



Lauri Segel

Business as Usual Descends to New Depths

Over the past few years, LandWatch has been actively involved in efforts to reform illegal practices within the County's Land Management division. LandWatch efforts have been instrumental in adding transparency to the decision-making process and leveling the playing field for citizens.

But today we are finding that the Land Management Division has descended to new lows. In reviewing Measure 37 development proposals, the County at least has the responsibility in the unregulated M37 envi-

ronment to apply laws that existed at the time a claimant became the owner of his or her property. Moreover, one would expect the County to be more diligent than ever in reviewing M37 development proposals. In fact, the County Commissioners have been adamant in assuring us that the M37 subdivisions, partitions, and dwellings will not negatively impact existing neighbors and neighborhoods.

On the ground, however, the County is turning its head instead of applying laws that were in effect at the time an applicant with a M37 waiver became the owner. Further, staff is allowing applicants and their agents the opportunity to move forward with their M37 development requests even when their application is incomplete; are accepting applications as complete even when the applicant is not the person or persons who received the state and county waiver; and are giving discretion to applicants and their agents to manipulate the processing deadline as they see fit with little or no accountability to the public.

In a current case, the County has gone so far as to reopen the record of the proceedings of a M37 subdivision hearing at the applicant's request.

Their explanation for agreeing to the request is that it will give staff time to research what practices the county employed in 1977 when reviewing land division proposals. Meanwhile, the legal arguments presented by Goal One Coalition on behalf of LandWatch, which clearly point out what Lane County Code allowed for the subject property in 1977, have been marginalized. Staff appears unconcerned about the code, even as it applied in 1977.

The message this attitude sends, and that developers and agents for M37 claimants will readily exploit, is that M37 waivers are a free pass to whatever is proposed. Instead, the county should prioritize working on behalf of the general public by taking a diligent approach to reviewing these potentially harmful or illegal developments.

So beware. If a Measure 37, or, as the case may be, a Measure 49, development is proposed in your neighborhood, best not sit back and assume that the Land Management Division is watching out for your best interests.

Lauri Segel
Community Planner
Goal One Coalition



Playing Shuffleboard with Oregon's Future

“A vote for Measure 49 is pragmatic, not principled,” claims Bob Stacey, executive director of 1000 Friends of Oregon. Offered as the only responsible option, it's a strategy to leverage fear of Measure 37's potential impacts for support of “the lesser of ...” in November.

To be sure, landowners all over the state have been shaken to their roots by the prospect of multi-house subdivisions, gravel pits, strip malls and billboards, possible under Measure 37, growing on farm and forest land next door. M49 disallows such claims. As the drums roll for 49, however, prudent voters – those concerned about the long-term health and beauty of Oregon – must consider how much principle – how much of their own and the state's integrity – they are willing to sacrifice to serve a pragmatism fueled by fear.

Eschewing repeal, the Special Senate Committee on Land Use Fairness, appointed by a Democratic governor and with a Democratic majority in the legislature, betrayed the basic principles of land use protection by adopting the position of Measure 37 proponents. M49 buys into and

reaffirms the premise of Oregonians in Action and Republicans that government takes away people's rights rather than creating and protecting them. Ignoring constitutional law, statutes, scripture, common law and common sense, it cements into place the self-serving, short-sighted precept of rights without responsibilities.

Measure 49 asks voters to approve one of the most radical and extreme property rights laws in the country. And it does so by clearing up the uncertainties in M37 that work in its opponents' favor: transferability and time. To date, two lower courts have ruled that development rights are not transferable to an unrelated owner. A letter of advice from the Attorney General includes a footnote pointing out that uses developed pursuant to Measure 37 do not fall within the statutory definition of nonconforming uses, raising the question of whether any such use can ever “vest” and so be transferred to others. And, on September 26, Multnomah County Circuit Court ruled that subdivision is not a use; that undeveloped lots are not transferable; and, since undeveloped lots cannot be transferred, there's no loss

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For many who persist in the illusion that “the law is the law,” it may be surprising to discover that a complex of land use consultants, compliant land management staff and shortsighted politicians have been corrupting Oregon's land use program from its inception. Instead of administering an antidote, however, negotiation that resulted in the Sophie's choice voters will be offered in November sacrifices the heart of our defense to the parasites who've been weakening the host for decades. Sad to say, it's the best we could expect from state and local politicians and environmental groups who take dictation from the ignorant and the greedy, rather than initiative from a passionate, unyielding commitment to the rightness and historical precedent of land use regulation.

In this issue we step out of the trenches to explore local food production, permaculture, conservation easements and the potential for what our concluding writer calls a “democratization of sustainability” to effect a paradigm change. These pragmatic alternatives to the unbridled growth Measures 37 and 49 will spur provide a reliable gauge for how to vote – or not vote – in November.

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P.O. Box 5347 • Eugene, OR 97405

Printed on 100% pre-consumer recovered paper

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of value for claims that ask only for parcels without any concrete development plans. It could take years before these legal issues are finally resolved. In the interim, the uncertainty acts as a deterrent to on-the-ground development, as property owners are loath to put serious money at risk.

The basic tenets of M49 include:

- Adopting the main premise of M37 that land use regulations can “unfairly burden” property owners, making it necessary to provide “just compensation” or to waive the regulation.
- Up to three houses unconditionally – i.e., requiring no proof of loss of value – to claimants who owned property, including high value farmlands, forest lands and ground water-restricted lands, prior to the enactment of a land use regulation. There are presently 7,500 claims covering over 750,000 acres.
- From four to ten houses to claimants who can prove loss of value according to a nationally accredited yellow book appraisal. “Any” loss of value can be claimed.
- A \$5000 credit for appraisal costs and other costs associated with filing and pursuing a claim to be considered loss of value.
- Transferability to any owner and the right to develop up to 10 years after transfer.
- Allowing claims into the future (up to 5 years to file claims over regulations enacted after January 1, 2007) on regulations that limit residential uses of property or farm and forest practices. M37 requires that after November 2006, claims for compensation would not be considered unless some action had been applied for and denied by the decision-making body.

About the only thing M49 does not offer is any real assurance that more won't be built under its rewrite than under M37. Moreover, like M37, M49 has no provisions that address the concerns of and impacts to neigh-

bors. Talk of fixing the “fix” later is ludicrous. M49 would short-circuit any initiative for comprehensive resource protection.

Global warming, peak oil, and water pollution and shortages are our greatest challenges, vital to “public health and safety” and demanding our immediate attention. Yet Section 2 (18) of Measure 49 may be seen as narrowing the definition of “protection of public health and safety” to include only a list of “risks or consequences.” These qualifiers constrain our ability to use land use planning as a tool to address our converging crises until or unless they rise to the level of “natural or human disasters or threat to persons or property.”

Playing into the hands of M37 proponents, the campaign for M49 is driven by a false dichotomy of pragmatism and principle. What could be more pragmatic than saying no to the growth machine – to continued sprawl and natural resource depletion – and demanding principled leadership that asks the essential questions about M49? Does it leave us in a better or worse position to deal with global warming, peak oil, and water shortages and pollution? With limited time, resources and energy should we spend even more on a campaign to support this reprehensible giveaway, after having expended millions on an incompetent campaign to stop M37?

Arguing about whether we're better off with M49 or M37 seems as absurd and as much a waste of energy and precious time as arguing over a shuffleboard game on the deck of the Titanic. We ought to be focusing on the icebergs ahead and on getting the lifeboats ready.

Jim Just, Executive Director
Goal One Coalition

Robert Emmons, President
LandWatch Lane County

Coalition Seeks Sound Local Food Economy

The Willamette Farm & Food Coalition (WFFC), a small local non-profit, works to create a secure and sustainable food system in Lane County – one in which our farms are economically viable and all members of our community have access to fresh local foods.

With a buy local campaign, we encourage consumers to support local agriculture by purchasing locally grown and processed foods. Our efforts include publication of the 4th edition of a local food directory, *Locally Grown: 2007 Foods and Wines of Lane County and Surrounding Areas*. A farm to school program called *Food On!* educates children about where their food comes from, increases their consumption of fresh fruits and vegetables, and incorporates fresh, locally grown produce into the meals served in our schools.

As development infringes on agricultural lands, both the viability of small-scale farming and the availability of a diversity of locally grown and produced foods are jeopardized. In response we've taken several steps to document our food system and advocate for the preservation and expansion of local agriculture. In 2005, WFFC worked in partnership with Washington State University's Small Farms Program to create a comprehensive assessment of Lane County's food system, available as The Lane County Food System Atlas. The atlas is a valuable educational tool in developing a common understanding of our county's food system, understanding the impact of our food choices, and identifying priorities for collective action to preserve and improve our food economy.

To further its objectives, the WFFC has created a Farmland Preservation Committee composed of local farmers, food policy council members, EWEB

and LCOG representatives and conservation activists. The committee is working in a number of areas essential to the protection of local farmland and farming:

- **Mapping.** A thorough and current farmland inventory is necessary to identify lands most at risk. Our county commissioners are considering doing an inventory of all available agricultural lands, and they need consistent and steady citizen input to follow through with implementation.
- **Urban Growth Boundary.** Some of our richest soils exist adjacent to the current urban growth boundary. We are identifying opportunities to support protection of these crucial areas.
- **Land Trusts.** A committee is researching the most viable models and partnerships to create agricultural land trusts in Lane County. Its current focus is to assess the challenges of identifying a neutral and stable entity to oversee land trusts and conservation easements that will ensure protection in perpetuity.
- **Education.** Encouraging people to understand the connections between access to healthful fresh food, a viable local farm economy, and the need to preserve farmland is basic to our well being into the future.

With the increase in population and in transportation costs and the looming realities of changing climate and development pressures, now is the time to preserve our remaining farmland.

We welcome involvement in any of our committees. Contact Jude Hobbs hobbsj@efn.org

**Linda Kelly, Jen Anonia,
Jude Hobbs**
WFFC Board Members

Coming Full Circle

To make the changes necessary to address global climate change and the isolation of our farmers, we must create an agriculture with a healthy amount of life and culture. My partner Kate, our son and I have been showing that it can be done by a family, and I believe we can make it work with 10-20 more people on the 23 acres we farm. Villages based on the sort of agriculture we practice would be composed of people who want to live a good life working together on collectively owned farms.

Twelve years ago Full Circle Community Farm was started as a Community Supported Agriculture (CSA) vegetable farm. We also knew we wanted to expose kids to the hands-on work of growing food. Our small, largely unmechanized approach has allowed young people to contribute and to always go away with a new taste from the farm: ground cherries, yogurt cheese, fennel, and blackberry milk shakes.

One or two mornings a week we run a farm-school class. Children build skills through tending gardens, milking cows, making brooms from broom-corn we grow and the branches from our trees, and carving wooden spoons and bowls. Most other mornings you can find us milking and composting.

Amaranth in bloom on Full Circle Farm



The 23-acre parcel we manage includes 10 acres of border/riparian habitat and 13 acres of mixed trees, pasture, vegetables, fruits, nuts, grains and beans that we rotate year in and year out. There are two milk cows, two semi-trained oxen, a bull and two calves, 30 chickens and a rodent-hunting farm cat. We've set roots deeply in this land at both the expense and for the benefit of our nine year old, Odell.

Acquiring on-the-ground skills necessary for a fertile and enjoyable local food economy will, I believe, provide an effective defense against global warming. Through low annual land costs, no-debt farming, generous families, and CSA we have had a unique opportunity to experiment with a variety of hands-on skills and a “live simply” approach. We earn very little money, but spend very little also. Perhaps our greatest accomplishment is that 90% of the food we eat is our own: vegetables, grains, milk, meat, cheese, eggs, and beans. We generate almost no garbage and hardly any recyclables.

Measures 37 and 49 open the door to overpopulation of agricultural land for non-agricultural purposes. Clearly, a stewardship ethic has not yet been adequately cultivated in our society to prevent abuse of resource lands. To do so, we need a land use program that protects productive resource land

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for at least 100 years. A home on farmland should be allowed for all those who steward the land and make their living there. To review variance requests for this type of housing, a committee of farmers could be formed.

Our society is at a historical watershed driven by global climate change, peak oil, water shortages and pollution. In response to these threats, I'm convinced that in the near future people will derive the majority of their daily needs from local sources, living village lives intimately connected to place and community. I'm optimistic that the availability of fertile land, manufactured goods, capital, and the support of skilled facilitators will ease the transition to a more communal lifestyle.

Kevin Jones

Suburban Permaculture

Making far better use of nearby and regional assets to take care of our human needs is an idea attracting a great deal more attention these days. Related concepts are relocating, voluntary simplicity and culture change. They all fit into a permaculture ideal called stacking – multiple benefits from thoughtful design.

Regardless of whether one is motivated by resource depletion, climate change, creating alternatives to global capitalism or the ideal of a world without war, strategies for taking care of our human needs are very similar. All point to making thoughtful use of nearby assets and greatly reducing our human foot print.

Home economics is a word I like to use. To me that means when I downsize what I need, I can take care of more of those needs closer to home. For example, having a garden and riding a bike instead of driving means I can grow a good deal of my



Windows and panels capture solar energy at Jan Spencer's house

own transportation energy in my backyard. Being vegetarian means it's much easier to take care of my food needs at home, and it also greatly reduces impacts on the environment because meat eating causes more resource consumption.

My residential property takes care of many basic needs through home economics and smart design. My sun room provides significant heat for the rest of the house. A detached bungalow also benefits from passive solar design while increasing residential density at the same time. And a solar water heater means I am "off the grid" for hot water from May to November with solar assist the rest of the year.

The converted former carport provides a nice place for a housemate, earns income and increases residential density. My garden provides much of my food year 'round: fresh vegetables and fruit in the summer, keeper and winter vegetables in the cool seasons as well as vegetables and fruit from my solar/electric food dehydrator.

My driveway is only a memory, now home to a young English walnut tree and a multi-purpose storage shed that will support a grape arbor above its

metal roof. The driveway removal has daylighted 700 square feet of soil for rain to infiltrate, which is good for the water table. A 3500-gallon rain water catchment, storage and distribution system provides for most of my outdoor water needs.

Over the years my property has increasingly served as a community resource. Many people have come here to see how a "nothing special" suburban property can become an asset to its owner and the community. A good number of those visitors have made similar changes to their places as a result of seeing mine. They've created their own version of home economics and have helped inspire still others to make smart changes to their properties. School kids have come for visits, as have permaculture classes, master gardeners and out-of-town authors.

Suburban permaculture facilitates culture change – living more ecologically and taking care of more of our needs closer to home. Suburban permaculture and culture change are also companions to buying local, protecting our farm lands from sprawl, providing regional food security and reducing the need for imported oil (thereby reducing the excuse to export

the US military). Best of all, culture change calls on and nurtures our enormous human potential, both as individuals and as a community.

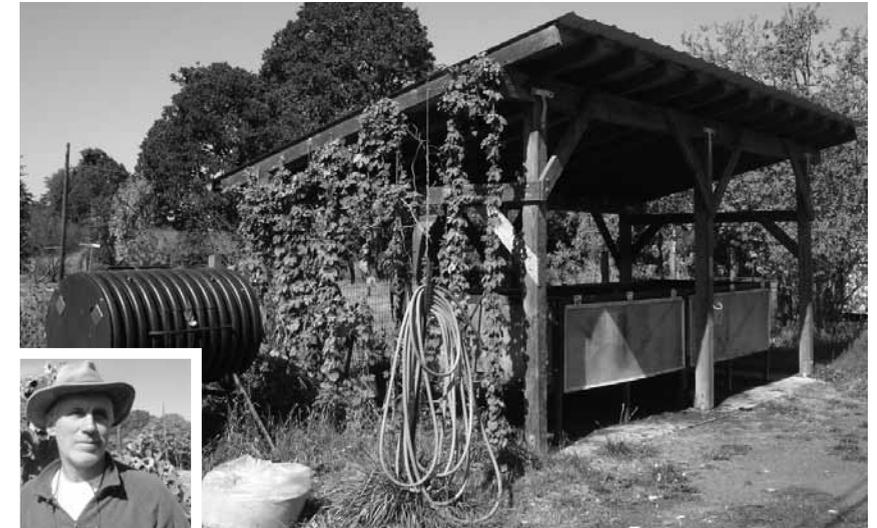
For more info on Suburban Permaculture and Culture Change, go to www.suburbanpermaculture.org

Jan Spencer

Partnership Promotes Community Food Production

Skinner City Farm (SCF) is the most recent addition to the Eugene area's community garden program. Planning began in 1998 through collaboration between Whitaker neighbors and city planners. Initially, neighbors were motivated to organize after the city and a local contractor, with no community input, dumped fill from a downtown construction site in Skinner Butte Park. Fortunately, from that experience emerged SCF, a nonprofit organization which developed a unique and positive working relationship with the City of Eugene through a management contract. Without this arrangement it is unlikely that this garden would exist. It became an in-the-ground reality because we at SCF were willing to take on much of the work that the city would normally do but lacked funding for. The other key to our success is the City's Neighborhood Matching Grants Program which matched donations and volunteer efforts coming from many directions.

Now into our second 3-year contract period for the 2-acre site at the west end of Skinner Butte Park—where Eugene's founder may have farmed—SCF is busy with managing large plots for six nonprofits and fifteen individual plots, as well as organizing workshops and events. We maintain a living fence around the garden that contains over 200 plants; operate the City's largest worm bin system, raising worms and collecting castings;



Composter and worm bins boost organic farming in Skinner Butte Park

and have an active youth component through a partnership with the Center for Appropriate Transport's education program. Presently we are working with the UO's Design Bridge Program to design and build a barn that will include a food preservation facility (canning and drying), a space to hold workshops and a small museum focused on local food preservation history.

On a community level, SCF has three primary goals. First we want to share our experiences initiating and implementing this project with other citizens and with city government. The process has been a great learning experience for founders and city staff alike. As the community garden coordinator of NYC's Just Food City Farms Kathleen McTigue says, "Community gardeners and government are in a complex and unavoidable relationship.... Gardens are often on marginal land, sometimes on a temporary lease. Community gardens often find themselves at odds with municipal policies and/or policymakers, yet municipal governments have the potential to be allies and promoters of community gardening."

Our second goal is to assist in the development of new gardens. To that end SCF is advocating for a public assessment and acknowledgement of available urban land for community

gardens. Students at the U of O have begun this work, and we hope to collaborate with them to bring it to the forefront of urban planning.

Our third objective is to strengthen local governmental policies regarding community gardens. According to New York's Food Security Learning Center, "Many cities are developing policies and resolutions codifying support for community gardens. For example, the Chicago City Council created a city-funded entity called NeighborSpace which is authorized to purchase properties to protect them as open space and to enter into agreements with local groups for the use and maintenance of these spaces, including community gardens.... [And] the Seattle city government included community gardens in its 20-year comprehensive plan, setting up specific community garden goals and establishing a City Council resolution to promote gardening."

As food insecurity increases with oil prices, we believe that the most accessible way to achieve food security is to provide land for urban community gardens, increase general knowledge regarding food production and strengthen personal relationships in our communities.

Jan VanderTuin, Co-founder and General Manager, Skinner City Farm



Paul Atkinson Interview

Paul is 55 years old and lives with his wife Sid and son Ansel on their family farm near Crow. Paul moved there when he was 12, and raises laying hens, turkeys, hogs, dairy goats and beef cattle on 50 acres of pastures and gardens.

LW: Why do you believe that the use of conservation easements on agricultural land is important in Lane County?

Paul: Having been involved in land use planning issues locally for over 35 years now, I've been heartbroken by the results of our local planning. Farmland I believed to be permanently protected by E.F.U. zoning, again and again has been converted to other uses by landholders. We need leadership by committed landholders whose highest priorities include protecting and caring for their home place. That leadership can be concretely exemplified by voluntarily placing permanent restrictions on their development rights.

Restrictions in the form of a conservation easement placed on property become part of the title and not so vulnerable to the changes of political winds. I think that to be effective any

land use law that restricts use must affirm the deeply held beliefs of a majority of landholders and the general public in this state.

I don't believe we've ever reached both majorities with Oregon's land use law. Thus we have an economy substantially fueled by real estate speculation overwhelming the goal of long-term protection of Lane County and Oregon.

LW: How can a substantial number of conservation easements on agricultural land become a reality in Lane County?

Paul: That's the big question. We need a land trust or other entity well enough established to inspire confidence that it will do its job: oversight of the restrictions put on properties by current landholders. There are boiler plate models of how to put restrictions on a property, but to make that move a landholder such as myself must believe those restrictions will be honored over the long haul.

Currently, a committee of the Willamette Farm and Food Coalition is researching the means to that end. My research on this subject so far shows current options to be quite expensive. For example, according to Karlene McCabe of The Green Belt Land Trust in Corvallis, which formed 12 years ago, to endow long term oversight on a property could cost both the owner and the trust tens of thousands of dollars. She recognizes the need for a regional land trust but says the startup costs would amount to hundreds of thousands of dollars and a lot of energy. Dollars and energy are stretched as thin on my farm as they appear to be in land trusts.

LW: What's the next step?

Paul: I would like to join a group of committed family landholders in

Lane County (and possibly regionally) who have a vision for how their land should be cared for into the future.

I would like them each, in their own words, to put the envisioned restrictions and purpose on paper. I would hope we could coalesce into a cadre who would be an attractive addition to and a branch of an existing land trust so that overhead costs could be minimized. I would like to explore mutual oversight between farms over time as a model to reduce costs.

Perhaps most importantly, I'd like this cadre to be a model of leadership, for the good of each home place, for the community, for the state. We would be putting our treasure (the land we hold) out of real estate speculation by voluntary restrictions done without monetary compensation, because of our common belief in our responsibility for the land and life within our care.

LW: How do we keep farm families and their farms in the community over time?

Paul: I believe that for many people easements are a big piece of making a farm "permanent," but there are many other pieces. The greater community of consumers who support the concept of E.F.U. zoning needs to buy their food from local farmers at a price that can support them. Farmers who treat land and community well want to keep farming and pass the farm on to others who love it.

The next generation needs to have the ability to live on or near farms they are tending. Any housing in farm zones needs to be built with small footprints and on the poorest soils. We need community support of family members, interns and apprentices who wish to farm. Those budding agrarians need housing, permanent farms, a living wage, and recognition as a vital link in a truly sustainable local economy.



Jason Schreiner

Democratization of Sustainability

Twenty years ago the Brundtland Commission called for "sustainable development" or a system that "meets the needs of the present without compromising the ability of future generations to meet their own needs." Sustainability has since become the rallying cry of our era, but what does "sustainability" really mean, and what does it require of us?

Sustainability is sometimes invoked with the following mantra: "economic vitality, environmental quality, equal opportunity." The so-called "Three E's of Sustainability" are intended to provide sustainability with a comprehensive footing, so that development manifests in ways which are not only economically profitable, but also ecologically sustainable and socially just. Proponents of the Three E's like to tout these goals, but actual practice leaves much to be desired.

For example, sustainability advocates have correctly identified a need to bring our economic system into balance with the capacities of our environment and the full range of our communities' needs. Much energy is thus focused on "greening" our economic system, which has resulted in "green" alternatives to many everyday products and various "green" business models. Yet these trends have done little to alter the paradigm of growth that underpins our economic system; in fact, even a cursory glance at the "green" economic movement reveals a pattern of consolidation, aggressive

marketing, and affluent consumption that is reminiscent of the Gilded Age – hardly an example of sustainability.

The problem is that "green" economics has yet to become a democratic economics. Quite simply, a green economy will never translate into sustainability if most people cannot afford to participate in it – not merely as consumers, but more importantly as producers or service providers. Readers of LandWatch are well aware that the desire for economic vitality must respect the need for environmental quality. But to balance economics and ecology we must also respect the challenge posed by equal opportunity, namely that our right to live entails a responsibility to live in community with each other and with other living beings. This means we must share risks and benefits, and it means our well-being depends on our contributing to the well-being of others. Sustainability therefore requires green economics to be grounded in economic democracy, which in turn requires an empowered, vibrant citizenry.

I cannot outline here the full scope of how an economic democracy would be organized or function, but I can offer five principles that, at a minimum, promote a more democratic economics and thereby give sustainability a more solid footing:

1. The practice of sustainable living should be regarded as a right and responsibility of citizenship in a democratic society (much like voting).
2. The knowledge, skills, and materials necessary for engaging in practices of sustainable living should be made accessible and affordable to all people, and not just to the affluent.
3. Citizens should take an active role in adopting sustainable living practices and contributing their knowledge, skills, and visions to the rest of the community whenever possible.
4. Public financing of economic activity should reference the full costs of all the processes required to enable that activity.

5. Practices that degrade the commons or require the citizenry to bear undue financial costs or health burdens should be discouraged, penalized, and in some cases prohibited, whereas practices that enhance the commons or minimize costs and burdens borne by the citizenry should be encouraged, subsidized, and in some cases supported with necessary infrastructures for their operation (e.g. increasing mass transit to reduce the number of automobiles in use).

Obviously, this list does not include all the principles that might inform a truly democratic-sustainable society, but it does provide a basis for envisioning more responsible policies and planning models. For instance, permits for housing construction would be issued only if a project earns a sufficient number of "sustainability points," which would be based on full cost accounting of environmental impact, materials used, labor standards, public safety, community livability, etc. And the more points earned the lower would be the permit fees, thus creating incentives for making projects as sustainable as possible. Planning officials would also be empowered to enforce regulations before approving projects, which would open the way for them to provide support and advocacy services to those who want to implement sustainable designs. Similar examples can be cited for policies in agriculture and forestry, health and medicine, transportation, energy, water, etc.

The democratization of sustainability is crucial if we are to realize a way of life in which the Three E's are no longer goals to be achieved but accomplishments to be celebrated and maintained. In such a world, we would be compelled to add a fourth E to the mix: "enjoyment of life." Such is our noblest aspiration, and now is the time to make it our destiny.

Jason Schreiner
Outreach Coordinator
Goal One Coalition