

Condemning the Amazon

Will the council vote to save the headwaters forest?

Whether one of the last pristine sites within Eugene's urban growth boundary gets saved may come down to money.

The Eugene City Council plans to vote June 25 on whether to proceed with eminent domain on two parcels of land near Amazon Creek's headwaters. Neighbors and green space advocates have been fighting to preserve the land since the late 1990s. Developers have been fighting to build houses on it.

Martin and Leslie Beverly's proposed Deerbrook subdivision would be on 26 acres south of the end of West Amazon Drive. Portland-area developer Joe Green wants to build on 39 acres between Dillard Road and Nectar Way and call it Green Valley Glen. The developers would put a total of almost 200 houses on the land.

Development could 'degrade water quality further' as well as 'contribute to unstable slopes.'

— Hydrologist Al Johnson

In 2006 the county assessor listed the real market value of Green's parcel as about \$475,000. The Beverly's parcel is actually made up of four tax lots that have a total real market value of about \$475,000 as well.

Lisa Warnes, founder of Vision for Intact Ecosystems & Watersheds (VIEW), said it could cost only about \$5 million to acquire the land "if done in a way that was legitimate." But if the developers successfully argue the land should be purchased at the price each lot would be worth if houses could be built, then she fears the developers will ask for many millions more.

The city has repeatedly turned down the developers' requests for planned unit developments (PUDs) on the Amazon parcels. Without an approved PUD, houses cannot be built on the land. The Beverlys withdrew their last request in April.

City staff could have purchased some of the land in 2004 for much less. The city offered then-owner Munir Katul's company DDA Oregonia \$300,000 for what is now the Green parcel. Green offered \$325,000 for the land. The city refused to increase its offer, and Green became the owner. Katul told *EW* at the time, "I would have sold it to the city for \$326,000."

Dennis Taylor was Eugene's city manager at the time the city lost its opportunity to buy the parcel. As city manager Taylor controlled the city's staff.

Taylor told *The Register-Guard* (Sat. 6/16) that the City Council's decision to move ahead with the eminent domain issue was one of reasons he resigned his position last month. He told the *R-G* "The manner in which this was handled is one of many factors that influenced my decision to leave my position at the end of July."

Warnes said that statement "has outraged a lot of people." She pointed out Taylor was already applying for other jobs last September. "He must think we as a community have a real short memory," she said. Taylor applied but was not hired for a position as city manager in Lawrence, Kan.

Taylor "has been, since day one, opposed to the city acquiring the land," Warnes said.

Eminent domain is often used to develop areas for public use, not save them. In this case eminent domain would be used to preserve natural resources including habitat for sensitive species such as pileated woodpeckers and red legged frogs.

Under eminent domain, the city can first attempt to purchase the property. If it does not succeed, the city can force the developers to sell. When governments such as the city of Eugene exercise their power of eminent domain to transfer ownership from private individuals to itself, the process is called condemnation.

Warnes and other Eugeneans looking to preserve the city's natural resources are hoping to do this through condemnation. The resources include not only the headwaters forest but Amazon Creek itself.

According to the EPA, Amazon Creek is already contaminated with arsenic, lead and E. coli. Warnes and others fear that building houses in the headwaters of Amazon Creek will further damage the water in addition to destroying the surrounding forest.

A study of the area done by Southeast Neighbors hydrologist Al Johnson said development could "degrade water quality further" as well as "contribute to unstable slopes." Unstable slopes can lead to houses and roads sliding and collapsing.


K&A Engineering, hired by the developers, did a separate study, which concluded it was "entirely" possible the homes could be constructed "with no increased hazard of slope movement." This would involve building pads for the houses, creating a retaining wall, installing pipes for drainage and bringing in fill dirt for the road.

"What does that do to the natural resources?" asked Warnes.

The MountainGate subdivision in Springfield, also built on a slope, used fill dirt, gravel and drainage pipes to build a road through that community. Residents of MountainGate had to leave their homes in February when warned that the road could collapse and slide.

The council's vote on what to do about the Amazon headwaters parcels is on the agenda for the 7:30 pm Monday, June 2 meeting in Council chambers at 777 Pearl St.

Lisa Warnes, in association with Southeast Neighbors and VIEW, is organizing a rally outside the building at 7 pm. For more information, call 484-2210. **EW**



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