

LandWatch Lane County: What's Past Is Prologue



2004

This is the 30th year since LandWatch Lane County's genesis as a core group of county neighbors and other activists dedicated to the protection of our rural lands. To commemorate the occasion, the following is a retrospective on what brought us together and what we've accomplished working with property owners and other land use organizations during the last three decades. To date, ours is the only non-profit land use organization working to protect Lane County's rural lands.

1996

The group that became LandWatch Lane County evolved from a gathering of neighbors in the Fox Hollow area, who met to strategize opposition to the proposed construction of high voltage power lines down lower Fox Hollow Road. When that issue brought in others from other parts of the county, the expanded group began to meet at the Spencer Creek Grange. Beyond the power line issue this larger gathering of rural residents shared an interest in protecting the county's farms, forests, natural areas and open spaces from development.

Four members of the original gatherings remain on LandWatch's volunteer board, often joined by those who initially

reached out to the organization for help fighting a proposed land use development on land adjacent to their property or in their surrounds.

In our early days it was almost exclusively development approvals by the county's Land Management Division (LMD) that we helped nearby homeowners challenge, because those decisions typically violated protective land use regulations. Until we came along, development interests had benefited from a cozy, insular relationship with the LMD and the Board of County Commissioners (BCC) with virtually no oversight. While LandWatch benefited from the excellent work of our research analyst, Lauri Segel, we did not yet have our own attorney on contract.

2000 LandWatch Lane County became a 501(c)3 non-profit organization in August of 2000.

In 2001 LandWatch supported local groups and offered testimony opposing a gravel pit on prime River Road farmland; an armory on wetlands across from Lane Community college; a power plant on Coburg farmland; cell phone towers popping up all over the county without regulation.

To do so more effectively we joined with 1000 Friends of Oregon and Friends of

Eugene in a Eugene office staffed by 1000 Friends employee and LandWatch member, Lauri Segel. Our work depended on more than a call from someone who had received a referral notice from the county concerning an impending development application. We needed to receive those notices as well. Our request for a subscription was ultimately granted when the county recognized LandWatch Lane County as a community public interest organization and the entire county as our neighborhood.

2002 On September 30, 2002, the LandWatch board donned their costumes—Linda Pauly, later a Springfield





city planner, was an attractive Coni-fir, and cigar-smoking Rich Fairbanks, in a slick silver suit, was a menacing land shark speculator—and joined the Eugene Celebration parade to alert onlookers about an upcoming hearing before the county commissioners that would determine whether the timber industry's proposal to rezone 690,000 acres of commercial forest timberland would be grist for the real estate development mill. We had a booth at the annual event, as well.

In an 11th hour decision the commissioners voted to retain the F-1 zoning for commercial timberlands in Lane County, where only timber practices and production can occur. In our estimation residential development on this land would have resulted in a far greater environmental impact than the land remaining in timber production. It was an auspicious, conflicted and hard fought beginning.

2003 LandWatch has also laced up its work boots and put spades in the ground. In a collaborative effort with Lost Creek Watershed Group, Oregon State Parks, and Oregon Department of Fish and Wildlife in 2003, former LandWatch board member and president Rich Fairbanks, a Forest Service employee, presented a proposal to the Mid-Willamette Watershed Council for the restoration of over 30 acres of riparian area along the Lost Creek and Willamette



Chris Berner and Alice Doyle, original members of LandWatch Lane County, at the 2002 Eugene Celebration



LandWatch board member, Jozef Zdzienicki, planting trees on Lost Creek in Bristow State Park



Big game at the base of TV Butte in Oakridge

River confluence in Elijah Bristow State Park. LandWatch members helped other volunteers implement his proposal by planting native tree species in the riparian corridor.

In 2003 LandWatch joined Goal One, a coalition of Willamette Valley land use groups in Lane, Linn, Benton and Marion counties headed by Jim Just, the owner of a farm near Lebanon, who had pursued but stopped short of a law degree. Though he was not credentialed, his legal insight was innovative and productive, and with his help we began to win appeals both at the local level and at the Land Use Board of Appeals (LUBA) in Salem.

At that time an appeal of an LMD decision went first to the Hearing Official (HO) then had to pass through the Board of County Commissioners (BCC) before it could be taken to LUBA. It cost thousands of dollars in fees to appeal a case to the BCC. If they decided not to hear it, which was most of the time, a small amount of the fee would be returned to the appellant. If the Board did decide to hear the appeal, it was almost always for political reasons, and the outcome was assured by a conservative anti-land use regulation majority, most of whom had no experience with or understanding of land use law. Jim Just helped put a wedge



Before the gate to King Estate Winery: Protesters rejecting developer Ed King's application to quarry TV Butte in Oakridge

in that closed system when, after he and I met in committee with development consultants and a BCC representative, we gained a surprising Board decision to allow HO judgments to be appealed directly to LUBA. Even the Board was forced to recognize the unfairness of the fees and the waste of time and money in preparation for land use cases commissioners were not equipped to hear.

This was a big win for LandWatch, for the Land Management Division, and for any appellant with limited time and money.

2012 Jim left us and the country for Costa Rica in 2011. However, in 2012 we were fortunate to obtain the services of Sean Malone, an attorney who had mostly worked on federal environmental issues, but had had some local land use experience and quickly gained more from working with Lauri. His expertise made an immediate difference in both our recognition and reputation in the county: We began to win appeals at the local level, at the Land Use Board of Appeals, at the Oregon Court of Appeals and even at the Oregon Supreme Court.

Our appeals history may be found on our website at landwatch.net, with cases in which we prevailed highlighted in green. Most of our early appeals challenged county approvals of legal lots, template dwellings on forestland, rezones from agricultural to marginal land to justify a dwelling, replacement and hardship dwellings and home occupations. But in recent years we have often joined the county in decisions we mutually support

that have been appealed by development interests.

2021 Surely our most significant and far reaching win is known as the Nimpkish case, a LUBA decision rendered in 2021 that, in the F-2 forest zone, established a minimum of 80 acres required to qualify a dwelling in Major Big Game Habitat and 40 acres in Peripheral Big Game Habitat. Because Big Game zoning covers a wide range of territory in Lane County, this precedent-setting decision has put a major kink in development applications. And developers and their agents are doing everything in their power to subvert or overturn it.

Since 2001 LandWatch has put out a newsletter, now available both in print and online, at least twice a year. The articles in these publications, which may be found on our website, cover local land use issues that LandWatch is involved or interested in, as well as national and international concerns such as overpopulation and consumption, and alternative energy sources such as solar and wind power.

Newsletters have regularly featured interviews with local land use activists and attorneys, politicians, local government employees, business owners, artists and others with land use perspectives, expertise and concerns. Interviewees include long term land use activist Tom Bowerman; local farmers and activists Paul Atkinson and John Sundquist; McKenzie River rafting guide Bob Spencer; Lane County Commissioners Pete Sorenson and Bill Fleenor; community



Tim Hermach, the forest's voice



Jim Weaver: 4th District Congressman, wilderness defender and Oregon legend

rights attorney Ann Kneeland and our own Sean Malone; Emeritus Professor of Architecture Chuck Rusch; former Cascadia Wildlands director and later PhD in Forestry James Johnston; Native Forest Council's Tim Hermach and local videographer Tim Lewis. We interviewed Eugene City Councilor Betty Taylor as she neared her 100th birthday and ex-Fourth District congressman Jim Weaver as he approached his 90th.

While her son John was Governor, we featured 87-year-old Annabel Kitzhaber, a fourth generation Oregonian who had this to say about growth in Oregon and the world: "I'm sorry that we've continued to spread out over the land and become more urbanized. This will happen as long as we increase our population. Governor Tom McCall felt that it would be fine for people to come here to visit,



Annabel Kitzhaber: LandWatch interviewee when her son, John, was governor

but not to stay. Of course, a lot of people stayed because Oregon is a great place to live... I've traveled extensively in the world and find densely populated urban places very disturbing. Human population is growing, but the planet isn't. In the near future this may prove to be untenable."

2025 In the last couple of years, prior to state legislative sessions, several LandWatch Board members have met in Salem with members of Ag For Oregon, a statewide coalition of mostly farmers, to discuss how we will oppose the inevitable deluge of anti-land use regulation, anti-protection bills that appear in every

session, thanks largely to Dave Hunnicutt and his Oregon Property Owners Association (OPOA). But, instead of playing defense as usual, before the five month session last year the group met to generate four bills of our own that would provide some modest revisions to regulations that developers had routinely egregiously violated. An account of those bills and their fate may be found in our Summer 2025 newsletter.

Ag for Oregon decided that it would be better to wait until the next long legislative session to introduce our bills. Hunnicutt, his faction and their legislator enablers, however, wasted no time in exploiting the gift handed to them by this year's short session and Governor Kotek's heedless zeal for housing and businesses that could be located either outside or inside expanded urban growth boundaries, instead of utilizing available land within UGBs.

As one example, with the insistent and persistent backing of Kotek, OPOA succeeded in gaining the approval of HB 4153A, which would require counties to allow farm stores (instead of farm stands) of up to 10,000 sq. ft. offering commercial style shopping, dining and large



Loom with a view: Sprawl onto farmland begins with the first non-farm dwelling.

PHOTO BY JOHN BAUGUESS



Dexter's Parvin Butte in its surrounds. LandWatch worked for years with members of the Dexter community to preserve this iconic landmark.



Doomed by its designation as a "significant resource" for gravel, the butte on its way to extinction

events, such as concerts and weddings, in Exclusive Farm Use (EFU) zones. The bill offers no consideration of impacts on adjacent farmland or the economic or real estate value of land zoned for farming. The radical increase in the scale of structure and activities permitted by this bill will put the emphasis on them, shrink the amount of farmland available for farming, and make what remains unaffordable to real farmers. This should be no surprise,

as HB 4153A has nothing to say about keeping agriculture the primary use in EFU zones.

Session after session Kotek has shown that she regards land use protection as simply an obstacle to her housing and business agenda. And to further that agenda she has offered Hunnicutt and his anti-government minions a free pass through the state's urban growth boundaries onto

farm land. So it went and so it goes in a legislature with a super-majority of Democrats and a Democratic governor.

2026 In mid-June of this year, members of our board will again join representatives from land use and other advocacy groups across the state to prepare for the next legislative session. Among other strategies, we'll consider hiring a lobbyist to help loosen the stranglehold Dave



Pre Holiday Farm Fire house and rip-rap exempted from Lane County's riparian setback ordinance

Hunnicutt has had on the state legislature for decades.

In conclusion, the following words from Lauri Segel capture, I think, the reason for and importance of LandWatch Lane County's existence: *In reviewing the results of our efforts, reflected in the outcomes of local and state-level appeals, I am reminded that success and disappointment cannot be measured solely by wins and losses. Our participation, whether it be through written comments, filing appeals, or defending County decisions in appeals filed by developers, provides an element of balance that is not only necessary, but was expected by the founders of Oregon's land use program fifty years ago.*

Robert Emmons

President, LandWatch Lane County



No holes barred due to the elimination of regulation after the Holiday Farm Fire in 2020



Post fire "house," likely a short term rental, built in the riparian zone thanks to state legislation



In 2015 farmers and others, including LandWatch Lane County, successfully resisted a proposal to expand Springfield's UGB into Seavey Loop farmland near Mt. Pisgah for industrial development.



[ABOVE] Congressman Weaver attending a Stop Seavey Loop Industrial Zone rally

Springfield City Council seats occupied by produce from Seavey Loop farms



[ABOVE & BELOW] Prime Seavey Loop farmland saved by a grass roots rebellion against urban growth boundary expansion and industrial zoning.

PHOTOS BY JOHN BAUGUESS



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