

## Prime Farm Soils Growing Concrete and Condos



For more than 30 years, I have fought to uphold Oregon's land use laws. At the same time, to my great dismay as a native-born farmer and lover of our Lane County homeland, I've seen the death toll mount for its best agricultural soils. Particularly hard-hit are Class I soils, as defined by the Natural Resource Conservation Service (NRCS). By my calculation, some 90% of them have been paved over, mined, and hauled away or otherwise zoned for development. These are the soils that are suitable for crops adapted to this climatic zone, and are potentially twice as productive as the Class III soils that I farm.

How has this happened when our laws are supposedly protecting "prime" farmland? Eugene and Springfield, along with

many cities and towns in the Willamette Valley, were founded where the best soils lie. The cities grew, we put urban growth boundaries around them, and we paid little attention to what soil would be affected. Law now mandates that a "20-year supply" of "buildable land" be made available for "growth," but it does not put any soil types off limits for development.

Making things worse, I believe, is the perception by many supporters of strong land use laws that farms (and forests) are being permanently protected. Various studies conclude that a minimal amount of the total acreage zoned for agriculture is being lost under the current law. In my experience, though, zoning as presently practiced is at best a temporary slowing of the loss of our most precious resources, not a reverent protection

of them. How might we change this situation?

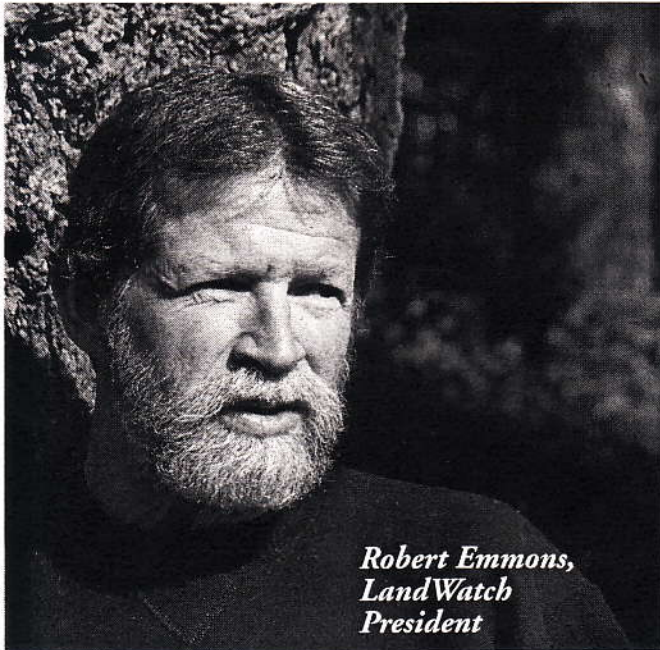
First, we must get serious about supporting a "sustainable" local economy. We must exemplify our love for this place by eschewing convenience for commitment to this goal. Stay away from the sprawling malls. Buy from locally owned shops close to home and downtown. Get to know your food source by knowing your farm neighbors and how they care for their place. Eat locally and seasonally. Pay enough for their products to allow a decent living and a future for the farm. While understanding that supporting small local shops and farms will cost each of us more than the price world market forces provide, we can all increase our conscious decisions of what and where to buy.

Second, we need to actively support funding for conservation easements on private lands. Oregon needs a viable means for creating voluntary restrictions on land usage that will permanently be attached to the title of individual resource properties. We can each investigate the feasibility of conserving the properties we may hold under such easements.

Third, we have to continue vigilantly the often discouraging work of maintaining and improving land use laws. We must remember that many of our neighbors fervently believe in the primacy of private property rights. But it is incumbent upon us to remind them of their responsibility to the greater community and the common good of all living things.

**Paul Atkinson,**  
Laughing Stock Farm





*Robert Emmons,  
LandWatch  
President*

## President's Prospectus

Two events in 2003 considerably improved our ability to stop sprawl on Lane County's farms, forests and open space.

Late last summer LandWatch began receiving notice of land use applications submitted to the county's Land Management Division (LMD). And last year Goal One Coalition, a new regional group, formed to ensure that state Goal 1, Citizen Involvement, is more than tokenism at the local level. Its executive director, Jim Just, is working closely with LandWatch on county land use issues. As a member of Friends of Linn County, an affiliate of 1000 Friends of Oregon, Jim won 18 of the 20 appeals he's taken to the Land Use Board of Appeals (LUBA) and the Court of Appeals. Already, as a result of his

oversight, six applications to rezone Lane County farm and forest land to Marginal Land have been withdrawn. LandWatch looks forward to a long-term relationship with Goal One Coalition and its executive director.

As always, LandWatch will continue to serve as a clearinghouse of land use information and support for neighbors whose property rights and values are threatened by sprawling development and by development that leads to sprawl. We were pleased, for example, to help the owner of a Century Farm north of Junction City in her successful effort last December to gather information and neighbors to stop the needless widening of their short, little-used country road.

On three weekends last month, LandWatch volunteers joined others in planting 1000 native trees along the confluence of Lost Creek

and the Willamette River in Bristow State Park. And early this fall LandWatch will coordinate a second prescribed burn in an oak woodland and adjacent meadow in the park.

Yet, even as we were planting to restore what past bad practices had destroyed, others in Lane County and across the state were gathering signatures to place a new initiative, Initiative 36, on the ballot. Like its predecessor Measure 7, Initiative 36 would uproot thirty years of sound land use planning. According to 1000 Friends of Oregon, this "Son of 7" would "gut not only Oregon's nationally acclaimed land use planning program but also Oregon's laws guiding farm and forest practices, local land use and zoning ordinances and many other critical public protections."

Given the toxic air created by these shortsighted zealots and a governor hell-bent on building stinking smokestacks on the grave of Tom McCall, those of us with a clearer view must find common ground and enrich it with a commitment to the common good.

To counter our "ruinous attempt to 'improve' on the creation", as writer Wendell Berry has observed, "now, perhaps, we are under an obligation to leave it better than we found it, by undoing some of the effects of our meddling and restoring its old initiatives—by making our absence the model of our presence."

## Goal One Coalition Collaborates with LandWatch

Talking with activists all over the state, I've learned that we face common problems wherever we live: powerful development interests, complicit planning departments, rubber-stamp planning commissions, and elected officials who think our land use laws should be ignored or subverted.

From these informal conversations, the Goal One Coalition was born. Activists from all over Oregon will contribute what they can to hire professional, experienced staff dedicated to making activists succeed in their local efforts. We'll look for foundations willing to fund and support the first, but most ignored, statewide planning goal: Goal 1, Citizen Involvement. We can protect the environment and create sustainable, equitable communities only if people have the necessary resources and support to effectively engage in government.

In addition to LandWatch members Nena Lovinger and Robert Emmons and 1,000 Friends advocate Lauri Segel, the board also includes activists from Linn, Benton and Josephine counties.

Lane County presents one of the most difficult challenges in the state: growth pressure

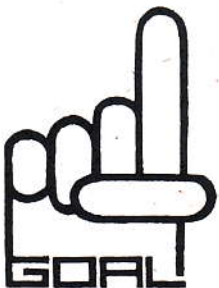


and myriads of development applications, a sophisticated and wealthy development community, an enabling planning department, local land use laws that offer every development loophole available, and a tradition of winking at transgressions.

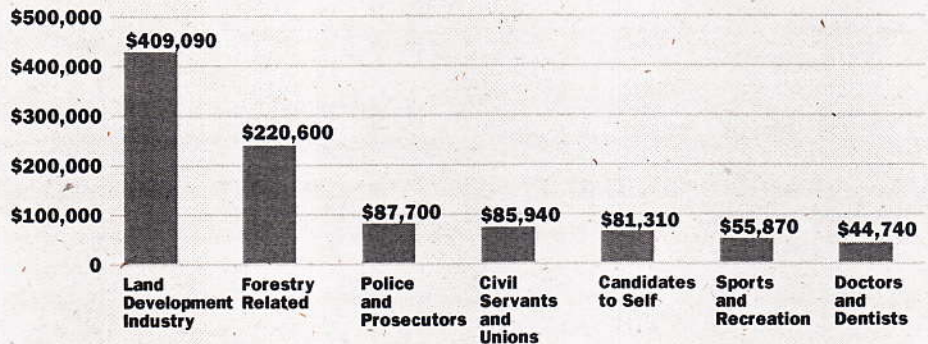
The strategy for confronting these challenges will focus on slowing down new residential development. We are looking carefully at every "template" application. We are challenging every application to redesignate land as "nonresource", which allows for residential development. We are challenging every "marginal land" application. We have, at least temporarily, shut down "woodlot dwelling" approvals. And, not least, we're working to end the lot-line adjustment and "legal lot" shell game, which has been used to create and shuffle parcels around and to effectively create new rural subdivisions.

Together, we've got the talent and resources to see these efforts through.

**Jim Just, Director  
Goal One Coalition**



### Local Campaign Contributions by Sector Lane County, Oregon 1998-2003



*Adapted from The Register-Guard, 12/21/03 by Eben Fodor. The "land development industry" category comprises 42% of all identifiable contributions and includes real estate (\$175,940); heavy equipment & gravel (\$93,510); construction (\$86,370); and financial services (\$53,270).*

### Local Growth Politics

Why do the pro-growth/pro-sprawl forces always seem so influential in Lane County? One answer can be found in the excellent "Old Growth Money" story published recently in The Register Guard (12/21/03). This report compiled all local campaign contributions over the past 5 years and grouped them according to business affiliation.

The article stated that timber was the area's largest political funding influence. However, the real story can be revealed by combining all the land development businesses into a single category. This new Land Development Industry category includes those businesses that profit directly from new construction and land development.

As shown in the graph above, the Land Development Industry represents by far the largest political interest group, with 42% of all local campaign spending. The common economic interests shared by this group include regional growth and unfettered land development.

But that's not all. The Forestry Related category includes many business owners who, in addition to selling lumber to construction markets, are also land developers and real estate investors. Therefore, a large portion of the campaign spending in this category could be included under the Land Development category. As a result, it's probably reasonable to assume that more than 50% of all local political campaign spending is on behalf of land development interests. No other single interest group comes close to this degree of dominance.

While campaign spending doesn't guarantee outcomes, it clearly influences the results. This is especially the case when "pro-business" candidates can spend record amounts on their campaigns, and greatly outspend their opponents. With this much clout, the land development industry can virtually ensure that a majority of local politicians are growth friendly.

This rare glimpse behind the scenes of local campaign financing helps explain why citizens have to work so hard to achieve any reforms for responsible land use, growth management and environmental protection. It also shows why local campaign finance reforms are needed to restore true balance to the public policy process.

**Eben Fodor**





*The Strome farm on Hulbert Lake Road and a typical day's traffic.*

## Commissioners Support Neighbors; Stop Needless Road Widening

In November 2003 my mother, Lela Strome, received a certified letter from Lane County Public Works telling her that they were in the process of "legalizing" Hulbert Lake Road a few miles north of Junction City. This road is really just a country lane that developed over the years between Mom's house and barn as neighbors traveled through the area.

A resident of the area for 83 years, my mother is in the process of placing her property, a 300-acre farm midway along the road, on the National Historic Register. Because several years of research since her husband died had uncovered no record of a road through the property, she was surprised and puzzled by the county's action.

About two weeks prior to the legalization hearing, a friend stopped to ask if Mom had read the orange signs posted by the county. She had not, assuming that the county had merely posted a copy of the certified letter. The signs, however, revealed that county engineers wanted to "legalize" Hulbert Lake Road in order to reserve the right to widen the roadbed to 60'. The widening, which would more than double the existing roadbed, was not mentioned in the hearing notice. Later I learned from a county employee that they intended to realign the road as well.

Alarmed, I called LandWatch Lane County. When two of its board members arrived at Mom's 1860s house and drove the two-mile section of road in question, they were perplexed to discover only six residences along it. Why, they wondered, would Lane County want to spend nearly \$2 million to "improve" a road

that is little used and is not hazardous. For this unwanted service the property owners would receive no compensation, and the new road would consume prime farmland, old growth oak trees, livestock fencing, front yards and barn lots.

Following the advice of LandWatch, I contacted an attorney, obtained a copy of the "Request for Legalization" from the Surveyor's office, and acquired any information the road maintenance department would provide. The weekend prior to the hearing I compiled maps, documents, statistics, and historical facts. The surveyor's office claimed the road had existed since 1855, but my mother knew there was no road when she was raising her family in the 1930s. Persistent at the Surveyor's office, I discovered a map that showed the road from 1855 was located three-quarters of a mile east of the roadway the county was trying to "legalize."

Prior to the hearing a neighbor and I contacted every landowner along Hulbert Lake Road. No one, however, had read the orange signs or was aware of the real Lane County plan. Everyone assumed that the present road was just being legalized. The neighborhood response was unanimous: "What can I do to get this stopped?"

Petitions were circulated, each landowner prepared

written testimony expressing his or her own reason for keeping the road the way it is, and I urged everyone to show up for the hearing. The entire neighborhood was galvanized and arrived at Harris Hall to speak as a unified group against this procedure.

About forty people were present at the hearing, and each resident and absentee landowner had at least one person speak. My 91-year-old mother offered compelling commentary tracing her long history with our neighborly lane. The petitions were presented, and it was pointed out that the certified letters and posted notices must be identical to be legal.

Moved by the number of people who made the effort to attend the hearing and by the fact that no one other than the county's engineers supported it, commissioners Sorensen, Dwyer, and Hampton denied the legalization and instructed the engineers to fix the potholes and leave the rest of it alone. Our own commissioner, Anna Morrison, however, voted against us.

We're gratified that three commissioners were magnanimous enough to rule in our favor and to have learned by experience that citizens working together can make a difference.

**Melba Durrant**





## Trojan Horse Rises from Enron's Ashes

Two and a half years ago entrepreneur and Coburg Power proponent Gary Marcus tried to impose a 605-megawatt natural gas-fired power plant on farmland two miles north of Coburg. Coburg residents cropped up in opposition, while Enron, Marcus' backer, sank into oblivion in its own corruption.

Now, as former Enron CEO Kenneth Lay and his partners remain free and taxpayers bear the cost of their crimes, Marcus has resurfaced with plans for an even larger plant; at 900

megawatts it is almost as large as the Trojan nuclear power plant. Powered by two turbine jet engines and several steam-fired turbines, this reincarnation, dubbed West Cascade Energy, would heavily impact air quality and water use and disposal, including possible contamination of surrounding wells; generate intolerable noise; use excessive amounts of natural gas and destroy prime farmland and wetlands.

At a February 6, 2004 Save Our Valley information session, Marcus characterized himself as a good samaritan interested only in filling a need for local power and in providing cheaper rates. He claims that his new plant will be the cleanest

in the state. But this is scarcely reassuring when we learn that each year its two smokestacks—each to be 19 feet in diameter and 195 feet high—will spew out 760,000 pounds of nitrogen oxides and 800,000 pounds of particulate matter, the main ingredients of smog. When running at full steam, its pollution will equal that of 25,000 cars a day. And, for good measure, when the winds are blowing east these pollutants would likely obscure views of the Three Sisters.

The 6,492,000 gallons of water per day required to cool the turbines will be taken from the McKenzie River. According to plant projections, 80 percent of the water will evaporate; the 20 percent that remains will be cooled to 64 degrees and require treatment with iodine. Whether indirectly through Muddy Creek, which local farmers depend on for irrigation; or directly from the plant, the water will end up in the Willamette. How will the warm, iodine-treated effluent affect endangered salmon and other fish species?

The natural gas needed for the proposed plant will consume a major por-

tion of that brought into the Willamette Valley. Considering that we will likely face natural gas shortages in the next ten years, to be used most efficiently, this fuel should be brought directly to homes and businesses and not sent up the smokestacks of an out-of-state boondoggle. For, despite Marcus' claim that he's satisfying a local need, we can assume that California will receive most of the electricity, while Marcus and his South Dakota company reap the profits and we get the pollution and a degraded quality of life.

By choosing to have unelected state officials of the Oregon Energy Facility Siting Council review this proposal, proponents have done an end run around Lane County planning staff and the Board of County Commissioners, those most familiar with our laws and our Comprehensive Plan.

Please urge your commissioner to get involved. And, at upcoming meetings, let Marcus and the Siting Council know that there is no room on Oregon's soils for this get-rich-quick scheme at our expense.

**Joey Gayles,  
Save Our Valley**





## Interview with Annabel Kitzhaber

Annabel Kitzhaber, mother of former Oregon governor John Kitzhaber, is a fourth generation Oregonian. Annabel and her husband Albert lived in other places across the country while he pursued his teaching career. They came back to Oregon to stay in 1962 and now live in southwest Eugene. Nena Lovinger of LandWatch conducted the interview.

**NL:** What brought your ancestors to Oregon?

**AK:** *My great grandparents came across on the Oregon Trail from the Midwest. They settled close to the Santiam River near what is now Lebanon. My great grandfather was a farmer, and my great grandmother had some medical knowledge and rode her horse around to provide medical care and information to people who needed it.*

**NL:** Where have you lived in Oregon?

**AK:** *I was born in Joseph, Oregon and spent the first 10 years of my life there near the Wallowa Mountains. Sometimes we would take the train from Joseph to the Willamette Valley to visit relatives near Lebanon. I remember going to the back of the train and standing there looking down at the Columbia River as it flowed toward the ocean. It was a beautiful sight that I'll never forget. I had the good fortune of seeing the Celilo Falls on the Columbia before the dams obliterated them. Indians fished for salmon from platforms extending out over the falls. As an adult, I have lived in Portland and Eugene.*

**NL:** Have you and your son John talked much about the special geographic features of Oregon and what to do to protect them?

**AK:** *Protecting this place is a family belief that John grew up with. We didn't talk about it much but just knew that we all loved it. We appreciate it and we stay here because we love it.*

**NL:** What changes have been most pronounced during your lifetime as you view the Pacific Northwest?

**AK:** *The increase in population and its encroachment on the countryside. We are great supporters of Oregon's Land Use laws which intend to preserve many of our open spaces.*

**NL:** What characteristics of Oregon are most meaningful to you?

**AK:** *The beautiful forests, the mountains and Pacific Ocean. The topography in Central Oregon is different, with its wide plateaus and open fields. I prefer the green forests and farmlands in the Willamette Valley. And I appreciate the independent character of the people of Oregon. That seems to be changing, however, with more people coming in. Traditionally, the people here have had strong ideas and don't mind voicing them. And there's a lot of participation and dialogue going on in the community that impresses me.*

**NL:** Have you seen impacts to the natural landscape that sadden you?

**AK:** *I'm sorry that we've continued to spread out over the land and become more urbanized. This will happen as long as we increase our population. Governor Tom McCall felt that it would be fine for people to come here to visit but not to stay. Of course, a lot of people stayed because Oregon is a great place to live.*

**NL:** Did you spend a lot of time outside as a child?

**AK:** *Oh yes. Children in those days engaged in unstructured outdoor activity on a daily basis. We were inventive and creative in our games. We ran a lot as children. There was no sitting in front of television, which of course didn't yet exist. And we read books and visualized what we read. This is a much different experience than watching television.*

**NL:** What changes have been most pronounced during your lifetime?

**AK:** *I'm really concerned about overpopulation in the world. Our planet is finite, but our numbers keep growing. I've traveled extensively in the world and find densely populated urban places very disturbing. Human population is growing, but the planet isn't. In the near future this may prove to be untenable. Population in Oregon is also growing, but our land use laws try to control it to protect our open spaces.*

**NL:** Is Lane County a better place to live now than it was 30 years ago?

**AK:** *Well, I don't think so, although it is still a good place to live. It's more crowded. Eugene has grown so much. I'm now completely unfamiliar with a lot of it, but, as I'm 87 years old, I have no desire to move away.*





*Volunteers of all ages planting native trees in Elijah Bristow State Park.*

## Native Plant Restoration Partnership at Elijah Bristow State Park

In the winter of 2002, former LandWatch board member Rich Fairbanks visited a meeting of the Middle Fork Willamette Watershed Council (MFWWC) to propose a restoration project partnership at Elijah Bristow State Park. He rolled out an aerial photo of the park and pointed to the 27-acre deforested area at the confluence of Lost Creek and the Middle Fork Willamette River.

In contrast to the intact forest immediately to the east, the confluence area had been overtaken by blackberry, Scot's broom, and other invasive exotic plant species. Despite the park's regular mowing, the invasives maintained a complete hold on the site.

Reestablishing native trees would reconnect this portion of historical floodplain forest and greatly improve plant, fish, and wildlife habitat. Because Rich's proposal perfectly matched one of the watershed council's goals—to work together as a community to restore the ecological integrity of the watershed—and our plans to create a publicly accessible restoration demonstration, the MFWWC voted to enter into the partnership with LandWatch.

As with most projects, our first step was to seek funding. In the spring of 2002, we secured a technical assistance grant from For the Sake of the Salmon that paid for project design and planning by Salix Associates. Through the planning process, the project partnership between the MFWWC and LandWatch grew to include the Oregon Parks and Recreation Department, the U.S. Army Corps of Engineers, and the Oregon Department of Fish and Wildlife. The partners

worked closely with Salix as they developed a restoration design intended both to reestablish native forest and to test alternative methods of blackberry control. Salix divided the 27-acre project into three phases, with phase one taking place on the three acres that abut the Middle Fork of the Willamette River.

Equipped with Salix's well-designed plan, we then turned to the Oregon Watershed Enhancement Board (OWEB) to procure funds for phase one implementation. The good news came in September when the MFWWC received a \$60,000 grant, augmented by an additional contribution from the Oregon Parks and Recreation Department, to begin implementing the Lost Creek Confluence Restoration Project.

On-the-ground activity commenced in December of 2003, when the MFWWC contracted with John Moriarty of Eugene to manage the project. Since then, the project partnership has expanded even more to include the Middle Fork Ranger District of the U.S. Forest Service, Boy Scouts, and dozens of interested community members. With a short window to prepare the site for planting, we've seen constant bustle at the restoration site. Most recently, a large crew of volunteers, including several LandWatch members, helped us plant 1000 black cottonwood, red alder, bigleaf maple, Oregon ash, and incense cedar.

Though planting the trees posed several unique challenges—rocky soil, limited vehicular access to the project site, and delays due to flooding and ice—our most formidable challenge will come in a couple of months when the stubborn blackberry start to poke through. Preventing the blackberry and Scot's broom from encroaching on our young trees will be pivotal to the project's success. Likewise, tree survival will depend largely on our constructing an irrigation system and delivering adequate water to the trees through their first two years.

The strong partnership that has moved this project forward will continue to support it as we face these and other challenges. The Lost Creek Confluence Restoration Project has evolved into a literal common ground that brings together a range of people interested in restoring a key site in our watershed. The MFWWC looks forward to continuing this collaboration with LandWatch and other project partners and to seeing real change happen on the ground.

Interested in helping out with the Lost Creek Confluence Restoration Project? Contact the Middle Fork Willamette Watershed Council at 937-9800 or [mfwwc@efn.org](mailto:mfwwc@efn.org) for more information about how to get involved.

**Amy Chinitz, Coordinator,  
Middle Fork Willamette  
Watershed Council**



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To contact LandWatch  
Phone: 741-3625  
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