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# Willamette Farm and Food Coalition:

## Connecting and Safeguarding Lane County's Farmers and Consumers



Local Farmer Tom Hunton in Red Fife, an Heirloom Wheat

The Willamette Valley's fertile soils and long growing season support a robust and diverse array of agricultural products. This bounty is a blessing to all who live and eat here. Lane County is unique in Oregon, according to the USDA agriculture census, in that the number of farms growing food crops is actually on the rise. Food products account for 54% of total agricultural sales.

Our farmers' labors pay dividends beyond what most of us know. In addition to providing us with nutritious food, most of the farms in Lane County are practicing sustainable agricultural stewardship, making sure the soil will produce food for generations to come. And several are working to enhance and promote seed diversity, preserving heirloom varieties and open-pollination.

The Willamette Farm and Food Coalition (WFFC), a community

based non-profit, has been connecting farmers and consumers in Lane County for the past decade, with the goal of developing a secure and sustainable food system. We envision this food system as one in which our farms and food businesses are both ecologically and economically viable, our agricultural lands are supporting a larger percentage of our food needs, and all members of our community have access to locally produced foods.

WFFC serves as a community resource – promoting locally grown and raised foods, educating consumers about the benefits of buying local, responding to consumer questions, and providing critical introductions to people and businesses seeking to source locally grown ingredients. In our role as “benevolent broker,” we connect individual households, businesses and institutions directly to Lane County farms.

We view consumer support as critical to a healthy food system, and we constantly encourage consumers to be informed about what they eat. We have always touted “avoiding GMOs” as one of the benefits of eating fresh locally grown food, as the five most prevalent GMO crops (corn, soy, canola, cotton, and sugar beets) are grown in industrial operations. The fact that these industrially grown GMO crops make their way into numerous processed foods has made this a “right to know” issue. Regardless of where you weigh in on the science, everyone has the right to know what is in the food they eat. We refer consumers who want to take action to [justlabelit.org](http://justlabelit.org).

As a partner in the collaborative Southern Willamette Valley Bean and Grain Project, WFFC works to build consumer support for grass seed farms

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(Willamette Farm & Food, continued from page 1)

transitioning acreage to organic staple crops by offering farm and mill tours, educating about preparation and storage of whole grains, and organizing Fill Your Pantry Farm Direct Community Bulk Buying events. Last February, when the Oregon Department of Agriculture was moving to consider letting canola into the “protected district” of the valley as an alternative cash crop for grass seed growers, we let them know about the non-GMO alternatives being trialed by grass seed growers as part of the bean and grain project. Luckily, public outcry has gotten canola banned – at least until 2019. (Read more about the Bean & Grain project at [mudcitypress.com](http://mudcitypress.com), and more about canola in the valley at [friendsoffamilyfarmers.org](http://friendsoffamilyfarmers.org))

When we were approached in August by Ann Kneeland, regarding the proposed Local Food System Ordinance of Lane County, we decided it was time to take a stand as a farm and food organization, and we composed the following position statement.

*As advocates for healthy local and regional food systems, and in acknowledgement that the Willamette Valley is home to a premier vegetable seed growing industry, the Willamette Farm and Food Coalition (WFFC) is taking a firm stand against the further introduction of GMO crops in our valley. We recognize the intense financial pressures farmers face, and the difficult decisions they must make to sustain a viable business. However, given our concerns about the known and unknown risks of GMO seed, we encourage farmers to use non-GMO seed whenever possible.*

- Farmers should have the right to protect their crops from genetic trespass, which might cause reduction in crop market value or complete crop loss (due to loss of ownership).
- Farmers should be able to own their seed and maintain seed diversity in the valley.

- Open pollination should be preserved.
- Consumers have the right to know what is in their food, and foods and other products that contain GMOs should be labeled as containing GMOs.
- Open inquiry and objective scientific analysis are valuable and necessary.
- Elected and regulatory officials should apply caution in decision-making and take into account the scientific uncertainty of the environmental impacts of GMOs. Any decision-making process should include all those affected, especially seed growers and organic food producers.

WFFC strongly supports community dialogue on these issues and we are closely following the local effort to craft an initiative that will address the community's concerns about GMOs. Most importantly, we want to ensure that the voices of local organic food producers, seed growers, and consumers are heard.

**Lynne Fessenden**  
Executive Director, [lanefood.org](http://lanefood.org)



Customers picking up a group food order

## Community Empowerment Challenges Corporate Personhood

Our country's earliest roots are defined by corporate dominance and the struggle against it. The Pilgrims hired the corporate owned Mayflower to ferry them across the Atlantic, and trade routes were largely owned by a British corporation. Corporate privateers claimed the land from the eastern seaboard to the Mississippi.

The tea party in Boston harbor resulted from the colonists' deep anger at the omnipresent control over their small businesses held by the giant international, the East India Company, whose stockholders were members of the British Parliament. The colonists' response was decisive and proud: a fight for independence.

After the dust settled, visionary colonists developed laws aimed at seriously restricting the power of corporations. Early state laws included provisions that:

- Gave state legislatures the power to revoke a corporation's charter if it misbehaved
- Disallowed the act of incorporation from relieving corporate management or stockholders/owners of responsibility or liability for corporate acts
- Confined corporate charters to a limited period of time instead of “in perpetuity,” as is now the practice
- Forbade corporations from making any political contributions, direct or indirect
- Prohibited corporations from owning stock in other corporations in order to prevent them from extending their power inappropriately

But that was then. With time and political influence corporate enterprise has come to dominate every facet of American life.

For example, seeking expansion in 2005, factory hog farms looked to conservative, sparsely populated rural Pennsylvania. The people in the affected municipalities were not enthused by the prospect of the odiferous presence of giant hog manure ponds. They tried to resist, using the existing regulatory system, but found only temporary relief. Then they turned to CELDF (Community Environmental Legal Defense Fund), a group of environmental lawyers.

Working with CELDF, the people of these municipalities filed local ordinances. These ordinances were distinguished by (1) stating a clear, demonstrative NO to the factory farms and (2) standing on the bedrock of rights to community self-governance.

Regulatory law has been created largely by corporations as a self-protective containment strategy and diversionary tactic. For example, if regulatory authorities determine that 10ppm (parts per million) is established as an acceptable limit of a toxin in the environment, a polluter can arguably reside safely within the law at 9.99ppm, despite evidence of toxicity at any level. As regulatory law shows no teeth, much ambiguity, and perpetual conciliation in arguments, we can easily see why our habitat has been increasingly degraded and threatened, despite the efforts of environmental activists.

Notwithstanding, there have been 160 successful ordinances passed since the community rights approach started. Many, like the hog farm challenge, were in Pennsylvania, which also saw an anti-fracking ban passed by the City of Pittsburgh. Ordinances have been mounted in many states, including New Mexico, Ohio, Virginia, California, Colorado, and Washington. Inspired by Paul Cienfuegos' workshops and CELDF Democracy School, Support Local Food Rights (SLFR) crafted a Lane County ordinance that would secure and expand the health and well-being of our local food system. It includes protection from GMOs

(Genetically Modified Organisms) and seed ownership. In the spirit of CELDF ordinances, it safeguards the rights of nature, and places local community rights over corporate rights.

We believe, simply, that the people are the top of the ladder of governance. This belief is supported by Article 1, Section 1 of Oregon's constitution:

*“...all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness....”*

Our innovative ordinance was met with some skepticism by the county clerk and county counsel. The first hurdle appeared as expected: the single subject law, an Oregon law limiting initiatives to one concept. However, our skillful lawyer, Ann Kneeland, convinced the clerk that, like farms and the natural world, the interdependency of its various parts was integral to the ordinance's concept.

Oregonians for Food and Shelter, the Salem-based, corporate-funded lobby group, objected. Nevertheless, we were able to work with county counsel to make minor refinements, and we re-filed the ordinance.

Most recently, our initiative was drawn to the state level as Governor Kitzhaber packaged a tax bill and PERS bill with SB 863, which states that, “exclusive

regulatory power over agricultural seed, flower seed, nursery seed and vegetable seed ... [will be reserved] to the state.” This was a frontal assault on both Benton and Lane Counties' citizens' initiatives and the people's right to vote.

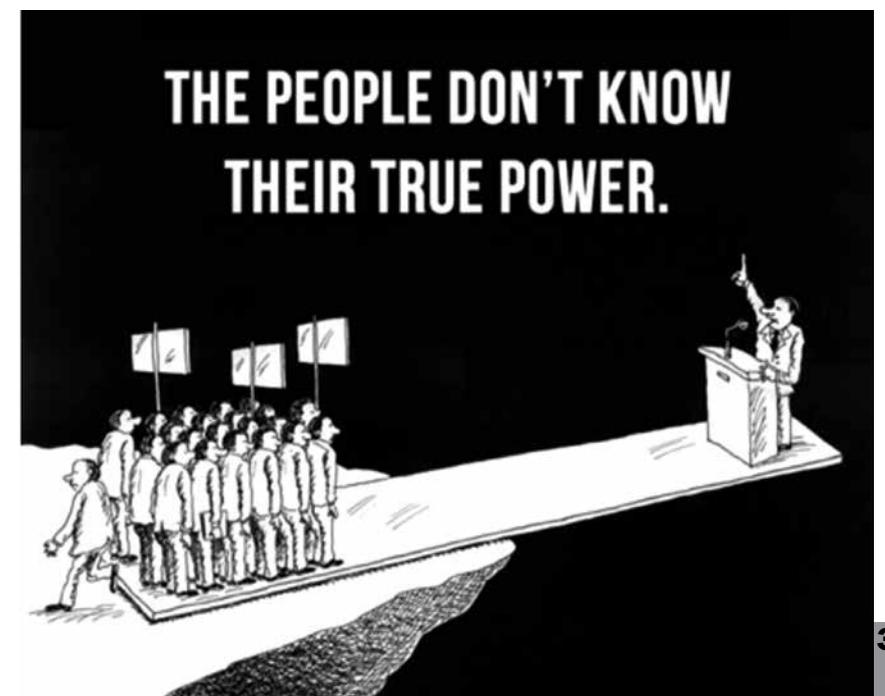
We knew through CELDF's Democracy School that preemption was one of the common corporate hammers used to deter the exercise of our rights as people.

Following the examples of the abolitionists and suffragists after setbacks, we are gathering information, considering strategies and moving forward.

Ours is the fundamental work of changing the structure of law. It could take generations. But we the people must remember who we are and shake off the all too-common feeling of powerlessness.

Corporate personhood is nothing more than papered fiction, and we'll continue to challenge it with real demands for community rights. With the world in environmental and economic crisis, we are nothing if not impatient.

**Richard Gross**  
<http://www.localfoodrights.com>





## Interview With Ann Kneeland

*Ann B. Kneeland is a Eugene-based attorney who has practiced land use, civil commitment and family law for the public interest. She is profoundly dedicated to bringing about meaningful change to our current legal system that will authorize community rights and sustainability efforts.*

**LW:** *What are some of the cases you've been involved with as a public interest land use attorney in Lane County?*

**AK:** I began practicing land use law in 2005, just after Measure 37 passed. At that time, I primarily filed cases on behalf of neighbors challenging developers' claims for waivers of land use regulations under Measure 37.

It was a terrifying time for rural property owners and environmentalists alike as residential, farm and wetland areas were threatened with extensive development. These threats were reduced in 2007 with the passage of Measure 49.

Thereafter, I continued to represent neighbors in land use disputes, typically

to oppose inappropriate development in rural or shoreline areas. At that time I also worked as a court-appointed attorney for individuals facing civil commitment proceedings in which the state was seeking to confine them against their will in a mental health facility for being a danger to self or others.

**LW:** *What are the limitations of our existing land use regulations, and how might a community bill of rights be enacted as an alternative?*

**AK:** Land use regulations are typical of most regulations. They operate in the context of permitting harm; that is, literally issuing a permit for a potentially harmful land use. Opponents to land use applications are forced to object to projects within a pre-defined scope of allowable harms; e.g., how much water depletion is acceptable, or how much traffic noise and pollution.

Often, the real impacts experienced by residents are not relevant to the regulatory review process. For example, when siting an industrial use, a municipality may consider some level of air pollution acceptable and may not

consider health impacts or quality of life implications at all. In this way, the regulatory system sets up a framework where community members are forced to strategize about what they can get from the system, rather than what they want for their community.

Community bills of rights empower communities to create a rights-based structure of law that protects the things a community values, such as clean air, clean water, sustainable energy systems or local food systems. This framework allows communities to be the decision-makers for how they want their community to be rather than to be begging a regulatory agency to take their concerns into consideration.

**LW:** *Tell us about your work on the Local Food System Ordinance of Lane County?*

**AK:** I am a member of Support Local Food Rights, which is the petition committee supporting the Local Food System Ordinance of Lane County. I am also the lawyer for the initiative's Chief Petitioner Lynn Bowers, as well as for the Chief Petitioners of a similar measure in Benton County.

The Local Food System Ordinance of Lane County is an initiative that seeks to establish our right to a local food system, our right to save and share seed and the rights of our natural communities, while at the same time banning the use of genetically-engineered seeds in our county. Through this framework, the Lane County community can decide for itself to protect our local farmers, farmers' markets, businesses selling local food, and consumers. Our local food system is a central part of our local economy, our residents'

personal wellbeing and the health of our environment.

The initiative is also unique in its approach to frontally challenging the corporate rights that operate to prevent communities like ours from exercising local decision-making for the communities' best interests. Unless we elevate our community's right to decide above corporate rights to commerce and other constitutional protections, we are powerless to protect what our community values.

Right now, the Local Food System Ordinance, which has complied with the single-subject rule and has a ballot title, is being challenged in court by a Lane County farmer who contracts to grow GMO sugar beets. I am representing Lynn Bowers to assert that our community is entitled to vote on this initiative under Oregon law. We are still planning to have the measure on the November 2014 ballot.

**LW:** *In your opinion what are the greatest obstacles faced by those dedicated to state and county land use protection? How might those obstacles be overcome?*

**AK:** The current structure of law is the greatest obstacle to the protection of our lands and environment. After the American Revolution, this country basically imported English Common law that was used for hundreds of years to authorize colonialism and international resource extraction. With this same property-rights model as our current framework, a landowner in many cases has the right to destroy what is on his/her property. Parvin Butte

is a good example. Under the current system, the community is unable to stop extensive environmental destruction and exploitation, as well as tremendous negative impacts to neighboring property, because of the property rights held by the landowners.

In addition to this legal framework, there are also significant corporate rights that prevent communities from stopping corporate activities and related harms in the name of protecting their community and environment. Under the Fifth Amendment to the Constitution, corporations can claim financial compensation if a local community curtails the commercial use of their property. Under the Fourteenth Amendment, corporations can claim damages for differing rules for the commercial use of their properties compared with other corporations.

Fears about these types of financial judgments against municipalities often have a chilling effect on local efforts to curtail harmful corporate activity. Until we restructure our legal system to empower communities to protect their qualities of life and environment, efforts to protect our lands are at best compromised.

**LW:** *How do we make a consideration of overpopulation, resource depletion and global warming an essential part of every land use application and approval? In other words how can we assert the rights of nature?*

**AK:** Creating enforceable rights of nature is the only way to ensure that corporate profits and individual

self-interest don't ultimately destroy our planet. At present, many of our aspirational ideas for a sustainable future directly conflict with existing corporate rights. As Thomas Linzey of the Community Environmental Legal Defense Fund (celdf.org) has said, "Sustainability is illegal."

Efforts to stop fracking, water withdrawals, nuclear power and other large-scale environmental harms meet hefty legal resistance from corporate interests. Right now, Germany is being sued by energy companies for 15 billion euros for its decision to shut down nuclear power in the country. Imagine: a country can be held liable to a corporation for making a decision to protect its citizenry and the world.

We must remember that the existing legal structure that allows countries, local jurisdictions and communities to be held hostage by corporate rights is a man-made legal structure. We must realize that this structure had its origins in a time when resources were perceived to be unlimited and commerce was imperative. The times are different now, and our legal structures must be renovated to reflect a different reality.

Like the suffragists and abolitionists before, nature must change from being property to being a rights-bearing entity to ensure its ability to persist and flourish. The beginning of this change is right here in our Local Food System Ordinance of Lane County, which recognizes rights of nature, among other community values. As local efforts like this one grow, a call for change at the state and federal levels will follow.



Greg Demers at Parvin Butte enforcement proceeding

## Third Parvin Butte Meeting With Demers An Exercise in Denial

Greg Demers and Norman and Melvin McDougal, operating under corporate disguises such as Wiley Mountain, Frontier Resources, Kinzua Resources, ATR Services, Oregon Land Company, and Lost Creek Rock Products, to name a few, have exploited Oregon's natural resources with weak regulations and complicit politicians and administrators for decades, laying waste to our landscapes and communities. They've left a similar trail throughout the entire western region of the country.

According to a 10/27/13 RG article, for example, Kinzua Resources (Demers, the McDougals and Ed King of King Estate Winery) has accumulated \$790,062 in unpaid fines from the DEQ for failing to obtain an insurance bond and for illegal dumping in a landfill on a mill site they own in Eastern Oregon.

King said he had divested in Kinzua and its member LLC, Frontier Resources, by 2006, but he has partnered with Demers and the McDougals in other business dealings for years. If DEQ or

some other agency continues to hold Kinzua unaccountable, taxpayers could be left holding the bill for the \$1.5-\$2 million it may cost to ultimately close and maintain the landfill.

Demers serves as spokesman for the McDougals, who rarely, if ever, meet with the public; indeed, it is difficult to find information about or photos of them even on the Internet.

Mailing colorful, friendly postcards to unsuspecting land owners, and using Greg Demers as its front man, Oregon Land Co. has established a pattern and practice of offering cash for forest land, often owned by vulnerable senior citizens, and promising to no more than selectively cut the forests these owners cherish. Typically, in quick succession the trees are clear-cut.

After Demers and the McDougals, acting as Lost Creek Rock Products, purchased Parvin Butte three years ago, neighbors met with Demers to inquire about hours of operation, duration of the project, blasting notification, air pollution, pollution of nearby Lost Creek, and other impacts to their quality of life and the lives of other species. Demers deferred to the company's DOGAMI (Department of Geology and Mineral Industries) permit, but DOGAMI does not consider these seminal concerns to be within its purview.

Demers averred that such questions would be better addressed during site review, even though he surely knew then that he and his partners intended to fight this routinely required county procedure. East Lane Commissioner Faye Stewart brought his timber and mining background to the forefront by facilitating the meeting with obvious support for the developers.

Demers set the tone for a second meeting two years later with his opening comment, "First, let me be clear. We will mine Parvin Butte."

Abandoned by Lane County and after the Land Use Board of Appeals (LUBA) in 2012 decreed that a site review was not required, Dexter neighbors were subjected to blasting without notification, clouds of dust created by bulldozing the top of the butte and dumping it over the side, speeding gravel trucks and hours of operation that ran well into the night. Desperate for a respite, neighbors sought a third meeting with the owners.

On August 1, 2013, about twenty Parvin neighbors met at the Dexter Firehouse with Demers and his daughter, Angela, who apparently had come with her father to serve as a kind of buffer to what they expected to be an unfriendly, perhaps hostile, reception. The required buffer of mature trees between the neighbors and Demers' mining operations, however, had been eradicated soon after the site was purchased.

Though early in the session Demers said that he and his partners had checked the zoning as a part of their research prior to buying the butte, he later claimed "we didn't know of the quarry zoning when we bought it. We bought it for the timber and residential expansion."

Kim Metzler, a property owner a stone's throw from the butte, told Demers that neighbors "would be so grateful if you could quit (operating) at 5pm." To which Demers retorted, "I have partners who weren't real happy with

the cost and expense involved in you fighting this thing. Some of the work they ordered to be done late at night was probably because they weren't too happy about that. They're the majority control; I'm just one of three owners. I can't hold my partners to anything without their consent."

When Demers was asked why the McDougals won't meet with neighbors, daughter Angela interceded, "Dad is used to eleven kids and lots of commotion, but the McDougals wouldn't tolerate this kind of meeting well."

As to dust, noise, pollution and erosion control, Demers said, "They're handled

by the regulatory authorities." He added, "The county knew full well that the site review would not be required. Then LUBA told the county what they knew all along."

After Parvin Butte neighbor Jenny Buckley objected that the fight was a valid one, and that LUBA had only recently issued a final decision, I reminded Demers that in fact Lane County supported DLVCA's demand for a site review and that the county's decision not to join the group in its appeal was made by the pro-mining majority of county commissioners.

Several neighbors suggested selling the butte to The Nature Conservancy

or donating it as a park. Demers said that he had tried to talk with the Conservancy, but "it didn't meet their criteria. I tried to trade the county for some timber parcels, but they said they'd run it as a quarry. If my partners would go along with the idea of turning it into a park I would agree. Don't you know my track record? I've donated over \$20 million to various entities through the years."

Before departing, Demers assured neighbors that he would pass on their concerns to his partners. To date there has been no response.

**Robert Emmons**

## Parvin Butte Documentary In the Works

About six months ago, LandWatch contacted local videographer, Tim Lewis, about filming a documentary on the mining of Parvin Butte and its impacts on the local community. We were delighted to learn that Tim had already

been considering doing a documentary on the issue. To date he has filmed four 10-15 minute episodes and is working on a fifth. We hope to have a screening of the first four episodes in a local venue early in 2014.



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*Oregon Land Company postcard*

## Demers and McDougals Spread their Clearcut Gospel to Bellfountain

*Note: The following article is adapted and amended from a posting on readthedirt.org and from research done by Camilla Mortensen, Associate Editor/Reporter, The Eugene Weekly.*

Camouflaged as Oregon Land Company, the McDougal Brothers and their bird dog, Greg Demers, have for years been using colorful, friendly postcards to flush out naive senior citizens and other landowners with marketable timber. On the postcard the company advertises that it will give landowners market value for their timber, for “thinning” or clearing for orchards, pastures, gardens, etc. They come off as being fair and sustainable.

Helen Davidson, an 85-year-old and recently widowed founding community member in the Alpine-Bellfountain scenic area in Benton County, was sent one of these postcards in July 2013. Concerned that the forest on Davidson

Hill that she owned might catch fire in a dry summer, she called Oregon Land Company to get an estimate on what they would give her for thinning it. The company did a timber cruise of the land, but according to Davidson's daughter, Carmen Keyser, they refused to give Helen an estimate and suggested she sell the land to Greg Demers instead. They apparently told her it was “useless agricultural land” but very beautiful and that if she sold to Demers he would just “thin” the hill and build a cabin.

The land not only had large timber on it, it is zoned RR-5 (Rural-Residential), making it a desirable property for developers. Davidson sold Demers her 43-acre hill for \$500,000. According to a local realtor, it was worth at least \$2 million, as the zoning allows one housing unit per five acres.

Shortly after the transaction, Oregon Land Company notified Oregon Department of Forestry that it would be clear-cutting the property. Working usually from 5:30-6:00 am to 6 pm, the logger-developers have turned Davidson Hill into a wasteland of large stumps, and the trees they used to be have likely been transported as logs by rail to Coos Bay and then shipped to Asia.

Oregon Land Company illegally displayed the Sustainable Forestry Initiative seal on their website and possibly on documents at the time of signing for the land purchase of Davidson Hill. This prestigious seal is carried and displayed by businesses that have completed courses and training on how to sustainably log. Oregon Land Company never enrolled in such courses. Sustainable Forestry Initiative has confirmed OLC's unlawful action, though regrettably SFI won't press charges.

In 2012, Susie Hanner offered testimony before a state commission that would decide whether to grant the McDougals and Demers over \$477,000 to build a west Eugene transfer station for rock, some of it likely from Parvin Butte, and lumber for transport by rail to Coos Bay. She urged the commission not to grant money to the people she had sold her property to the year before, describing the negotiations and their consequences.

On November 1, 2011, the 68 acres Hanner had owned for almost 40 years became the property of the McDougals. The deal was handled by Greg Demers, using yet another corporate moniker, Fern Hollow Farm. Hanner told the commission that because her property had been a big part of her life, she “did some research on Fern Hollow Farm, with positive results from several sources.” The buyers' realtor, Liz Kramer, had also assured her that they would thin, not clear-cut, the trees. What Hanner learned too late is that there are two Fern Hollow Farms in Oregon.

After Hanner accepted an offer 18% lower than her already reduced price, Fern Hollow did a timber cruise and reduced their original offer another 10%, claiming “that they hadn't realized some thinning had been done on the property”—even though they had done a preliminary cruise. Hanner said that because they told her they wouldn't clear-cut the land she loved, she took the further reduced offer.

The rest is a too familiar tale. On the day before the land was legally theirs the McDougals began putting in logging roads, and the former owner was told the next day that the trees would be clear-cut, but that “six super seedlings” would replace every tree cut. By late December they had removed all the trees, resold the land and replanted nothing.

Religion is an intimate and lucrative facet of the operations of these amoral and widespread developers. Those familiar with Max Weber's seminal thesis in *The Protestant Ethic and the Spirit of Capitalism* will easily grasp the link between religious calling and the acquisition of material wealth and, as a reward for its accomplishment, the endorsement of God.

In the case of Demers and the McDougals the connection is quite literal and grounded. In 2004 the McDougals applied for and received a rezoning of their property, a former sorting yard associated with their stud mill on 37466 Jasper-Lowell Road, from F-2 (Impacted Forest) to EFU (Exclusive Farm Use). Agricultural zoning allows for many uses not directly associated with agriculture, including golf courses, destination resorts, armed forces reserve centers – and schools and churches.

The McDougals are Seventh Day Adventists. Soon after receiving the rezone they constructed a Seventh Day Adventist school, Laurelwood Academy, on the property and set up a website soliciting foreign students, even though schools allowed on agricultural land must serve primarily residents of the local community.

In the summer of 2011 the school's board decided to downsize to a “small school” and made it clear that most of the students would have to be housed in the surrounding community not on campus. Yet in October 2013 the McDougals applied for an expansion of the school by the placement of a manufactured home for student housing. LandWatch submitted comments to the Land Management Division objecting to the reissuance of

the Greenway Development Permit and challenging the school's solicitation of foreign students as a violation of the restriction placed on schools allowed on agricultural lands.

Demers is a Catholic, has 11 children, and worked with his brother John, an architect, to build a \$2.5 million Catholic church and school in Veneta, Greg Demers' hometown. Rumor has it that he has placed a life-size statue of the Virgin Mary on his property.

Both the McDougals and Demers likely enjoy substantial tax write-offs as compensation for their religious enterprises. Perhaps these will help relieve Demers' millions in unpaid taxes

and the \$790,062 in unpaid fines for repeated illegal dumping of waste on an abandoned mill site in eastern Oregon owned by all three partners.

By any standard of ethics and morality Demers and the McDougals are an unscrupulous lot, clothing their rapacious practices in a sanctimonious veneer of respectability. Yet those outraged by the damage they've done to landscapes and communities should impute blame (and demand responsibility) where it's due – on the weak or non-existent regulations and the overseers who enable such opportunists to operate.

**Robert Emmons**



*Davidson Hill before*



*Davidson Hill after*



Lauri Segel

## LandWatch Activities Update

Past newsletters have reported on LandWatch's involvement in several Lane County land use issues. An update on those issues is included below.

### Enforcement Order

LandWatch (LWLC) last reported that four months had passed since the Land Conservation and Development Commission (LCDC) work session wrongfully concluded LWLC had not met the required Oregon Administrative Rule (OAR) burden of proof to be granted a hearing before the commission to resolve the issue of Lane County's pattern of failing to comply with the 150 day processing limit for certain land use proposals.

Eight months have now passed since that March 2013 LCDC meeting. LWLC has called and e-mailed both the Department of Land Conservation and Development (DLCD) and Department of Justice (DOJ) multiple times regarding their failure to issue a Final Order establishing the basis for LCDC's March decision. Although the DOJ has been more responsive than DLCD, they have said only that they will get to it in time and that "one time it took 10 months" for them to issue a final order.

With no laws requiring the DOJ to issue the Order within a time certain period, it's clear that small community based organizations and individuals are a last-in-line priority.

A recent attempt to contact the Justice Department for the fourth or fifth time in as many months finally provided some substantive, but not surprising information. According to DOJ staff, DLCD's draft Order was inadequately substantiated (i.e., there was no legal basis for the LCDC decision to deny a hearing), "needed more work" and was "somewhat conclusionary." It was sent back to DLCD staff for "more justification."

With the holidays approaching, we have no expectation of any action from DLCD before 2014, meaning no final action from the DOJ in the foreseeable future. When asked how this issue would be prioritized by the Justice Department following DLCD's corrections, we were told "it's hard to say."

### River's Edge

The Creswell area events venue reported on last summer finally had its day in court. On Thursday, November 14, the Land Use Board of Appeals (LUBA) heard the oral arguments. The applicants, Mark and Peggy Shrives, and their attorney, Bill Kloos, not Lane County, defended the county's decision approving the so-called "temporary use" that allowed up to 125 events per year, several hundred participants per event and is located adjacent to and partially within the Willamette Greenway. John White and LWLC were represented by attorney Sean Malone.

On December 12 LandWatch learned that LUBA rejected Lane County's decision granting a "temporary permit" to the Shrives, noting, among other errors, that the county's interpretation of temporary was not plausible. All of our attorney's assignments and sub-assignments of error save one were sustained. The LUBA judgment has been remanded to Lane County.

### Emerald Meadows/Buford Park

As previously reported, LandWatch filed an appeal to LUBA of Lane County's 2010 approval – without notice or an opportunity for comments – of a campground permit to allow multiple large events in Emerald Meadows within a 5 month period – without the permits required by state law.

Following that filing, LandWatch was in contact with Lane County regarding the possibility of mediation to resolve concerns about these events. The county at first indicated its willingness to meet, but it soon became clear that it intended to do nothing.

As a result, Landwatch has re-initiated the appeal it had put on hold and hopes to have a decision from the board before next year's events begin. In the meantime the organization has notified the county of its intent to file a Circuit Court case challenging the county's failure to comply with the state mass gathering law prior to issuing the multi-year contracts allowing these events.

At a work session on December 3, 2013, Commissioners opined unanimously that Emerald Meadows is an inappropriate site for large music events. Further, the Board directed staff to come back to them by February 2014 with a proposal that would potentially require a permit, a public hearing and conditions, including noise limitations and hours of operation, for gatherings of 300-500 – a requirement common in other counties.

Most outspoken in their ostensible concern for the impacts of large gatherings on rural communities were commissioners Jay Bozievich and Faye Stewart. Perhaps it's only coincidental that both are seeking re-election in 2014.

Later the same day Stewart and Parks Director, Mike Russell, met with neighbors to provide an update on the status of mass gatherings in Buford Park. Clearly intent on improving his image for both neighbors (and

neighbors as voters), Stewart claimed that he had voiced "strong concerns" about community impacts when he first heard Parks' proposal for three-year contracts with the commercial music venues. Nevertheless, he said he voted in favor because he was convinced that any negative effects would be eliminated or controlled. He told the group that because Emerald Meadows is in a county park the county can impose its own restrictions and implied that he would support stronger sanctions than those in state law.

For his part Mike Russell proudly proclaimed that Kaleidoscope's contract would not be renewed as a result of their intolerable performance last summer. He said that Cascadia would likely cancel in 2014 because of a poor turnout this year. But he said he wants to work with Faerieworlds and Dirty Dash and renew their contracts for 2014 in Emerald Meadows, because without the revenue he claims these events generate for the county he may need to close some parks.

Being made the sacrificial lambs – again – did not sit well with his audience, many of them long-standing and hard working volunteers who've helped restore Buford-Mt. Pisgah as a natural respite from urban stress, a refuge for passive recreation.

*Faerieworlds music gathering in Buford Park*



When asked why the 2014 events could not be cancelled, Russell said the promotions had done nothing to breach their contracts – notwithstanding Mary Evonuk's testimony that the drumming at Faerieworlds was loud enough last summer to shake the rocks in her driveway and went on past curfew.

In Russell's world faeries are clearly worth more than farmers. We'll see if the same proves true for the East Lane Commissioner and his fellow campaigner in the West Lane District.

### Goshen

Lane County's intention to urbanize Goshen, masked by the acronym GREAT (Goshen Region Employment and Transition), has finally worked its way to the predictable Board of Commissioners' approval. Their approval included taking an exception to statewide planning Goal 14, Urbanization. The exception would allow the county to extend water and/or sewer services to Goshen from inside the city limits of Eugene/Springfield, an action explicitly disallowed by Goal 14.

LWLC has reason to believe the county hopes to ultimately run sewer service to Goshen through the LCC basin, where developers, including the McDougal brothers, own land and would benefit from urbanization.

LWLC submitted its Petition for Review (written brief) in mid-September and is now waiting for the county's response brief and a hearing date to be set.

### Prindel Creek

Longtime LWLC supporter and former board member Mona Linstromberg and her neighbors, who live along rural Five Rivers Road, continue their diligent effort in opposition to the county's approval of yet another events venue. This one is sited on F1 (non-impacted) forestland surrounded by national forest land in the far northwest section of Lane County bordering Lincoln County. For well over a year the applicant, Prindel Creek Farms, Inc. (PC), has been holding large music events and burning effigies without permits and land use approval. The county, as usual, has been unwilling to enforce its own code, and thus far has done little to collect the fines assessed against PC for those violations.

The neighbors have filed a LUBA appeal and expect the case to be heard early next year. Meanwhile, they've persevered in their efforts to get a hearing on the matter of unpaid enforcement fines (over \$10,000 worth). Prior to the hearing on November 20, Prindel Creek Farms paid a reduced amount of \$7,090 in fines to Lane County, and the hearing was canceled.

Lauri Segel