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# LandWatch



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## Land Use and Climate Chaos

**C**learcuts. Aerial herbicide spraying. Bark beetle infestation in trees stressed by drought. Homes sited on steep slopes on dry forestland. Too many wells, pumping too little water. These are but a few of the many impacts humans have wrought on Lane County's rural landscape, contributing to and exacerbated by global warming.

The continuous fire season in California is an ominous foreboding of what Lane County will experience in the near future and indeed has already been occurring as we enter our fourth year of drought. Mass in-migration and hundreds of homes being constructed on steep forested slopes, with driveways inaccessible to firefighting equipment, make Lane County ripe for catastrophe. The failure of rural residents to create fuel buffers, and lax siting approvals by the Land Management Division, with little to no oversight regarding slope angles, fuel density, water availability and even building material choices

make for a fire disaster that is all but inevitable. The International Fire Code requires that driveway slopes not exceed 8% grade, yet driveways built in dense stands of forest routinely exceed 14%, making access by fire trucks difficult to impossible. When homes and forests are turned to ash and rubble, we all pay the price in human and animal casualties and displacement, higher insurance premiums, higher taxes, and accelerated climate change.

On rural forest property that I've owned for 36 years, hundreds of Douglas firs have died. Others are in obvious drought stress. Trees respond to stress by slowing the transpiration of water in their xylem layer. This, in turn, creates a perfect habitat for the bark beetle (*Scolytus ventralis*). An estimated 100,000 trees a day in Oregon succumb to bark beetle infestation.

Lack of forage on my property has forced overpopulated deer to devour any and all edible green plant material,

once abundant on the forest floor, down to bare ground. The lack of cover causes the soil in the forest to desiccate, which kills the mycorrhizae, which kills the tree roots, which, in time, kills the forest. The de-population of predators, such as cougar, coyote, wolf, fox, lynx and bear, has accelerated climate change by disrupting the balance of animal species in our native forests.

As the climate continues to heat up, adequate ground water will continue to dry up. Thousands of people are moving to Lane County every year, and many are applying to build homes in rural forest and farmlands. As the number of wells drilled in Lane County rural lands accelerates and the density of these metallic straws increases, the availability of water in many areas has evaporated. If drought persists in the decades to come, wells will fail and rural dwellers will literally find themselves high and dry.

*(Climate Chaos, continued on page 2)*

*(Climate Chaos, continued from page 1)*

With too little oversight from the Land Management Division, new wells are sited without regard to their proximity to existing wells. Testing to determine the availability of ground water when building permits are issued is not a criterion for permit approval, even though lack of water should certainly prevent human encroachment on the landscape. Instead, authorities require above ground storage tanks or leave impacted neighbors to their own devices, most often the need to pay for trucked-in water.

Another factor in human caused climate catastrophe is the routine use of poisons on industrial and residential farm and forestlands. Forests are complex ecosystems. The symbiotic relationship of various plant species is what makes a forest a forest and not a plantation. That relationship is destroyed when

commercial timber companies and others manage their even-aged, single species plantations by spraying big-leaf maple, Oregon grape, salal, other under-canopy species – and any animals, including humans, in range – with toxic herbicides and pesticides.

I've planted thousands of trees on my rural property. The trees that thrive are those growing in communities of plant, animal and fungal neighbors. Similarly, human survival to a large degree depends on working as a social, political and administrative community to end land use decisions and practices that contribute to rising temperatures and failing global health.

To that end Lane County should draft a Fire and Flood Safety Ordinance crafted to keep housing and other development off wooded hillsides, riparian areas

and floodplains. New houses sited in high-risk fire and flood-prone areas should not receive insurance or fire and flood protection. Certainly, in addition to mandating a substantial tax on industrial carbon emissions, the now super majority of Democrats in the state legislature must forge a new Forest Practices Act that eliminates clear-cutting, hybridized and cloned single species plantations and the use of toxic sprays.

Not least, every resident can do his and her part by conceiving, consuming and driving less, and joining groups such as LandWatch Lane County that are doing what they can “to make it better” for all the flora and fauna in their communities.

**Chris Berner**  
*Fox Hollow*

## Environmental Demolition and Enabling Democrats

The recent multitude of scientific reports from government agencies and independent scientific bodies regarding climate upheaval, mass species extinction, resource depletion, and plight of the oceans reveals an unmistakable conclusion: we currently face the greatest existential crises we have ever encountered as a species. If we do not act through global cooperative alliances and by re-allocating massive military expenditures to implement strategic mitigation measures to address these crises, humans could go extinct in the not too distant future.

Oregon's Democratic politicians tell us they are addressing these threats, but the evidence tells a different story. One glaring example is Oregon's Clean Energy legislation to be introduced in 2019. The *Oregonian* reported on 12/21/18 that the “big timber and agriculture industries” — Oregon's two largest greenhouse gas producers — “will be exempted” from the provisions of the bill. The article also states utilities will “get what they want”. This makes it clear that the “Clean Energy” climate bill is a green-washing charade performed to benefit Democratic legislators, corporate funded environmental groups, state agencies, and private electric utilities.

Seemingly ignoring climate realities, the State Legislature in 2015 increased speed limits on most of Oregon's state highways outside the Interstate 5 corridor that, in addition to more accidents and deaths, equates to more, not less, CO2 emissions. The least painful climate upheaval mitigation measures would lower speed limits on all roadways, build a new high-speed rail line inside the Interstate 5 - Willamette Valley corridor, and implement dedicated bicycle/low speed electric vehicle streets in every city.

Regarding a new high-speed rail line in the Willamette Valley, the Oregon Department of Transportation

(ODOT) recently concluded that a new rail line must wait indefinitely. Meanwhile, ODOT plans to increase passenger trains in the Willamette Valley by an additional 4 trains per day by 2035, or the equivalent of 1940 levels.

Oregon's federal legislative history is a highly sophisticated anti-environmental shell game, particularly when Oregon's lumber industry is in play. In 2013 Congressman DeFazio sponsored “The O&C Trust Conservation and Jobs Act” which would strip Federal environmental safeguards for clean water, fish, and wildlife on 1.6 million acres of Western Oregon's BLM O&C Lands and would have resulted in 33 square miles of Oregon's public forest lands clear-cut by private industry each year. Fortunately the bill never made it to the U.S. Senate.

However, in 2017 Congressman DeFazio and all of Oregon's federal lawmakers voted to pass House Bill 1306 in the name of granting some southern Oregon tribes a land base. The bill gives away nearly 33,000 acres of BLM lands in Coos and Douglas County to the Coquille, Cow Creek, and other local confederated tribal governments. Past practices on tribal lands suggest that these public forests likely will be clear-cut, the old growth logs shipped overseas and — because the tribes have no mills of their own — the rest trucked to corporate-owned mills in Douglas County. This will result in the release of millions of tons of carbon and push the Umpqua and Coquille Rivers' Coho and Chinook salmon to the brink of extinction.

In a brash tactic incurring envy from Republican lawmakers, U.S. Senator Ron Wyden inserted a legislative rider into the 2014 Farm Bill without debate “exempting all logging operations” - specifically logging roads - from compliance with parts of the 2013 U.S. Supreme Court ruling upholding a plaintiff's right to file suit under the Clean Water Act. In essence this exemption gutted parts of the Act.

In another anti-environmental maneuver in 2019, newly elected Governor Kate Brown, Washington Governor Jay Inslee and California Governor Gavin Newsom issued a letter praising Trump's Executive Order of 12.21.18 to expedite logging to increase scientifically disproven “fire fuels thinning” on more than 4 million acres of public lands across the west. These three governors understand that much research has revealed thinning may actually increase fire intensity because it quickly increases understory vegetation fuel loads and decreases soil and downed woody material moisture content as a result of sun and wind exposure. With this knowledge western governors need only request funding for mitigation measures like dwelling perimeter sprinkler systems and fire fuels removal within the home ignition zone. In addition, they should advocate land use siting standards that require fire resistant building materials and restrict dwellings in high fire risk ecosystems.

Scientific evidence confirms that implementing a ban on clear-cut logging on industrial lands and ending commercial logging on public lands are the most expedient and sanest measures to decrease carbon emissions and address species extinction, including our own.

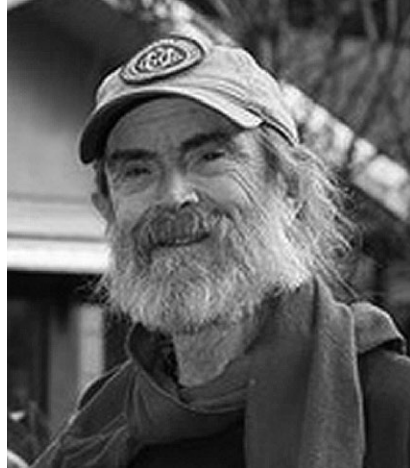
To counteract dangerous and destructive environmental policies such as those described above, what Oregon and the Pacific Northwest needs is bold leadership from its citizens and newly elected lawmakers to enact ecologically sound ecosystem management practices and to assess, mitigate and implement water, food, sewer and transportation infrastructure upgrades to prepare for climate extremes, Alaska pipeline decline and failure, a Cascadia mega-quake/tsunami, and inevitable economic downturns. Making these policy changes and preparations will help create resilient Northwest communities and prevent all forms of scapegoating and tribalism after economic downturns and catastrophic events.

**Shannon Wilson**  
*Glenwood*



*Clear-cuts and real estate signs are commonly seen together in rural Lane County*

*Photo: John Banguess*



Jan Spencer

## Interview with Jan Spencer

Jan Spencer is a 25 year resident of Eugene. He has been an advocate of suburban permaculture for 20 years since he began transforming his quarter-acre property near River Road. Jan is on the board of the River Road Community Organization, blogs for Mother Earth News, has produced a series of educational posters and has a radio program with podcast titled "Creating a Green and Resilient Future." Check his website, [suburbanpermaculture.org](http://suburbanpermaculture.org) for YouTube links and more information. Jan is available for making presentations, in person and over the Internet. Contact him at [janrspencer@gmail.com](mailto:janrspencer@gmail.com)

**LW:** You've been promoting permaculture in lectures across the country and realizing its philosophy and practices on your property in Eugene's River Road area. What is permaculture, and what have you been doing at your place to bring it to fruition?

**JS:** Transforming a suburban property into a permaculture site addresses diverse issues relating to land use, the environment, economics, education, culture, resilience, politics,

preparedness, and history – all in positive ways and all at the same time. Permaculture is a holistic set of design principles. The goal is to create systems for taking care of human needs in ways that are sustainable and regenerative and can be applied in scale for homes in the suburbs to the entire Willamette Valley. Permaculture is like an emerging new language, bringing together enthusiasts and advocates from all over the world.

From this perspective, permaculture is the most powerful transformation tool available for systems that can help bring about a far greener, more resilient and peaceful world. Information about permaculture is available on YouTube and from design courses offered in Lane County at Lost Valley and Approvecho Educational Centers.

My quarter-acre suburban property near River Road has become a landmark in the Northwest that has attracted thousands of visitors. The grass is gone front and back. There is edible landscaping all over with many trellises to support climbing plants like kiwi and grapes. There is a 6500-gallon rain water system. The 4-car driveway has been removed and replaced by a shed, grape arbor, English Walnut trees and blackberry vines. The south side patio has become a glass-enclosed 275 sq. ft. passive solar space that helps heat my house.

I converted the garage into a bedroom and built another detached living space, with a heat pump and solar hot water, behind the main house. Increasing residential density within the urban growth boundary helps reduce sprawling suburbia and protects farm and forestland.

My place produces multiple benefits: food, energy, water, income, resilience,

aesthetics, preparedness and a strong sense of satisfaction and wellbeing. Transforming suburbia in this way could create thousands of jobs in Oregon in construction, design, retail and manufacturing. Also important, suburban permaculture supports many State of Oregon and City of Eugene planning and climate change goals relating to transportation, resources, economic development, public health and community.

I've made presentations about land use, economics and suburban permaculture coast to coast at many universities, conferences, on the radio, on the Internet and in public places.

**LW:** LandWatch works with often abstruse, arcane and otherwise complex code, statutes and rules to protect farm and forest land, natural areas and open space. What role might permaculture play in the work we do?

**JS:** There is increasing concern about the effects of climate change - fires, flood, drought, erratic weather. But those phenomena are only the beginning. An increasingly unstable set of environmental conditions (climate change is not our only concern) will likely lead to increasingly unstable social and economic conditions. Governmental and academic studies about climate change warn that we are looking at a future loaded with unprecedented social and economic disruption.

Progressive Lane County urban and rural entities should work together to organize a set of meetings that would identify goals, policies, actions and incentives to take care of basic food, energy, water, manufacturing and distribution needs in Lane County and start coordinating these resilience strategies with other counties in the

Willamette Valley. Through this process we could discover, for example, what farms can mentor others to transition from non-food to food production and adopt production methods that are climate and planet friendly. In a similar way, eco-friendly forest practitioners could mentor their fellow foresters. Landless people with an interest in holistic rural careers could be matched with property owners who have land and would like to make it available to these potential rural pioneers.

New education approaches will be vital. The University of Oregon, Oregon State, Lane Community College, Approvecho Educational Center and others have untapped capacity for addressing unsettling trends relating to climate, environment, economics and social concerns both in research and practical course work.

City and county budgets could be redirected, and new financial structures could be set up, perhaps by local credit unions, to facilitate local

people investing in progressive local enterprise. Co-op and worker owned businesses would be encouraged. New businesses could borrow on the community supported agriculture model.

Local altruistic organizations can help set in motion a visionary set of meetings by working with the Lane County Land Management Division, the Board of Commissioners, cities in the region and many other allies and assets.



Cat enjoying the sun room, formerly a carport

Research shows that even a quarter-inch layer of compost can restart the carbon sequestration process, improving soil health and the nutritive quality of food crops. Planting garden beds fully, using humus-rich mulches, and keeping vegetable beds under cover crops when not in production, will restore and preserve soil quality.



Front yard grape trellis with pole beans, broccoli and tomatoes



Lauri Segel

## Recent LandWatch Activities

At the end of January this year the Lane County Board of Commissioners, on the advice of then Planning and Development Manager Lydia Kaye, adopted amendments to Chapter 16 of the Lane Code. The code adoption project had been billed for over a year as a “code modernization” effort to bring Lane Code into compliance with state laws.

LandWatch participated from the early stages of the proposed amendments, meeting with staff and submitting comments at public hearings before the Planning Commission and ultimately the County Commissioners. However, unlike developers and their representatives, LandWatch did not have the kind of access to the will of the Planning Commissioners or Board Chair, Jay Bozievich, during the course of the code amendment proceedings, and our voices were largely ignored.

Many of our concerns have to do with the number of new uses being proposed both outright and

conditionally in the farm and forest zones. Most notable is the conflation of the purpose statements of the F1 (Non-impacted Forest zone) and F2 (Impacted Forest zone). Prior to the adopted amendments, the distinctions between the two forest zones was evident in the language of each zone’s purpose statement: the Non-impacted Forest zone did not allow development other than that in conjunction with commercial forest operations; the Impacted Forest zone allowed dwellings when approved by a conditional use permit.

Although dwellings are still excluded from the Non-impacted Forest zone, uses allowed in conjunction with dwellings that are grandfathered-in are now allowed, opening the door for developers to push for development where it was previously restricted. In addition, the purpose of the two forest zones has been expanded to include uses only allowed in farm zones or mixed farm/forest zones. It’s likely this deceptive strategy was engineered by then Chair Bozievich to allow much more development on forestlands than the previous Chapter 16 code provisions allowed.

A proposal that came from staff, but was quickly rejected by the developers and Bozievich, somewhat restricted the creation of development sites for dwellings before the dwelling applications are submitted. Siting considerations in the forest zones include fire safety standards for roads and site development, and developers have been thwarting these public health and safety considerations (with the help of planning staff) as they pre-select, excavate, and grade view sites, often far from the county road system and on steep slopes where dwellings are most susceptible to fire danger.

In the end, on her way out the county door and into her new job at the City of Eugene, Ms Kaye recommended the Commissioners adopt what the developers were asking for, even as she praised the hard work and loyalty of the planning staff she left behind.

LandWatch will likely appeal these amendments.

### Lauri Segel

## Update Addendum

In 2009 Mike and Michelle Miller, aka assorted LLCs, bought 171 acres zoned F-2 at the corner of Old Lorane Rd. and Siuslaw River Rd. for \$350,000. The 13 lots that morphed from the original three taxlots were property line adjusted and approved in 2010.

All 13 approvals for template dwellings expired and the Miller corporation received extensions. Three lots were sold in 2018, and the Millers reapplied for 7 of the original approvals. Five of these were approved by the Land Management Division, and LandWatch appealed three of those. Two are pending decision.

Though zoned Impacted Forestland (F-2) the property lies completely in the floodplain of the Siuslaw River, is a designated wetland and floods, historically, twice every 10 years.

Among other issues, our appeal challenges:

- An improper use of the template test to qualify the property for a dwelling
- Failure to comply with an acknowledged comprehensive plan that establishes an 80 acre minimum as the density standard for this designated Big Game Habitat

Photos obtained from a neighbor and taken within the last decade show the entire acreage under 12”-24” of water. There are only two trees—oaks that may be at least 100 years old—on this open wet plain meadow, known by locals as the beet field because a portion of it has been used to grow that crop, and also as “the swamp” or “bog” because it’s wet much of the time. Nevertheless, the Millers have been receiving a forest tax deferral for years. Lane County significantly reduces property taxes on lands that grow trees—typically fir and pine—for harvest at some future date, but there’s no evidence that these species have ever grown on this site.

While the LMD alleges that the designation of the Miller property as Big Game Habitat is not relevant to this application, for the elk herd that routinely grazes there the transformation of an open meadow of 171 acres into multiple lots, dwellings, accessory buildings, wells, septic, driveways, utility wires and, likely, fences will destroy its viability as habitat and foul the river as well.

There’s perhaps no better example of a piece of land that our land use goals and regulations were meant to protect from inappropriate and harmful development.

Seeking some modest restrictions on Lane County’s forest template dwelling provision, and using the Miller case as an egregious example, LandWatch research analyst Lauri Segel offered comments before a legislative committee on 2/6/19 in support of HB 2225. She pointed out that Lane County approves a larger number of forest template dwellings by far than any other Oregon county and how this increased density has resulted in a reduction in forestry, greater fire risk and pollution. She supported the establishment of larger minimum sizes for buildable parcels, better fire safety regulations, including stricter siting standards, and reforming the placement of the 160-acre template used to qualify a property for a dwelling. Lauri was joined in this legislative effort by McKenzie

Bowerman of Eugene, who also offered comments before the committee and is part of an appointed group working on the language of the bill.

More restrictive standards for building in forestland and water quantity-limited areas and for larger minimum lot sizes are presently off the table. However, all parties appear agreeable to disallowing improper reconfiguration of the template used to justify a dwelling; deed shuffling—one owner using various corporate names to qualify lots for a dwelling—and qualifying template dwellings on obscure lots, smaller than the minimum size, embedded in larger parcels that also are smaller than the minimum 80 acres required for the impacted forest zone.

As HB 2225 moves through work group discussions, with a strong ally in Rep. Ken Helm, D-Beaverton, we’re optimistic that most of its recommendations will receive enough support for adoption, so that a get-rich-quick scheme as dismissive of environmental safeguards as the Millers’ will no longer be possible.

Please contact your representatives in Salem, particularly Representatives Ken Helm and Brian Clem and Senator Floyd Prozanski, and tell them you support HB 2225. Thank you.

**Robert Emmons**  
*Fall Creek*



A Miller lot under water in 2012, under appeal in 2019