.

According to Brandt’s study, “The ability of the reporter to view that document and then contact citizens for their input are examples of freedom of access to government information and the freedom of the press. The ability of the local citizens to organize, debate, and produce actions to contest the sale of the dune, all without

*continued on page 2*

*Glenada Dune,  
continued from page 1*

overt government interference and threat, are examples of the obligation of a democracy's citizens to perform oversight on government's actions, the right to gather in public, freedom of speech, freedom of thought, freedom to petition government officials for action, and freedom to protest government action, among other ideologies." Brandt also pointed out that power holders in democratic societies typically dislike dealing with SPIN organizations because of the lack of a single voice that speaks for the organization. Thus, they are forced to respond to the interests of all the persons within the network, not just one. SPIN organizations are extremely valuable to those fighting for social justice, and they are the toughest form to shut down.

The success of the local movement in the Florence area to stop the County's sale of the dune is an excellent example of how problems may be defined by various groups in various ways. Democracy was reinforced and recreated simultaneously, while citizens' rights, duties and obligations were re-empowered and re-institutionalized by the actions of these Florence activists.

Or, put another way, if your issue gets the right S.P.I.N., you can win.

#### **Debby Todd**

Save Our Dune Alliance,  
Florence, Oregon

(Article based on *Successfully Saving the Glenada Dune through Democratic Process*, by Lisa Brandt, PhD, Anthropologist, North Dakota State University)



*From Glenada Dune overlooking Siuslaw River estuary*

## **Citizen Participation in Shaping Communities**

In one way or another the articles in this issue of our newsletter relate to and examine the effectiveness of state *Goal One: Citizen Participation*, in local communities, in the courts and on the ground. Helping neighbors help themselves is the foundation of our work as an organization of neighbors who've united around developments threatening their neighborhoods, drawn a line in the sand and planted seeds for the future.

From Florence's Glenada Dune to an Oakridge community garden, Lane County citizens are realizing what former Governor Tom McCall knew: "Heroes are not giant statues framed against a red sky. They are people who say: this is my community, and it's my responsibility to make it better."

**Robert Emmons**

### **Mark your Calendar**

**LandWatch Annual Meeting May 17 Measure 37 Panel**

Eugene Public Library  
Bascom-Tykeson Room  
6:45-9:00 pm



*Big leaf maple, "Thelma," was recently felled to further development in Veneta*

## **Storage Units Supplant Trees at the Gateway to Veneta**

It was an inauspicious beginning to what became a drawn out and contentious process.

Attending a meeting in late 2005, I discovered that the Veneta Planning Commission was considering a proposal for one hundred bright orange storage units near the intersection of Hwy 126 and Territorial Road, along what's left of Veneta's scenic corridor. To accommodate the units, lots of trees would have to be removed. The proposal had slipped beneath Neighbors 4 Responsible Growth's (N4RG) radar and was a done deal.

Just after the Planning Commission's approval, Veneta's East Broadway Neighbors fought to save trees, some of them deemed heritage trees, slated to be cut on a proposed development

near them. The Planning Commission finally took note and told staff that Veneta's ordinance was more a tree cutting than a tree protection ordinance. Unfortunately, their enlightenment came too late for the trees on East Broadway.

In January 2006, the Planning Commission and the City Planner revisited Veneta's tree ordinance to see if the intent of the City's comprehensive plan was being met. They determined that the City had not been implementing the tree ordinance properly.

In Phase 1 of the storage unit project the Planning Commission didn't ask about trees on the site and the developer didn't tell. However, when trees started falling and citizens started calling, the City put a stop work order on the project and informed the developer of its tree ordinance. In fall 2006 the applicant submitted a plan that slated all 76 trees on site for removal. Except for a narrow strip to accommo-

date the re-planting of five trees, wall to wall asphalt was proposed in their place. Adding insult to injury, the certified arborist hired by the City stated that in the process a row of beautiful firs on adjoining property also would be felled.

When the applicant came up during the general public comment period at the Planning Commission's deliberations (not a public hearing), he was advised not to speak to his application. He assured the Commission he would not and then proceeded to do so. Pandemonium broke loose. The president of the Chamber of Commerce demanded to speak and accused the City of being unfriendly to business. Because the process was tainted, the record had to be reopened and days added for further argument.

N4RG requested legal assistance from Goal One Coalition and comment was submitted into the record. Although we expressed concern regarding the 120-day timeline for processing applications, we were assured the City had days to spare even if the decision were appealed to the City Council. After the Planning Commission eventually denied the application, it was appealed by the applicant with, we believe, the encouragement and support of a developer of ill repute. Because the 120-days allowed for processing the application was exceeded by one day, the City then faced being taken to Lane County Circuit Court. Faced with having to pay court costs and the applicant's attorney fees if they lost, the City declined to act.

As a result, N4RG has had to file as an intervener. More often than not finding itself on the opposite side, N4RG is in the ironic position of having to assume the responsibility that the City of Veneta should shoulder.

**Mona Linstromberg, N4RG**





View of Cottage Grove from Mt. David before houses arrive on its grassy slope

## Realizing Goal One in Cottage Grove

Shock, disbelief, sadness and anger over the sudden appearance of a large-scale residential development proposed for a beloved natural landmark catapulted a group of citizens in Cottage Grove into the role of land use activists.

When residents of one of the oldest neighborhoods in Cottage Grove awoke one morning to the sound of trees falling on Mt. David, the hill defining our neighborhood's northern border, we formed Friends of Mt. David to find out what was happening and how we could become involved. Our first reaction was to stop the development at all costs. We quickly found out that couldn't be done.

What followed was a long and complex process with a steep learning curve that included a self-directed crash course in civic government and politics. Most of us knew nothing about land use and how the process worked in our city. We had never been

to a city council or planning commission meeting. A few of us had been to the Community Development Department, but usually just to get permits for home improvements. And certainly none of us knew that in order to have our voices heard we would have to spend a tremendous amount of time educating ourselves, developing relationships with city officials and following the process closely, which for us meant meeting weekly, and getting legal help. We would have to organize ourselves, become a non-profit group, develop agendas, take minutes, and elect officers. We would have to raise funds. And we would have to testify at public hearings.

In the two years since those first trees fell, Friends of Mt. David has grown from a few concerned neighbors to a group of more than 100 community members who follow land use issues in Cottage Grove through our organization. We have broadened our focus to include all aspects of land use planning in our community, and have become a catalyst for citizen involvement not just in community planning

and land use, but in other related community issues as well. We have worked along side city officials to help re-write our development code and transportation systems plan, and we developed a Ridgeline Trail proposal to help preserve some of the open spaces atop Mt. David. We also helped contribute to a hillside development ordinance and are active members of our community visioning project.

Creating Friends of Mt. David instilled in us a stronger sense of community. As it continues to grow, Friends of Mt. David provides us a means through which we unite to support land use measures that help improve the livability and character of Cottage Grove. Initially we were simply viewed as troublemakers and NIMBYs. But through perseverance and tenacity, motivated by a deep desire to bring out the best in Oregon's land use laws, Friends of Mt. David truly embodies Oregon's number one land use planning goal: Citizen Involvement.

**Cathy Bellavita**

## Small Town's Effort to Circumvent State Planning Rule Meets Citizen Resistance

Several small towns in Lane County are pushing to create urban reserves and expand their Urban Growth Boundaries (UGB's) sooner than is allowed by Oregon land use planning laws. Junction City, Veneta, Lowell and Oakridge are working with the Lane Council of Governments (LCOG) to have the county's Coordinated Population Forecast reevaluated to their benefit. Creswell and Coburg have also shown an interest in revising the population forecast, adopted only recently in 2005.

This effort is an outgrowth of the failed *Region 2050 Growth Management Strategy*, a seven-year exercise during which LCOG tried to bring various local governments in Lane County to a consensus on how and where growth should occur. The Strategy was premised on Eugene and Springfield "giving up" some of their forecasted population increase so that their population numbers could be allocated to the rural areas, allowing those communities to plan for faster growth.

*Region 2050* was seriously hampered when Springfield and Cottage Grove pulled out in March, 2006. The two cities were unwilling to delegate important decisions about their future growth to LCOG. *2050* ultimately collapsed in August '06 when the Eugene City Council failed to endorse its Draft Management Strategy. Now the outlying towns are asking LCOG to reevaluate the currently accepted coordinated population allocations in an attempt to salvage the higher numbers granted them in the *2050 Draft Strategy*. It is unclear how this can be accomplished without the cooperation of Eugene and Springfield, who rejected the scheme so recently.



Some of the 200 acres Seneca Timber Company wants to bring into Lowell's UGB

Leading the charge to urbanize nearby farm and forest land is Lowell, whose officials have initiated a process to create urban reserves followed by a UGB expansion. Urban reserve lands are the first to be considered for UGB expansion, and their establishment facilitates that expansion. The Lowell process is similar to the *2050* debacle in that *2050* was presented as an exploratory mission through which public input would steer future growth. In fact *2050* began with a predetermined goal – to concentrate growth in the outlying areas surrounding Eugene and Springfield – then layered on studies, surveys and analysis to manufacture findings supporting that goal.

In Lowell's case the sought-after outcome is the expansion of the UGB to include about 200 acres owned by timber giant Seneca Sawmill, and as much other land as possible. Seneca has been working behind the scenes with city officials for over two years to make this happen, in spite of the fact

that Lowell is nowhere close to being built out to its current UGB.

The city has proposed adopting a new "buildable lands inventory," a required step in justifying a UGB expansion. City administrator, Chuck Spies, openly admits that the inventory is designed to include as little acreage as possible, thereby demonstrating a need for more. It is based on assumptions that are unlikely to satisfy the State Department of Land Conservation and Development, however, which must approve such studies.

On March 27th, the Lowell City Council and Planning Commission held a public hearing specifically for property owners to request that their land be considered for urban expansion. Some residents objected to the process, arguing that the city could not seek to identify Urban Reserve lands without first establishing a need for expansion. Citizens pointed out that no concrete proposal to amend

*continued on page 6*



*Small Town, continued from page 5*

the city's Comprehensive Plan has ever been presented, a legitimate buildable lands inventory hasn't been conducted, and the revised population forecast has not yet been finagled. The hearing ended with an agreement to put the process on hold indefinitely.

Regrettably, the officials of several Lane County small towns share the attitudes found in Lowell. They believe that all growth is good—as much as possible and as fast as possible. In their race to become suburbs of Eugene and Springfield, these towns risk losing the charm and quiet rural lifestyle that is their greatest asset.

LandWatch will be working to see that LCOG doesn't overstep its authority to manipulate population forecasts, and to ensure that the small town governments comply with the land use laws that have kept Oregon beautiful.

#### **Jim Babson**

*Board Member  
LandWatch Lane County*

#### **Newsletter**

##### **Credits:**

##### **Editors**

Robert Emmons  
Nena Lovinger

##### **Layout & Design**

Chris Berner



### **Bill Fleenor Interview**

**Bill Fleenor is West Lane County Commissioner. Landwatch interviewed Bill about his views on land use issues.**

**LW:** *I know you didn't grow up in Oregon. What brought you to this state?*

**BF:** My wife's mother was born and raised in Tillamook. My wife always had an affinity for this incredible state, and she had the foresight to purchase the home we now live in about 25 years ago. We married 16 years ago, and we were able to permanently locate to Mapleton about 10 years ago.

**LW:** *You had a well-planned and obviously effective campaign for the West Lane seat on the County Commission. What life experiences prepared you for that campaign and for the responsibilities of county commissioner?*

**BF:** I've had several successful careers during my lifetime, starting with a 13-year stint in academics that resulted in being awarded a Doctorate in Animal Physiology, with minors in Statistics and Veterinary Sciences. I published numerous scientific articles in traditional peer-reviewed publications. One such publication reported on a new instrument (Colostrometer) that I developed during my Master's program which has helped the international dairy industry save hundreds of millions of calves' lives over the past 25 years. I was also given an opportunity to teach human anatomy and physiology to pre-med and nursing students for several years at a community college.

Later, I had the challenge of taking over a failing family business and transforming it into a successful national manufacturing and distribution company over a 16-year period. During my tenure we purchased one of our major competitors and turned that losing operation into a solid, profitable company after one year.

We did that by working hard and by setting a great example for the employees. There was no job too rough for my wife or me to do: we lived in a 34' RV at the end of the loading dock for 18 months and tackled every problem with a hands-on-attitude. Our philosophy was that if we can do it, then the employees should be able to do it. In 1999 we sold the family

business to our employees in the form of an ESOP (employee stock ownership plan), and moved to Mapleton.

Shortly after moving to Oregon, we started a computer consulting and network engineering company that provided on-site assistance for private individuals as well as companies. Over the next several years we managed to grow this computer consulting business into a successful local company with over 300 satisfied clients. Also during this time, we purchased a women's boutique business, originally located in Old Town Florence, and moved it to our current location at 22nd and Hwy 101 in Florence.

During this busy period, we remodeled our home and installed a complete "net-metering" facility with photovoltaics, wind power and a hydroelectric plant. As I became more aware of the challenges facing our country's energy supply, I decided to run for the position of Director of Central Lincoln People's Utility District and won in a field of five candidates.

In 2002 I ran a last-minute, underfunded race for West Lane County Commissioner and lost. Because I have a tremendous drive not to fail, coupled with a pragmatic and organized mind that won't let go until a goal is achieved, I was determined to get it right in my second race for West Lane

Commissioner. I have chosen public service as a way to give back to the community all that it has given me over the years.

**LW:** *Lane County's Land Management Division routinely approves requests for conversion of farm and forest land to marginal lands to allow development; facilitates the adjustment of property lines on resource land to allow template dwellings; and permits the placement of homes in riparian zones and floodplains. Can we retain a healthy resource base and a clean environment for future generations and continue these practices?*

**BF:** Only with prescriptive population control policies in place.

**LW:** *Oregon was once a national model for environmental and sensible land use protections. With the passage of Measure 37, Oregon has now established the benchmark for opportunistic greed and unbridled development. What identity do you want Oregon to carry into the future and how might it be defined?*

**BF:** My goal would be to promote people-friendly sustainable business practices, using our natural resources as if they are irreplaceable (which they are), with the intention of leaving a legacy of economic opportunity and a high quality of life for future generations.

**LW:** *Do you think it's important to consider impacts of global warming,*

*peak oil, water scarcity, and the disappearance of farm and forest land when you and your fellow board members deliberate on local land use development proposals? Should such considerations be an integral part of county policy? How might that be accomplished?*

**BF:** Not only do I consider these issues important while debating local land use development proposals, but they should be paramount in every decision we render. From my perspective, there should be no separation of these basic elements in county policies; rather, we should consider creating a web of interlaced ideas, principals and processes that address the complexities of life in a multidimensional decision-making tree. We need to promulgate a dynamic, adaptive and evolving set of governance policies and procedures that reflect the realities of our world, instead of trying to bend reality to suit our ideologies. In sum, the world we wish to live in must be a reflection of what we want to be—like looking at yourself in a mirror and liking what you see. It's up to each of us to make the world a better place.

### **Have something to share?**

Please write:  
LandWatch Lane County  
PO Box 5347  
Eugene, OR 97405

or email:  
hopsbran@aol.com



## LandWatch Annual Meeting to Focus on Measure 37

Gut wrenching consequences of Measure 37 claims filed throughout the state, especially in the Willamette Valley, continue to bring disbelief and despair to people living in rural areas. State and county officials charged with evaluating the claims have established a routine of granting waivers of land use regulations to practically every applicant. As a result, to date nearly 35,000 acres could be developed throughout Lane County, mostly as scattered subdivisions.

During the past year, hundreds of citizens who have come to realize the destructive nature of Measure 37, have contacted their elected officials urging them to reinstate fairness and sanity to land use in Oregon. It's time to dispel the nightmare. Before the passage of Measure 37, Oregon was known throughout the nation as a state that protects its rich farms, forests and areas

of scenic splendor. This vulnerable state must restore safeguards of its resource lands and places of outstanding beauty, and ensure that citizens are spared the negative impacts of unrestricted development where they live.

To hear more about what's happening with Measure 37, you're invited to attend the LandWatch annual meeting on Thursday, May 17, 6:45-9:00pm, in the Bascom/Tykeson Room of the Eugene Public Library. The meeting is free and open to the public.

Members of the Measure 37 panel who will offer insights and field questions are Tom Bowerman, Lauri Segel, Bryce Ward and state senator Floyd Prozanski, provided he is free of legislative obligations that evening.

Eugene native Tom Bowerman is a board member of 1000 Friends of Oregon and has analyzed statewide polling data to determine how people feel about Measure 37 since it passed several years ago.

Lauri Segel, community planner in Eugene's Goal One Coalition office, spends countless hours fielding calls from neighbors of M37 properties in Lane County who have learned that overnight their rural lifestyles are seriously threatened by proposed developments that couldn't have been dreamed of until a year or two ago.

Bryce Ward, works for the Eugene-based consulting firm ECONorthwest and specializes in the field of applied microeconomics. He has studied valuation issues relative to Measure 37 properties.

Senator Floyd Prozanski, is co-chair of the Special Senate Committee on Land Use Fairness, charged with fixing Measure 37.

A buffet of finger food and beverages will be provided at the meeting, as will a chance to mingle with friends. We hope to see you there.

**Nena Lovinger**



Lauri Segel

## Measure 37: A Neighbor's Nightmare

By now most Oregonians are aware that more than 7,000 Measure 37 claims have been filed by people alleging financial harm from enactment of land use regulations, and the number of acres affected by these claims now exceeds 751,000. Lane County is second only to Linn County in acres in the Willamette Valley claimed under Measure 37. In Lane County, claims covered 34,857 acres as of mid-March 2007.

What may be less well known is that hundreds of Oregonians who live next door to, or down the road from, these claims are finding out how few options they have, if any, to fight approvals of Measure 37 waivers. Obstacles for neighbors range from no notice of hearings or opportunities to comment to no hearings at all, falsehoods and obfuscation of information by claimants and their agents, and procedural policies of local governments that disallow comments having to do with groundwater concerns, conflicting uses, ingress and egress, flooding, etc.

Making matters worse, neighbors' concerns are clearly secondary considerations to decision makers who are faced with an extraordinary extortion provision of Measure 37. This provi-

sion says that if a local government or state agency takes an action on a Measure 37 waiver demand that an applicant doesn't like, or otherwise disagrees with, the applicant not only has the right to challenge that decision in a court of law, but may also be awarded attorney fees if the court decides in the applicant's favor. This threat hangs over every Measure 37 decision being made by every local government and state agency, although so far there has been no court decision that has resulted in an order that a local government or state agency compensate a claimant for attorney fees.

Since January of this year, Lane County Measure 37 hearings have been batched, with each public hearing reviewing 20 – 30 claims. As an expedient, this method isn't necessarily problematic, but, because staff most often recommends approval, claimants and their agents have discovered that they don't even need to speak on their own behalf.

However, neighbors who are brave enough to speak in opposition to a claim may unwittingly create yet another obstacle for themselves. Applicants' agents have figured out how to get the last word and are not hesitant to use this opportunity to rebut neighbors or otherwise defend their claimant. As exercised so far, the county's system ensures that the claimant or his agent will have the upper hand in convincing decision-makers of the claim's merit, or, in some cases, of errors by staff in recommending denial.

One of the most egregious Lane County examples of this practice occurred a few weeks ago. Challenging a staff recommendation of denial, an applicant's agent successfully lobbied Commissioners' for an extra month's time to "correct" the application materials to better justify the validity of his client's claim.

The agent failed to mention, however, that the claimant was deceased and that, of course, no amount of "correction" could justify the claim's validity. Responding to after-the-fact inquiries from staff and Commissioners, the agent defended himself by saying he was just trying to preserve future rights that might be available to the deceased claimant's children.

If there is a threshold for right and wrong in the world of Measure 37 claims, this subterfuge has lowered that bar even further. It appears that lying is acceptable as long as you don't get caught; and if you do get caught, the only consequence is denial of the claim. Discovery of deceit has resulted in no reprimand or public embarrassment and no further scrutiny. Sweet deal – except for aggrieved neighbors.

Where are the stocks and pillories of old New England when we need them the most?

**Lauri Segel**

*Community Planner  
Goal One Coalition*

Anti Measure 37 rally in Salem, April 14th







Jim Just

## Legal Scrutiny in Lane County

While the Measure 37 debacle continues to dominate headlines, other land use issues in Lane County haven't gone away. We are still seeing developers striving every day to put more commuter houses on our farms and forests.

All the old tools are still being used. Rezoning from F1 to F2, potentially allowing for a house on parcels where dwellings are not permitted; rezoning to "marginal lands," which can result in one house for every ten acres; and rezoning from "resource" to "non-resource" designations, which can result in a house on every five acres. LandWatch and Goal One have been at the forefront in fighting all of these types of applications.

We are helping neighbors to oppose several F1 to F2 rezoning requests. One came back on remand from LUBA, and in early April the Lane County Hearings Official agreed with our arguments and denied a requested rezoning in the Dockum case. We recently won a marginal lands case at LUBA (Dahlen), and we currently have two more county approvals (Ogle/Childs and Dennis) on appeal at LUBA.

"Template" dwellings have long been a favorite avenue for exploitation by the Lane County land use practitioner community. The deal works like this: a speculator finds a tract of land. Research reveals that the tract consists of several legal lots. Since only one house per tract is allowable, ownership of the individual lots is transferred so

that no adjoining lots are under the same ownership; e.g., ownership of the middle lot in a string of three is transferred from husband and wife to the husband. The lots are then reconfigured through property line adjustments to make them attractive for development and sale, template dwelling approvals are obtained, and the speculator sells off the now developable lots for a big profit.

Goal One and LandWatch are applying a multi-pronged approach to turn back this assault on Lane County's forest lands. First we challenged the county's practice of using the existence of a road to "create" a legal lot. We got an opinion from LUBA saying that roads partitioned land only when the county obtained outright title to the road right-of-way – roads created by easement did not partition land, creating new parcels on each side of the road. We argued all the way to the Oregon Supreme Court that even fee simple transfer of title of the road bed did not create new lots, but the court declined to hear our case. Nevertheless, we won a significant and important victory because almost all roads in Lane County were created by easement rather than by purchase of the right-of-way – which means that roads almost never create new lots.

Next, we're challenging property line adjustments. Lane County continues to insist that it doesn't have to review and approve property line adjustments – unlike every other county in Oregon and, we believe, contrary to state law. Goal One recently won an important property line adjustment case, with LUBA reversing a Polk County decision allowing resource-zoned land to be further reduced in size when it was already smaller than the minimum size established for the zone. We're arguing not only that Lane County cannot allow substandard parcels to be further reduced – we're arguing that property line adjustments done without county review and approval have no effect, that in reality there have been no property line adjustments at all.

Our property line adjustment argument allows us to attack the very foundation for approval of template dwellings. The template test counts the number of parcels and dwellings that fall within a 160-acre template centered on the subject property; if enough lots or parcels and dwellings fall within the template, the template dwelling can be approved. However, if you can't figure out what the legal boundaries of the subject or surrounding parcels are because they've been illegally reconfigured, you can't center the template and you can't do the necessary counting of parcels and dwellings.

We're challenging a number of Planning Director-approved template dwellings to a public hearing before the Hearings Official. The fee for this initial appeal is capped by statute at \$250. Because Lane County imposed a fee in excess of \$3,000 for an appeal to the Board of Commissioners, we've taken another tack and filed notice with the county that LandWatch intends to petition the Land Conservation and Development Commission for enforcement, to order the county to correct its practice of not reviewing property line adjustments, of allowing illegal property line adjustments to be recorded, and of approving template dwellings without proper application of the template test.

We've also embarked on a mission to reform the county's local appeal processes. We've drafted proposed amendments to Lane Code that would essentially eliminate the final layer of local appeals, making the Hearings Official decision the final county decision appealable directly to LUBA. The filing fee for a LUBA appeal is only \$325. A streamlined, less-expensive process would be better for applicants and citizens alike.

**Jim Just, Executive Director**  
Goal One Coalition



## Please Join Us

LandWatch Lane County  
Annual Meeting: 2007

Thursday, May 17,  
6:45-9:00pm

Eugene Public Library,  
Bascom/Tykeson Conference  
Room, 100 West 10th

### Agenda:

#### Welcoming comments:

LandWatch President Robert Emmons

#### Panel Discussion:

**Oregon in the Grip of Measure 37.  
Facts, Fiction – and Can the Measure  
Be Fixed?**

Tom Bowerman, *board member,*

1000 Friends of Oregon

Lauri Segel, *community planner,*

Goal One Coalition

Bryce Ward, *economist,* ECONorthwest

Floyd Prozanski, *state senator and*

*co-chair of Joint Special Committee on  
Land Use Fairness*

Question and Answer Session

Enjoy buffet of finger food and  
beverages, and mingle  
with friends

For more information call  
741-3625 or e-mail:  
hopsbran@aol.com

This meeting is free and open to the  
public.



Judy and Mayor Don Hampton planting a fruit tree in new community garden

## Salmon Creek Community Garden, Oakridge

Last summer, when given the opportunity to create a community garden in Oakridge, I visited the Public Works Director and made a proposal. We looked at the City land zoned as Open Space suitable for this purpose and selected a 2-acre plot adjacent to Salmon Creek, just north of Highway 58. The next day the director took the idea to the City Administrator, who brought it to City Council, who approved the usage that evening.

The spot didn't seem entirely ideal to me at first: it's in a cold-air drainage shaded by massive fir trees to the west, and the soil is mostly river rock. The plan was adapted to incorporate more fruit trees and permanent crops that would not require quite as much heat and sun as annual fruits such as tomatoes and peppers. The focus is now on trees, vines and berries as well as (eventually) asparagus, rhubarb, and artichoke with a minor emphasis on traditional vegetable patches. The food we grow will be divided among those who work in the garden and surplus will be donated to the Oakridge Food Box. It is also entirely organic.

As the garden matures, enjoyable and educational aspects of land use will be included in the program. Weekend demonstrations will be held for tree and vine pruning, water conservation, nutrient recycling (worm bins, hot and cold compost piles, and trench composting), and integrated pest management. Picnics will be held for families to experience the concept of the garden as well as the food being produced. And plantings of native flora will be incorporated to educate the public about their beauty, diversity and usefulness and to encourage the presence of wildlife.

The Salmon Creek Community Garden would never have been installed if not for the co-operation of the City of Oakridge, our partner non-profit organization Upper Willamette Community Development Corporation, generous donations from local businesses, and the wonderful volunteers who have given time and expertise so far. To all of them, many thanks. Questions, comments or donations may be directed to me:

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