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Dr. Kitzhaber's Oregon Health Plan



Promoting and defending Oregon's innovative land use program—soon to become a model for other states—Republican Governor Tom McCall railed against “the grasping wastrels of the land” and “local officials who cater to developers and exploiters.” In 1982, facing reporters and his open-for-business successor Vic Atiyeh, McCall quipped, “...Oregon is demure and lovely, and it ought to play a little hard to get. And I think you'll be just as sick as I am if you find it nothing but a hungry hussy, throwing herself at every stinking smokestack that's offered.”

But even McCall could not bring himself to reject the economic growth paradigm, attacking only “unlimited and unregulated” growth and calling for “healthy, imaginative, nonpolluting industry.”

When Senate Bill 100 emerged from the sausage factory of the legislature, the most visionary piece—“areas of critical state concern”—had been dropped from the bill; environmentalism and a

vision of the land as valuable in its own right were just too extreme. Even so, the bill passed only because powerful economic interests—agriculture and timber—were bought off with a huge property tax break, the farm and forest special assessment. Deals were made with other economic interests as well, including the homebuilders association and industry.

In 2011 Democratic Governor John Kitzhaber commissioned a “Regulatory Streamlining and Simplification Project” intended to “achieve improved outcomes at the lowest possible burden to the regulated entity and the state.” And for instruction in easing the burden it would look to other states.

The 91-page document released in August of this year regards the regulatory climate as a “barrier to growth,” and it calls on the state to simplify its regulatory procedures and on agencies to “treat those they regulate as customers.” Clearly, under this governor's watch Oregon will not play hard to get.

To help Oregon primp for its potential customers, Kitzhaber appointed a broad range of business and economic development representatives. Their strategy was to facilitate “one-stop” access to all regulatory and permitting processes in order to reduce, if not eliminate, interference from land use regulations and the public. The governor is particularly interested in reducing the “time and expense of urban growth boundary amendments,” in effect making expansions more predictable and easier to achieve.

Missing from the 16 advisory and 14 working group members was anyone with experience or expertise in land use protection advocacy.

The Land Use Board of Appeals (LUBA) venue is a model of accuracy and streamlining in practice. Moreover, in the last four years there have been fewer than half the number of appeals per year to LUBA than there were in the previous nine. Nevertheless, the 2010 Oregon Business Plan had called for

(Oregon Health Plan, continued on page 2)

(Oregon Health Plan, continued from page 1)

“reform of the land use appeals process to prevent endless or frivolous appeals.” Kitzhaber’s streamliners and simplifiers also saw the need to “improve” the process by raising the fee and deposit and requiring LUBA to award attorney fees and expenses to the prevailing party in a judgment.

In Lane County a land use appellant’s case goes first to a hearings official and then may be appealed to the county’s Board of Commissioners. Under state statute LUBA extends deference to the commissioners’ land use interpretations. Kitzhaber’s proposal would extend deference to hearing official decisions as well.

If appellants in Lane County wish to appeal hearing official decisions, they have the option of bypassing the Board of Commissioners and appealing directly to LUBA. Presently, LUBA affords no deference to the decision of a hearing official. Accordingly, an applicant taking into consideration the views of the Board majority and seeking judgment on land use protection based on law not bias reasonably would appeal directly to LUBA.

Although the Lane County hearings official is a lawyer and judge sworn to uphold the law without bias, he is also a Lane County employee who has worked for many years in the same insular milieu with land use planners and directors, commissioners and development consultants who have established a long-standing and dominant culture of weak regulation and land use exploitation. In that climate extending deference to the hearings official would surely result in less reliably objective LUBA decisions.

As doubtless the project members intend, this extension, in addition to increased appeal fees and the potential liability of paying opposing attorney fees and expenses, would likely limit LUBA appeals and push the public further out of the regulatory system. Goal One of Oregon’s statewide planning goals champions citizen involvement.

How would Oregon’s “demure and lovely” environment be streamlined and simplified? Landscape and wildlife conservation would be focused in the “highest priority areas where species and habitats at risk may be protected or recovered... by incentive-oriented programs that prevent the need for additional regulations”—somewhere, presumably, out of the way of business and industry. Only “important” farm and forest land would be conserved.

Like most bureaucracies, Oregon’s regulatory system would surely benefit from a little streamlining and simplifying. Consolidating some multi-jurisdictional processes and eliminating duplication, for example, qualifies as good housekeeping. However, given the skewed makeup of the advisory and working groups, the real purpose of the “streamlining and simplification project” appears to be to undermine the land use protections that, weak as they are, helped Oregon’s economy weather the recession better than other states without them.

If Dr. Kitzhaber is truly concerned about the economic and environmental health of the state he governs, he must correctly diagnose the threats to its wellbeing. Prescribing more growth stimulus to a patient already suffering from its effects is bad medicine and ought to be grounds for a malpractice suit.

Instead of pimping Oregon as a hungry hussy akin to other states, a prudent doctor would accentuate her native charms and natural health as an antidote to global warming and formula for a vital future.

Robert Emmons

Outdoor Events Venue Approved in Willamette River Greenway

Goal 15: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway. (OAR 660-015-0005 and Lane County Code 16.254)

When I moved to an area zoned RR5--Rural Residential 5 acre minimum—about three miles southeast of Creswell along the Coast Fork of the Willamette River, I was curious about what I might be allowed to do in the river frontage area. I phoned the county and asked about pertinent codes. When I mentioned that I had pruned some blackberry near the river the staff person became alarmed, almost threatening, and warned me that I may be in violation of riparian ordinances. Though surprised, I was pleased and impressed with the county’s protective attitude. Today, several years later, I’m considerably less impressed.

In a recent decision Lane County’s hearings official granted a Temporary Use Permit (TUP) to Creswell City Administrator Mark Shrives and his wife Margaret, neighbors on the other side of the river, for an “Outdoor Events Venue” on their F-2 (impacted forest) property. Called “River’s Edge Events,” the Shrives’ business, including a website, operated without a permit at least since August, 2011, utilizing a single family dwelling as a “bridal cottage” and a manufactured home as the “groom’s cabin.” A large tent erected over a concrete pad and a wooden gazebo shelter up to 250 guests. Parking is provided on a 4-acre meadow that will accommodate 100 vehicles with an overflow area for another 100.

Between mid-May and the end of September the business is permitted to host 125 weddings, banquets, graduations and other events five days a week from 10am to 11pm. Amplified music is allowed until 10:00pm, and lighting is supposed to be shut off by 11:30pm. Though it may not realize its maximum potential the venue can be expected to serve thousands of guests each year for five years. After five years the “temporary” permit may be extended five more years and so on in perpetuity.

Several neighbors argued against granting the permit for various reasons, including noise, lighting, traffic safety, and destruction of habitat. But in approving the outdoor business the hearings official imposed only a few restrictions. It’s troubling not only that the venue has tried to grandfather in “improvements,” but that it has actually been allowed to operate for more than a year without a permit, allowing the business to generate cash to fight for its approval.

Because county enforcement is effectively non-existent, monitoring compliance devolves to neighbors, a largely unwanted, often unpleasant and sometimes dangerous oversight.

The Shrives property lies completely within the Greenway. It’s located along a Class 1 stream requiring a 100-foot riparian setback, and about three quarters of it lies within the 100-year floodplain. Notwithstanding, the applicant argues that, because a TUP “minimizes” impact on the land, the TUP is exempt not only from provisions of the F-2 zone, but also regulations of the flood, riparian, and Willamette River Greenway overlay zones. While acknowledging that a temporary use might do serious damage to protected resources and that the venue’s operation represents intensification of use, the hearings official nevertheless granted the permit. He disallowed two new structures, the

tent and the gazebo, only because they are not “necessary for the physical and economic welfare” of the area.

Any of three conditions triggers the need for a Greenway Development Permit: “Change of use” of the land different than that which existed on December 5, 1975; “development” such as structures and physical changes in the use or appearance of the land; and “intensifications” of activities and use. Lane County’s Planning Director decided that none of these triggers apply.

The hearings official disagreed but said that “whatever inconsistency exists between the [county’s] code and the [state] administrative rule [providing the standards for riparian setback, flood hazard and Willamette River Greenway regulations] is shielded by the [state’s] acknowledgment of compliance of the Lane Code and Rural Comprehensive Plan.... Even if the regulations cited by opponents were applicable, this hearings official has no authority to apply them in the context of this application.” His decision in favor of the applicants has been appealed to the Land Use Board of Appeals (LUBA).

Past developments on the Shrives’



One of the unpermitted structures on the Shrives’ property in the Willamette River Greenway

property have contributed to today’s problems. In the 1990s, under a previous owner, a house was built close to the river and the owner altered the shape of the river embankment and destroyed riparian vegetation. He was required by Lane County to restore the vegetation and the responsibility was passed to the present owners, the Shrives. However, instead of restoring the riparian corridor the Shrives have groomed the formerly natural area to create a lawn for staging their activities. So far the county has not acknowledged the damage and misuse.

The Willamette River Greenway belongs to the citizens of Oregon. It extends 300 miles from the Columbia River to Dexter Dam on the Middle Fork of the Willamette and Cottage Grove Dam on the Coast Fork. Unfortunately, Greenway ordinances do not prohibit development or guarantee preservation, but they do provide the tools for responsible stewardship of a rich and fragile wildlife corridor. At the very least Lane County should contribute to that stewardship by utilizing the Greenway Development Permit process to protect its lands within the river corridor.

John White
Creswell

Fight to Save Parvin Butte Continues

Several years ago residents of the community of Dexter awakened to the sound of chainsaws and falling trees around the base of nearby Parvin Butte. For decades Parvin Butte, a prominent landmark rising from the western edge of lakeside Dexter, had been a forested geologic feature quietly appreciated by local residents.

Historically significant, the butte is named after James Parvin who built his cabin overlooking the floodplain. Parvin bought the general store in 1883 and served as postmaster while his wife Serena worked the counter.

In 1949 rock was removed from the butte for use in the construction of a nearby railroad bed. Soon thereafter, Parvin Butte was acquired by Union Pacific. Lane County zoned the land for quarry mining in 1973, seemingly based on the one-time previous gravel extraction 24 years earlier.

In October 2009, companies controlled by Greg Demers and Melvin and Norman McDougal, fixtures in Lane County land development and resource extraction industries, bought the 51.5-acre butte from Union Pacific for about \$360,000. Since then they said they'd be willing to sell the property for \$30 million.

In 2010 the Department of Geology and Mining Industry (DOGAMI) issued them a permit to remove Parvin Butte from the Lane County landscape. Neighbors have been awarded front-row seats to silently witness the obliteration of a historic landmark. Imagine Eugene losing Skinner Butte or Springfield losing Kelly Butte and what it would be like to live near the mining activities.

Lost Creek Rock Products (LCRP) aims to crush Parvin Butte into a

commodity and maximize its profits by exploiting what Lane County Hearings Official Gary Darnielle has called a "poorly written" county regulation that exempts a quarry owner from negotiating with neighbors. If a 200-foot buffer of trees is left between the quarry and the neighbors, the code suggests that a site review may not be required.

LCRP stated on their application to DOGAMI that they would leave a 200-foot buffer of trees to help mitigate the effect of noise and pollution. With this assurance, DOGAMI issued the mining permit. Lost Creek Rock Products then used a forestry permit to cut the trees right to the property lines. After what remained of the vegetation in this buffer zone was scraped into piles and burned, the quarry owners planted ten-inch seedlings in order to remain technically in compliance with the mining permit.

By late 2010 neighbors rallied en masse and formed the Dexter Lost Valley Community Association (DLVCA) to fight the mining and leveling of Parvin Butte. Currently, legal actions are in play at Luba and in an appeal to the Court of Appeals to resolve site review and transportation

Embattled Parvin Butte

Photo by John Bauguess



issues relative to mining activities. Since 1973 when Parvin Butte was zoned for quarry mining the community has grown up around it. Dexter's post office is about eight-tenths of a mile from the butte and 350 dwellings exist within 2000 yards of the quarry site.

To add insult to injury, Lost Creek Rock Products aspires to gouge rock from Parvin Butte at the rate of 20-plus rail-car loads a week, crush it, truck it to west Eugene, load it onto rail cars and haul it to the Oregon Coast on the Coos Bay line.

The prospect of living for years – and possibly the rest of their lives – with the noise and dust from drilling, blasting, crushing, loading, heavy truck traffic and of losing the once lovely butte is devastating to Dexter–Lost Valley neighbors. It's made them even more determined to continue their fight to save the butte and their rural life styles.

You can help. Contributions to Dexter Lost Valley Community Association can be sent to:
PO Box 89, Dexter, OR 97431

Nena Lovinger



Interview With John Sundquist

John Sundquist has been farming 33 acres of fruit, vegetables, bamboo, nuts and seeds five miles north of Coburg since 1983. He has been involved in forest poisoning issues and restoration since about 1970, and has been active since 1996 in efforts to stop reckless roadside poisoning in Lane and Benton counties and along all state highways.

LW: *What is your agricultural background?*

JS: My father worked for the USDA Soil Conservation Service, and I was three in 1951 when he transferred to the territory of Hawaii to advise the sugar cane and pineapple plantations and cattle ranches.

I've always liked gardening and working outdoors, and always wondered what caused the natural world to exist. If I could have understood it at the time, my question was answered forty years ago by my late father-in-law, Richard Bennett Parker, then head of microbiology at OHSU Dental School, who told me, "It's bugs, microbes, tiny invisible critters everywhere...." He retired from teaching and started producing beneficial microbial—probiotic—products: animal food supplements, yogurt and inoculants for hay, silage, seeds and baby chicks.

He helped Marsha and me start farming.

LW: *What role have you played in the local food movement?*

JS: Since about 1985, I've maintained to anyone who'd listen that we must eat locally or prepare to starve and that all children should learn how to garden. I wholeheartedly support urban farming and community gardening.

LW: *You've been a strong advocate for non-toxic roadside vegetation management in Lane County. What's been accomplished?*

JS: It took a determined citizen effort, but Lane County has not poisoned its roadsides since 2003, directly reducing costs and pollution. However, illegal poisoning of county roadsides by adjacent property-owners is officially ignored by the county.

The Oregon Department of Transportation (ODOT) and most other Oregon counties continue having roadsides that are dangerous, expensive, ugly and chemical dependent. ODOT still poisons state-maintained federal roads, including I-5 and 101, and directs massive amounts into urban areas and along our rivers.

LW: *What are some of the things you've done to introduce people of all ages, especially children, to the principles and practices of agriculture?*

JS: Farm tours since 1987, Head Start gardens since 2000.

LW: *You've been interested in early childhood environmental education and community food security. What are some of the things you've been doing and thinking about lately that realize those interests?*

JS: I'm organizing an early childhood environmental intelligence work group for integrated curriculum development, working with Head Start of Lane County to improve gardens and teaching aids, planning a "learning farm" educational facility-- and I'm incessantly politicking.

LW: *What's new on the farm this year?*

JS: Inside the Living Organism" is the theme this season for pre-school harvesters looking for apples, pumpkins and broomcorn. Typically we walk over the Round Rock Road toward the first of the Bamboo Jungles, where we go deep "Inside the Living Organisms That Started Out As One Seed!" We look for chicken eggs and feed the horses some bamboo, hearing that those animals, just like people, are living organisms filled with trillions of other living organism that are too small to see but essential to our health.

When we put food in our mouths we are feeding not only our human cells but also the over 10,000 different species of microorganisms that are living in us. Organisms that eat together are called commensals. All the other organisms we'll see – bamboo, chickens, dogs, horses, cows, bugs, worms, trees, shrubs, vegetables, grass, mushrooms – are commensals, too.

Children need to feel and understand how the natural world operates, and how real life occurs inside and around them. The problems they'll face—famine, resource degradation, pollution, climate change, emerging diseases and antibiotic resistance—demand biological answers.

LW: *You've talked about the Hygiene Hypothesis. What's that?*

It's the realization in public health that sterile modern urban environments deprive children of exposure to microbes essential to their immune system development, and this deprivation is the probable cause of the explosion of childhood auto-immune diseases.

Technological advances and cost reductions in microbial DNA analysis have shown that ants,

(Sundquist Interview, continued on page 6)

(Sundquist Interview, continued from page 5)

whales, watersheds and oceans are interconnected networks of microbial communities. All the earth's nutrient-cycling multiple-species microbial networks are constantly communicating through chemical, electrical and DNA exchanges, just like in our bodies.

There are at least ten microbial cells inhabiting us for every single "human" cell, and the total DNA in our micro-biome is at least 150 times greater than our "human" DNA. Our bodies depend on microbial enzymes to digest our food. Exposure to specific microbes seems critical to our correctly developing immune systems. Essential components in mother's milk are not available to the infant without pre-digestion by microbial colonies arriving after birth. Antibiotic treatments resemble using a bulldozer to weed your garden—they gouge a huge path through our internal teams.

As scientists study the functions of microbial networks in world life-support systems, they compare differences between microbial assays from human-managed land and buildings and natural areas. They know that the next human pandemics can come from diseases such as SARS, AIDS, Ebola, Marburg and West Nile that originate in areas disturbed by humans.

LW: *You aver that children can't rely on farmers to grow their food. Why not?*

JS: Oregon's children are already the hungriest in the nation, and their current food supply demands huge constant inputs of fuel and chemicals that could be interrupted anytime. Forest lands that supplied food and medicine for thousands of years have been eliminated and replaced by chemical-dependent mono-cultures.

The Oregon Forest Practices Act (OFPA) reliably destroys soils, biodiversity and water quality on

state and private lands, and now this destruction is planned for our publicly-owned Oregon&California/BLM lands. The DeFazio/Kitzhaber timber plan would privatize much of the O&C lands and manage them under the OFPA. These publicly owned BLM checkerboard lands are the last refuges of biodiversity surrounded by eroded and poisoned corporate tree farms.

No place in Lane County is free from the risk of poison spray drifting from helicopter applications, and the state prevents families from discovering when they will be poisoned. Oregon constitutional rights of redress have been taken by the timber and chemical corporations through their lobbyists and politicians. The corrupted state agencies charged with protecting citizens collude with the poison industry. Oregon's preemption laws – ORS 634.057 and ORS 30.934 – prohibit our local governments from protecting our children.

Please check out this legislative perspective from the Farm Bureau--www.capitalpress.com/content/

John Sundquist and a crop of potential farmers



ml-legislative-outlook-111612

LW: *Considering Lane County's weak regulations and administrative and political bias toward development at any cost, what can be done to restore and maintain the county's health?*

We have to stop poisoning and start nourishing our soils, waters and biodiversity. We must end helicopter poisoning in Lane County, which means we have to defy preemption laws and assert our constitutional rights to defend our children and their future.

The issues must be defined clearly, persuasively and truthfully. Electing good political candidates is essential, and we should consider initiatives and charter amendments.

The basic concept of both economics and ecology is that everything is connected. At last we know how. In the real world there is no separation of children's health, community health, watershed health and economic health—they are simply aspects of the same health.

The environment is our economy.

The Be Noble Amazon Headwaters Project

A community effort is underway to protect the headwaters of Amazon Creek and 26 acres of the natural sloping woodland area that serve to shelter and filter the springs and rivulets that issue from it. Three main branches of the Amazon Creek system are encompassed by the property. Understory plants cloak evidence of occasional landslides in this wetland environment. Mature trees, including black cottonwood, big-leaf maple, Oregon ash, willow, and a few ponderosa pine, contribute to the forest habitat of birds, aquatic creatures, small mammals and deer.

This tranquil watershed also accommodates hikers, amblers and joggers on a low-key network of trails within easy walking or bicycling distance of Martin Street, Fox Hollow Road and Spencer Butte.

Nearby resident Erin Noble grew up exploring the surrounds of the Amazon headwaters. About ten years ago when he realized that the land, owned by Martin and Leslie Beverly, was envisioned as a residential development, Erin told his parents, Deborah and Peter, that the slopes should not be paved and built over but should be preserved as natural habitat and the birthplace of Amazon Creek.

Early last summer, before Erin's untimely death in a small plane crash at age 27, an accident that took three other lives as well, Erin was seriously planning with his mother to dedicate himself to the protection of the Amazon Headwaters area. Since then many people in the community have stepped up to help realize Erin's dream.

Public awareness of the importance of natural resource protection is growing. During the past fifteen years Eugene citizens have lobbied the City to acquire the Amazon Headwaters property for parklands and as a link between the Ridgeline Trail system and the Amazon Creek greenway in Eugene.

Applications for Planned Unit Developments on the property by the owners were filed in 1999, 2000 and 2006. According to a letter received by a Eugene hearings official in August 2012, "The 1999 West Creek PUD application was withdrawn after a negative staff report. The 2000 South Park PUD application was denied due

to compliance issues. In 2006, the first Deerbrook PUD application was withdrawn when the City Planning staff report recommended denial."

In November, Martin and Leslie Beverly appealed a hearings official decision denying them a permit to develop. The outcome of this appeal is unknown at the time this article went to press.

In the meantime, to commemorate Erin the Be Noble project seeks a way to secure and protect the Amazon Headwaters property as nearby nature for everyone's enjoyment.

Nena Lovinger



Main stem of Amazon Creek in the Amazon Headwaters area

Planned Development In Forested Watershed Crowds Eugene UGB

Environ-Metal Properties, LLC of Sweet Home, Oregon, has submitted a Planned Unit Development (PUD) proposal to the Eugene Planning Department for up to 121 acres at the southern end of Laurel Hill Valley adjacent to 30th Avenue. The property is bounded on the west by the Ribbon Trail to Hendricks Park and abuts Hendricks Hill and East Ridge Village to the north.

The first phase would involve about 40 acres that contain the water resource corridors of the headwaters of Laurel Hill Creek. To comply with the setback codes governing this Goal 5 Natural Resource, the PUD would be able to use 25 to 30 acres for building 408 dwelling units in some type of townhouse and apartment building complexes. The second phase would consist of 200 single-family dwellings on separate lots located to the east of the first phase. Although the proposed development might result in compliance with the letter of the law, it makes a mockery of preserving natural resources.

At present there is only one available access to the steep, forested watershed of Laurel Hill Creek: the Spring Blvd overpass. The access road is immediately to the north of 30th Avenue and then east, dropping down and paralleling 30th. The developer has been granted use of this former county property as the result of a deal made by the previous owners, the McDougal Bros., in trade for their work in 1996 to shore up 30th Avenue after it collapsed just east of the overpass.

Because of the proximity of the access point to Lane Community College and the fact that the entire first phase of the development consists of multi-unit housing, many neighbors suspect that it might be courting Lane students and faculty. This is consistent with the current push by Eugene and the State to establish a nodal development area to the southeast that would encompass L.C.C. and include Goshen as an industrial complex.

Concerned residents in both the Fairmount Neighbors Association and the Laurel Hill Valley Citizens have begun preliminary meetings, and a subcommittee has been formed to discuss the proposal. Because their property would be heavily impacted, the Obsidians, a hiking and climbing club whose lodge is located immediately to the west of this PUD on four and a half acres across the Ribbon Trail, have also been actively involved in these preliminary meetings.

The PUD application is still deemed incomplete. The developers are required to meet with nearby neighbors again, since their first presentation on March 20, 2012 differed markedly from the proposal submitted to the city. That meeting has not been scheduled.

Consensus seems to be that the projected multi-family housing density is inappropriate for the site and incom-



Site for 408 multi-family dwelling PUD in the Laurel Hill Creek watershed

patible with nearby neighborhoods. Some people are concerned about the considerable increase in traffic entering and leaving already heavily trafficked 30th Ave. Others are concerned about the impact on the Ribbon Trail, since it is directly adjacent to the PUD. Where now bike traffic is prohibited, the trail could become a potential bike route to the UO.

The surrounding low-density residential area is mostly single-family dwellings with narrow roads. There is a scattering of duplexes but no apartment buildings or town house groupings. None of the type of housing planned—rife in the university district—currently exists in the southeast hills.

People living in close proximity question the wisdom of inserting 408 multi-family dwellings into a rural setting when suitable space and infrastructure already exists in other areas of town. Eugene Code EC 9.8320 (13) requires that “Proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses.” And pillar #5 of Envision Eugene seeks to “Protect, repair, and enhance neighborhood livability.”

Bill Blix
Eugene

EmX Extension Project Takes A Wrong Turn

The West Eugene EmX Extension Project (WEEEP) is a costly, impractical and presently unnecessary addition to Lane Transit District’s (LTD) Bus Rapid Transit System (BRT).

At \$95.6 million, it is over twice the \$42 million cost of the Gateway route that serves Sacred Heart Hospital, the Gateway Mall and companies along International Way. Despite costing much more, the West Eugene EmX has a smaller projected daily ridership (2000) than the Gateway route (2500).

An Envision Eugene analysis of the West 11th Avenue corridor has shown that the area will be slow in developing during the next 20 years because wetlands have reduced the buildable area and rents are low. Moreover, because of expected low return on investment, multi-story development will likely not occur.

Two transportation analyses have shown that most of what the WEEEP would accomplish – better traffic flow and less congestion – can be built for \$10-15 million by simply improving specified intersections with right-turn lanes, more coordinated left-turn lanes, prioritized signaling for buses, and better placement of bus stops.

As prescribed by the WEEEP plan, EmX buses would run in the most congested section of West 11th (west-bound lanes between Garfield and Seneca Streets) in mixed traffic 87.5% of the distance, and have two bus stops in traffic lanes.

The most cost-effective public transit route is a straight line in a dedicated “bus only” lane. However, as a result of neighbors opposing the intrusion in their West 11th neighborhood, EmX will run from the Downtown Station north to 6th Avenue, west to Garfield Street, south to West

11th, and then west to Target at Commerce Boulevard. Making this five block jog costs more to run and build because of the added distance and time. Two thirds of the operation costs are for labor that will result in a projected savings of only one minute of travel time over existing bus service.

A study paid for by the opposition shows that operating costs will be 3½ to 4 times higher than LTD states in their Environmental Analysis (EA). The added cost will jeopardize the rest of the bus system and likely result in more deep cuts in service.

Prior to the 2009-10 service reductions there were four buses traveling hourly west on 11th. However, they have been reduced by half because of duplication in routes, excessive cost and lack of ridership. Now LTD wants to run an EmX bus six times an hour, even though no additional large-scale development has occurred in the corridor. Most multi-unit housing being built south of Amazon Creek is closer to West 18th Avenue, which already has three buses per hour serving it. Walking a couple blocks to 18th is closer and easier than walking 5-6 blocks to 11th. This would make a big difference in the rain or with kids.

In 2011 LTD hired Jarrett Walker, an internationally recognized transit consultant, to study the West

Eugene EmX Extension Project, hoping to silence the critics. His report, which LTD did not include in the Environmental Assessment submitted to the Federal Transit Administration (FTA), is highly critical of the project because of its impracticality (not a straight line or dedicated lane), its cost, its lack of a destination (Target and Wal-Mart are not destinations), and its lack of potential ridership. Walker didn’t feel that West Eugene needs an express route like the ones that link the downtown station to Springfield and to the Gateway Mall and Sacred Heart Hospital at RiverBend. He only tepidly supported the project because the FTA is fickle and may not choose to fund future EmX plans if the WEEEP doesn’t materialize.

Certainly, the biggest issue in the EmX plan will be the operating cost of the new line and how it would negatively affect the rest of the system. LTD’s ridership has gone up in the past few years due to the increase in enrollment at the U of O and Lane Community College. These students ride at highly discounted rates and account for 56% of all rides. LTD already has big holes in its service coverage and cannot afford to cut more routes to support an unneeded upgrade that, despite using hybrid buses, has fuel efficiency 33% less than the fleet average.

Jozef Zdzienicki and Nena Lovinger



EmX Extension Project is too costly and impractical

Kitzhaber's Timber Panel: A Clear-cut Consensus

A few years ago Oregon's timber industry sought to privatize some Bureau of Land Management lands via a "land exchange." It would have swapped private clear-cuts for public forests with the excuse of consolidating land ownerships.

The latest privatization effort is sponsored by Representatives DeFazio, Walden and Schrader, who seek to give BLM forests to industry without even getting some overcut lands in exchange. Supposedly, the BLM lands to be privatized will be those with second growth forest, not old growth. But even if this is true, the cutover lands must be allowed to grow back to old forest for there to be any possibility of reversing atmospheric carbon levels.

Governor Kitzhaber created an expert panel in October, 2012 to facilitate support for the BLM privatization. This panel is part of a broader trend to develop alleged consensus between exploiters/polluters, governments and foundation funded non-profit organizations.

Kitzhaber's timber appointees are Allyn Ford of Roseburg Forest Products, Dale Riddle of Seneca Sawmill, Jennifer Phillipi of Rough and Ready Lumber and Ray Jones of Stimson Lumber. Phillipi is also on the Governor's Board of Forestry, which sets logging policy for State Forests and supposedly regulates the Oregon Forest Practices Act – the law that allows clear-cuts on corporate timberlands.

Four County Commissioners are also part of this effort: Doug Robertson (Douglas County), Tony Hyde (Columbia), Simon Hare (Josephine), and Jamie Damon (Clackamas, not

re-elected in 2012). Each of these counties has BLM forestlands, otherwise called O&C lands (from the old Oregon and California railroad lands that became the BLM properties).

The conservation representatives hail from the more compromised part of the environmental spectrum. They're a mix of groups concerned about fish habitat and two who primarily fund other groups:

- David Dreher of the Pew Foundation (founded by Sun Oil money), a former aide to Rep. DeFazio. Pew is a primary funder of US forest protection movements, focusing on "wilderness" but not on how corporate timberlands are mistreated.
- Sybil Ackerman, a member of the Oregon Board of Forestry and director of Lazar Foundation, which funds environmental groups.
- Greg Block of Wild Salmon Center, a group that has taken funds from Mitsubishi Corporation, which clear-cuts tropical rainforest and Siberia.
- John Kober, Pacific Rivers Council.
- Bob Davison, Defenders of Wildlife.
- Jack Williams, Trout Unlimited.



Dr. Kitzhaber's BLM land management plan

Here are a few topics unlikely to be in the final report:

- The refusal of the Oregon Department of Forestry to enforce "leave trees" requirements in corporate clear-cuts.
- The public health consequences of timber companies spraying herbicides from helicopters over their clear-cuts.
- The lack of value-added products from timber operations. Where is the furniture industry in Oregon?
- Exporting raw logs to Asia instead of milling them in Oregon.
- Selective forestry, that can create more board feet in the long run than clear-cuts and tree farms.
- Kitzhaber signing a law in 1999 to eliminate "stump taxes" for timber barons with more than 5,000 acres.

The panel's facilitator is John Ehrmann of the Meridian Institute, a group that brings together corporate polluters and foundation funded environmentalists to greenwash environmental problems.

Mark Robinowitz
Eugene

Jim Just in Costa Rica



Jim Just

Long-time land use colleague and invaluable legal counsel, Jim Just, has sold his farm in Linn County and moved to Costa Rica.

As Executive Director of Goal One Coalition, Jim provided legal advice and wrote legal briefs on behalf of affected neighbors in Linn, Benton, Lane, Douglas, Jackson and Josephine counties. For many years LandWatch has depended

on Jim's incisive, far-ranging and ready knowledge of local codes and state regulations in opposing and often appealing land use decisions that threaten farmland, forestland and natural areas. He has always been generous with his land use counsel and time, and we will sorely miss his keen intelligence and steadfast advocacy.

Jim says he looks forward to living in a beautiful country with no standing army and systemic support for strong land use protections.

He'll be out of this country but not out of range; as his time and interest permit, LandWatch and Goal One expect to communicate on land use issues with Jim via e-mail.

Eugene resident and land use consultant, Lauri Segel, has replaced Jim as Executive Director of Goal One. A for-

mer staff member of 1000 Friends, Lauri is a knowledgeable professional with many years of experience as a land use advocate working with Jim Just, LandWatch and neighbors all over Lane County. We welcome her expertise and her uncompromising commitment to the protection of Lane County's native bounty, and we look forward to working with her—and with Jim—in the years ahead.



Lauri Segel