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## Lane County Parks: For Community Or Commerce?



Photo: John Bauguess

**C**alling itself an update of the 1980 Lane County Parks and Open Space Master Plan, the 2015 Parks planning proposal is primarily a new financial planning document—with capital improvement projects presented as “visions”— that would open county parks to rife private commercial enterprise. To that end it allows the Lane County Parks Department (LCPD) to “issue as many special use permits as needed at any given time....”

Driving this hasty, ersatz master plan is the “need to operate independently from the county general fund on a permanent basis.” With funding uncertain, tenuous or non-existent since the early 1980s—County Parks shut down entirely in 1982—Parks management is desperately seeking ways to make the parks pay for themselves despite the environmental and social costs.

A proposal to re-designate “nature” and other parks as “regional” parks would facilitate their exploitation as revenue sources by allowing, even encouraging, large, commercial amplified music events, expanded R.V. and camping facilities, and their use as billboards for local businesses.

Other moneymaking schemes include logging (“timber management”) in six parks—Blue Mountain, Linslaw, Kinney, Old McKenzie Hatchery, Peaceful Valley and Siuslaw Falls. Logging not only defies the public expectation that parks will be managed for recreation, wildlife habitat and scenic values, it also contributes to global warming, about which there is no mention in the proposed plan. The public expects its parks to be a defense against global warming not a contributor to it. Yet the present proposal would further weaken that defense by its suggested disposal of

a number of parks – with no apparent restrictions to prevent, for example, the sale of Ocean Woods on the coast for potential clear-cutting.

Clearly, the Plan’s chief objective is for the Parks division to “stay competitive and market its services.... Adequate marketing, promotion and branding... must become a priority and part of an overall sustainable funding solution.” Given that objective, every park becomes fair game, notwithstanding lip service paid throughout the document to preserving a park’s natural values and respecting the needs of all users.

For their part those users, the general public, have consistently supported “preserving open space and the environment, improving physical health and fitness, making their community

*(Parks, continued on page 2)*

(Parks, continued from page 1)

a more desirable place to live, and improving mental health and reducing stress” as the greatest services parks provide.

To be sure the public’s priorities are contradictory. While survey data reveal that the public loves its parks enough to want their natural features protected and facilities maintained, it’s not been willing to pay for them. Consistent levy failures may reflect a genuine inability to afford, or they may reveal the unrealistic expectation that the public’s priorities and the parks themselves can and should somehow survive without their help. Likely, the levies have failed because voters generally distrust government and particularly how administrators might spend their levied dollars. In any case political priorities and public stinginess do not auger well for parks’ solvency and integrity.

It’s reasonable to expect, however, that the oversight and public perception of Lane County parks would dramatically improve by hiring a manager with a background in parks planning and management, someone who would serve as a proper advocate and steward.

Responding to comments from over 200 Parks users and supporters, as well as critical feedback from the county’s Parks Advisory Committee, new County Administrator, Steve Mokrohisky, has decided to put the proposed Parks Master Plan on hold. In the interim he intends to form a “Blue Ribbon” committee, whose makeup is yet to be determined, and hire a parks planning specialist to guide the re-planning process and provide technical expertise.

**Robert Emmons**

## Large Events Task Force Final Report

For the last two years LandWatch Lane County has been working with neighbors and others concerned about the impacts of large events in their county parks. For over 18 months a Large Events Task Force (LETF), appointed by the Board of Commissioners, met to determine the appropriateness of such events and how they would be regulated. Commendably, the final report of this committee documents both what the public considers to be the purpose and value of county parks and how large events might be judged appropriate and accommodated—or not—in light of those purposes and values.

Appropriately, the LETF acknowledged that the “purpose of a [large] event must be compatible with the spirit of and all specific provisions contained within any deed, lease, master plan or other approved guidance documents applicable to a given park.”

To better determine the nexus between a park’s physical features and what its individual guidance document requires,

the task force proposed the formation of an oversight committee.

Howard Buford-Mt. Pisgah in its entirety, not “Emerald Meadows” exclusively, will be restricted to four events/year that must be “primarily low intensity...education activities” ending at 7pm. Three events that meet that requirement, the Wildflower and Mushroom Festivals and Play in the Rain at Arboretum sponsored venues that have occurred for many years. In line with the nature and spirit of the park, large amplified music events or multi-day venues should, therefore, be banned from consideration.

LandWatch has requested that the same prudence and restrictions apply to the remaining nine parks targeted for large events, particularly commercial enterprises.

On the whole, under trying circumstances, the LETF was remarkably sensitive and responsive to the environmental qualities of our county parks and the needs and values of their users and supporters. Even more remarkably, on Tuesday, November 10, the Board of Commissioners approved the report unanimously.

**Robert Emmons**



*Couple at an Arboretum Wildflower Festival  
Photo: John Bauguess*



*Seavey neighbors and supporters Larry Norris and Rachel Herrick on Danzer and Lord Percy; Beverly and Dan O'Connell; Jim Weaver and Katie Mason; Rob Castleberry and Charles Stewart smile in triumph  
Photo: John Bauguess*

## No Industrial Pisgah Celebrates Victory

It is my great pleasure to announce the complete victory of NO INDUSTRIAL PISGAH. On September 14, 2015, the Springfield City Council decided the city will not expand its boundaries toward Seavey Loop and that there will be no “College View” industrial zone. The city also slashed the amount of land they will take elsewhere by 65%.

The following is a review to share strategies and insights from our campaign.

In June 2014, Seavey Loop neighbors learned that, contrary to earlier indications, Springfield was planning to expand its boundaries and place an industrial zone at the entrance to our neighborhood after all. We began to combat this incursion by seeking information and support from environmental groups. We discovered that one group, 1000 Friends of Oregon, had already identified the legal aspects and analyzed the problems with the city’s land demand projections.

Based on that information, we conducted additional research, prepared campaign materials (road signs, flyers,

posters, and handbills), and spoke with neighbors door to door. The flyer was mailed to every house in the neighborhood. Canvassing began with identifying the existing agricultural businesses and asking them to present statements. It was humbling to travel back and forth across the neighborhood and actually see how many acres and businesses were at risk.

We gained coverage in the mass media through editorials and letters to the editor, and with events specifically devised to draw media coverage, develop a coalition and gain public support. The coalition commenced with LandWatch Lane County as the nonprofit hosting the campaign, and it grew into a diverse group of environment, agriculture, peace, climate and civil rights NGOs. Coalition partners helped us find an expert public interest land use attorney, Sean Malone, who represented 40 Seavey Loop farms and residents. We also circulated a petition through MoveOn.org online that gathered 2,233 signatures.

The campaign events (detailed in the Winter 2015 LandWatch newsletter) were a public meeting with state representatives, a “sign-in” at the park, a march on city hall, a fast at city hall, and a small benefit concert.

Given how government decisions are routinely made behind closed doors, we will never know for sure what “internal contradictions” prompted Springfield to suddenly change course and acknowledge the very points made by the campaign: that the city does not need that much land and that development at Seavey Loop would be too expensive.

Regardless, there is no doubt it was the vigorous response by Seavey Loop neighbors that stopped the industrial zone. In retrospect I think the key reasons the campaign succeeded can be summarized as follows:

**Timeliness:** The neighborhood had recently been organized over a separate issue and was able to respond quickly.

**Unity:** Despite political and cultural differences the neighbors remained fully united against Springfield expansion, and one family’s steadfast refusal to sell their land was critical.

**Legal Representation:** Many believe we would have lost without legal representation to match the land use attorneys of the other parties involved. We also needed a civil rights attorney in order to march on Springfield without being charged outrageous fees in violation of our First Amendment rights.

**Media:** We were able to access and gain repeated coverage from local media outlets, including the Register Guard, Eugene Weekly, Springfield Times, KLCC (radio) and KVAL (TV). Favorable media coverage achieved widespread recognition of the issue and led public opinion to support the campaign. The Internet was also important. People learned about the issue through our website, and we used social media to promote our petition and campaign events.

**Charles Stewart**  
Seavey Loop



## Interview With Mona Linstromberg

**Bio:** *Mona is a native Oregonian who lives in the small coast range community of Five Rivers where she thrives in her garden and pottery studio. She never earned a dime from her degree in political science (U of O), but that education and the fervor of the '60s eventually gave her focus.*

**LW:** *You have a history with LandWatch (LW). Has that played a part in your advocacy?*

**ML:** Prior to 2000, I was mostly interested in social justice issues. In 2000, though, our small neighborhood outside of Veneta was sent notice by Lane County of an impending proposal to build a 190 ft. cell phone transmission tower close to that community of 15 homes. Word was the proposal was *fait accompli* because Lane County had no telecommunications ordinance. The neighbors had little time and no idea how to respond. But one of us had heard about a land use group called LandWatch. A member of the organization met with us, and that was my introduction to LandWatch and the importance of knowing how to access information for local benefit.

**LW:** *What did you learn during this local process that carried you forward?*

**ML:** Well, since there was nothing in county code to assist us in our fight, we had been encouraged to try to negotiate with the corporate entity making the proposal. If this did nothing else (and it didn't), it gave us time to learn as much as we could about the industry and health and safety issues, and make contact with other communities who had brought suit in other jurisdictions.

It was a huge learning curve. When the corporation didn't act in good faith, some of us decided to target proposals in Lincoln County that had a telecommunications ordinance. We organized neighbors in Eddyville and Otis where proposals by the same corporation were outstanding, and their efforts resulted in the applications being denied.

In Lane County we combed applications for any violation that might result in a denial. Our research discovered that a tower was to be sited on prime forestland, contrary to a forest management plan, so it, too, was denied. Eventually, we cost the corporation so much money that I believe it never built a tower in either Lane or Lincoln County. Outreach and organizing neighbors was essential to the outcomes.

**LW:** *Lane County now has an ordinance. How did that come about?*

**ML:** It turned out that the easy part was getting rid of a Texas corporation. We had a core group that recognized Lane County needed an ordinance or more Lane County neighborhoods would face what we faced in the Veneta area. We lobbied the Board of Commissioners on a regular basis until, finally, a draft was brought before the Planning Commission. It was an arduous process. However, after three years we did get a 1200 ft. setback from homes and schools.

Although the present ordinance is weak, in 2014, either solicited or

unsolicited, industry representatives submitted a rewrite that will further diminish protections in rural Lane County. Revisiting the ordinance is in county staff's Long Range Plan, and that process may start in spring 2016. Industry's rewrite is a looming threat to Lane County.

**LW:** *You eventually became a member of LandWatch and ultimately its president from 2004 to 2006. Though you are no longer a member, we've worked together from time to time on issues of mutual concern.*

**ML:** In 2013 my neighbors had no idea how to respond to a proposed event center in our remote area. The applicants seeking a permit (after years of flagrant violations) were intent on expanding the frequency of events and the number of attendees. While few people received notice from Lane County, many already had been impacted for years by unpermitted events. The most egregious were the summer venues, such as BurningMan Portland, during which effigies were burned and fireworks set off during the height of fire season in a forest zone.

After LandWatch's initial crucial advice, the neighbors pulled together and carved out their areas of expertise, including natural resource issues, pertinent agencies (most all a disappointment), and relevant Lane Code. We had access to LandWatch's attorney, Sean Malone, and, though out here we were biting our nails, Sean must have gotten one of the shortest decisions on record from the Land Use Board of Appeals. LUBA's decision reversed Lane County's approval, because event centers are not a forest use.

**LW:** *There was another case that involved farm resource land and outdoor gatherings. Has there been other activity on this issue?*

**ML:** Yes, John White (White vs Lane County, LUBA) and I had both pre-

vailed in LUBA decisions, so we felt compelled to volunteer for a Lane County work group on outdoor gatherings of fewer than 3000 people (there are already regulations for larger outdoor gatherings). It soon became obvious, though, that we were token representatives of the larger public, and the resulting ordinance was tailor-made for promoters.

A LUBA decision is coming soon on the Grand Hollow wedding and event center on forestland outside Veneta, and a wedding and event center on farm land in Pleasant Hill is now under scrutiny by LW. The County has still not adequately addressed these types of outdoor gatherings on resource lands that negatively impact neighboring property owners and challenge existing, often inadequate, public infrastructure. The County's 2015/2016 Long Range Plan includes revisiting code on outdoor gatherings, and I hope this time around staff is more successful in protecting the public's interests than the interests of promoters.

**LW:** *What do you think we as citizens can do to alter this pattern of bad land use decisions in Lane County?*

**ML:** We're stymied by politics in collusion with weak regulations and inadequate enforcement. Nevertheless, we have to work with and support neighbors and others, such as LandWatch, to challenge those regulations and to change the culture that allows them to operate.

Recently I was involved, as a member of the Friends of Amazon Creek steering committee, in the proposed fake tree cell phone transmission tower issue in the Amazon Corridor. When the community pulled together and spent \$12,000 fighting that proposal, AT&T pulled its application. Unfortunately, on Irving Rd. that residential neighborhood doesn't have the

financial resources to fight the inappropriate siting of a cell phone tower, even though residential properties suffer devaluation as a result.

As long as people only take the short-sighted view that because a particular fight was successful the battle is over, there will be no real progress. Eugene's planning staff is just now in the process of drafting new telecommunication ordinance proposals because of community pressure and the perseverance of City Councilor Betty Taylor.

The county's telecommunications code will suffer if there is no citizen participation in the upcoming process slated for Spring 2016. Lane County's lack of enforcement of its own land use code will continue unless people look beyond their own backyards and stay ever vigilant.



*Fake tree cell phone tower*

*Burning Man Festival in a forest in the summer*



## McDougal Brothers Setback in Benton County

A Winter 2013 LandWatch Newsletter article mentions 85-year-old Helen Davidson of Benton County, who had received a postcard from Oregon Land Company in July. Recently widowed, Mrs. Davidson owned a hillside bordered by Bellfountain Rd, one of Oregon's premium scenic routes. Her hill was anchored by 30 to 70 year old firs and maples with scattered clusters of Oregon white oaks, and was a significant feature in that idyllic landscape.

The card she had received pictured a healthy fir forest with a blue sky above it asking "Are you ready?"—ready to sell her forestland to Oregon Land Company. It also offered its services for thinning and other forest practices. Worried about fire, Mrs. Davidson thought thinning the hill might be a good idea and gave the company a call.

She met on site with Greg Demers, who works with logger-developers Norm and Mel McDougal. Demers convinced her that selling would be a better idea than thinning and told her he'd send out a timber cruiser to evaluate the property. Soon thereafter, the McDougals purchased 42.22 acres, zoned RR5 with five legal lots, for \$500,000, likely recovered the purchase price and much more by clear-cutting the trees a week after the deal and applied to Benton County to develop what was left into seven lots

Five rural residential acreages on the other side of the hill, as well as surrounding properties, for years have suffered reduced water flow or had their wells go dry. A test of three wells by Hendrickson, the McDougals' well driller, in late March, 2015, typically a period of high groundwater saturation, yielded only one gallon per minute "or slightly less." According to Benton County code, wells producing fewer

than 5 gallons per minute must be tested again between July 15 and October 15, typically the driest period. Yet the county did not require this critical test.

Instead, on August 3, 2015 Benton County approved the McDougals' application with the condition that they abide by the county's "Water Restriction Proposal"—a set of requirements heavily influenced by the McDougals' well expert — asserting "seven properties with water restrictions are better than five properties with no water restrictions."

New lot owners will be required to install a 1500-gallon storage tank for indoor use only and allowed an additional 1500-gallon tank for irrigating up to half an acre. Irrigation may occur only between the hours of 8pm and 8am. Where the water to fill the tanks will come from is anybody's guess — perhaps from New Day Water Trucking, a business supplying water to homes in the area for years.

A further requirement to install a restrictor on the well-heads that will limit flows to 1 gal/min is meaningless considering the results of the well tests already conducted and the likely lower output had tests been performed, as required, during the dry season. Largely unenforceable, restrictions on the amount of irrigation and the time of day are practically meaningless as well.

In fairness and justice to a community already strapped for water, and as a code regulation, Benton County must require a second well test between July and October. Tests should be overseen by a qualified county agent, and the county should be obligated to inform potential buyers of long-term water deficits in the area.

Lauri Segel of LandWatch and Goal One Coalition provided the legal pretext that allowed neighbors to challenge Benton County's approval. After pointing out that the county's

conditions for approval must include a second well test, she also noted that the applicant's proposal "fails to establish compliance with re-platting provisions of law and code" and therefore "it must be denied."

At the appeal hearing September 1 the Benton County Planning Commission was clearly exasperated with the Planning Division for ignoring its own code. During the proceedings, one of the commissioners turned to Assistant Planner, Kristen Anderson, and asked her why she had not required a second well test, since the code clearly states the well "shall be tested, not tested at your discretion."

A week after the hearing, the McDougals withdrew their application. On 9/11 they reapplied for ministerial—no public notice or opportunity for comment—approval of their property line adjustments of the original five legal lots. They've reconfigured these lots into different acreages based on the county recommended realignment of Water Lane, a road that bisects the property. With the realignment the smaller four lots above the road and up the hill will grow larger and, with better views, more valuable—compensation, it appears, for the McDougals' apparent inability to develop two additional lots.

Though the new road has been built and new survey stakes driven, as of this writing the county has not given its formal approval.

Meanwhile, affected neighbors and others concerned about rural development recently met and formed a citizens action committee (CAC). The five member board of this formally recognized Benton County committee will serve Benton much as LandWatch serves Lane County: as a neighborhood liaison with access to and oversight of land use applications — a phoenix rising from the slashes of Davidson Mountain.

**Robert Emmons**

## Primer on Capital Punishment: How to Pillage and Profit



*Start with a healthy forest. Buy low  
Photo of Davidson Hill: Tim Lewis*



*Clear-cut and compact with heavy machinery  
Photo: Tim Lewis*



*Cremate the remains  
Photo: Tim Lewis*



*Pave and grade with county advice and approval. Sell high.  
Photo: John Baugness*

# Parvin Butte Redux

From 1954, when Union Pacific RR mined a small amount of Parvin Butte for track bed, until 2009, when Greg Demers and the McDougals bought the butte from the railroad for a pittance, no mining occurred. During that time, however, Lane County permitted over 350 homes within a mile of the mountain.

Notwithstanding, a county hearing official and the state's Land Use Board of Appeals denied the community and the butte a typically mandated site review after the McDougals logged the site and began mining operations. Unrestricted blasting, excavation, crushing and hauling continued in fits and starts according to market demand.

Whether too many fits and not enough starts, whether too many complaints from disenfranchised but unmuffled neighbors or because they were too busy ravaging other forestland throughout the western region and cashing in—again—on the remains, McDougals-Demers leased the mining rights to Aggregated Resource Industries (ARI).

As John Bauguess's photos, taken over the last couple of months, attest, ARI is

making productive use of its investment little by little — a far remove from the butte Pete Helzer recorded in 2012. If

Parvin follows the usual scheme, after the butte is leveled the McDougals and Demers will cash in again lot by lot.



*Parvin Butte in 2012  
Photo: Pete Helzer*



*As Parvin recedes, Bear Mountain rises in the background*



*As a neighbor bears witness up close and personal*



*Leveling geological and cultural history a bite at a time*



Lauri Segel

## Landwatch Activities Update

Lane County's farm and forest lands are being urbanized, and not just one 40 acre parcel and one dwelling at a time. Instead, imagine the parcelization of a 40 acre property zoned Farm or Forest with a minimum parcel size of 40 (farm) and 80 (forest) acres, into 5 parcels ranging in sizes less than 10 acres, all intended for dwellings and more. The lots retain their forest zoning and typically their forest deferral, yet are configured like a small subdivision. This is made possible via manipulation of internal, amoeba-like property boundaries.

What we recognize as abutting parcels are not necessarily what are being reconfigured. Instead, leftover smidgens of land that resemble driveway right-of-ways, surveying errors, fence line adjustments, etc, usually from the early 1900s, are resurrected and rearranged as if placed in a magician's top hat and pulled out in different shapes and sizes and in a new location on the ground.

Of course, every magician needs an assistant. In the sleight of hand we've been exposing, management level staff

at the Land Management Division and their internal practices play that role. What we're seeing are dwellings approved on farm and forest lands regardless of whether or not they are legally approvable. Evidently, this happens because staff is not reviewing applications for consistency with approval criteria. Rather, they rely on "cut and paste" findings and provide actual findings addressing the relevant circumstances only in response to appeals.

Comments from LandWatch pointing out relevant circumstances and problems with proposals prior to their review by staff are mostly ignored. It appears the only way to get staff to actually review these dwelling proposals is to appeal their approvals.

And we do so, with increasing frequency, as we become more adept at discovering the department's elusive deceptions.

LandWatch is currently awaiting three Hearing Official decisions, all related to dwellings on farm and forest land. And we are anticipating final findings from the Board of Commissioners concerning their reversal of the Hearing Official's denial of a non-conforming use's continued use in the EFU zone.

LandWatch prevailed in a Land Use Board of Appeals decision regarding the use of forestland for commercial events. In this case an applicant used an Agricultural Placement Permit to construct a 10,000 square foot plus lodge with crystal chandeliers, a wet bar and concrete floors, to list a few of the non-agricultural amenities.

Rip-rap, floodplain development, and illegal development and activities in and adjacent to sensitive riparian areas continue to be a huge problem. The Army Corp of Engineers and Department of State Lands turn a

blind eye to the land use-related issues that cause many of these problems, while continuing to issue "riverbank construction" permits. As a result, Lane County receives no pressure from neutral authorities to stop allowing illegal development and uses in riparian and other natural areas.

Finally, regarding our lingering Enforcement Order: although the Department of Justice tried its best to have the case dismissed, the Court of Appeals did not agree, and we expect our day in that court before the end of winter.

We have the good fortune to work with a stalwart and successful attorney, Sean Malone. Moreover, after more than a quarter of a century of development bias, a new Planning Director, Lydia McKinney, is in place at Lane County's Land Management Division. LandWatch is optimistic that during her tenure there will be a cultural shift from routinely doing the bidding of developers and insiders to requiring them to comply with the law.

### Lauri Segel



## A Few Words from Lydia McKinney, Lane County's New Land Management Manager

My name is Lydia McKinney, and I'm the new Land Management Manager for Lane County. I've worked in land use and transportation planning in Lane County for nearly 20 years and have always had a passion for how we live on the land. I'm a naturalized citizen and grew up in Vermont. I attended the University of Vermont and received a bachelor's degree in environmental studies.

I moved to Oregon a few years later to study landscape architecture and planning at the University of Oregon, drawn here largely by the strong history this state has in

land use planning. As I completed my master's degree in landscape architecture, I focused on larger landscape issues, leading me to begin my career in the public sector with the City of Cottage Grove in code compliance and long range planning.

A few years later I got a job closer to home at the City of Eugene where I worked in current and long range planning for the next 13 years. This allowed me to return to commuting by bicycle, my preferred mode of travel, to which I am still committed.

Five years ago I was employed by Lane County in transportation planning where I supervised a small team working on current and long-range transportation issues. In mid-November I became the Land Management Manager,



which also includes the role of Planning Director.

I am excited to be here and look forward to working collaboratively with the community and the Land Management team to help keep Lane County a beautiful and prosperous place to live, work, and play. Please don't hesitate to contact me at (541) 682-6903 or via e-mail at [Lydia.s.mckinney@co.lane.or.us](mailto:Lydia.s.mckinney@co.lane.or.us).



Fern Ridge  
Photo: John Bauguess