

LandWatch Lane County

PO Box 5347
Eugene OR 97405
Phone: 541-431-7059
FAX: 541-431-7078
Email: info@landwatch.net

W-15

May 6, 2003

To Whom It May Concern:

Please place the following matter before the Board of Commissioners under the subject of 'Correspondence To The Board'.

ISSUE


On April 1, 2003, LandWatch Lane County (LWLC) and 1000 Friends of Oregon sent correspondence to the Planning Director. The content of the letter addressed Land Management Division planning actions and the Director's implementation of discretionary authority.

Several days later, the Planning Director spoke directly with the President of LWLC regarding LWLC's request to meet to discuss the concerns expressed in the April 1, 2003 letter. The Planning Director indicated he will not meet to address the April 1 letter, and will not provide a written response to the concerns in the April 1, 2003 letter. LWLC would like to request that Commissioners review the April 1 correspondence and direct the Planning Director to provide a written response to all recipients of that correspondence.

A copy of the April 1 2003 letter is attached.

LWLC hereby requests that the April 1 2003 letter, which was also sent to all Commissioners, be placed on an upcoming BCC agenda under the subject 'Correspondence To The Board.'

Thank you for your attention to this request.



Robert Emmons
President, LWLC

Cc: Lauri Segel
1000 Friends of Oregon

LandWatch Lane County

PO Box 5347
Eugene OR 97405
Phone: 541-431-7059
FAX: 541-431-7078
Email: info@landwatch.net

April 1, 2003

Dear Kent,

Thank you for your response to my letter of February 14, 2003, and for your willingness to continue meeting with Lauri Segel and me to talk about issues of common concern.

Unfortunately, your recollection of what occurred in our meeting on January 28, 2003, and ours differ significantly. You suggest that our concerns about your role as Planning Director, including discretionary authority and sign-off, were cast only "in general terms". To the contrary, while we of course were generally interested in how you interpret your role as Planning Director, we disputed the contention that you were merely following the script of Lane Code and state law. You say that our letter seems to indicate some confusion still exists. In fact we offered several scenarios, including the McDougal revocation on property along Jasper-Lowell Road, the McDougal lodge on the Old McKenzie Highway and the Stein riprap installation on the McKenzie Highway, to support our perception that the script you follow has been altered too readily and too often by local producers—the clique of developers and their agents under whose direction you decide how to cast your discretion.

Surprisingly, what mention of these cases revealed to us is that you had little more than a general recollection of them, and that, rather than our confusion, it is your confusion with which we need to be concerned.

This letter addresses your apparent confusion, sets the record straight about some alleged factual errors in our letter and responds to your opinion about the issue of conflict of interest regarding the hiring of Jim Mann to process LMD applications. Finally, this letter addresses your denial of our request for notice of all proposed land use actions.

Although your letter states that your discretion applies only to "relatively clear and objective *administrative* decisions" [emphasis added], your actions indicate a far broader use of this limited discretion. For example, in addition to the concerns we have already raised about this issue, we have recently seen evidence of an apparent suspension of the requirement for pre-notice (LC 14.050 (3) (c)) on eleven (11) planning actions currently in, or recently out of, the appeal period. In case you are unclear about which planning actions this includes, please refer to the attached list of PA's, recently out of, or currently in the appeal period, for which no pre-notice (commonly used terminology for notice of pending planning actions) was sent (see Exhibit A).

Our understanding of the intent of LC 14.050, **Application Requirements, Acceptance and Investigation**, specifically subsection (3) (c)¹ having to do with procedures related to acceptance of applications, is that within 10 days of an application's acceptance by the Planning Director, notice of the proposed development will be sent out for comments. Notice is required to be sent to those persons identified in LC 14.100(4) [applicant, all parties, all neighborhood or community organizations recognized by the Board and whose boundaries include

¹ Within 10 days of acceptance of an application, the Director shall mail information explaining the proposed development to the persons identified in LC 14.100(4) and, if applicable, notice required by LC 14.160. Persons receiving notice pursuant to LC 14.160 shall have 15 days following the date of postmark of the notice to file written objections as required by LC 14.160(1)(c). All other persons shall have 10 days from the date information is mailed to provide the Director with any comments or concerns regarding the proposed development. After the end of the applicable comment period, the Director shall complete the investigation report and mail notice of a decision or schedule a hearing.

the site and to the owners of record of property on the most recent property tax assessment roll where such property is located.] There is no allowance for discretionary suspension of this Code requirement.

Nevertheless, you evidently authorized this unlawful action, placing discretionary authority above the requirement for notifying members of the public about pending developments in their neighborhoods. Since apparently all of these eleven applications were reviewed by you and/or Jim Mann, it appears that lack of pre-notice had a direct relationship to a "quick review" and easy approval or denial, possibly accommodating the expectation that Jim Mann's contractual agreement with the LMD was to be of short duration.

In the case of PA 03-5046, approved by you on March 14 and in the appeal period until March 31, suspension of pre-notice appears to present several problems, aside from the blatant misuse of discretion in authorizing the suspension. First, it appears from staff documentation that this application was *NOT* meant to be issued without first allowing for comments from neighboring property owners (see Exhibit B). The documentation indicates that no decision should be made prior to pre-notice being sent and the pre-notice period's end time. However, the application was approved by you on March 14, evidently mailed out on March 17, and is expected to be finalized on March 31 if there are no appeals filed.

For your information, 1000 Friends of Oregon received a call on Wednesday, March 26, from a neighboring property owner who had received notice of the pending approval of this application. This neighbor has responded to other pending land use actions in the past, and was wondering why he had not received notice that this application had been submitted. Evidently he called you (as the contact person indicated on the notice of pending land use decision) for information, but received voice mail saying you were out until March 31st.

On Thursday, March 27, Lauri Segel made arrangements, on behalf of the citizen inquiry, to review the file, which was in the appeal drawer. Lauri noticed that the owner is Lane Plywood, represented by land planning consultants (see Exhibit C). On further review, Lauri also noticed that not only had Jim Mann reviewed this file and recommended approval—the fact that Jim Mann was reviewing files for director decision is already confirmed—but he is also acting as an agent for Lane Plywood (see Exhibit D). The paper trail shows that, even though this application is still in the appeal period, Mr. Mann is currently representing the same property owner on another land use proposal. In short, it appears that Mr. Mann was the ghost writer in a land use decision still pending for Lane Plywood, while concurrently working on behalf of that same party. This relationship raises some serious questions.

One question that comes to mind is why this application was approved without pre-notice, even though staff documentation indicates that pre-notice was expected to be given. In addition, one has to wonder if Mr. Mann's professional relationship with Lane Plywood and/or Land Planning Consultants had anything to do with Mr. Mann's apparent "oversight" in forgetting to send the required pre-notice. Regardless of the intent, the outcome is problematic for at least one neighbor, whose copy of the notice of pending land use decision did not reach his mailbox until Monday, March 24. His ability to pay \$310 by March 31st to appeal this decision is limited, and the one week notice he ended up with as a result of your unlawfully enacted discretion does not allow him adequate time to find someone to help him review the applicant's file. Perhaps you forgot to think about neighbors who might have legitimate concerns, but who don't necessarily have money to appeal, when you implemented your decision to suspend pre-notice. So much for "keep[ing] the process open for all affected parties to weigh in...", as you stated in your last letter.

This is a serious violation of your discretionary authority that cannot be ignored. At the very least, your office should apologize and issue a proper pre-notice for this decision.

1.) Revocation and Re-issuance of McDougal forest dwelling application.

It's true that in our meeting of January 28, 2003, we did not mention the issue of concurrent applications regarding the McDougal revocation on Jasper-Lowell Road. However, we find it disturbing that you could not recall the key issue(s) of this application since we understand that you met with Mike Evans and Thom Lanfear to discuss it before the McDougals reapplied for additional template dwellings.

2.) Compliance Action for placement of riprap on Barry Stein property.

Your responses pertaining to this item omit one pivotal fact. You agreed with Mr. Stein's attorney (Joseph Leahy) to bypass mandatory Lane Code procedure entirely by allowing the violator to replant the removed riparian vegetation on top of the riprap, under the reluctant guidance of the Soil Water Conservation District (SWCD). Since you have requested that we be specific in our inquiries, we have enclosed a copy of a three-year old e-mail exchange between you and your staff (see Exhibit E). In it your staff looks to you for process "direction". Your response on 3/15/00:

"I talked with Joe today and he is going to get Pat Thompson to provide us with retroactive approval from the SWCD for the restoration plan that has already been implemented.

Let's hold off until we receive SWCD approval. Upon receipt, I will feel our concern has been addressed and since compliance has been achieved we will have justification to back off the requirement for the fee."

Excuse our naiveté, but can you cite for us the Lane Code provision that allows you to steer this blatant violation to a non-land use decision dead end (i.e., an exemption under LC 16.253(2)(d)(v))? We call your attention to LC 16.253(4):

(a) Preliminary Investigation. A Preliminary Investigation will provide a basis for identifying the area(s) of vegetation removal, alteration or destruction and the potential impacts of the removal in excess of the standards of LC 16.253(2) above.

This investigation SHALL identify the approval criteria which must be addressed by the property owner in the Riparian Setback Area Restoration Plan pursuant to LC 16.253(5)(c)... [emphasis ours]

The word "shall" is mandatory code direction. You had no discretion to channel the violator into any other code process. In Preliminary Investigation PA 98-529, your staff unambiguously identified the need for the owner to submit a Riparian Setback Area Restoration Plan per LC 16.253(5)(c), and pay the required fee. **That process is a land use decision to be made by your office, not delegated to administrative signoff by another agency.**

We note that the Riparian Modification, PA 2792-97, for the riprap was denied, and that the decision was final on December 10, 1997. The riprap should have been required to be removed after such denial. We have reviewed the restoration plan submitted by Mr. Thompson **after** December 1997. It incorporated replanting within the existing riprap **without its removal**. Yet your e-mail of 3-15-00 condones the use of that plan. It appears you have not reviewed the restoration plan and have ignored the denied Riparian Modification. Why?

Your last paragraph under 2.) A. indicates that you are still confused over whether or not the riprap is to be removed.

We note that the riprap extends for 340 feet, and that the Stein property has only 200' of river frontage. Why hasn't the unfortunate owner of that adjacent lot been notified of this "gift" from his neighbor? Why isn't that lot also under enforcement for placement of riprap?

Your letter is copied to the Board of Commissioners in an apparent attempt to ward off ex-parte contact and hide behind protocol. May we remind you that ex-parte conflicts are pertinent to quasi-judicial actions, not to the SWCD exemption that you originally chose? If the community had not raised hell, there would be no ex-parte potential because your original course of action was to exempt Mr. Stein from the quasi-judicial process. Your actions make a mockery of your second opening paragraph concerning discretionary decisions requiring notice and keeping "...the process open for affected parties to weigh in." We and the concerned members of the McKenzie Valley are such parties, and we resent having to lecture you about our rights to open process.

The Stein affair is not "...one of those interagency coordination efforts that got off track...." It was a gross violation shunted onto a dead-end spur by your favoritism to Mr. Leahy.

3.) Hiring of Jim Mann as Extra Help to process backlog of applications.

Your letter states that the applications assigned to Mr. Mann "are 'old'", and that "many of them are ones he was working on before he retired...." However, a review of the applications in, or just removed from, the appeal period tells a different story. Of the eleven applications reviewed by Mann/Howe (those applications in, or just out of, the appeal period), just two (2) were received in the LMD prior to Thanksgiving, which is when Mann officially retired. This leaves nine applications processed by Mann/Howe that were received in the LMD *after* Mann's retirement. In fact, the Lane Plywood/Land Planning Consultants application mentioned earlier in this letter was actually received on January 13, 2003.

Regardless of how high you believe Mr. Mann's ethical standards are, you have misused your discretionary authority by not only allowing newer applications to be processed before many older applications, but, even more egregious, suspending the required pre-notice for those same applications. This suspension of pre-notice has disenfranchised neighbors who may potentially be impacted by actions they were not offered the opportunity to comment on before a decision was rendered. Unable to comment during the application process, these unfairly disadvantaged parties have no recourse but to pay a \$310 appeal fee, take a day off from work and attend a hearing, all simply to cure your unlawful waiver of mandated Lane Code notice requirements.

Your letter mentions that Mr. Mann would "...be required to file a collateral employment agreement barring him from serving clients in Lane County or those whose requests could come before the County" if he were to be employed again. Why wasn't this required when he was first hired last February? Is this another ploy to show the Board that you are running the good ship LMD on an even keel? Incidentally, the "Issue 5" from the Administrative Procedures Manual you cited was superceded by Issue 6 five years ago. You may wish to update your manual.

4.) Request for Notice of Proposed Planning Actions/Applications.

In your letter, you state that the LandWatch request for notice of pending planning actions "goes far beyond Lane County's current policy and requirements for notice." We would remind you that our most recent request for pre-notice made it clear that our request was being made pursuant to the Public Records Statue, ORS 192.440. Although our initial request did not cite this statute, your response unequivocally revealed that the spirit of cooperation was not going to be extended to LandWatch, as it quite clearly is to private developers and their agents who have a long history of expecting, and receiving, cooperation from the Planning Director. Two

flagrant examples are discussed above. We wonder how many more exist that we simply have not stumbled upon.

We believe the County has no choice but to honor our request for public information pursuant to the Public Records statute. Indeed, we are surprised and dismayed that you, as an employee of a public agency, are so reluctant to approve this request. Pre-notice can be implemented simply, with no noticeable impact on staff time, and would require only an envelope, a copy of the already generated pre-notice letter, and postage. LandWatch has offered to cover these costs.

Lauri Segel told me that in a recent phone conversation you expressed anger that I took this issue to the Board on March 18, indicating you had requested this issue be put on their agenda in April. Having had our request denied twice, having had no further communication from you, and having reason to believe that a third request of you was not likely to be a charm, I took our legal request to the next step, the BCC. If we are unable to make progress with the BCC, we will take this issue to the Attorney General.

Following up on Mr. Vorhes' conversation with the BCC after they heard LandWatch's comments concerning this request, we expect to be hearing from either you or him in the very near future regarding any clarifications either of you might need, and when this issue will be on the Board's agenda. It is difficult, however, for us to imagine what further clarification is necessary.

As Commissioner Sorenson directed Mr. Vorhes to make sure that this issue was brought back to the BCC as an agenda item in the near future, we anticipate that it will be scheduled for a BCC meeting in mid-April. Please contact us at your earliest convenience confirming the April date.

Thank you for your attention to these matters.

Sincerely,

Robert Emmons, President, LandWatch Lane County
P.O. Box 5347
Eugene OR 97405
Lauri Segel, Planning Advocate, 1000 Friends of Oregon
120 West Broadway
Eugene OR 97401

Cc: Ollie Snowden, Director/Public Works
William VanVactor, CAO/Administration
Stephen Vorhes, Legal Counsel
Jeff Towery, Interim LMD Manager
Commissioners Bill Dwyer, Bobby Green, Tom Lininger, Anna Morrison, Peter Sorenson

May 14, 2003

**Robert Emmons, President
LandWatch Lane County
P.O. Box 5347
Eugene, Oregon 97405**



LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

Subject: Land Watch Letter dated April 1, 2003

Dear Mr. Emmons,

Your letter of April 1, 2003 raised four general areas of concern as follows: 1) referral notice; 2) processing of land use applications for the McDougal and Stein properties; 3) hiring of extra help to process backlog of applications; and 4) Public Records Request. After having a conversation with Kent Howe, Planning Director, the following brief response provides a status of these four general areas of concern.

1) Referral Notice

Eleven applications were processed without referral notice in order to maximize the extra help processing a backlog of applications. Staff assisted in identifying the applications that were relatively straight forward and unlikely to be controversial to process without referral notice. These were primarily requests for extensions of expiring approvals, temporary hardship dwellings, and co-location of telecommunication facilities on remote mountain tops.

Your letter mentioned that 1000 Friends of Oregon received a phone call from an individual inquiring about a notice of pending approval and why he had not received a referral notice. Kent called Lauri Segel and was given the name of the individual that had inquired about the referral notice. He called the person and explained what had happened. The individual was interested in the provision utilized in the land use application and he was fine with the decision.

Everyone that would have been given referral notice was notified of the land use decisions and were given an opportunity to appeal the decisions and fully prepare/comment on the applications in the appeal proceedings. All of the decisions met the statutory notice requirements for providing opportunity for a public hearing. None of the decisions received any comments. None of the decisions were appealed.

2) Processing of land use applications for the McDougal and Stein properties

Your inquiries on these land use applications were addressed in Kent's letter to you dated March 5, 2003. These applications are being processed and further debate should occur in the context of those land use proceedings. As with previous correspondence, because your letter went to the Commissioners and may constitute an ex parte contact, I will put it and my reply in the respective planning action files.

3) Hiring of extra help to process backlog of applications

Your concerns about hiring Jim Mann were also addressed in Kent's letter to you dated March 5, 2003. Your allegations regarding Jim Mann's association with Lane Plywood are misinformed



and distract from your efforts on behalf of Land Watch and those you represent. I have attached Jim Mann's response to your assertions.

4) Public Records Request

Your request for notice of pending applications was addressed by Stephen Vorhes, Assistant County Counsel, on April 7, 2003. I have attached his response. It is my understanding a formal response has not been received. We are also waiting to hear your preference for interim notice before the subscription service becomes effective.

In conclusion, I understand that Kent has stated in person and on the phone, to both you and Lauri Segel, that we are willing to meet with you to talk about broad planning issues and concerns. I was surprised to see your letter of May 6, 2003, stating that we indicated we would not meet to address the April 1st letter.

I have talked with Ollie Snowden, Director of Public Works, and we do feel that the back and forth letter writing is not a productive use of Kent's time. Kent has talked individually to all of the Board members about your April 1st letter. In fact, Commissioner Sorenson has recommended that meeting with additional members of the group might be a reasonable way to proceed rather than meeting with one individual. We continue to offer to meet at a mutually convenient time to address your general interests.

Sincerely,



Jeff Towery
Acting Division Manager

Enclosures

cc: Bill VanVactor
Ollie Snowden
Kent Howe
Steve Vorhes
Commissioners Dwyer, Green, Lininger, Morrison and Sorenson
Lauri Segel, 1000 Friends of Oregon

April 3, 2003

Kent Howe, Planning Director
Lane County Land Management Division
125 East 8th Avenue
Eugene, OR 97401

Subject: Response to Written Statements From
Robert Emmons, President Lane County Land Watch

Dear Kent,

On March 27, 2003, I did what thousands of citizens before me have done. I completed and signed the Lane County Land Management Request for Assistance form and submitted this to the LMD for assistance. A person recently hired me to evaluate the F-1 zoning of property described as Map 18-03-31&32, Tax lot 101. This property is owned by Lane Plywood, Inc. The person who hired me is not employed by Lane Plywood, Inc., does not have a legal interest in this property and is not an agent for Lane Plywood, Inc. I have never been employed by Lane Plywood, Inc. or by an agent to do business for Lane Plywood, Inc. I signed the Request for Assistance form and specifically requested to see the wetland and wildlife maps for this property. Nowhere on this form did I state that I was making this inquiry as an agent for or on the behalf of Lane Plywood, Inc. Jerry Kendall, Associate Planner, assisted me and provided me with a copy of the wetland and wildlife maps for this property.

Somehow, a copy of the Request For Assistance form that I submitted to the LMD was provided to Robert Emmons, President Lane County Land Watch. In an April 1, 2003 accusatory letter to you and other Lane County Officials, Mr. Emmons, President Lane County Land Watch references as "Exhibit D" a copy of the Request For Assistance form that I submitted to the LMD and uses it to accuse me of "acting as an agent for Lane Plywood (see Exhibit D)" and of being "the ghost writer in a land use decision still pending for Lane Plywood, while concurrently working on behalf of that same party." Since I am not now and have never been employed by Lane Plywood, Inc., I assure you that the above quoted statements of Mr. Emmons, President Lane County Land Watch are false. To resolve any questions beyond a reasonable doubt about my employment in this matter, I would be willing to let Lane County officials discretely review my work file in this matter. Otherwise, the work that I performed for my client is confidential.

In February and March of this year, I was hired by the LMD as a temporary worker to work about two and a half weeks involving preparing land use decisions for staff and the Director's review and signature. This is exactly what I did. I discussed the applications that I worked on beforehand with the planners to whom the applications were assigned and received their input. I discussed these applications with you, Kent, before you signed them. My work was even postponed at mid point for two weeks so that the applications I would be working on could be organized referrals done if necessary. I wrote decisions for approvals and denials and returned some applications to Jerry Kendall for him to perform additional application background work with the applicants. During my temporary employment, I had no employment connection or pecuniary interest in any of the matters that I worked on. During my temporary employment, I observed that many of the land use applications I worked on were routine and well prepared but that they were not being appropriately processed. Required application completeness checks had not been done. So, after sitting for thirty days, the applications were being accepted as is by default. Referrals had not been sent out. Applications were sitting were not being worked on and had in some cases been sitting on people's desks for weeks in including two applications that

were assigned from me to others in November before I left full time employment. The work I did was intended to provide some relief of the workload on other staff, Thom and Jerry, due to a staffing shortage. I am being criticized for doing this work.

As a result of this experience, I have two serious concerns that Lane County needs to address.

1. A copy of my routine Request For Assistance concerning the Lane Plywood, Inc. property was provided by someone at the Lane County Land Management Division to Lane County Land Watch. As far as I know, Lane County does not routinely provide Lane County Land Watch with copies of requests for public assistance. How and why did my request for assistance get singled out from the others and a copy of it provided to Lane County Land Watch. I am ~~not~~ concerned that I am being treated in a biased manner by Lane County staff.
JAM
2. This is not the first time that Mr. Emmons, President Lane County Land Watch has made statements to Lane County Officials about my temporary employment. On February 14, 2003, Mr. Emmons President Lane County Land Watch wrote a letter to you, Kent, and stated, "Will the next step be to allow Mann to display his personal business cards in the office?" and "It appears to us that Mr. Mann as a former Senior Planner and now a private consultant, has more than a potential conflict of interest." This was advised of this concerned beforehand and it was addressed in my actions. I did not "display" my business card. I had no employment connection or pecuniary interest in any of the land use applications that I worked on. As a former temporary and former full time public employee of Lane County, I accept the need to allow citizens an opportunity to review and comment on my performance. However, Mr. Emmons, President Lane County Land Watch did not discuss his concerns with me about my inquiry into the Lane plywood, Inc. property. If he had of communicated with me, we could have ascertained the truth. Instead, Mr. Emmons, President Lane County Land Watch took his false statements about me and ran them up a flagpole in front of Lane County public officials. As a result, these false comments are potentially injurious to my ability to do land use work in Lane County and potentially injurious to the business image of Lane County.

For myself and for the sake of others like me, I hope that you will give this matter the prompt attention and response that it deserves.

Sincerely,



James A. Mann LLC
P.O. Box 51081
Eugene, OR 97405-3819

cc. Ollie Snowden, Jeff Towery, Bill Van Vactor, Steve Vorhes
Commissioners Bill Dwyer, Bobby Green, Tom Lininger, Anna Morrison, Peter Sorenson



REC'D APR 09 2003

LANE COUNTY OFFICE OF LEGAL COUNSEL

PUBLIC SERVICE BUILDING / 125 EAST 8TH AVENUE / EUGENE, OR 97401 / (541) 682-4442 / FAX (541) 682-3803

April 7, 2003

Robert Emmons, President
LandWatch Lane County
P.O. Box 5347
Eugene, Or 97405

Re: Public Record Request
Notice of Pending Land Use Actions

Dear Mr. Emmons:

Your letter of April 1, 2003 and your comments at the Board meeting of March 18, 2003 finally made clear you are requesting production of public records rather than seeking copies of referral notices under existing land use law. I am trying to get a sense of the scope of the request and the costs that might be involved and Lane County will endeavor to respond and provide the requested records within a reasonable time upon payment of those costs. For purposes of a public record request, I will assume you are now looking for copies of the public records that existed as of April 1, 2003.

It is my understanding that as of April 1, 2003, there were approximately 180 pending land use applications that contain the post-application acceptance referral notice. In an effort to calculate the cost of providing the requested copies of the referral notice in each of those files, I estimate the notices average 5 pages each without attachments. I also estimate the time it will take to pull the files and make the copies at approximately 22.5 hours. With time at \$35 per hour and copy costs of \$.25 per page, that would total \$1012.50. If you will agree to pay the actual costs and make a deposit of \$750, I will ask that the copies be made for you to pick up.

On a separate but related issue, the proposed subscription fee for referral notice will be going to the Board later this month. That fee will provide an opportunity to get notice when a referral notice is sent. With the time and postage calculations it came to about \$2.00 per notice. The subscription fee was set using an average of 250 referrals per year, with the last two years as the baseline. There were 296 applications in 2000 and 230 in 2001. Until that fee becomes effective, let me know what kind of periodic notification of new applications would assist you in gathering necessary information on those matters.

Please let me know if I have misunderstood your request and what you think about the interim approach. Thank you for your consideration.

Sincerely,

LANE COUNTY OFFICE OF LEGAL COUNSEL

By

Stephen L. Vornes

Assistant County Counsel

cc: Oliver Snowden
Bill Van Vactor
Jeff Towery
Kent Howe

CHRONOLOGY OF EMMON'S CORRESPONDENCE

- Jan 28 - I met w/ Emmons, Segel and Just. We talked in general terms about the discretionary authority of the planning director.
- Feb 14 - Emmons sends detailed letter and a request for notice of all proposed land use applications in Lane County. A subsequent clarification letter was sent Feb 24th.
- March 5 - I responded in writing to Emmons addressing apparent confusion, set the record straight about Emmons factual errors and respond to concern about use of contract employees to process applications.
- April 1 - Emmons/Segel send letter responding to my letter of March 5th and to further clarify their request for notice of all proposed land use applications as Public Records Request.
- April 3 - 8 - I met with all Commissioners individually and the County Administrator to discuss the April 1st Emmons/Segel letter. Our conversations covered referral notice, extra help, compliance and approaches to deal with LandWatch. Commissioner Sorenson discussed with me his experiences with adversarial and abrasive constituents. As a new approach, he recommended I meet with four to five individuals representing LandWatch rather than one.
- April 7 - Steve Vorhes responds to Public Records Request.
- April 8 - I receive email from Segel requesting written response to their letter of April 1st.
- April 8 - I phoned Segel and informed her I would be glad to meet but did not feel that responding in writing was a productive use of my time. I told her to that on the advice of Commissioner Sorenson, I should meet with four or five of the representatives of LandWatch and that if she could coordinate with Emmons and give me a few dates we could schedule a meeting time that would be mutually convenient.
- April 10 - Emmons called demanding that as a public servant I respond to their April 1st letter. I stated that I did not feel responding in writing was a productive use of my time. Emmons then demanded tape recording a meeting to discuss the issues raised in their April 1st letter. I stated that I would not be comfortable having the discussion recorded, but that I would be glad to meet to discuss the letter. I informed him that if he would like to meet to discuss, I would request that four or five representatives of LandWatch be present. Mr. Emmons suggested April 25th (a date on which I had a conflict) to meet with Nina Lovinger and Alice Doyle (LandWatch Lane County), Jim Just (Linn County) and Laurie Segel (1000 Friends). I told him that I could not meet that Friday, but that I would be glad to meet on another mutually convenient date and would appreciate it if he could get additional representatives of LandWatch.
- April 16 - The Board conducted a meeting on proposed fee increases for LMD, which included the proposal for a annual subscription fee for referral notice of land use applications. The Board supported the proposed changes.
- April 21 - Commissioner Sorenson sent email requesting I respond to the April 1st letter.
- April 22 - I responded to Commissioner Sorenson that I had phone conversations with Emmons and Segel addressing the April 1st letter and I felt that continued back and forth letter writing was not a productive use of my time. I attached the April 4th email from Steve Vorhes discussing the issue of suspension of the pre-notification of pending planning actions and stated that I would be glad to meet to discuss further if he had any questions.
- May 6 - I received copy of letter from Emmons requesting matter to be put before the Board. Emmons incorrectly states that I indicated I would not meet to address the April 1st letter. They request the Board to direct me to provide a written response to the April 1st letter.
- May 7 - I am informed that the Agenda Setting Committee instructed me to meet with Steve Vorhes and develop a response to the May 6th letter from Emmons for the Agenda Setting Committee.
- May 9 - Met w/ Jeff Towery and Stephen Vorhes and decided to draft letter of response from Jeff
- May 13 - Meet with Agenda Setting Committee.