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Parvin Butte: Silent Witness and Political Hostage

Photo: Pete Helzer

Two years ago, when the citizens of Dexter organized to keep Lost Creek Rock Products from removing historic Parvin Butte from the Lane County landscape, the assumption was that our courts, state agencies, and elected officials would intervene to prevent such an egregious assault on a small rural community. The issues seemed clear enough: the thousand people who live within a mile of the butte would be exposed to relentless noise, dust, and traffic. Dexter would lose an estimated two million dollars in property values, and many businesses, such as adult care centers, recording studios and child daycare services, would be forced to relocate.

Noise from blasting was a major concern. Michael Raymer, a professor of physics at the University of Oregon, provided us with calculations of the decibel levels produced by blasting at various distances from the quarry. He found that at a distance of one mile from the quarry residents would still be exposed to noise levels in excess of the 85-decibel level known to damage hearing.

There were also environmental concerns: the butte's steep slopes rise 400-feet above Lost Creek, which has healthy populations of steelhead, cutthroat trout, and spring Chinook – all listed under the Endangered Species Act. Further, Dexter residents assumed that the historic significance of Parvin Butte would give it the same protections as similar geologic features in Lane County, such as Skinner Butte, Spencer Butte, or Mt Pisgah.

In other words, the citizens of Dexter believed strongly that the removal of Parvin Butte was incompatible with their quality of life, the environmental health of Lost Creek, and the community's cultural heritage – a heritage that began with the arrival of James and Selena Parvin on the Lost Wagon Train of 1853. The Parvins built a cabin on the butte, ran the general store and the post office, and built the first bridge over Lost Creek. Many landmarks in Dexter bear the Parvin name: Parvin Bridge, Parvin Road and, of course, Parvin Butte.

Last March, I created a PowerPoint presentation that organized these concerns in a fact-based series of charts, photographs and historical records. In April I presented the information to Governor Kitzhaber's Regional Solutions Team. This team is comprised of representatives from Oregon's regulatory agencies, such as the Department of Transportation, Department of Environmental Quality, Land Conservation and Development, Business Development Department, and the Department of Geology and Mineral Industries (DOGAMI). Although I was honored to be granted an audience with the committee, and I found them to be sympathetic to the issues I raised, I was surprised to learn that the term "solutions" was somewhat of a misnomer. What the regional solutions team actually does is refer problems to whichever state agency has permitting authority over a particular activity.

Because our concerns involved mining, I was referred to Bob Houston at DOGAMI. Mr. Houston, in turn, explained that his authority was limited (*Parvin Butte, continued on page 2*)

(Parvin Butte, continued from page 1)

to specific regulations. He didn't have the authority to revoke a mining permit, but only to temporarily suspend the permit until the mine owners were back in compliance. DOGAMI has no authority to issue fines for mining violations. Other agencies told similar stories.

What I was able to take back to the citizens of Dexter was not so much a remedy for their broad range of concerns but a clarification of the term "regulation" as it applies to state agencies. What I learned was that these agencies don't prevent pollution and other industrial hazards; they permit them to occur in accordance with legally established parameters. These allowable amounts of pollution are negotiated between interest groups and written into state and county codes. Unfortunately for a community like Dexter, the mining industry has been far more proactive in financially backing politicians who view nature as a commodity to be exploited by industry. The result is that our current land use laws heavily favor the extraction industries over environmental safeguards and the livability of rural communities.

Although our current laws don't provide a reasonable way of stopping the removal of Parvin Butte, Lane County codes theoretically offer a way to mediate some of the negative impacts. This process is called a site review. If performed as intended, a site review can set some limitations on quarry operators with regard to times of operation, number of gravel trucks allowed to drive through neighborhoods, and requirements of prior notification of neighbors before blasting occurs. In most cases a site review is required before a quarry can begin operation.

In the case of Parvin Butte, however, industry advocates in years past were able to alter the code to read that a site review would not be required if the quarry operators left a 200 foot buffer of trees to reduce the effect of such things

as noise, blight, and dust. Lost Creek Rock Products agreed to this provision in their application for a mining permit but then exploited a loophole in the law by using a forestry permit to clear-cut the trees to the property lines. To remain in technical compliance with the mining permit, Lost Creek Rock Products replanted seedlings within the buffer zone. This, of course, does nothing to mediate noise, blight or dust.

Although the intent of the law is rather obvious, the letter of the law was cited by a hearings officer in denying the citizens of Dexter a site review. Since the first goal of Oregon's land use program is citizen involvement, Dexter citizens assumed that a remedy could be found through an appeal to Oregon's Land Use Board of Appeals. Unfortunately, three mining advocates on the Lane County Commission (Faye Stewart, Sid Leiken and Jay Bozievich) intervened on behalf of Lost Creek Rock Products by voting to drop Lane County's appeal to LUBA.

Dexter's options at this point are limited. We can bypass the collusion between county commissioners and industry by taking the case to federal court under the Endangered Species Act or the Clean Water Act, but these cases are very expensive and usually involve expert witnesses



Photo: John Bauguess

testifying against expert witnesses. A multimillion-dollar venture like Lost Creek Rock Products can afford to buy a lot of expert witnesses. Another option would be to work to change the political landscape. This task may prove equally daunting because mining and timber interests have deep pockets and a history of channeling significant resources to politicians willing to preserve the privileged status of mining and timber.

Candidates who favor more balanced and environmentally sustainable policies usually encounter financial disadvantages in elections. As Dexter residents learn more about the structural and political constraints on their ability to democratically influence what happens to their heritage, the beauty of their rural community, and the quality of life country living affords, they are becoming increasingly committed to getting the Dexter story out to a wider audience.

It may be too late to save Parvin Butte as a mountain, but we might be able to transform it to a symbol – a beacon bright enough to warn other communities of the imminent danger that large corporations and their political front men pose to rural communities.

Pete Helzer

Sculptor and neighbor
Dexter, OR

Water, Water Everywhere

And if Greg Demers and Melvin McDougal have their way there'll not be a drop to drink in Goshen, Pleasant Hill, Creswell, Saginaw and Cottage Grove except that supplied by Willamette Water Company (WWC).

Already providing water to some 170 residences and businesses from Glenwood to Goshen, WWC, as a quasi-municipal company, applied for and was granted a water right of 34 cubic feet per second, or 22 million gallons per day, on the McKenzie River by the State Department of Water Resources (WRD). This is a prodigious amount of water to allow to be withdrawn from a Class 1 – fish-bearing – waterway already heavily impacted by streamside development and existing water rights – not to speak of declining runoffs from shallower snow-packs expected in the near future as a result of global warming.

Even so, Demers objected to a provision in the right that would require a reduction in the draw during the summer months, when flows are low, to protect aquatic species such as threatened spring Chinook.

While applying for 34 cfs more, WWC has used only .43 cfs of a 4 cfs McKenzie right granted to the company 20 years ago. Nevertheless, the Water Resources Department allowed the company several extensions. In March 2010, WaterWatch of Oregon challenged the 34 cfs water right as speculative and unjustified, given that the company has no identified customers in the south Lane corridor it has targeted as a water market.

Though speculation is not allowed under state law, the state nevertheless "encourages the development of water resources." In fact the WRD viewed Willamette Water as a regional provider "in lieu of or in addition to EWEB" that could also enter into agreements with Eugene, Springfield, Veneta, Lowell, Goshen and Blue River. Little wonder, then, that water rights are routinely extended and rarely lost.

What do a private water company, Eugene's public utility and the majority on the

Lane County Board of Commissioners have in common? The desire for and an apparent willingness to work together to further growth in order to justify further exploitation of natural resources, water chief among them.

Since 1972 the Eugene Water and Electric Board has sold water piped from the McKenzie River to WWC, who retails it to the company's customers in Glenwood. And the City of Veneta's plans for growth depend upon a 9.7-mile pipeline proposed to connect with EWEB's waterline in west Eugene.

For their part, at an October 20, 2011 meeting County Commissioners Stewart, Bozievich and Leiken backed a resolution to support WWC's McKenzie water right application with the goal of developing Demers' and McDougal's market for them. Their work plan's highest priority is to pave the way for an urban level of commercial/ industrial development in Goshen.

The McDougal brothers own nearly half the land in Goshen that the Board majority is seeking to urbanize with a Goal 14 exception. Currently zoned rural industrial, their land would be rezoned to campus industrial – allowing retail such as big box stores and call centers – and surely increase in commercial value. Commercialization of the Lane Community College basin, where the McDougals own land – as does land speculator John Musumeci – is also high on the Board's list. In fact Bozievich chastised the City of Eugene for its proposed southwest UGB expansion, boldly stating that it's common knowledge the LCC area should be the first consideration. On Wednesday, May 16, the Eugene City Council decided to look into the Russel Creek basin across from LCC for possible development expansion.

In the markets the Board majority would open, WWC and EWEB are poised to plunder and co-opt the most precious resource of the commons: its water.

Willamette Water Company, however, suffered a setback April 27 when the Administrative Law judge hearing the WaterWatch appeal denied the company's permit to take 250 gal/sec from the

McKenzie River. The judge found that WWC had overestimated the population it would serve by 20% and "double-counted" the commercial and industrial demand.

Furthermore, WWC failed to account for a decline in use resulting from conservation measures. Not surprisingly, since the company proposed a 40-year time line to maximize or "perfect" its right, and had no identified customers, it could not demonstrate actual use and therefore could not meet the requirement for a quasi-municipal user of five years for completion.

Moreover, as the administrative judge observed, "The company has not determined what, if any, water conveyance facilities it will need, where they'll be, where the places of use will be, or whether water will be treated or untreated or both. Since neither the company, nor the [Water Resources Department] identified any objective measures governing the Department's review of demand and development progress in the future, approval amounts to an approval of speculative use." The law requires "actual beneficial use without waste." Apparently, the Water Resources Department considered Willamette Water Company exempt from this requirement.

Meanwhile, EWEB is seeking ways to perfect its 300.8 cfs of water rights – of which it has used less than 100 cfs – by supplying water to Veneta and possibly, in the next 20-40 years, to Creswell, Junction City and Coburg. EWEB owns one of the five points of service that Willamette Water Company was seeking to use in its south Lane scheme.

As Canadian author, Maude Barlow, reveals in her book, *Blue Covenant, The Global Water Crisis and the Coming Battle for the Right to Water*, the monopoly of water supplies by private companies and governments is a worldwide epidemic accelerating depletion and leading to social control and exploitation.

We need look no further than our own Lane County.

Robert Emmons

LandWatch Sues to Protect Endangered Species From Veneta Growth

Veneta wants to grow. The Eugene Water and Electric Board (EWEB) wants to help – and grow itself in the process.

In 2010 Veneta was offered a \$13,033,000 loan and a \$2,649,000 grant by U.S. Department of Agriculture Rural Development to construct a 9.7-mile pipeline from EWEB's waterline at Greenhill Road and Hwy 126 to obtain the water it doesn't have to grow toward Eugene. EWEB is eager to partner because the water it supplies would use some of its large and largely unused water right on the McKenzie River. It would also help it become a regional water supplier. At the same time, the City of Eugene is targeting west Eugene for a proposed expansion of its Urban Growth Boundary.

Rather than undertake a more rigorous Biological Opinion, the City of Veneta offered only an "Environmental Report," claiming that the proposed project would have no effect on four endangered species in its path: Fender's blue butterfly, Kincaid's lupine, Willamette Valley daisy and Bradshaw's lomatium.

As construction of the pipeline depends on federal funding, in December 2011, with the help of attorney Sean Malone, Landwatch filed a notice of intent to sue the USDA and U.S. Fish and Wildlife Service pursuant to the Endangered Species Act and the Administrative Procedures Act.

The pipeline will pass through the West Eugene Wetlands, including a Critical Habitat Unit for the Willamette Valley daisy, and impact wet prairie habitat, of which only

one half of 1% remains. In its suit, LandWatch avers that, by failing to consider all areas affected by the project and not merely the immediate area involved in the action, Veneta's "report" was too limited – "arbitrary and capricious" – to account for "indirect, interrelated and cumulative effects from urban, suburban, commercial and industrial development." Specifically, the assessment failed to acknowledge any effect on the endangered species in endangered habitat from development the waterline will spur in Veneta and from the growth already projected for West Eugene.

The USDA responded by expanding the area of impacts that must be considered and by admitting that the pipeline would "affect, but not adversely affect" the four endangered species. However, it eschewed any consideration of indirect, interrelated and cumulative effects, such as increased traffic and other urban and suburban impacts over the next 20 years, on an ecosystem almost eradicated by these toxic consequences of growth in the last 20 years.

On May 11, 2012, LandWatch's attorney sent a letter to USDA Rural



Fender's Blue Butterfly



Bradshaw's Lomatium

Development regarding the agency's failure to consider cumulative and indirect effects from the expansions of Veneta and Eugene that "will further reduce habitats for Fender's blue butterfly, Kincaid's lupine, Willamette Valley daisy and Bradshaw's lomatium, as well as result in increased traffic that threatens the Fender's blue butterfly." Mr. Malone concludes, "If the agency does not indicate its intent to prepare a supplemental NEPA [National Environmental Policy Act] analysis within 14 days from the date of this letter then LandWatch intends to file suit in Federal District Court ... to ensure that the appropriate environmental considerations have in fact been considered."

In response the USDA said it intends to do nothing more. Accordingly, LandWatch filed suit in District Court on May 30, 2012.

The City of Veneta has said that it intends to break ground to take EWEB-McKenzie water by early August 2012.

Robert Emmons



Willamette Valley Daisy



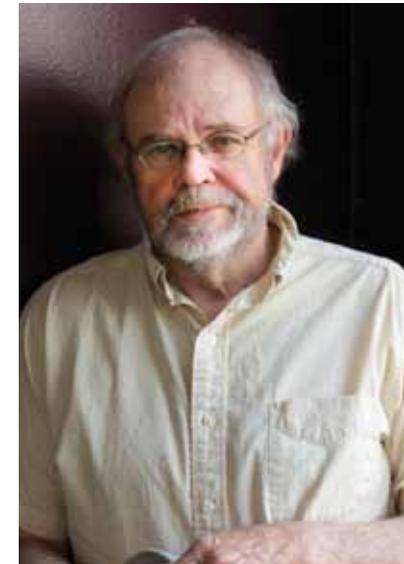
Kincaid Lupine

John Bauguess was born in Eugene, Oregon and has lived in Lane County most of his 68 years, working for more than 40 years as a photographer. For the past year and a half he has been a volunteer photographer for the Dexter-Lost Valley Community Association effort to stop the eradication of Parvin Butte in the community of Dexter, 20 miles east of Eugene.

EWEB Affirmed as Independent Contractor

In 2009 when EWEB contracted with the City of Veneta to provide a connection in west Eugene for the city's proposed water line, the utility acted as an independent decision-maker. LandWatch, Friends of Eugene and the City of Eugene challenged EWEB's status, asserting that it is bound by city charter to negotiate with the City of Eugene on such matters and is dependent on the city's support.

On May 16, 2012 Lane County circuit court's decision that EWEB could serve as a regional water supplier independent of the city's authority was affirmed by the State Court of Appeals.



Interview With Photographer John Bauguess

LW: You grew up in the Dexter area and have lived there much of your life. We understand that your parents were native to the area as well. What are some of the stories that you heard from your folks about the land and way of life when they were growing up? How were they employed?

JB: My mother was a schoolteacher, and my dad labored on farms, in forests and mills, and on highway maintenance crews during his working years. He grew up on the Osage Indian reservation in Oklahoma, and his family moved to Oregon during the Great Depression to find work. Along the way, they cooked in an iron skillet that I inherited and still use today.

In World War II my father was in three major campaigns in the South Pacific and received two bronze stars. In the late 1940s until the early 70s he worked on the road crew for the Oregon Department of Transportation. It was a good job, but I well remember many times when he came home after a day of spraying herbicides, his clothing drenched with

chemicals, long before such exposure to workers was prohibited. He had to undress when he entered the house.

My father and mother were married in 1937 after a period of dating that included one Sunday afternoon when they put on their best clothes and walked along the flume that used to carry logs along Lost Creek to the mill in Dexter. He was a flume walker, an inspector for the logging company, and she was impressed.

Both of my parents, Roy and Annette, lived on farms and were always close to the land. My mother grew up on a 52-acre farm at Trent, Oregon on the edge of what is now Bristow Park. Her family raised crops they delivered with horse and wagon 20 miles into the farmers' market near the current Saturday and Farmers' Markets in Eugene. As a little girl my mother used to climb to the top floor of the Tiffany building and look down on the market. Both parents loved the beauty of Oregon.

My mother passed away in 2004, but she recently surprised me. Last year I found a 1926 Eugene High School yearbook with a note to me slipped in between pages. "You probably didn't know I was a conservationist from way back," my mother had written. "Look under the picture." There was my mother, secretary-treasurer of the "Royal Knights of Nature."

LW: As an artist you've photographed how rural landscapes, many of them in Lane County, have been influenced by the people in them and vice versa. Your photos of common – and uncommon – folk are often humorous and poignant, and your images of county countryside impacted by callous development are tinged with pathos. Over the last forty years you've recorded the edges where urban meets rural and elements of the transformation of rural farmland, forest land and natural areas into urban and suburban sprawl. What were some of your

(Bauguess Interview, continued on page 6)

(Bauguess Interview, continued from page 5)

first photos? How did your knowledge and admiration of the work of other photographers influence your work?

JB: In the early 1960s I took two photography classes from Bernie Freemesser, an inspiring man who deeply loved Oregon. Bernie introduced his students to the styles of photographers who documented people in urban and rural landscapes. Some of the photographers who influenced me included those in the Farm Security Administration (FSA), the federal agency that sent a team of a dozen or so photographers across America to record poverty and the human-inflicted damage upon the land. This moved Congress and President Roosevelt to create programs to deal with The Great Depression. I learned from their work that not only is it important to document subjects but also to create images that are graphically strong to attract attention.

I studied the work of these photographers, including Dorothea Lange and Walker Evans, and other greats such as Cartier-Bresson and Robert Frank. I emulated their styles and eventually achieved my own, heavily influenced by these photographers whose choices of subjects interested me – mostly the relationship between people and their environments.

One of my favorite projects was in 1976-77 when I worked with folklorist and fiddler Linda Danielson of Eugene. She hired me to work on the Oregon Old-Time Fiddler Project, a traveling exhibition that included photographs, Linda's recorded interviews and the music of fiddlers. The collection traveled to museums and civic centers throughout five western states. The FSA photographs greatly influenced how I photographed the subjects in their homes, campouts, picnic grounds and community centers.

LW: *You've been an environmental advocate for many years. What's the*

relationship between your work as a photographer and your environmental advocacy?

JB: As one who frequently travels the back roads of the Willamette Valley, I notice many changes in the landscape. For example, one photograph I took shows the top of a large, almost mansion-like house looming over the horizon of a hill overlooking a farm valley that had until then been undeveloped. This became a very graphic, abstract photograph symbolic of the changes and intrusions in the Oregon landscape. It recorded reality, but it was my own photographic editorial interpretation. This image eventually appeared on the cover of a local weekly newspaper to illustrate an article about land use. Making my work available for publication – either on the walls of a gallery, business or organization – is how I try to be an advocate.

LW: *Does art matter outside the museum walls?*

JB: Many photographers capture the beauty of the landscape. Sadly, their images in museums, like animals in zoos, may eventually become the only evidence of things no longer seen in the natural world. Art matters outside museum walls because it can influence what is discussed and acted upon by the general public and in legislative assemblies.

LW: *Dexter's Parvin Butte, in your own backyard, is presently under siege by unscrupulous owners who intend to mine it out of existence. Dexter neighbors who have been trying to counter this assault for a year and a half have all but exhausted the legal channels. All along you've been photographing the butte in its many moods and failing defenses. This culminated in a recent exhibit at a local gallery that included readings by local poets and a large audience of viewers and listeners. Given your experience of the Parvin Butte issue over the last year, how might your photos fare*

in the court of public opinion and the narrow hallways of the political arena?

JB: I grew up in Dexter. A view of Parvin Butte has been part of my backyard life for as long as I can remember. The butte is an important geographic icon, twice the height of Skinner Butte in Eugene. Just as Skinner Butte is important to Eugeneans, so is Parvin Butte to the citizens of Dexter and Lost Valley. Dexter residents, artist Pete Helzer, poet Carter McKenzie and I collaborated in the creation of an exhibit at Maude Kerns Art Center to create widespread interest in the destruction of the butte. Local citizens were given an opportunity to see the effects of the gravel mining operation upon the butte, a 30-million-year old silent witness and victim in the middle of our community.

Hopefully, we will find a location to show the work in downtown Eugene or Springfield. The more the work is shown, the greater the opportunity to build public opinion in our favor.

LW: *Reflecting on your experience as an environmental advocate in the political arena and with the land use regulatory system, and considering the move to the far right on the most powerful decision-making body in Lane County, the Board of Commissioners, what do you see as the future for land use in the county, and how might you as a conservationist and artist-photographer better influence it?*

JB: Photographer W. Eugene Smith said photography is a small voice, but an important voice that can perhaps – just perhaps – create change and right a wrong. His photo essay on mercury poisoning in a Japanese fishing village is certainly powerful proof of his dedication to photography as an influential voice. Regardless of whether we are considered “art” photographers, straightforward documentation is important.

(Bauguess Interview, continued on page 8)



Slash-burning a Dexter neighbor's view

Photo: John Bauguess



Tree Buffer Zone Left by Demers and McDougals

Photo: John Bauguess

(Bauguess Interview continued from page 6)

I think some of the strongest visual evidence has been the work of Parvin Butte neighbors who have taken photos and videos and recorded the noise pollution of heavy mining equipment banging against rock. Without this evidence county legal officials would not have been sympathetic to our cause. Unfortunately, right wing county commissioners Bozievich, Leiken and Stewart voted against us.

In the face of such callous disregard for the health of the people and the environment, we will continue to preserve our images and have our cameras ready to record what we see to present in the court of public opinion – and someday, perhaps, with success in a court of law.



Photo: John Bauguess

The remains of the day



Photo: John Bauguess

Landwatch Files Enforcement Order Against Lane County

In November 2011, Landwatch filed a Notice of Intent to Petition for Enforcement with Lane County's Land Management Division (LMD). This procedural action was followed by the formal filing of a Petition for Enforcement with the Land Conservation and Development Commission (LCDC) in February 2012.

The right for a citizen or an organization to petition LCDC for enforcement is established by Chapter 197 of the Oregon Revised Statutes (ORS) and by the Oregon Administrative Rules. A person may petition the commission for enforcement if a local governmental body exhibits a pattern or practice of decision-making that violates an acknowledged comprehensive plan or land use regulation. "Pattern" and "practice" of decision-making is defined in an administrative rule.

In this case, Lane County's Land Management Division exhibits an unlawful pattern and practice of decision-making by:

- Failing to meet application processing deadlines established by statute and Lane Code
- Granting extensions for non-specific periods of time that in total exceed 215 days
- Failing to void an application on the 181st day after first being submitted when an applicant has been notified of missing information and has not submitted, or indicates in writing that he or she will not submit, the required information.

These failures allow and often result in

an applicant filing a petition for a writ of mandamus in Lane County Circuit Court, an action authorized by ORS.

A writ of mandamus is an extraordinary court order because it short-circuits the land use process, being issued by the Circuit Court before a case has concluded at the local governmental level. Additionally, the burden of proof shifts from applicant to opponent, yet no new documentation is allowed in the record. Based on LandWatch's experiences with Lane County Circuit Court, this process is significantly skewed in favor of an applicant.

The Notice of Intent to Petition for Enforcement to the LMD identified several instances over a period of several years in which the LMD failed to meet statutory requirements for application processing. These failures resulted in applicants filing in Circuit Court for a writ of mandamus. The Notice also identified and explained the legal remedies the Board of Commissioners and the LMD should take to correct the pattern and practice of noncompliance.

As required by statute, the LMD had 60 days to respond to the Notice prior to a Petition for Enforcement being filed with LCDC. Following the recommendation of the LMD, which asserted there was no basis for an enforcement order, the Board of Commissioners voted 3-2 to ignore it.

Prior to the filing of the Petition for Enforcement with LCDC in February 2012, LandWatch identified over sixty additional instances of the LMD failing to comply with applicable statutory application processing requirements. Over the last three years LandWatch has shown that the county has issued a land use decision within the 150 days required by statute only 18% of the time when land use requests involved an appeal to the Hearings Official. Despite this, Lane County legal counsel says that the

Land Management Division admits no wrongdoing.

The Department of Land Conservation and Development (DLCD) has not yet responded to LandWatch's Petition for Enforcement. Should DLCD and LCDC determine the Petition for Enforcement has merit, the parties will then have the opportunity to present their arguments at a public meeting before the Commission.

Lauri Segel



Photo: John Bauguess

County's failure to meet application processing deadlines often leads to sprawl.

From Raising to Razing: Cottage Grove Landmark Prescribed Bitter Pill

Land use and historic preservation are not often spoken of in the same breath, but when a historic landmark is threatened with demolition the two become inextricably entwined.

The Rice-Cochran Complex is its formal name, but everyone who knows the place refers to it as the Dr. Pierce barn. It's a beloved Cottage Grove landmark, listed on the National Register of Historic Places not because the barn itself is unique but because the advertisement for Dr. Pierce's Pleasant Pellets prominently painted on the barn's most publicly visible facade makes it an excellent example of barn advertising popular during the early to mid 20th century.

The barn stands where it was built circa 1900 on the John Cochran land grant of 1852. Over the years, though, the original 640-acre parcel has shrunk to what remains today: a 1.5-acre parcel with the barn and a home surrounded by railroad tracks, a dirt road and a busy overpass, a block away from a shopping mall on Highway 99 in the midst of Cottage Grove.

When the lettering on the barn began to fade 20 years ago, a compliant, if indifferent, owner allowed the local historical society and various community members to raise money to repaint the letters and do some needed repair work to the barn in exchange for a 20-year easement that would allow maintenance access to the structure.

The 20 years went by, the easement expired, and a new owner took possession of the property with the inten-

tion of tearing the barn down to build multi-family housing. The property's listing on the National Register did not deter the new owner; he viewed it as merely another obstacle to overcome before he could get his permit to build.

When the application for the demolition was filed and hearings were held, there was tremendous community outcry. Letters were written. Testimony was presented. Meetings were held. A Facebook page was started (and still exists). The Historic Preservation League of Oregon named the barn one of the "Ten Most Endangered Places in Oregon."

Media descended and "Save the Barn" became a community preoccupation. But, as anyone concerned with land use knows, community outcry is not enough. It's the land use code that typically determines the outcome.

The Keeper of the National Register of Historic Places, an employee of the National Park Service – the agency that oversees the National Register listing process – issues guidelines for the treatment of properties listed on the Register. However, implementation of these guidelines is left to local jurisdictions. In Oregon, protection of historic features is addressed in Statewide Planning Goal 5.

The City of Cottage Grove's Development Code does cover historic landmarks, including those both locally and nationally listed. The code also includes language governing the demolition of historic properties, but no one had ever filed for a demolition permit before.

On paper the code seemed to provide adequate protection, but when put to the test in real life it was sorely lacking. Cottage Grove's code lays the burden of saving historic properties entirely on the community. To that end, the Save the Barn group thought

an appraisal would be a good place to begin negotiations to buy the property. The owner was under no obligation to provide any documentation regarding his purchase of the property, or any basis for his asking price – which was continuously changing, never in writing and always way above what the property was worth – so the Save the Barn group had to arrange and pay for an appraisal.

There's a timeline for the demolition process, but in our case bureaucratic errors cut it nearly in half. A drastically shortened timeline combined with an obstinate property owner meant community members were unable to reach an agreement, and the demolition permit, which may be renewed in perpetuity, was issued.

The process served as a wake up call for Cottage Grove, which increasingly sees itself as valuing and promoting historic preservation. In fact, the city will be honored this year with a Preservation Excellence award for restoring the city-owned Chambers Covered Railroad Bridge. But when it came to protecting a privately held historic landmark listed on the National Register the code was too weak.

We are working to strengthen it – a bit of research yielded numerous more rigorous approaches taken by other cities that we will attempt to incorporate in Cottage Grove's code. As a result, the Cottage Grove Historic Landmarks Commission is reviewing proposed changes to the historic property demolition code right now. The revisions are on track to be incorporated into the code by the end of this summer.

While we are confident code improvement will help protect historic properties in the City of Cottage Grove in the future, what about protections for historic properties in other parts of Lane County? Demolition language

in the Lane Code is far weaker than the language that allowed the demolition permit for the Dr. Pierce barn in Cottage Grove. Is historic preservation even on the county's radar? Let's not endure the loss of another beloved and historically significant landmark before we find out.

Cathy Bellavita
Cottage Grove



Postcard may be all that's saved of Cottage Grove landmark

