

An Oral History of the Visions and Intentions Behind
Oregon's Land Conservation and Development Act:
Senate Bill 100

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ABSTRACT

On May 29, 1998, Oregon's Land Conservation and Development Act, the most hard earned and celebrated piece of legislation ever passed in Oregon, will be twenty-five years old. Nine individuals who fought for Senate Bill 100's development and passage share their stories of involvement. Their collected stories are used to address four objectives: (1) to preserve the land use history of Oregon for future generations; (2) to document the comprehensive realities that surrounded and propelled the land use reform effort; (3) to capture and display the inherent values Oregonians hold for their landscape, resources, and government; and (4) to document the visions and intentions behind SB 100 and evaluate the current land use system against these.

The stories of these individuals reveal the pressures that Senate Bill 100 faced in development and implementation from interest groups and local governments. They display the strengths of the land use reform effort such as bipartisan support, the participation of diverse interest groups, educational processes, and selfless leaders. They also display the weaknesses of the current land use system which threaten its success, for example, loopholes in the land use law, the incremental chewing away at the resource land base by counties, and conservative attacks at the program emphasizing economic development interests over resource protection interests.

Each individual makes recommendations for changes to the current land use program. These range from examining the weaknesses of the program so that new policy may be developed, to making new efforts to rally public support for the program. They stress that land use reform is not just a one time event, accomplished when legislation is adopted, but that it is a long term effort to affect day-to-day land use decisions. Overall, they remind us that Oregon's land use program, although exemplary in many ways, is still plagued with a multitude of flaws that undermine the potential of the program.

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CHAPTER 1: Introduction

ATTRACTION TO TOPIC

My attraction to this topic developed out of a panel session I attended at the Oregon Planning Institute in Eugene, Oregon, on September 5, 1996. The session was titled "Connecting Oregon Planning To Its Past." Panel members included Hector Macpherson, past state Senator and principal author of Senate Bill 100; Bob Logan, a special administrative assistant to former Governor Tom McCall; Marv Gloege, a planner and planning consultant with the Bureau of Municipal Research and Service (later Bureau of Governmental Research and Service) before it was eliminated due to budget cuts; Arnold Cogan, the first Director of the Department of Land Conservation and Development (DLCD); and Wes Kvarsten, a past Director of DLCD and an assistant in the writing of Senate Bill 100. At the end of the session, Wes Kvarsten noted the need for a narrative documentation of the original vision for Oregon's land use system and proposed that a graduate student consider the topic for an exit project. Considering the timeliness of the project and recognizing my interests in and pride for Oregon's accomplishments in land use planning, I eagerly made Wes' suggestion the topic of my masters project.

PROBLEM STATEMENT AND ISSUE

Twenty-five years after the passage of Senate Bill 100, Oregon's Land Conservation and Development Act, Oregon remains one of the nation's forerunners on land use and environmental issues. Land use activists throughout the nation have sought to understand the circumstances that existed in Oregon in the late 1960s and early 1970s that allowed this landmark legislation to become a reality.

The observations and stories of those who were involved in the development of Senate Bill 100 shed the best light on the comprehensive realities that surrounded this land use reform effort. Unfortunately, as time passes since the passage of Senate Bill 100, so do the lives of the visionaries and their stories. This project seeks to document the stories of these individuals while they can still tell them.

OBJECTIVES AND IMPORTANCE OF PROJECT

The documentation of the visions and intentions behind Senate Bill 100 has four objectives. The first objective is obvious. By documenting the policymaker's stories, historical material will be collected and preserved for present day and future generations to refer to. This historical knowledge will aid individuals or groups making decisions regarding land use.

National recognition that Senate Bill 100 has received as model land use legislation suggests the second objective of documentation. Policymaker's perceptions of elements or conditions that existed in Oregon during the reform effort, and that they believe contributed to the successful passage of Senate Bill 100, are found throughout the stories. This provides a comparison for other states to use when they examine the elements or conditions in their own state that either promote or decry land use reform. Passing on the lessons Oregon has learned with Senate Bill 100 to other states will allow them greater assurance that their own land use reform efforts will succeed.

The third objective of documentation is to capture and display the values Oregonians hold for their landscape, resources, and government. These values are revealed as the policymakers tell of the political pressures and public sentiment they observed or faced growing up in Oregon or other states, and as they worked on Senate Bill 100. For example, Norma Paulus comments, "The ultra-conservatives were very concerned about Senate Bill 100 because they thought it was part of an international conspiracy to create a new world order."

Last of all, after documenting the visions and intentions behind the development of Senate Bill 100, the policymakers are led to evaluate Oregon's current land use system using their perceptions of how well the implemented system has met their original visions and intentions. Their evaluation provides a basis from which to make decisions on the future course of Oregon's land use system.

PROJECT BENEFICIARIES

Anticipated users of this collected history are the Oregon Chapter of the American Planning Association, Oregon State Historical Society, Oregon Department of Land Conservation and Development, other state planning and development departments, 1000 Friends of Oregon, Livable Oregon, land use reform interest groups, public and private planning and development groups, and individuals with an interest in land use issues, reform movements, and Oregon history.

ORGANIZATION OF THIS PROJECT

The rest of this project is divided into four chapters, nine appendices, a glossary and a bibliography. **CHAPTER 2: Background**, details the players and events that surrounded the passage and implementation of Senate Bill 100. **CHAPTER 3: Methodology**, describes the value of narrative histories and the interviewee selection process, interview instruments, and transcribing and editing processes used in this project. **CHAPTER 4: Synthesis**, integrates the policymaker's comments as they relate to the four objectives of the project. **CHAPTER 5: Conclusions and Recommendations**, deduces the lessons to be gained from the synthesis of collected interviews and details the recommendations policymaker's have for the current land use system. The **APPENDICES** contain the nine interview transcripts supporting the synthesis and conclusions.

CHAPTER 2: Background

This chapter attempts to familiarize the reader with the sequence of events that led up to the passage of Senate Bill 100 and which followed its adoption. If the reader would like a more detailed, comprehensive look at the events that surrounded Senate Bill 100 they should look to the materials listed in the Bibliography of this report.

THE BREW OF SENATE BILL 100

Raising A Consciousness

Before World War II, Oregon was a sparsely populated state, highly dependent upon agriculture and forest products for its economic base. The postwar period, however, brought rapid population growth and uncontrolled development to Oregon. Between 1960 and 1970, Oregon's population grew at a rate roughly twice the national average. As early as the 1960s it was apparent to many Oregonians, especially to people in the Willamette Valley where growth was concentrated, that the state's environment and quality of life were suffering from the pressures of growth and development (Knaap and Nelson 1992). By 1966, the related issue of environmental pollution had received enough attention to be featured as a principal issue in the gubernatorial campaign between Republican candidate Tom McCall and Democratic candidate Robert Straub (Little 1974).

Recognizing the need to raise public awareness of the problem, Ted Sidor, whose responsibility was to promote rural planning statewide as a Resource Development Specialist with the Oregon State Extension Service, organized an "Urban-Rural Conference" in February of 1967. The conference was titled "The Willamette Valley - What Is Our Future In Land Use?" It had as invited speakers Clay Myers, Oregon's Secretary of State; and Hector Macpherson, a dairy farmer from Albany who had been instrumental in forming the Linn County planning commission in 1963, and who was serving as its chairman by 1965. The dominant message that emerged from the conference was this: we must save our best farmland or suffer its inevitable loss (Macpherson 1996).

Legislative Steps

A direct result of the conference was a decision by the Legislative Interim Committee on Agriculture to have the Land Use Subcommittee study the long range economic impacts of urbanization on agricultural lands. Following Ted Sidor's reasoned plea to the committee on March 25, 1968, Senator

Cornelius Bateson suggested legislation might be passed to require all counties to be zoned by January 1, 1972. Ted agreed, and the idea for Senate Bill 10 was born. The committee called upon Wes Kvarsten, the director of The Mid-Willamette Valley Planning Council to work with other professional planners in the state and prepare planning standards to go along with the zoning mandate (Macpherson 1996).

Senate Bill 10, with the support of Governor Tom McCall, was passed in 1969. It was a simple directive to the cities and counties in Oregon to zone their land and begin work on comprehensive plans and zoning ordinances that met ten broad goals. Public support for the legislature's action was expressed when a ballot measure restricting the power of government units to pass zoning, subdivision, or building code legislation was overwhelmingly defeated by the voters in 1970 (Oregon Local Government Relations Division 1974). However, the legislation's effects were stifled by two flaws: there were no criteria established for evaluating the comprehensive plans, nor were there any guidelines for coordinating the plans between contiguous localities. Underlying all of this was the lack of financial support to cities or counties to prepare the comprehensive plans (Little 1974).

Educational Processes

By 1970, the erosion of the quality of life in the Willamette Valley prompted residents and local government officials to approach Governor McCall for help. Their efforts resulted in the creation of the Willamette Valley Environmental Protection and Development Council. McCall appointed Clay Myers to the chairmanship. The task confronting this group of state, regional, and local officials was enormous. They were to assess the valley's resources and developmental trends, define goals for the future of the valley, and develop programs to implement such goals. Out of this task statement, "Project Foresight" emerged (Oregon Local Government Relations Division 1974).

"Project Foresight" employed technical advisory committees, citizen attitude surveys, and graphic "scenarios" of alternative futures for the valley to educate Oregonians about the very real growth pressures affecting the valley. Two media forms, a report titled The Willamette Valley - Choices for the Future, and a 35mm slide show presentation, ensured maximum exposure of the program. The report estimated that, without government intervention, the amount of urban land in the valley would increase by an alarming 75 percent, or by about 340,000 acres, between 1966 and 2020 (Knaap and Nelson 1992). It was clear that urbanization of land at this rate, would consume a significant portion of the most fertile farmland of the Willamette Valley and debilitate an economic stronghold of Oregon. Over a seven-month period, "Project Foresight" completed over 275 showings, reaching approximately 20,000 valley residents through luncheons, meetings, organizations and schools (Oregon Local Government Relations Division 1974).

A corollary but separate aspect of "Project Foresight" was a program called "Feedback." At each showing of the slide show, cards were passed out to the audience. By completing the card, the viewer provided their response to the presentation and became part of a mailing list for a "Feedback" newsletter. The newsletter was devoted to informing the reader of recent national, state and local developments in land use planning and played an important role in apprising readers of the status of the land use bills in the 1973 legislature. The scenario approach of "Project Foresight" proved uniquely provocative in raising the environmental consciousness of those the program reached. It resulted in widespread valley support for statewide land use planning legislation (Oregon Local Government Relations Division 1974).

Environmental Orientation

During this same time, many of the "B" bills—environmentally oriented laws that have set Oregon apart as an "environmental model"—were passed. Among them were the famed "Bottle Bill," which set a minimum deposit on beverage containers; the bicycle law, which set aside a mandatory percentage of highway revenues for bikepaths; a bond for pollution abatement based on a percentage of the state's true cash value so that the bond limit would keep pace with overall growth; the "Beach Bill," which declared Oregon beaches open to the public up to the line of vegetation; and last there was the billboard removal law (Little 1974).

Oregonians were also becoming aware of another environmental issue that centered on the life-blood of Oregon, the Willamette River. The Willamette had become one of the most polluted rivers in the nation in the 1950s. Salem Mayor, Douglas McKay, who would later be Governor, had as early as the 1930s pleaded with the public to take notice of the poor condition of the Willamette River. However, the effort to reclaim the Willamette didn't really gain momentum until a television documentary, "Pollution in Paradise," filmed by Tom McCall in 1961-62 received widespread attention by Oregonians (Abbott, Adler and Howe 1994)

The state's Sanitary Authority, under pressure from Governor McCall and the media, began to impose tougher water and air regulations on industry. McCall also began making plans for a Willamette River Greenway, an idea that had been generated by Robert Straub in the 1966 gubernatorial campaign. By 1973, the Willamette River had earned a clean bill of health (Walth 1994). The reclamation effort reached a capstone in 1975 when the Willamette River Greenway became a state planning goal (Little 1974).

In the 1971 legislature, the Oregon Coastal Conservation and Development Commission (OCC&DC) was created in response to the erosion that fragile coastal ecosystems were suffering and the

lack of concern shown by coastal officials. The officials saw land use and resource planning as a threat to coastal economic development and objected to state interference. Despite the criticism, the coastal planning process was formalized (Oregon Local Government Relations Division 1974).

Overcoming Obstacles

Although a large amount of environmental legislation was passed in 1969 and 1971, the challenge of formulating state-wide land use planning remained. Seeing the need during the 1971 session, Republican Senator Hector Macpherson requested that an interim committee be appointed to study the problems of land use and to propose the necessary legislation to the 1973 session. However, no committee was ever appointed (Oregon Local Government Relations Division 1974).

Determined to see Oregon on the road to controlling its growth and providing for orderly development, Macpherson approached the Governor's Local Government Relations Division for help. There Macpherson met and worked with Bob Logan, the director of the division, to form a citizen Land Use Policy Action Group. The committee was made up of local government planners; experts in economics, agriculture and planning; members of the business community; and representatives from environmental and other public interest groups (Oregon Local Government Relations Division 1974).

Developing Legislation

The Land Use Action Group was broken into two committees. The first committee studied the issue of state-wide planning and was called the Land Use Advisory Committee. It had three legislative goals. One was to create a state agency with primary responsibility in the land use control effort. Another was to restructure local planning efforts to make them more effective. The third was to implement regional plans and determine a way to evaluate land use decisions in relation to the plans. The second committee was named the Rural Planning and Conservation Committee. Its purpose was to propose legislation designed to stem the premature conversion of lands from rural to urban uses, and to propose revisions to the present subdivision approval process (Oregon Local Government Relations Division 1974).

These committees met on a semi-monthly schedule in the early months of 1972 and devoted themselves to taking informal testimony, looking at land use legislation in other states, and discussing the findings of taxation and assessment studies. By May, a first draft of Senate Bill 101 emerged from the Rural Planning and Conservation Committee, and in June, a first draft of Senate Bill 100 was ready for discussion in the Land Use Advisory Committee. The drive for land use legislation continued throughout the fall. Both committees moved through several drafts of the bills and concentrated on working with

various interest groups in order to resolve as many problems as possible before the Legislature convened (Oregon Local Government Relations Division 1974).

Setting the Stage

During the fall and winter of 1972, Governor McCall and the Local Government Relations Division were also busy. McCall had chosen to devote his annual Conservation Congress to consideration of land use issues. Six hundred business, labor, environmental, legislative, and local government leaders attended the three-day convention. This event set the stage for land use as a top-priority issue facing the 1973 legislature (Oregon Local Government Relations Division 1974).

When Senate Bill 100 was introduced at the beginning of the 1973 legislative session, it was sent to the Senate Environment and Land Use Committee. Prior to the beginning of the session, Macpherson approached Democratic Senator Ted Hallock from Portland for backing of Senate Bill 100. Hallock agreed to co-sponsor the bill and afforded the bill bi-partisan support. Another advantage of Hallock's endorsement was that he became chairman of the committee and was familiar with the inner workings of the Legislature. The committee was made up of seven members, including Hallock and Macpherson (Oregon Local Government Relations Division 1974).

L.B. Day's Miracle

As the Senate Committee began to hold extensive hearings on Senate Bill 100, there were only three committee members who supported all of the concepts embodied in the bill. It was apparent that there would need to be some considerable reworking of the provisions in the bill for it to gain a majority of support from the committee. Aware that the bill was going nowhere, Senator Hallock created an independent "ad hoc" committee of diverse interest groups to make acceptable compromises to the provisions in the bill. L.B. Day, a lobbyist for labor unions and former Director of the State Department of Environmental Quality, was appointed chair of the committee (Oregon Local Government Relations Division 1974).

A heavily revised Senate Bill 100 emerged from the ad hoc committee just ten days later. Gone from the original bill were provisions for regional planning districts and "areas of critical state concern." Planning coordination responsibilities were turned over to the counties. The committee determined that "areas of critical state concern" should be identified during the development of statewide planning goals and guidelines, and that the Land Conservation and Development Commission (LCDC) could propose these areas to the legislature then. A feature providing for the Governor as the enforcer of the bill was also

eliminated; LCDC would be the enforcer instead. One notable element that the ad hoc committee added to the original bill, was a stringent provision for citizen participation in the preparation of comprehensive plans (Little 1974).

Holding Their Breath

The ad hoc committee succeeded in making important compromises that merged the support of varied interest groups. On April 6, 1997, after many grueling months of debate, Senate Bill 100 came out of the committee with a "Do pass" recommendation. Two weeks later the floor vote arrived, and although opponents of Senate Bill 100 attempted to send the bill to the Ways and Means Committee, a move that would have tabled and killed the bill, strong support for the measure allowed the bill to proceed through the Senate to the House by an 18 to 10 margin vote (Little 1974).

Leery of having to forge another delicate compromise between interest groups, Senator Hallock pleaded with the House committee to not make any changes to the bill, so that the bill would not be sent back to the Senate for concurrence. Hallock's pleas proved effective and the House Land Use and Environment Committee approved the bill unchanged. The House floor voted in Senate Bill 100, 40 to 20, on May 23, 1973, and the bill was signed into law by Governor McCall six days later (Little 1974).

SENATE BILL 100 FULFILLED

Innovative Elements

The passage of Senate Bill 100 introduced four elements of statewide planning to Oregonians: a local comprehensive planning process keyed to mandatory goals; state review of local plans; plan enforcement; and an appeals process. The newly created commission, LCDC, held many public workshops throughout Oregon in 1974 and adopted fourteen planning goals by December. Five more goals were added later bringing the total number of goals to nineteen. All cities, counties, and regional agencies were required to prepare comprehensive plans consistent with the state goals (Knaap and Nelson 1992).

Acknowledgment

Senate Bill 100 provided LCDC with administrative procedures for assuring that local comprehensive plans were consistent with the planning goals. A local plan would gain acknowledgment from LCDC only after the commission had reviewed an administrative report prepared by the Department of Land Conservation and Development (DLCD), heard testimony, and determined that the plan complied

with all relevant statewide goals and guidelines (Knaap and Nelson 1992). Although the acknowledgment process was set to be completed in 1976, technical, policy, and political factors slowed down the process.

The complex process of developing plans in accord with state goals and policies that would have the force of law, was difficult for local planners who had no or little experience with this type of process. As well, the LCDC was inadequately staffed to expedite the development of policy details for plan compliance and to work closely with local governments. This hindered local government's chances of having their plans acknowledged in their initial submission to the LCDC. Local plans were almost always returned for further work after their first submission (DeGrove 1984).

Political Pressure

The program faced constant political pressure from local government resistance to state participation in "local affairs". Cities and counties were suspicious that authority Senate Bill 100 provided LCDC and the legislative oversight committee undermined the home rule status of Oregon cities and threatened private property rights. Rural areas that had not observed or experienced the growth pressures of the Willamette Valley were suspicious of state solutions to problems. Local governments objected to the "excessive bureaucratic requirements" placed on them in the form of work programs and compliance schedules that involved extensive dealings with the commission (DeGrove 1984).

The program also faced political pressure in three referenda challenges in 1976, 1978, and 1982. The first two initiative petitions were soundly defeated 57 percent to 43 percent and 61 percent to 39 percent (Abbot, Adler, and Howe 1994). However, different circumstances surrounded the third initiative petition and seriously threatened the program's survival. In 1982, the Oregon economy was in deep recession and opponents of the program sought to make LCDC the scapegoat of Oregon's economic woes. Opponents argued that planning requirements inhibited economic development. Editorial support for the program from newspapers serving the larger cities of Oregon, task force reports, and support from interest groups who had initially opposed the program at its adoption, persuaded voters to reject the repeal of the program. The referendum was defeated in only 15 of 36 counties, but the counties rejecting repeal contained over two-thirds of the state population (DeGrove 1984).

Being The Bad Guy

A strength that Senate Bill 100 had, and that Senate Bill 10 lacked, was a provision giving LCDC preemptive authority to prepare comprehensive plans for those cities or counties who refused to. LCDC could distribute grants to local governments to assist them in the development of their plans, and could

impose development moratoria on local governments that would not plan. In 1977, the legislature gave more weight to LCDC's control by repealing the commission's preemptive authority and replacing it with the authority to issue enforcement orders (Knaap and Nelson 1992). By 1982, 147 plans had been acknowledged and there remained eleven counties which had either submitted no plans or had submitted plans in flagrant violation of the goals (DeGrove 1984). LCDC was pressured to use its authority on the "elusive eleven" and all plans were acknowledged by 1986.

An Appealing Process

Provisions for appeals of land use decisions at the state and local level are also contained within Senate Bill 100. Local level appeals are first heard by planning commissions or hearings officials. Their decisions may be appealed to the local governing body. State level appeals are heard by LCDC or a relevant circuit court. Appeals of LCDC or circuit court decisions go to the Land Use Board of Appeals (LUBA), a specialized appellate court established by the legislature in 1975. LUBA appeals go on to the supreme court (Knaap and Nelson 1992).

Active Support

A powerful tool in helping Oregon's land use program succeed, was the formation of an independent land use watchdog organization in 1975. 1000 Friends of Oregon influenced the development of program policies by actively lobbying in the state legislature, participating in the acknowledgment process, and instigating precedent-setting judicial reviews (Abbot, Adler and Howe 1974). This organization continues to play a heavy role in land use policy-making today.

The Embodiment of Pride

Public support for Oregon's Land Use Program is manifested in the program's success of having survived the three initiative challenges of 1976, 1978, and 1982 (Abbot, Adler and Howe 1974). Since its adoption, the Oregon land use program has received numerous awards and has gained a positive reputation as a model for other state programs. The Oregon Land Conservation and Development Act continues to be one of the nation's boldest examples of land use reform, twenty-five years later.

Monitoring Progress

The post acknowledgment period of the Oregon land use program involves the periodic review of local plans at intervals of four to ten years. This allows for needed updates to the plans, and sees that local governments adjust their plans accordingly. As well, local governments outside of periodic review notify LCDC when they propose amendments to their plans that may affect a statewide goal (Knaap and Nelson 1992).

Moving Into the Twenty-first Century

Oregon's land use program, although considered by many to be an institution of the state, is still subject to contention, especially as the state continues to experience substantial population growth and development. As the twenty-fifth anniversary of the passage of Senate Bill 100 arrives, issues of intergovernmental coordination, facility planning, restricted uses on secondary lands, and planning for long-term urban growth boundary expansion remain unresolved (Abbot, Adler and Howe 1994). However, the legislature's approval of DLCD's 1997-99 budget in May 1997 is an assurance that Oregon's land use program will have the opportunity to address these and other issues before the end of the century.

CHAPTER 3: Methodology

THE VALUE OF HISTORICAL NARRATIVES

Oral history preserves through interviews an individual's interpretation or recollection of events. Benefits of the technique are that interviews provide background information, personal insights, or anecdotes rarely found in official documents. Personal narratives bring unexpected themes to the fore—themes that arise from a diversity of life experiences instead of rigid ideology or political determinism. Most of oral history's deficiencies are attributable to human faults, such as personal biases and limitations of human memory. However, biases themselves may constitute important information for consideration, and inaccurate accounts of events, actions, or judgments do not automatically diminish the value of an interview (Center for Military History 1992).

Narratives are used in this project as a means of identifying themes of intent and vision that brought about Oregon's land use program. The collected histories may be used as an educational foundation to build the themes on which reform movements are based. They also attempt to develop a "voice" that is not an individual anecdote, or testimonial, but a collective expression from real conversations among policymakers who were at the root of Oregon's land use reform efforts.

PREPARATION

Interviewee Selection

Significant players in the development of Senate Bill 100 were identified through an extensive literature review of documents detailing the passage of Oregon's land use act, and through informational interviews with members of the project advisory committee. This process confirmed that many of the policymakers who worked on Senate Bill 100 have either passed away or are unable to share their story due to illness, or the loss of memory. A list of thirteen potential interviewees was prepared and each candidate received an interview priority rating, from one to thirteen, for how closely they worked with Senate Bill 100. Facing the constraints of time in which to complete the interviews for the project, it was decided that between seven to ten interviews should be conducted. The final number of interviewees depended on the number of people from the list who could be contacted and on who would agree to participate in an interview.

Contacting Interviewees

Ten introductory letters, inviting participation in an interview and explaining the mission and goals of the project, were sent to the first ten policymakers on the list. Each letter was followed-up with a phone call requesting a yes or no reply from the policymaker and providing them with additional information about the project and interview. If a candidate from this group was not able to participate in an interview, or could not be contacted, the next person on the list was sent an introductory letter and the process was repeated. When the process was finished, eight candidates had accepted invitations to participate in an interview; three potential interviewees could not be contacted, or did not respond to the letter; one person declined an interview due to a hectic schedule; and one person asked that I use an extensive interview on a similar topic that he had participated in in 1992, rather than have him participate in yet another interview.

If a policymaker agreed to be interviewed during the follow-up phone call, an interview time and date was arranged. A week before each interview, the subject interviewee was sent a letter of confirmation that included a sample list of interview questions. This was done in order to spur the memory of the interviewee, and help them prepare their thoughts for the interview. A list of those policymakers who agreed to an interview and a brief description of the roles they had during the development and implementation of Senate Bill 100 follow:

- Ted Hallock:** Oregon State Senator (D, Portland). Co-authored Senate Bill 100. Chairman of the Senate Land Use and Environment Committee.
- George Wingard:** Oregon State Senator (R, Eugene). Member of the Senate Land Use and Environment Committee.
- Clay Myers:** Secretary of State (R, Salem). Chairman of Willamette Valley Environmental Protection and Development Council.
- Norma Paulus:** Oregon State Representative (R, Marion County). Member of the House Land Use and Environment Committee.
- Wes Kvarsten:** Director of Mid Willamette Valley Council of Governments. Director of the State Department of Land Conservation and Development (1977-1982).
- Nancie Fadeley:** Oregon State Representative (D, Salem). Chairman of the House Land Use and Environment Committee.
- Janet McLennan:** General Counsel to the House Land Use and Environment Committee. Member of LCDC Forestry Goal Subcommittee (1973-1974).
- Robert Logan:** Administrative Assistant to Governor Tom McCall (1968-1970). Local Government Relations Division Head of the Executive Department.

Hector Macpherson : Oregon State Senator (R, Albany). Co-author of Senate Bill 100. Member of the Senate Land Use and Environment Committee.

Hector Macpherson has participated in extensive interviews with the Oregon Historical Society. Tapes 7, 8, and 9 of INV# 1121 were reproduced in this report with the permission of the Oregon Historical Society.

Conducting Background Research

To prepare for the interviews, background research was conducted on the sequence of events that led up to the passage of Senate Bill 100 and the sequence of events that followed its implementation. Most background information was pulled from a literature review of ten documents. Each document gave an account, some in more detail than others, of the development and implementation of Oregon's Land Use Program. Knowledge of important events that an interviewee participated in as part of the land use reform effort, was essential for developing a meaningful list of questions.

Creating a Question List

From the background research, and with help from the project advisory committee, a list of sixteen interview questions was created. An attempt was made, through the use of these interview questions, to fulfill the four objectives of the project: to collect and preserve historical material, to identify elements or conditions that the interviewees perceive as having propelled the reform effort, to capture and display the inherent values Oregonians hold for their landscape and resources, and last, to document the original visions and intentions embodied in Senate Bill 100 and to record the interviewees evaluation of the current land use system. Below is the list of interview questions followed by the reason they were chosen:

1. *How were you involved in the reform efforts that lead to the passage of Senate Bill 100?*

This question provided a background perspective of the interviewees involvement with Senate Bill 100.

2. *When did the need for land use reform in Oregon first come to your attention?*

This question revealed the consciousness of the interviewees by noting observations that influenced the formation of their values for the natural and built environment.

3. *Who influenced your ideas for land use reform?*

4. *What other things helped frame your ideas for land use planning?*

These two questions attempted to discern further influences on the values interviewees developed for the natural and built environment.

5. Were there any constituencies who surprised you with their support for land use reform?

This question sought to demonstrate how political pressures of interest groups played a role in determining the content of Senate Bill 100. It also had the potential to provide a sampling of the public sentiment that existed toward land use planning controls in Oregon during the early 70's.

6. What values or ideas did you believe needed to be contained within the land use system?

This question was a direct attempt to document the values and ideas (visions) the interviewees sought to impress in the land use legislation.

7. Have your values or ideas changed over the years? Why? How?

This question revealed whether the interviewee's visions for land use have been consistent. If their values had changed, then the interviewee was pressed to discuss what influenced them to change.

8. Does the current system meet your original intentions?

This question sought the policymaker's evaluations of the implemented land use program.

9. Does it improve on your original intentions?

This question required further evaluation of the implemented program by the policymakers and identified elements of the current program that enhanced its overall effectiveness.

10. Have some of your original intentions for land use planning been entirely lost in the current system?

Again, this question required a deepened evaluation of the current program by the interviewee. Interviewee's responses could potentially reveal oversights and neglect of values inherent to Oregonians.

11. Citizen participation is a large component of the Oregon land use system. Do you believe that the goal continues to work the way it was intended to and is still practical for local government to implement?

This question allowed the policymakers to evaluate a hailed component of the land use program in Oregon. It gave insight into whether or not this aspect of Senate Bill 100 was a significant factor in garnering support for the land use legislation. Public sentiment regarding citizen involvement was also addressed in this question.

12. What sort of balance between state and local control over land use planning did you anticipate in 1973?

This question provided another opportunity for the interviewee to evaluate a specific component of the land use program. Their evaluations provided further insight into factors that propelled the passage of Senate Bill 100 and into the values that are inherent to Oregonians.

13. How would you rate the current land use system, on a scale of 1 to 10, for how well it fits what you envisioned in 1973? A rating of 10 would indicate a perfect fit.

The rating technique used in this question introduced a comparison measure to the policymakers evaluations of the current system.

14. What were the strengths of the land use reform effort in Oregon? Its weaknesses?

This question determined the elements or conditions that the interviewees believed propelled and hindered the effectiveness of the land use reform effort.

15. Looking back, would you have done anything differently?

This question gave the interviewees an opportunity to reflect on their involvement in the development of Senate Bill 100.

16. Is there anything else you would like to share?

Interviewees were provided the opportunity in this question to discuss relevant matters that may have been inadvertently omitted in the interview.

Each interview question had the capacity to address more than one project objective at a time. For example, Robert Logan's response to question one identified pollution of the beaches and the "lack of teeth" in Senate Bill 10 as elements or conditions that propelled the reform effort in Oregon, it displayed the concept of open access to the beach and other natural resources as a value held by most Oregonians, and it documented coordination of planning at the regional level as an original vision and intention of Senate Bill 100.

THE INTERVIEWS

Logistics

Almost all of the interviewees live within the Willamette Valley, and so in-person interviews were conducted at the homes or workplaces of the interviewees. It was not feasible to interview Robert Logan in person, so a phone interview was conducted instead. The interviews occurred within an eight-week period between May 21 and July 10, 1997. Before the interviews began, prompts (a timeline and summary documents of the passage of Senate Bill 100) were given to the interviewees to look over, cassette tapes were labeled, and a brief introduction to the interview was recorded. As well, interview subjects were asked to sign a written consent form for participation in the project and were asked if they had any questions before the interview began.

The interviews lasted, on average, about an hour and were recorded on ninety-minute cassette tapes. Video-taping the interviews was considered at the beginning of the project; however, it was extremely difficult to find and reserve video-equipment that could generate a high-quality product. The audio-quality of the interview tapes varied for several reasons. Some interviewees spoke softly or muttered, some surrounding noises couldn't be avoided (like a lawn mower outside or a copy machine in the next room), and in some interview settings, it was impossible to set the recorder close enough to or in the direct path of the interviewee's voice.

How They Went

Good preparation permitted the conduct of the interviews to be light and informal. An interview script of the questions and space for notes was used and held to fairly closely. Each interviewee understood the focus of the project and gave accommodating answers to the questions, often going in-depth without prompt. About half of the interviewees had gone through old files and records to prepare for the interview, and a few had copies of historical material that they wished to share. Interruptions were minimal during the interviews, and those that did occur had little or no effect on the inclusiveness of the recounted information.

POST INTERVIEW RESPONSIBILITIES

Transcribing

Prior to transcribing, a working copy of each interview tape was made, and the original tapes were stored away. Verbatim transcripts of the interviews were produced using the working copies, although filler expressions such "um" or "ah" were omitted. It took an average of ten to twelve hours to transcribe each interview.

Editing

When the rough transcript was complete, the first edit involved reading through the text while the tape played. Because the nature of a transcript is conversational, sentences were often disjointed or ran on for many lines. Decisions had to be made whether to leave them alone or to form several sentences out of separate or incomplete phrases. Spelling and the use of acronyms were checked.

After this process, each interview participant was sent a copy of their edited transcript to review. This was an opportunity for the interviewees to clarify and develop comments, to correct inadvertent errors of fact, and to improve grammar and syntax. They also had the opportunity to delete expressions found in the transcript; however, they were discouraged from making any deletions from the text as each interviewee's personal character was revealed through these expressions. Areas within the transcript that required the interviewee's special attention were clearly marked. As the interviewees returned the transcripts, final revisions were made (Oral History, p. 28.)

A couple of interviewees, were not used to seeing their spoken word down on paper and expressed concern for their transcriptions. After explaining to them the values of narratives in that form, their unease abated. This situation pointed out that people are often unaware or forget that how they express themselves in speech varies greatly from how they express themselves in writing.

Storage of Tapes

Working copies of the interview tapes have been labeled and placed with the University of Oregon's Library Manuscripts Department in Eugene, Oregon. The original interview tapes have been labeled and placed with the Oregon Historical Society Manuscripts Department in Portland, Oregon. All tapes are accessible to the public.

CHAPTER 4: Synthesis

ELEMENTS OR CONDITIONS THAT PROPELLED THE LAND USE REFORM EFFORT AND THE PASSAGE OF SENATE BILL 100

What motivated Oregonians to seek significant changes to the way they managed their land and resource base? Conditions within and outside Oregon in the 1960's and 70's concerned the policymakers. Norma Paulus explains, "The forecast was that Oregon was such a Shangri-La that we would have this tremendous influx of people." As Janet McLennan testifies, Oregon was indeed experiencing the pressures of unprecedented growth: "The increase in the number of cars, the increase in population, and the press of density was clearly beginning to evidence itself."

Wanting to gain an understanding of the comprehensive effects of rapid growth, Oregon looked to Sodom and Gomorrah, 600 miles south. California's story was one of total chaos and became a dynamic force in Oregon's reform efforts. In relating the experiences of Karl Belser, a planning director for Santa Clara County, California in the 1950's and 60's, Wes Kvarsten recalls being impacted by the doleful comment concluding his address at a University of Oregon planning conference in 1963. "I felt through all those years like I'd been presiding over the dissolution of one of the garden spots of America."

Although Oregonians wanted to believe that California's mess "could never happen here", they were quickly confronted with the reality that the mess had already begun. The proliferation of bad and uncontrolled development placed fear in the hearts of Oregonians. Ted Hallock illustrates the alarm that gripped the state when it became obvious that the coast was going to be overrun by development, "Oh my God! The coast - we'll rape the coast!" Seeing that a concentration of development was occurring on the prime agricultural lands of the Willamette Valley gave an urgency to the reform efforts. As George Wingard observed, "There were subdivisions sprouting up and I looked at River Road, here there were number one soils being used up on River Road, near Eugene, for housing, a use that...it shouldn't happen. You just can't build soils like that, and so you shouldn't be building on it if you can avoid it."

Spurring on the reform efforts were Oregonian's emotional ties to their environment. When the character of the land, which also defines the character of its populace, is destroyed, the effects are imbedded deep within the community. A comment by Clay Myers, a fifth-generation Oregonian, subtly portrays this relationship between man and his landscape. "When you see the pastoral parts of the state lost to concrete and malls, it hurts."

Legislation was passed in Oregon in 1969 requiring cities and counties to develop land use plans. However, as Bob Logan so aptly describes, "Senate Bill 10 really didn't have any teeth in it," because it had no guidelines for local governments to follow in developing land use plans and had no criteria established for evaluating the plans. Nothing was getting done in terms of land use. Hector Macpherson explains, "That was, of course, the reason why I got concerned, is that here was an issue that I thought desperately needed to be addressed, and nobody really wanted to address it." Frustration with Senate Bill 10 pushed Macpherson and other policymakers to explore new legislation.

The ineffectiveness of Senate Bill 10 also revealed the deceptive and violative practices of local governments in land use decisions. Ted Hallock spells out this machination, "When Senate Bill 10 came up it came to my attention as a working senator that the state was inadequately zoned and zoning regulations that existed were being violated; that some county commissions were already known to be venal and corrupt; that there should be another form of county government, in my opinion, than a so-called county commission with a famous 'county judge' at the helm." This mode for planning in local governments convinced policymakers of the need for an enforceable program.

Oregon's economic strengths have, until recently, been dependent upon the state's abundance and diversity of resources. Unplanned development threatened the erosion of the state's resource base, farm and forest lands, and in turn threatened the health of Oregon's economy. As Wes Kvarsten notes, this alone was a "powerful motivation for the state to enter into a leadership role." The protection and preservation of the most productive resource lands, Willamette Valley farmland in particular, became a main thrust of the reform effort. Janet McLennan relates that a contemporary issue of the 1970 gubernatorial campaign, the Willamette Greenway, brought additional attention to the preservation issues in the valley.

The push for land use legislation arose out of the farming community and was led by Hector Macpherson, a Linn County dairy farmer. He explains, "We could see that we were - as farmers, we were going to be pushed to the wall if we did not get out and protect our interests in the rural areas." George Wingard points out that "it was farmers, from a very practical level, concerned about their farmland becoming so prohibitively expensive and the best bottom lands being used up, that pushed this legislation."

Although not all of the policymakers identified saving agricultural land as their main thrust for legislation, Bob Logan recalls that "strong feelings against urban sprawl" encouraged the cooperation of non-ag interests in the development of Senate Bill 100. Norma Paulus states that, "if we could protect the farmland, it would enhance the livability." On its own, farmland affords Oregonians several livability criteria, such as, scenic open spaces, concentration of development in urban areas, and natural resource

protection. Macpherson recognizes that sprawl places negative pressures on these same criteria. "It was bad for the farmers, and it also was bad for the people that - as you got additional development that caused people to have to commute too far, you got the open fields covered up, the concrete, the parking lots and the shopping centers, and this kind of thing."

Oregonians made the connection between environmental conservation and pollution control as early as 1938 when the State Sanitary Authority was created to clean up the Willamette River. By 1969 Oregon had been identified as the nation's forerunner in environmental legislation. Norma Paulus asserts that the "environmental posture" of the state encouraged "average Oregonians" to be involved with organizations such as the Oregon Environmental Council. The popularity of these organizations gave them a stronger influence over Oregon policy. Nancie Fadeley identifies this "growth of people banding together for the environment and good government" as a strength of the reform effort.

Paulus and Fadeley also note the strong influence women policymakers had on environmental legislation in the late sixties, early seventies. Nancie Fadeley attributes this to several things: the newness of women in the legislature and their desire to focus on new issues rather than the issues that had been big before; the reconfiguration of legislative districts after the 1970 census affording individuals fresh opportunities to win legislative seats; the relationship between the nurturing nature of women and feelings of stewardship for the environment; and the consideration older legislators gave environmental issues as being soft and appropriate for women.

All of the policymakers recognize Governor Tom McCall's advocacy influence on land use reform. Janet McLennan comments on McCall's ability to attract people to land use issues, "He was a great speaker and a great phrasemaker, so he captured the public's attention. He could, more than anybody I've known, attract a large number of people to an issue and inform them in the way he communicated." Bob Logan recounts that the Governor was trusted by "a large majority of the people--because he was a straight talker and very sincere. McCall talked about future generations and the land." Clay Myers tells how Governor McCall's enthusiasm for Oregon and his negative salesmanship of the state - "Come visit, but don't stay" - encouraged Oregonians to protect the state's greatest asset, its resources.

What aspects of the legislative process or elements of Senate Bill 100 provided the legislation with the support it needed for successful passage in 1973? Ted Hallock describes the passage of SB 100 as a "historical fluke." Bob Logan stresses "there was no Master Plan for SB 100 and other activities--it was an evolutionary type thing." Policymakers agree that the makeup of the legislature in 1973 provided little hope for the chances of bold land use legislation being passed. However, the political players in the SB 100 game were able to pull enough pieces together to secure the passage of the landmark legislation.

The policy development of SB 100 had unique beginnings in a land use policy action group created by Logan and Macpherson. The plan of these two men to bring together a broad participatory of diverse interest groups early on, brought credibility to the proposed legislation. The fact that SB 100 was not a partisan issue afforded it more credibility. As Hector Macpherson explains, "We thought everybody ought to be a part of it." Even the participation of groups who opposed stringent land use laws was sought. This precedent to include a cross-section of interests in the policy development of SB 100 was carried throughout the legislative process. Norma Paulus states that the broad involvement of Oregonians was a force behind the reform movement. "The greatest strength was that it came—it literally did come from the people, from a participatory."

Project Foresight (a slide show presentation) and Feedback (an outreach newsletter) were effective in building up public pressure for land use reform. Bob Logan explains that these separate but related programs alerted Oregonians to the plight of the Willamette Valley and distributed information on land use planning, growth, and development issues. Norma Paulus recalls the "hundreds and hundreds of hours of meetings with people." Awareness building for land use and environmental issues was also stimulated by the media. As George Wingard points out, "People became educated on land use planning because of the money spent on advertising by proponents and opponents."

Senate Bill 100 proved to be a case study on political maneuvering. Clay Myers states, "Senators Ted Hallock and Hector Macpherson were masters in strategy." A few weeks into the senate committee hearings on SB 100, it was evident that support for the bill among committee members would be short of pushing the bill forward to the senate floor. Macpherson explains, "there was grave doubt whether we'd ever get Senate Bill 100 together enough to be even voted upon." Determined to see the bill pass, Hallock elected to use "an instrument which I had used often in my health care field." He appointed an ad hoc committee of diverse lobby interests, chaired by L.B. Day, to redraft the contentious elements of the bill. The advantage of committing some of the strongest lobbyists in Oregon to the redraft was that they became caught up in the process and subsequently stood by their own work to support the legislation in the fight for adoption.

As Janet McLennan states, "it's always the art of the compromise that gets you each bit of progress in a legislative scheme." When the ad-hoc committee reported back to the senate committee, changes had been made to the bill that Macpherson says, "to all appearances had gutted the bill." "Certainly," he goes on to say, "I didn't hide the fact that I thought it still had considerable teeth in it. They strengthened the overall bill." Indeed, compromises to the bill swayed the committee vote in favor of the legislation and the bill was on its way to the senate floor.

Before the bill was brought to the senate floor, Macpherson recognized that a hurdle to getting the bill passed was concern that Senate Bill 100 did not define land use goals and guidelines. Understanding this was a significant element of the bill, Macpherson drafted a legislative intent statement, sent it around for the senate committee members to initial, and entered it into the senate record. Macpherson explains, "I had gone to Cecil Edwards, the Secretary of the Senate, and asked, "Has this ever been done?" He said, "Well, not to my knowledge has it ever been done, but I don't see why it couldn't." Discussion of the intent statement became the first order of business on the day the bill arrived on the senate floor and cleared up all concern before the bill was voted upon. The final vote was in favor of SB 100 and allowed the legislation to advance to the House Land Use and Environment Committee.

With the bill out of the Senate, Ted Hallock wanted to make sure that it never returned to the Senate for concurrence. Hallock dashed over to Nancie Fadeley and said, "I've got to appear before your committee." Janet McLennan recalls the meeting she participated in with Hallock and Fadeley. "I remember Ted being very adamant that he didn't want Nancie to be taking testimony and making a lot of amendments to the bill because he felt a very delicate compromise had been worked." Fadeley's trick was, "getting it through the House without amendments." SB 100, untouched, received approval from the House and was signed into law by Governor McCall on May 29, 1973.

SB 100 had several qualities that policymakers believe attributed to its success. Wes Kvarsten believes that an initial quality of SB 100 was that it provided for "a relatively easily understood program that the man on the street could relate to and understand." The foundation of principals underlying SB 100 gave it integrity. As Ted Hallock discusses, this integrity impresses upon people the need to reserve the land base and influences them to accept controls on their land. Another quality of SB 100 was its "comprehensiveness". Each component of the bill (i.e., citizen participation, mandatory planning goals and guidelines, monies for planning) added to its workability.

Even with all of these qualities testifying to the value of Senate Bill 100, some policymakers point out that implementation of SB 100 would not have worked without the support of 1000 Friends of Oregon, a land use watchdog group created by Henry Richmond. Janet McLennan states, "I felt very strongly, still feel very strongly, that 1000 Friends was a key element in the success of the legislation. That without that litigative prod, we wouldn't have gotten the thing really going and wouldn't have had the kind of strength in the legislation that made it work." Nancie Fadeley explains, "Henry saw that, if you're going to have local government officials implementing SB 100, you've got a problem because that's the reason we needed SB 100 in the first place. They hadn't done what they were supposed to do under SB 10."

What kind of people did it take to pull off a successful reform effort of this magnitude? Several policymakers testify that the sincerity of key players, namely Hector Macpherson and Governor McCall, secured public trust and credibility for the reform movement and SB 100. Bob Logan suggests that "practical environmentalists" and "risk-takers" had the greatest impact on the reform effort. Clay Myers admits being influenced by "legislators who had a broad respect for not only natural resource protection but human rights."

The land use reform effort relied on constituents with "a long range understanding of interests," explains Janet McLennan. George Wingard observes, "We had some very selfless people at that time who were willing to sacrifice probably good, bright political careers for causes they really believed in." Additional sacrifices that participants made for the reform effort are pointed out by Wes Kvarsten. "In the context of a lot of us that worked on the bill at that time, you need to understand that we also had full-time jobs. So, all of us, we had to steal a little time from our families and our jobs in order to contribute to the program."

THE VALUES OREGONIANS HOLD FOR THEIR LANDSCAPE AND RESOURCES

Statements policymakers made or stories they told, implied the values Oregonians hold for their landscape and resources. Oregonian's relationship with the land is frontier driven. The pioneering spirit with which the state was established, continues to determine the values Oregonians have for their environment. Clay Myers, along with many other long-time residents, refers to Oregon as "God's Country". This description connotes that the land is ideal and something to be sought after. The abundance, diversity, and remarkable beauty of the land has always been Oregon's treasure, or what Wes Kvarsten refers to as the state's "sex-appeal".

People who were attracted to this treasure were idealists at heart and were willing to go to great lengths to secure a portion of the wealth for themselves. Their hopeful struggles to obtain land and carve out a future for themselves molded their character. Early settlers sensed that they had the opportunity to decide the course of their future. Nancy Fadeley hints that a value of the Oregon landscape is opportunity when she says, "well, you know that we can do things in Oregon maybe that you can't do in other states." This belief lends itself to the idea that each person can make a difference in their environment. If people truly believe they can make a difference, they will be moved to participate. Another statement by Fadeley supports this logic. "This place really nurtures environmental activism because we have such beauty worth

preserving and it's still possible to preserve it." Bob Logan makes a similar note. "Oregon's always been, especially the Willamette Valley, a very proactive type place."

The policymaker's stories also allude that Oregonians have a strong egalitarian spirit. Clay Myers tells of a purchase he and his brother made of a quarter-mile of ocean front property in 1961 and how they made changes to the original title because of their egalitarian beliefs. "If you can believe it, that in 1961, thirty-six years ago, we modified the deal and only claimed from the high water mark, because we believed that beaches were public." Oregonians demonstrated that they value equal access to the natural beauty of the state, especially the coast, when they overwhelmingly supported the passage of the "Beach Bill" in 1967. As Clay Myers realized, "What you try to do here is to balance the equities, recognize that your own selfish interests cannot intrude unduly."

If Oregonians value opportunity and equality, it suggests that they also value open processes. Senate Bill 100 secured an open process when it made citizen participation a priority of the land use system. The real issue is not so much whether people participate or not. Rather, it is that a process is available to them if they choose to participate. Norma Paulus describes how Oregonians have approached public involvement in the past. "I always used to joke that as an Oregonian it was just a part of your life. It was part of your passport, or your birthright that you had to go to at least three public meetings every week, or you weren't part of the process."

The hardships and struggles early Oregon settlers experienced humbled them to respect and appreciate more than just the dollar value of the land. Paulus talks about the rude jokes that Oregonians made about outsiders, especially Californians, during the land use reform efforts. She states, "We were viewed as very inhospitable." Why did Oregonians behave this way? Perhaps it was because they observed the disregard California and other states had demonstrated for the inherent value of their own lands and wanted to distance themselves from such attitudes.

The fact that Oregonians have traditionally depended on resource lands for their livelihood alludes why they place value in the health and preservation of their environment. As Clay Myers stresses, "You see the need for balance." If the balance is tipped, either the environment suffers or the economy suffers. When Oregonians saw signs that their environment was in distress they recognized the need for controls to balance resource preservation with provisions for growth.

Several comments from each of the policymakers ascertain that Oregonians value autonomy and local control. Norma Paulus explains that the diversity of the state's resources and landscapes promotes local control. "One size does not fit all in Oregon and you have to, whatever you do at the state has to allow for a lot of local innovation and control." Bob Logan also notes, "There has always been quite a

difference in rural and urban Oregon." This was one reason why regional government coordination of planning activities was taken out of Senate Bill 100. Hector Macpherson explains, "That was our original idea, of course, was that we needed to have a regional thing. You know, looking back on it I think this, though: much of the state simply is not ready, had no real need, for the kind of coordination you'd have in the Portland area."

THE VISIONS AND INTENTIONS BEHIND THE DEVELOPMENT OF SENATE BILL 100

"And here are the assumptions that I told them we should base it (the land use legislation) upon: That land is a precious commodity that must be protected for the wisest use of this and succeeding generations; that the public must be included in the land use decision-making process and educated to make the right decisions; that state and regional comprehensive plans will be developed and implemented, and implementation of which will require greater state control over local land-use decisions; that while both incentives and coercion are necessary to achieve land-use goals, incentives are the preferred course of action."

- charge Hector Macpherson gave
Land Use Policy Action Committee at
their first meeting.

What were the intentions policymakers had for Senate Bill 100? Many of the intentions were a direct response to the faults of Senate Bill 10. One intention for SB 100 was that planning would be enforced through rigid standards and mandatory goals. Bob Logan states, "It was my aim to make a state planning element." The idea was that cities and counties would produce a plan within a given time span, consistent with state defined goals. Hector Macpherson explains, "The trouble was that there was no standardization to planning. Some counties were doing a pretty good job of it and other counties were doing absolutely nothing." Wes Kvarsten notes that the governmental balkanization of responsibilities within the state meant, "there had to be some kind of an overall agreed to plan in order to get anything accomplished." Bob Logan was not so concerned with the goals and the objectives as he was the overall process. "My main purpose in SB 100 was to establish that process where elected officials knew what their choices were and could make informed decisions.

Policymakers had similar intentions for state and local control over planning. Clay Myers anticipated a "cooperative concordant". Norma Paulus wanted to "set a very broad general plan at the state level, a vision, and then a framework and allow each county to come up with its own version inside that bigger framework". Ted Hallock desired a "strong central force". George Wingard was searching for the idealistic balance. "And that is open participation but strong guidelines that couldn't be violated."

All of the policymakers discuss the original intent to have planning coordinated at the regional level. Wes Kvarsten explains, "Initially, the Senate Bill 100 program had as its intent to provide for three levels of control: state, regional, and local—local being city and county. At the time we had the fourteen administrative districts which are now called councils of government. And the initial legislation in fact provided that the regional COGs would be the major functioning level in this program, delegated directly from the state." But, as Hector Macpherson testifies, "there was no matter, when we first started to open the thing up to the hearings, that created more consternation than councils of government. It was obvious to me that regional planning had to go and make counties the coordinating unit for all plans within their borders."

Who would be designated to oversee the planning process? Policymaker's intentions were that oversight come from a high-level, geographically representative, very visible support. Hector Macpherson remembers a memo Bob Logan wrote to Governor McCall regarding this subject. "He argued for a separate agency, and he called it a land-use commission, with sufficient stature and prestige to coordinate planning activities like highways, DEQ, COGs, and cities and counties."

Intentions for land-use revolved around the wise use of the land. They included protecting resource lands, containing urban growth, moving away from a resource reliant economy, making provisions for growth, and preserving the livability of the state. Although policymakers did not always agree on the details of the legislation, they did stand behind what Clay Myers calls "the spirit of the law".

Wes Kvarsten discusses how the main thrust for SB 100 was that it be directed at protecting Oregon's resource lands, which are tremendously important to the state's economy and livability, from the pressures of rapid growth. Clay Myers shows that an intent behind SB 100 was to "prepare for the future to get away from Oregon's traditional reliance on fisheries, agriculture, timber, and move more into tourism and electronics, et al." He also mentions that preserving livability was paramount to the thrust for SB 100.

To have cities identify a site specific urban growth boundary agreed to by the counties was another intent of policymakers. These lines of urban containment would inhibit development on productive resource lands outside the boundary and direct orderly growth within. Nancie Fadeley construes the logic behind urban growth boundaries, "A lot of people can live in an area and not harm the land, or a few people can live there and ruin it."

Citizen participation was an animus of the policymakers and was included as an element of the legislation from the start. However, L.B. Day took it even further in the ad hoc committee by making citizen participation mandatory. Macpherson says, "This really came directly from L.B. Day's thinking,

that if we were going to have land-use planning, we had to get the public involved, and this was the way to do it." Bob Logan states, "That was the intent in SB 100—to get more public involvement. If it slows the process down a little, so be it." Nancie Fadeley backs up the other policymakers, "Getting broad input including citizen participation was important."

A few intentions were left out of the adopted legislation. Logan wanted to "set up a conflict resolution type of agency or system in state government" to solve disagreements between state agencies. George Wingard wanted to "make sure that use of lands could not be taken without due compensation." Macpherson explains that provisions for a land use adjudicatory board were in the early drafts of SB 100 but were left out of the final draft. "We thought, well, you know, it's really too much to ask the legislature to adopt two brand new bodies to handle land use." In subsequent legislatures, what had been envisioned for a land use board of appeals did come to pass. Janet McLennan notes that the original idea of specific designations of areas of critical concern (significant areas considered to have the need for state control) was replaced by more general designations of areas of critical concern.

EVALUATION OF THE CURRENT LAND USE PROGRAM

Policymakers evaluated the current land use program for how well it has or has not met the original intent of Senate Bill 100. They identify several positive effects of the legislation and areas where the current land use program has met or improved upon their original intentions. They also describe areas where the current land use system has fallen short in meeting the intentions behind the pioneer legislation and make a realistic appraisal of the needs of the current system.

When policymakers were asked to rate the current land use program on a scale of 1 to 10 for how well it has met their original intentions, the responses ranged between 5 and 9, and the median rating fell at 6.8. What have been the positive effects of Senate Bill 100? Ted Hallock believes, "the bill has worked enormously well in terms of engendering and fermenting and multiplying, stimulating bureaucratic as well as general public knowledge of and the affection for the protectiveness toward county assets." George Wingard points out, "it's certainly kept, or at least it's certainly slowed down, subdividing of lands." Clay Myers relates, "we did not fall prey to uncoordinated growth and urban sprawl."

One element of Senate Bill 100 that many policymakers consider a success of the land use system is the concept of urban growth boundaries. Bob Logan states, "It has sure turned out good." Wes Kvarsten explains, "Here in the mid-valley area where we started the UGB effort, we felt that if cities were not contained there was not much value in counties zoning areas for exclusive farm or forestry use if the

city is simply going to continually annex these lands. I believe the urban growth boundary concept has been very successful." Norma Paulus sees "some deterioration in the overall concept," however, she reasons, "It's now more important than ever, of course, with the growth pressures so tremendous."

Although each of the policymakers embrace citizen participation as a democratic concept and believe that it is an important component of the land use program, they are also realistic in their appraisal of its effectiveness. What inhibits the efficacy of the citizen participation process? Ted Hallock credits the lack of citizen involvement to "public indolence, public apathy, (and) public narcissism." Norma Paulus believes that "the economy, advanced technology, and the fact that we are more of a peripatetic—more of a commuting society" leaves people "fewer hours to participate in governmental or civic affairs."

Nancie Fadeley and Janet McLennan believe that the Oregon land use program has become more "sophisticated and enforceable" because of litigation 1000 Friends of Oregon conducted after the passage of Senate Bill 100. Wes Kvarsten explains, "Since SB 100 we have added, over the years, an overlay of administrative law that stems from LUBA cases and commission actions that have all become a part of a land use body of law. Every time LUBA takes an action or a case is carried up to the higher courts and they act, it becomes a precedent that is part of the legal framework. We no longer have the relatively easily understood program that the man on the street could understand. Now it's pretty complex." Bob Logan differs in opinion from Fadeley and McLennan because he did not intend the program to become so legalistic. "I felt a more common sense approach was appropriate." Clay Myers agrees that Oregon's program is too locked into wording. "It's the spirit of the law I support much more than the "nit-picking"."

Many of the policymakers express dismay that the current land use program is not tough enough or "militant" enough. Nancie Fadeley and Janet McLennan believe that too many exceptions to land use plans have been allowed. Ted Hallock explains, "There are too many evidences of good old boy fraternizing; illicit grantings of permits violative of zoning ordinances, and/or the plan...totally the same reason we passed the bill." However, McLennan admits, "I think its been hard for the local governments to enforce land use planning sufficiently." Local commissions, especially county commissions, face direct pressure from land owners who want their little two acre haven out in the country.

Considered separately, each development request appears to have very little impact on the landscape and resources. This may persuade local government officials, especially in rural areas where land and resources seem to be in abundance, to give-in to the pressures of land owners. However, as Wes Kvarsten relates, each development allowance on resource lands adds to the collective number of allowances and threatens the effectiveness of the land use program. "This county, a small county, and yet rich in terms of agriculture, allowed thirty-three non-farm dwellings in farm and forest areas last year.

Thirty-three! You may think that's not very much, but when that pattern is repeated across the state, it's an incremental chewing away, bite by bite, at the program, challenging the integrity of farm and forest lands."

George Wingard attributes the usurpation of land use rules and regulations to loopholes in the process. "We've allowed some encroachments that were never intended. And that is this give parts of land to one of your kids and then they can subdivide it, and they keep subdividing it." He also observes that loopholes have been worked over more heavily in the rural counties, typical of eastern Oregon, than in the more urban counties found in the Willamette Valley. Janet McLennan demonstrates another loophole within Oregon's land use program. "One of the devices that was going on was that people were ostensibly converting forest land in five acre increments to, oh, growing blue berries, or a little vineyard, or something and then after a few years of that they grew a tennis court and a swimming instead. It was a subterfuge."

A significant majority of policymakers pointed out that counties have hindered the effectiveness of the land use program. McLennan notes, "There was lots of resistance at the county level, probably still is some." She continues further on, "I think we probably idealized the more perfect scheme, but - or idealized a more willing or assiduous implementation than has been achieved." Kvarsten depicts the difference between cities and counties in their willingness to support land use planning. "My judgment based on five years as director (of DLCD), is that cities, by and large, and this is a generic statement obviously, but cities have been very diligent, supportive and responsible in carrying out the program. Sometimes even going beyond the goals to do a good job. Counties, on the other hand, again a general statement, have often times been dogs in the manger, dragging their feet at best, opposing the program at worst in many cases."

Paulus and Fadeley recognize that when Oregon's economy slumped in the late 70's and early 80's, conservative attitudes erupted toward land use and the environment. Fadeley comments, "We got the idea that economic development is everything." Paulus displays concern for the conservative elements that have infiltrated the legislature. She also notes that term limits at the state level hurt the land use system. "It had kind of a debilitating effect on major systems because there's no institutional memory of why we have a certain plan." Paulus explains that these factors along with the pressures of unprecedented growth have placed the Oregon land use program at a precarious turn.

What will allow Oregon's planning system to prevail? Fadeley believes that "as long as we have Governors who know how to veto, we will continue to be fortunate." She also recognizes that "we need to do a better job of educating folks about the many things that we need to keep in mind as we make decisions." Paulus stresses, "it's going to depend on the elected leaders at the local level and state level."

The policymakers made several suggestions for the current land use program. Wes Kvarsten recommends that a new goal of "community appearance" be added to the program. Clay Myers would like to see a return to "drawing together people of diverse backgrounds" and arriving at consensus. Wingard, Logan, and Myers see a need for the development of a compensatory system within the land use program. Bob Logan suggests that affordable housing issues and planning mistakes of bygone years, i.e., strip commercial zoning, be looked at more closely.

CHAPTER 5: Conclusions and Recommendations

CONCLUSIONS

Twenty-five years after the passage of Senate Bill 100, the policymaker's stories demonstrate the comprehensive realities that surrounded the land use reform effort. They reveal the legislative blitz that surrounded the push for land use legislation from 1969 to 1973, and yet also convey the long and contentious gestation of the reform effort, beginning in the mid-1960's with the evidences of "bad" development resulting from rapid growth pressures, and ending in 1986 with the acknowledgment of the last comprehensive plan by the LCDC.

What were the strengths of Oregon's land use reform effort as gleaned from the policymaker's stories? First, we observe that the early involvement of diverse interest groups in the development of the legislation, strengthened the comprehensiveness of Senate Bill 100 and its chances for adoption. Second, bipartisan support kept Senate Bill 100 from becoming a politicized issue, so that the focus and intent of the legislation was never shadowed. Third, the extensive efforts that were taken to inform and educate the average Oregonian of land use issues facing the state promoted public support for the measure. Fourth, the dedicated involvement of Oregon's watchdog group, 1000 Friends of Oregon, pushed the program and continues to push the program to realize its full potential. Last of all, the combined characters of the key policymakers in Senate Bill 100 lent an integrity to the legislation that helped secure its passage.

What conditions do policymaker's believe threaten the effectiveness of Oregon's current land use system? Conservative attacks at the program by individuals who seek their own selfish gain, or who think that "economic development is everything" hurt the program's efforts to achieve a balance of land use interests. The usurpation of land use rules by local governments and individual property owners, and the incremental biting away at resource lands weaken the integrity of the program. Factors affecting societal changes, such as the economy and technology, have negatively impacted levels of citizen participation in the land use system. Less input from citizens makes it more difficult to determine where public support for different land use policy stands. Finally, term limits in the legislature debilitate major systems, such as Oregon's land use system, because of the lack of institutional memory for past decisions.

POLICYMAKER'S RECOMMENDATIONS

The policymakers interviewed made several recommends for Oregon's current land use system. First of all, they suggest an examination of the loopholes in the land use law that are undermining the efforts of the program and a look into policy that will halt the subterfuge. Second, they advise further study of the pressures urban growth boundaries place on affordable housing and of ways to correct planning mistakes of bygone years. Third, they propose that a compensatory system be developed within the program. Fourth, they would like to see a community appearance goal developed and added to the program. Fifth, they caution that it is of primary importance to see leaders elected, especially Governors, who understand and support the intentions and potential of the land use program. Last of all, they urge that it is time to make new efforts to inform and educate Oregon citizens of the comprehensive interests behind land use decisions and of the intentions of the land use system so that public support for the program may be maintained.

RECOMMENDATIONS FOR FUTURE RESEARCH

There were several people that the policymakers identified in their interviews as key players in the reform effort and whose stories should be collected. These individuals are Maradel Gale, Henry Richmond, Tom Donaca, Dick Benner, Bob Stacey, and Ken Bonnem. Time constraints and the inability to contact a few of these individuals, did not permit their participation in this project. The need for an oral history centering on the key players in the implementation of Senate Bill 100 became evident during the development of this project. Research relating to the recommendations that policymakers had for the current land use system should be considered.

APPENDIX A: Hallock Interview

KT: This is an interview with Mr. Ted Hallock, conducted by Mrs. Kami Teramura, a Community and Regional Planning masters student at the University of Oregon, at Mr. Hallock's office in Portland, Oregon on May 21, 1997.

[TAPE ONE-SIDE ONE]

KT: First of all, would you give me a brief background of how you became involved with land use planning?

HALLOCK: Well, I was elected to the senate in 1962, so by the time this came up it was ten years past. My primary interest in the senate was health care. And I'd asked for membership on, and subsequently was the fastest moving member of the senate into the chairmanship of, the health committee, because the senate was the playground of millionaires. Absolute fact. It was the captive of southern Oregon, which it still is, and it was the playground of millionaires. And the thing they didn't give a shit about was health care, so, obviously, they would let me play in the sandbox of health care. And I did a whole lot of playing in those ten years, got a lot of good things passed...PKU testing for newborn infants. I had a phenylketonuria mentally retarded son...have, he's still alive, and so forth and so on, a lot of things.

I paid passing attention to land use when McCall--McCall and I became very good friends because he was pro-fluoridation. I'd known him way before he ran for governor, but he was pro-fluoridation. He came to my committee. He was the first governor to ever come to a legislative committee in man's memory and testify for fluoridating water. A very dangerous thing to do. A volatile thing to do. And he was all for zoning and I'd paid only parenthetical attention to zoning. I wasn't interested in that kind of metropolitan issue at the time. But when Senate Bill 10 came up it came to my attention as a working senator that the state was inadequately zoned and zoning regulations that existed were being violated; that some county commissions were already known to be venal and corrupt; that there should be another form of county government, in my opinion, than a so-called county commission with a famous 'county judge' at the helm. But 10 came up and Tom was making public noises about the most, the worst examples of lack of zoning. Lincoln County and Klamath County being among them. So I paid some attention to it, but still not a lot.

I began to get involved in the struggle by 1970--well, okay, I'm looking at your timetable here which is a very good thing. For some reason I realized that the coast was going to be overrun by development, which wasn't a deeply wise kind of analysis. It's obvious to anybody we have a gorgeous coastline and so forth. So, I worked hard at making the OCC and DC, the Oregon Coastal Conservation and Development Commission, a viable thing. My first immersion in land use planning politics was the

OCC and DC game. Which almost undid me when the final LCDC Senate Bill 100 game was being played and I was one of the principal players.

The coastal senators, Bill Holmstrom, who was at that time a working drunk; Dan Thiel had preceded Holmstrom if memory serves me, and Holmstrom was a working drunk in the house while Thiel was a senator, then Thiel went on to be postmaster of Astoria; Jack Ripper, who came into play for the first time in my memory doing a good job in Coos-Curry; and Jason Boe, oddly enough, my Frankenstein's monster who I had in effect urged to run because of the Oregon Optometric Association as a client of my advertising agency all this time, and Boe who was a political junkie wanted to seek office. I urged him to do so. He ran and won and he got as the west end of his district, Lane County, the Florence area. And then the blind guy Andy Naterlin from Lincoln County. These guys, their job was to screw the OCC and DC as best they could. To screw-up its makeup, to stack the deck when it was created with their appointees. To make goddamned sure of all the development in the world...no land use planning.

I was a game player, right or wrong. I loved the game because usually I had no clout. When I was running in 1962 I won my seat because I had been a very well known radio figure and journalist here, and I ran a hell of a good campaign. But, I was a real cipher to these guys and I would always fight the power structure. So among them, these guys represented part of the power structure, down-state Oregonians and guys who were all for the status-quo and screw government. I was for the power of government when it was good. So OCC and DC was created and by no means had I won the fight just as, by no means was it a complete defeat. I watched it. I had some friends in my private account clientele at home, among them Skidmore, Owings and Merrill the architecture firm. Like Jerry Brewster, knowledgeable guys who were active in Lincoln County work and who even though they were architects were not interested in development at all cost. So they watched OCC and DC, as did I goddamn well, and the appointees to it and so forth. And I clued McCall to the game and the thing worked out fairly well. What's happened since then as to its long-term effect, I don't know.

As I said, I began to get interested in the power structure. Well, also now—I'll backtrack a minute—my first introduction was the introduction of Senate Bill 10. I began to understand county zoning and Tom's—we were in disarray, which I hadn't been paying attention to. The second was more, a more focused look. "Oh my God! The coast - we'll rape the coast!" Okay, the third was the *Willamette Valley Choices for the Future* report because my firm, my client Skidmore, Owings and Merrill, knew this guy whatever his name is. You know who it is...

KT: Lawrence Halprin.

HALLOCK: Yeah, he did the report, and I met him and he came up to testify before a committee. And I thought, "Christ." I mean I'm sure that there's a little con man in all those guys, but he was the greatest thing since sliced bread. And the report was gorgeous. And, I had paid attention with one eye as a democrat to Bob Straub's Willamette Greenway ideas, what he wanted to do as a state senator, and as a Lane County commissioner and so forth. So, I began to focus my mind on the Willamette Valley itself, not just on the beach, the obvious target of a rapist...when there's beautiful terrain and the ocean and the ideas to muck it up and so forth. And these things, these laid the groundwork for my interest later in public ownership, the beach bill, that kind of stuff.

Then this personal desire to maybe become a leader, more of a leader than I was—I openly decided I wanted to be president of the senate. So I gunned for that in the 1973 session. Berkeley—I hope this timetable is right, Berkeley Lent, became—was named to the Supreme Court. Berkeley Lent was the majority leader the—we had tried to get...well we were a funny majority. We had more democrats than anybody else, but the republicans always teamed with coalition democrats to elect a coalition leader. Lent was named to the Supreme Court and I was elected majority leader.

So I figured I'd like to be president, and I began to go around the state to stump for guys that would be elected to support my candidacy and the democratic ascendancy in the senate. In Pendleton, for example, we had a candidate, the democratic candidate. But Mike Thorne appeared from nowhere and beat him and of course was a typical conservative. I wooed Jack Ripper, as events showed unsuccessfully in one part, and maybe successfully in another. Fred Heard I wooed. Ironically that affair didn't come to fruition until much later when he became president of the senate. Did my best. Keith Burbidge and I stumped the state.

And so that fall when the caucus met, which it actually met in November toward the middle of my story, Jason Boe beat me. Jason Boe was the president of the senate. Now let's go back to that summer. During the spring and summer of that 1972, Hector Macpherson came to me and Hector was a guy who'd beaten Glen...something. Glen whosits, whatever his name was from Lebanon was a, just a, a dumb asshole who was a member of the conservative "six-pack". These terrible coalition guys who would join with Tony Yturri, the leading republican from Ontario, to control the senate in the favor of the republicans and down-state conservative democrats. So Glen Huston. So Hector beat Huston on his own. Ironically to try to kiss-ass with Huston and those guys and get along in the "game", I had handled from this room, Glen Huston's losing campaign. Hector for some reason, maybe because I was majority leader, if my timetable's correct, and if it isn't correct, maybe I came to his attention some other way, decided to seek me out. And he did in this room where you're sitting now.

And he'd had a bill idea for land use planning on a state-wide basis which I immediately liked. I'm a democrat and I believe in government doing what government ought to do instead of playing this subdued role as certain people espouse. He'd had some meetings--your thing says land use policy action group--I don't remember what the instrumentalities were. And we discussed it and I didn't like some things about it and I wanted more--I didn't trust the counties at all because of their county governments. I told him that and I wanted a more strong central force than he had. I forget he'd gone through two drafts which were sort of started to be quasi-advisory and then advisory and then some slight slap on the wrist kind of thing, but not the kind of thing I wanted. So, we worked and worked and worked and I would noodle with him during the fall and so forth until finally the, it says Senate Bill 100 and 101 were born out of the land use policy action group. Maybe it was born out of me and Hector Macpherson is what it was born out of.

In the mean time, the meeting came in November that I alluded to after the election and Boe beat me. So, that was a very traumatic thing. I recall on top of the Hilton Hotel, walked into the caucus, and two and a half hours later walked out a beaten man, my wife weeping in the elevator. And some well known senators had gone south on me whose pledges, whose written pledges I had...which is another story. So Boe, Boe out of a sense of something, obligation, guilt. I hated him by now. He was an absolute fascistic asshole and buffoon to boot. Everything about the crude male that you could imagine. But out of some kind of sense of guilt or remorse or whatever it was, from the optometric days, he decided that he would give me the Senate Environment and Land Use Committee. I don't know, I doubt that he knew that Senate Bill 100 aborning, still unnamed, existed. I don't think, knowing him, I don't think he did, or gave a shit.

So, I'm trying to separate which came first, the chicken or the egg. He gave me the Senate Environment and Land Use Committee. I think maybe he had heard something about Hector. Maybe Hector had gone up to him and tipped him a little bit. I certainly hadn't. But, to protect his flanks, to make goddamned sure that I go nowhere with this...he gave me as a Christmas present the goddamnedest committee that ever could be. An absolute locked in cinch to fuck me. He gave me Mike Thorne, John Burns, Victor Atiyeh, for openers, and then of course George Wingard, and Hector and I, that's three. And there was Ripper, as far as I was concerned Ripper was over here.

So I entered a session when Hector and I got the bill into the form we wanted to introduce it and Hector asked about cosponsors. And I said, "I don't need any goddamned cosponsors, this is our fight and the strongest thing we've got going is that I, is that I've got going is you, and the strongest thing you've got going is me. Let's just do it, I want to do it." Everybody wanted on board. This was going to be the avant-garde thing. And Hector deferred to me. So, the bill came in and of course came to us. It wouldn't

have necessarily gone to us at all if Boe hadn't had a second arrow in his quiver, that is his ability to refer anyplace he wanted to, but with that kind of a committee... That's why—my memory could be frail. He could have been tipped enough to have known about it and deliberately gave me that makeup as an added Christmas present. "There you wanted a committee big-shot, you got one and here they are." So we started, now do you want me to go into the story from that point or what?

KT: Sure...actually do want to stop for just one second and...

[BREAK]

KT: Okay, so getting back into...

HALLOCK: A couple things to stress. One of them being, again, that my recollections as to timeline may not be precise. I learned as I went. I don't profess to have had a grand strategy in mind at all. I think on my feet and think in the heat of battle. I knew the very tough row to hoe. Burns and I were sort of friends. We kiss-assed each other in the genteel way that's noted for its insincerity. Thorne and I were open adversaries, then as now. I mean I disgust eastern Oregon. I'm not much of a compromiser. I'm not much of a consensus builder. I'd rather hit 'em over the head with a goddamned two by four. Atiyeh and I were—he was a constant negativist. He couldn't say anything positive about anything he didn't believe in, and so forth. Ripper I got along with because he was a bartender, had a hell of a sense of humor, told good stories and drank his ass off, which I did as well.

We started out, and it became obvious in the first week—I had a fairly intensive hearing schedule if memory serves me. It started out, and I knew where the votes were before we'd even had hearing number one. But, I knew I had to do to the republicans what they would do unto me. And so the first move after two or three weeks—L.B. Day and I had become friends. Ironically, we became enemies before he died, but at that point in time, he was a teamster official and his union, his local in Salem was the strongest local outside of Portland because it had the cannery workers there. So L.B. Day was a good union official in that he knew what side his ass was buttered on. If farmland was destroyed, his crops were destroyed, his membership was destroyed, and he was destroyed. Very simple equation.

And he was a democrat who had turned republican. Out of bitterness or jaundice or whatever. And he was the kind of republican who could fraternize with Bob Smith and he did. If somehow I could get Day into the apparatus... 'cause Hector was interested in only one thing...the actual nobility of the bill and the language of the bill and its span. I could give a shit about that. I was interested in passing the bill. I understood the mechanics and the language of the bill as well as he did, but...so I didn't ask Day. He was in there monitoring the sessions for his union one day, and being sort of notorious in my audacity I said, "I'm going to appoint—this draft is not workable. This draft we've got here if we get into points of

contention is not workable, so I'm going to appoint a task force. Mr. Day I'm going to name you chairman of the task force." And used an instrument which I had used often in my health care field. The room was full of lobbyists, so I said, "Okay, you guys, bring us back a redraft of the bill with..." naming whatever the points of contention were. They may have been local control at that time, I'm not sure. I don't think that that came up that forcibly at that point in time. "And I'm going to name some other guys to it. Association of Oregon Counties," whatever his name was, "you're pissed off at the thing, you're always bitching about it. Anybody encroaching on you...you're on the committee. Tom Donaca of AOI," my continuous adversary and one of my closest friends, "you're constantly concerned about governments encroaching and so forth. You're on it." And then I named whoever the other members were.

We had I think homebuilders and farmers and counties and AOI and maybe some others; and Day chaired it. That's why Day is given the role, or given the title of godfather of the piece. You know... Hector's the father and I'm the obstetrician and Day is the godfather. So, Day came back and did his job and that of course immediately created a closer tie between me and Day which subsequently, after the passage of the bill, I played upon by getting Day to become the first LCDC director so that we could keep the lid on it and make the goddamn thing work. I'll come back to that.

Came back and the weeks are passing, and the division was as follows: I still wanted, and I still wonder if my thought didn't have merit, what I called the "airplane view". I wanted the state of Oregon to plan. I wanted Oregon to plant the Governor and his agency or agencies up where you look down and they would see the watershed. There's so many—the watersheds are natural points of division. In fact, ironically, John Burns and I teamed together later to introduce a bill that reduced Oregon's thirty-six counties to five counties based upon watershed lines. So, we looked down and there's the timber land, as though this is a giant infrared picture of the state, and here's the ocean, and bla-de-bla-de-bla. And we'll plan accordingly. We don't care whether it crosses county lines or whatever, we'll plan. Ripper told me, I don't remember if in committee or personally, that he couldn't do that. He just, he couldn't. He came from the asshole of Oregon, Coos and Curry Counties, with those two bags of county commissioners breathing down his neck. "I can't do that."

So out of that, I sort of—well I can't say "I" possessively, I guess with Hector, but I can't recall that many conversations with Hector—sort of worked out the concept with Ripper and I believe with Day. Maybe it was some others. Well, what if the counties plan but immediately the state has the censorial right. First of all, they had to plan within a certain time-table. They couldn't just dally forever. And then when their plans came up, the state had the right to censor, change, modify, and send back, and then... So, and then I didn't think about adjudication at that point in time, I admit. Later we came to the point, "If this is a

point of contention, what's the court of adjudication?" And that subject came up which has been toyed with ever since.

More and more people signed on the bill and I wanted to get it to a point where we absolutely had it locked. McCall—who wasn't really a tremendous Republican but on some of the hard issues, especially the fiscal issues, was a Republican—could deliver X amount of republicans or at least embarrass X amount if they were opposite him. I can't recall what the votes, precise votes were in either chamber right now but he could embarrass even the Bob Smiths if he wanted to you know. And the democrats would like it because the democrats are democrats and I was a democrat and I was a chairman and they'd back me.

So we came down to the wire and in the last ditch hysteria I don't remember if it was just three months or five months or whatever the hell it was. McCall came to me one day, called me in and, "If you can't pass the son of a bitch, give me a million dollars and I'll zone the son of a bitch!" Because he then felt he would use Senate Bill 10. Now what he would do, he would go county by county, he'd apply Senate Bill 10 to thirty-six counties. He'd already said publicly that he would—or actually started to... god, I wish I had a memory. Klamath County, he was very impatient with Klamath County, "Why goddamnit!" And that was the genesis for Senate Bill 10. "You don't zone, I will!" Which was in effect exactly what the ideology was that we developed with so much more language in Senate Bill 100 at the end of the rainbow.

And at the height of sarcasm John Burns came in one fine day—I don't think it was this last meeting—with a bill, Senate Bill 100, but he'd mocked up, drawing lines through all the prose. Every page had lines drawn through it and at the end had appropriated five hundred thousand dollars to DEQ. And I was so fucking mad I couldn't see straight and I had to contain myself in a meeting, "Thank you Senator Burns, that's very gracious of you to come up with an idea, that idea, and I believe I rule and the chair will rule..." and something, I ruled him out of order and didn't even accept his amendment. So, we came down to the wire and Ripper was the kick vote. Nancy tells me though, which I'd forgotten, but Nancy Showalter, who's doing this research recently said, that to protect themselves so they could screw the subject up on the floor, Thorne and Burns voted "aye" in committee. I didn't know that, I wasn't aware. Maybe somebody would move to reconsider and this would allow them to. And Atiyeh just was a constant no vote. But in terms of real votes, the man I knew who determined the whole game was Jack Ripper.

And I worked and worked and worked and worked and finally I called the day of or the day before the final committee vote. I went to him and said, "You know it just--this isn't a major thing, you know it in your heart. I don't give a shit what two-bit county you're from. But you wanted—the major thing you wanted you got. You..." Jack was pretty good about attending and about participating in discussion. I said, "The thing you're softest on that you don't like is that we've got a machinery in there that they must

respond with plans within a given time. And their plans can be negated or modified or changed or whatever." And I guess by that time we put in the Court of Appeals, or whatever the hell we'd had in that draft, the final draft. So the day came with the vote and I'll be goddamned if—I didn't think I had it, I didn't think I had it. And he voted "aye".

And then the amazing thing happened. I couldn't get out of the room fast enough. And this, aside from the other role, I'm very immodest about this. I take a hell of a lot of credit for the whole thing giving Hector full credit as being the author of the idea. That is, this part is totally mine. Without this there'd been no bill. I dashed over to Nancie Fadeley. Said, "I've got to appear before your committee." And appeared, which is also on tape somewhere, before her committee in the famous deal and said, "Atiyeh is lying in wait for this and I think he's joined by his good friend Jason Boe. Nobody. Nobody is more stunned by what happened than Jason Boe. He'd got it right up the ass and he knows it. So if you guys change one comma, literally a comma, that calls for a conference committee, I'm fucked. We're dead. It's through." To my knowledge I don't think this has ever been done since 1859.

They didn't, and nobody even moved to amend; the dumbshits in the house. They could have moved to amend on the floor. A radical action—almost never been done, but they could have done that. And if they'd had the votes—and if they amended the bill at all, the senate conference committee—Boe names Atiyeh and somebody else, maybe Thorne or Burns as a democratic conferees—and the bill is dead. And the talk is death. They didn't, so a person who deserves major credit in the drama is Nancie Fadeley and members of her house committee, whose names I can't recall. But Steve Kafoury I know distinctly was one, is alive and is in Portland. And then—they—so it passes and then Hector, or somebody put in the bill...maybe I put in the bill and wasn't thinking. (Not everything I do is smart.) But to avoid—to try to fuck Boe thoroughly, we put the language in that the chairman—that a standing committee—Dick Groener and some of the conservative democrats had wanted, by god, wanted to keep the legislative oversight that Boe wanted. "By god, we're going to take back more power here in Oregon." Which meant legislative oversight of everything—so this is a continuing legislative oversight committee, whatever it was called, created by statute, which is what Senate Bill 100 is, which is unusual. Usually, interim committees are created by senate joint resolution or house joint resolution, whatever it is.

And the language read, to my memory, the chairman of the senate committee, I might also have said the house, shall be a member of this thing. So if you looked at it there was no finite time period as long as I, Ted Hallock...Boe joked about it with me about a week later. "As long as you are in the senate under your name, Ted Hallock, a senator, you're a member of the goddamn committee." I said, "Oh really, Jason." Looking at it, you know, I have no idea we had done that. But then I thought, "Well Lord, thank

you very much. Because for all the people who will fuck around with Senate Bill 100, I will be there, as long as I get reelected."

So, the game was that I was the chairman and we arrived with my house counterpart, whoever it was at that first... maybe it was Kafoury. I would be chairman this first time which L.B. Day and I-- worked out very goddamn well. And I said to Day, "Now Day, this committee's got to have legislative oversight over you and DCLD," or whatever the department's called, "and dangit, I want you to know we're going to be stern taskmasters. I anticipate we may have up to two meetings a year." So, we preceded to meet I think twice a year, something like that, for thirty minutes or one hour. Day and I sat face to face and had this colloquy, well rehearsed colloquy, and then we adjourned. So that nobody was going to screw with that committee.

I think I asked that I stay chairman the second year though after that we would rotate with the house chairman and made goddamn sure the house chairman knew what the arrangement was. So, we woood and wooed and woood and woood and woood. In time Boe, still chafing, decided that in 1975 he would see if the bill needed any work. So Boe names--this is the 1975 session. Out of nowhere he names a three-man committee: Charles Hanlon, the democrat of Cornelius who becomes independent later. The little former Air Force lieutenant colonel whom I disliked because he was a martinet, I thought, up until this point in time. And good ole' Vic and me. So three of us would sit there almost, I can't remember, like day after day we would meet in the afternoon. And Vic hammered at the son of a bitch. Atiyeh hammered Senate Bill 100 page after page, comma and sentence, and "and" and "but" and "the", day after day. And I fought him off. I've never worked so emotionally hard in my life!

And I thought it was screwed. Because Boe gave this three man committee the power of a committee. A bill would come out, so Senate Bill 100 was on the table, and I thought it was dead two to one. Just going to be rote two to one, two to one, two to one... was not, it was not. And I didn't--never said a word to Hanlon. I've never been so--I had what little faith I have in mankind reinforced. Hanlon was there. Hanlon understood. We had witnesses--did the whole procedure in front of us, and all the lobbyists took this opportunity to bring in every goddamn thing they could come in on. The changes were minuscule. The final changes were moderate. We may have in that setting have dealt with that appellate apparatus, I can't remember. 'Cause later on, after that, L.B. Day became a senator and I think we were still working on moving from the Court of Appeals to the Land Use Board of Appeals or whatever these nomenclatures are.

So the bill was inviolate and so forth. There were these grab-ass attempts that there have been since then, mostly republican, the timberland amendments and all these kind of things. Ironically, Hector

went on to the LCDC and he and Henry Richmond have fought on decisions that Hector thought were right. Hector made some LCDC decision three or four or five years ago that, on the timberlands thing; the eighty-acre parcel and all that stuff, that Henry thought was just a massive sell-out that Hector defended, so... Anyways that's the background story.

KT: That's really interesting. So the first time that you really saw the need for land use planning in Oregon came to your attention through McCall's initial efforts?

HALLOCK: Yeah. Yeah, things that McCall had done that came into force. I wasn't personally a social fraternizer with him although we became drinking buddies to a little extent. Yeah, things that Senate Bill 10 brought to the fore. As things became before me and got my attention, I paid attention and then I became conversant with the idea. I'm not a, otherwise I'm not much of a student of the subject.

KT: Was there anybody else who really drove your ideas for land use reform besides McCall?

HALLOCK: No. Because almost everybody else down there either A) knew nothing, or B) was a militant pro-developer, pro-status quoer. That's why Hector's an extraordinary man, extraordinary man... Jesus! Farmer, a working farmer, ripe shit on his boots, and—I've been down to his acreage—and a tremendous family man. And a Republican and a—he's what you see is what you get. And not a--and he's to the right of me in the area of land use planning. But the concept was his because of the erosion of the farmland base, which is still going on I'm afraid.

The urban growth boundary fight here, the Metro situation which is despicable. I'll give you an exclusive if this goes on. I noticed in the newspaper this morning that Bill Sizemore at the very end of his story indicates that he has an initiative to repeal Metro. And guess who may be on board? I've told Patricia McCaig that. By the way, this is relevant to your story a little bit. The day that Senate Bill 100 passed, Keith Burns, the Portland attorney, brought out of his local government committee the bill creating Metro which I hadn't followed at all. I read the bill and was stunned to find it could do—the Metropolitan Service District could run a nuclear power plant, among other things...a transit system...blah-de-blah-de-blah-de-blah. And being a good rote Democrat I cast the worst vote in my life and voted for it. The bill passed within twenty, thirty minutes of the passage of Senate Bill 100. Atiyeh stormed around the chamber, came up to me, red in the face. "You son of a bitch! Two times in one day!" Or something to that effect. He walked away, I said, "I haven't got anything to do with this bill!" But it was the worst vote I ever cast and I may want to undo it.

KT: You said that the *Willamette Valley Futures* was a well written document and that—did that influence a lot of your thoughts?

HALLOCK: Oh yes. I'm not that well educated as it is. I learned a lot from my clients and the enlightened attitude of Skidmore, Owings and Merrill people taught me a lot about lands values and...

KT: Were there some constituencies who surprised you with their support for Senate Bill 100?

HALLOCK: Yes. Yes, but so few. The most surprising was—I should have known better. John Gray came down to testify. Here's John Gray. I knew that he was an enlightened man, president of Omark Chainsaw and so forth. The guy who built Sun River, the guy who built Salishan, and so forth. These are called developments, and one of them is in Deschutes County and one of em's in Lincoln County and that one that Stevenson, Washington...comes down and testifies, that's one. And there was, oh, Carl Halverson, a general contractor. Well known big contractor. Who's even since then been pro-nuclear power and for most of the things I'm against—came down and testified. Two of the enlightened businessmen. Today probably in Oregon there would be more. They would probably come from the Microsofts and those electronic valley guys, but these guys... a developer and a builder... voluntarily came forth. Otherwise, you know, there was—I was not surprised by the fact that AOI was so unsupportive. Even though I've told everybody Tom Donaca, this lobbyist who was a lawyer, gave some wonderful ideas in the ad hoc committee under L.B. Day to create the final bill as it was passed. No, otherwise there were no surprises. The farmers were taciturn, the labor unions were taciturn. The democrats and republicans as parties either didn't give a shit or didn't understand what was going on. And the counties didn't surprise me at all other than the militancy of their objections. Anything to preserve their autonomy, their kingdoms, their fiefdoms.

KT: Were there any specific values or ideas that you believed absolutely needed to be included in Senate Bill 100?

HALLOCK: My ideas are pretty militant. The first idea was that the counties would produce a plan within a given point, given time span. When they weren't in Crook, Deschutes, I think Coos and Curry, Douglas, four years had passed. I thought that it could be done in a year. Admittedly, I—my—I'm naïve and not too well educated. But when four years had passed, 'til we put a timeline in the bill or whatever it was three years out. Then I got the committee to vote me the subpoena power and called the state police to prepare, to sup—to serve the subpoenas on county judges in these counties.

And I'll never forget to this day the one phone call I got from the county judge...God in Roseburg. And he called up—what was his name? Later on I had the pleasure of going down to try and get him recalled. He says, "Is this Senator Hallock?" And I said, "Yes." And he said, "This is Chairman Whosits." He said, "Fuck you!" and hung up. But, I—we damned near came to the day of serving those subpoenas. And gradually they came in.

And then the second thing, cause I stayed on that watchdog committee. I was on committees that could make trouble. 1000 Friends was formed and would fight--would come in with like a hundred and sixty-five violations of building permits that had been granted in violation of the local zoning, which is in violation of the local plan. And I got action going on that so that I could keep the pot stirred-up and let the counties know I would not—so this, you said the most outstanding thing that was in my mind was, “They’re not going to get away with screwing us the way they’ve been doing in granting permits to the kid brother of the county judge,” and all these deviant pieces of behavior. That sounds militant and it sounds angry, both. I mean I considered this a fight. A war. It’s an ongoing war. Look at the Metro attitude toward the urban growth boundary today. And a couple, if I could go through the listing of thirty-six counties, you’d find, except for maybe Lane, an enlightened county, the same thing going on today. So, Senate Bill 100 stemmed the tide. By no means swept back the ocean. And it’s an ongoing thing.

KT: I’m going to change tapes really quick because this one’s running low...

[BREAK][TAPE ONE, SIDE TWO]

KT: {*The tape cuts in with a portion of a question already asked. The question is in regard to Hallock’s values and intentions for land use planning in Oregon.*} Have they changed over the years, those that you were running with back in the early 1970’s?

HALLOCK: About land use planning?

KT: Yes.

HALLOCK: No. No, if anything the—I can’t find words short of obscenity to describe the selfishness that surrounds us. The individual selfishness, this narcissistic, “If you can’t get my plot to overlook the Pacific Ocean then fuck you, or over the Willamette...” The county people say, “Wonderful, it’s a \$500,000 house, waive the...” you know, it persists to this day. And that’s the only reason I wanted to bring the police power of government to bear. Government should either govern or not or else abolish the word “govern” and so “governing” should prevent the desecration of land values, the erosion of natural resource assets, etc. That’s part of governance in my opinion.

Right now the argument that’s got overtones in this is the Columbia River governance ‘cause of my power council service. How shall a river be governed? Which means, how shall a water be utilized for the fish, for agriculture, while the same thing with raw land? There’s raw air, raw land, raw water...the same principals. So it’s got to be watched and it isn’t being watched. That we did this is still ironic. It was a fluke. It was a historical fluke. Wasn’t based upon the optimal, wonderful, ideal makeup of the legislature, not at all. God, maybe in his, his or her infinite wisdom, cheated me out of being president of the senate so I would do this. So that Boe would try to fuck me and I would try to fuck Boe. Which is a

hell of a way to run a railroad but, so it was all flukey. Flukey's good enough for me but it's time for another fluke or maybe for flukes to continue in Metro, for example, the urban growth boundary...maybe in other playing fields.

KT: Do you think that the current land use system matches what your original intentions were for Senate Bill 100?

HALLOCK: No, it's not as militant as I wanted. No. There are too many evidences of good old boy fraternizing; illicit grantings of permits violative of zoning ordinances, and/or the plan...totally the same reason we passed the bill. The same crap is going on in Prineville or Klamath Falls to a degree that it was before, in my opinion. Maybe Roseburg. The urban-rural-schism is part of what's changing. There are people coming up in eastern Oregon, a few, that realize the land use base must be preserved. The fish must be preserved and timber must be made really sustainable, etc. A few. Those same few may hopefully dominate the scene there and let those economies thrive so their economies are not dependent upon A) raping the land, and B) selling the land to anybody to do anything within any point in time or C) putting their famous old eastern Oregon cliché...used to be they'll 'Build an industrial park. That'll be our savior.' No thought of the desecration of soils, water, air, land itself, arable land by planting a hypothetical steel rolling mill in John Day or someplace where it doesn't belong. And that kind of ideology is I think waning, I'm not sure.

KT: Are there any ways that the current system has improved or gone beyond what you thought it would?

HALLOCK: Yes, it's not improved or gone beyond...worked. The current system has worked by impressing some people with the fact that we've got to reserve the land base. I've had calls. Two calls in particular. One from a man, who shall be unnamed, who started me in business in 1959. Gave me furniture, office, he was a father literally to me—who called me ten years ago or so, fifteen years ago, about a plot. He was in stock brokerage and he invested in land so he had two plots and if this could be changed in zoning, and so forth, then he could sell the plot and could I help? No. No, I can't do that. He accepted it.

Then another man who wanted to dig a well, another father figure, but a brilliant lumberman, millionaire, client. Wanted to dig a well on a tract that he had in Malheur County and do blah-de-blah-de-blah—violative of the plan and so forth. Could I get him—could I intercede. I had some little modicum of influence. No, I can't do that. No. And he accepted it. So, I couldn't bludgeon either man. I was—I'm grossly indebted to each man. But I couldn't do it, and the fact that I said "no" that way, I mean they accepted that. These are strong men. The media, of course, understands all this and enlightened people do,

but guys like that, ironically, were part of the targets of Senate Bill 100. And they understand why, why I think they understand why, but they've accepted the consequences. So it's working I think. Maybe not, again with all the frailties I've described. It's still working.

KT: But overall...

HALLOCK: It's working yeah. It's there. It's a principle Oregon stands for. Oregon's got to remember that that's its principle before it starts brandishing that principle to Connecticut, Rhode Island, Venezuela, and so forth...Great Britain.

KT: Do you think that there's been any ideas or visions that have been lost as the Oregon land use system has matured?

HALLOCK: Well one of the ideas that has been lost...if memory serves me, it was Senate Bill 13. Tom McCall also wanted COG's, Councils of Government, and Tom McCall wanted Oregon split, if memory serves me, into fifteen areas. So the thirty-six would be combined for the purposes of services he wanted to deliver that way: Health care, and whatever else they were, into fifteen. I didn't pay that much attention to it. COG's were, and to my knowledge are, voluntary except for Metro. I believe Metro, because we passed it statutorily, we compelled Multnomah, Washington, Clackamas, and so forth to be melded. But the Marion-Linn COG, and the Lane something COG...COGs haven't really worked.

It would be too much to ask to divide Oregon the way Burns and I wanted to because of this enormously selfish autonomy paranoia of county governments. By the same token, that paranoia has destroyed the COG concept. But I'm not confident the COG concept was meant to work anyway. It would be as though President Lyndon Johnson or something had wanted to adopt a national COG system which would automatically meld Oregon and Washington. I know a lot of people wouldn't want to do that, maybe including me. So I would be defending Oregon's autonomy as a state. So the COG concept—that form of regionalism hasn't worked.

The one metropolitan example, our answer to Dade County, Florida Metropolitan Services to me ain't working. The new budget thing in this morning's paper is an example. Four hundred and some million goddamn budget which they'll adopt five days after they announce it; after they formally vote on it with no public input. That's what prompted me to write Bill Sizemore a fan letter. So that concept of universality is not working but Senate Bill 100 wasn't geared to that phenomenon continuing or not continuing. It was—it understood there'd be thirty-six counties and therein lies the tale, "You look at yourself and create your land use plan, we'll look at it..." and so forth. That's the way it was; it was working as it's supposed to work today with no...COGs could do it if there were COGs that would so plan.

And their plan would be recognized if really jointly wanted it or severally wanted it. But that's the one thing that's suffered. Otherwise, I don't see any changes.

KT: The Oregon land use system has been well recognized because it incorporates citizen participation. Do you feel like citizen participation continues to work the way it was intended to?

HALLOCK: Yeah. It's worked as well as it did in 1973, which is not very well because the public is apathetic, the public doesn't give a shit, the public is dumb. These wonderful effusive newspaper editorials and political things—"never underestimate the public". Any, any day of my life that I have overestimated the public I want to kick myself in the ass. No! The public has to be spurred, booted, threatened, pleaded with to do anything. One of the things I learned at Skidmore, Owings and Merrill was where I was down in the trenches; where I was helping them after the bill had passed; producing some plans for public meeting consideration. The uses of Sauvie Island. A couple of other things. Magnificent graphics, tabloid size papers and stuff like that, and Jesus, you'd still boot the people in the ass to get 'em to come out. Then we worked for the City of Portland once on the so called East Side Plan, the same situation with guys who'd worked for LCDC I think who worked under Earl Blumenauer.

No, the public is just generally hell bent to have a good time, to drink a beer and, "By god, I work hard all day and I got no time for this, and I got all this and I can't do everything," and all of this. So, that part of public indolence, public apathy, public narcissism, hasn't changed at all. And I'm not necessarily cynical about it, but realistic about it. And that, by the way, is another reason why I believe in government as government to fill the void of public apathy, indifference to, and inactivity. And no, I'm not a fascist. I believe, yes, the public should be heard, but where they won't be, we move ahead. And then if they get volatile enough they'll use the initiative, referendum or referral, Oregon's gifts to mankind, to get rid of the idea or get rid of us.

KT: We've already talked about your ideas about the kind of balance that you were trying to gain between state and local control. So I'll skip that question. How would you evaluate the current land use system against what you envisioned it to be in 1973, on a scale of one to ten, ten being the highest.

HALLOCK: It's five. Because, oddly enough I don't resist anymore the idea of these hick, two-bit, venal governments called county governments and their staff coming up with plans. Why don't I? Well, he said, because A) there are some finer, more intelligent, younger people involved in county government staffs than there were twenty—what is it—twenty-four years ago, twenty-five years ago; B) there are fewer quote venal good'ole boy fraternizer county commissioners than there were twenty-five years ago; C) the county residents, in spite of my indictment of them a moment ago, are much more tuned in to what their—grab a shotgun or a thirty-thirty with the old dog and drive in the pickup—what the county is. They're more

aware of the reservoir that's leaking, or who's waters are tainted, or the salmon that are not coming back to spawn in that stream, or the clearcuts there, or the strip mining that's...whatever the circumstances are. The developments that they didn't realize were there 'til the buildings started to go up. They're more attuned to what their county is and maybe, therefore, more attuned than this infrared camera of mine in Salem would have been attuned to all the personal characteristics, idiosyncratic characteristics of a particular given county.

So, the bill has worked enormously well in terms of engendering and fermenting and multiplying, stimulating bureaucratic as well as general public knowledge of and the affection for the protectiveness toward county assets. And that's something that you couldn't otherwise legislate. And behind it of course is this legislative mantle, "though shalt plan." And, "If thou don't, we will come in and plan for you," still today. And so the plans are laggard, plans are not being amended readily enough. Plans are being violated by good 'ole boys, but the act of planning has created a general enough public, media, governmental base of knowledge that it's very salutary.

KT: Looking back, would you have done anything differently? Is there anything that you'd like to say, "Ah, I wish I would have seen that coming!"?

HALLOCK: Not, no, no, no...it was impossible, not with those players. I know those players. No way! Not a matter of what I would have done. There was divine—I've become a born-again Christian, and there was divine guidance, because by the time I named Day I was stopped. Hector is an idealist. Hector was sort of an idealistic Buddhist. That if the day doesn't come today the day will come tomorrow...not me. I want to do it now—then. So, you know, I was at a stalemate in terms of whatever the issues were and the Ripper idea and so forth, and along came the L.B. Day idea, and then the Donaca, and the things I've described to you. So, I couldn't, wouldn't have changed. It was a fatalistic kind of march, ordained, although it worked out, but I didn't know who was ordained, but no. Change anything? If I could've changed anything I'd like to have been President of the Senate, but if I'd been President of the Senate they wouldn't have given the issue time or somebody would have cut the feet out of under me cause I would have been too busy with other things.

KT: I'm just going to finish up here by asking if there's anything else that you would like to share?

HALLOCK: No I've given the credit I think that—it's an academy award speech made to order with one reservation. I reserve to myself a hell of a lot of the credit. And I give the lion's share to Hector, but L.B. Day, principal players, Nancie Fadeley, Tom Donaca, just as long as they're recognized in the story that—'cause Donaca's still alive and Nancie is to my knowledge, Kafoury. It was an interesting sequence of events. And we did something that, that for all of his personal magnetism, Tom McCall couldn't have

done in a thousand years. And that's why I say, "Tom, if you're watching this videotape from the great studio in the sky, I love you." But Tom didn't have a goddamn thing to do with this, other than seeing the events roll around and then trying to make sure I guess that his republicans in the house, or whatever it is, went along with this. That's the only part of the story I resent, from a man I love, revered, got along well with, and learned from. But he was not involved in this particular situation to any notable extent.

KT: Well thank you. I really appreciate your willingness to meet with me and go over all this. I've learned a lot.

HALLOCK: Good. You're welcome.

[END OF TAPE]

APPENDIX B: Wingard Interview

KT: This is an interview with Mr. George Wingard, conducted by Mrs. Kami Teramura, Community and Regional Planning masters student at the University of Oregon, at Mr. Wingard's home office in Eugene, Oregon on May 23, 1997.

[TAPE ONE-SIDE ONE]

WINGARD: Well I'll speed up a little bit. I need to give you some background.

KT: Okay, yes. Just give me a background of how you were involved in land use planning.

WINGARD: Right. Basically from my experience as a builder and developer in Eugene, and a worldwide experience as a member of the Urban Land Use Institute, which is an operating group of interested people of architects, designers, land use planners, builders, developers that are concerned about doing the best possible job of development of the land. They're concerned about lifestyle and how their projects might affect people and the landscape and environment and farm land. So, I was well educated on land use matter before I got involved with land use legislation in the senate. This gave me a pretty good perspective to the prominence of land use planning, which a lot of people didn't have who were involved with Senate Bill 100. I was also raised in a small farming community. Dad did farming and I had a pretty good understanding of farmlands and encroachment upon farmlands by urban areas. Although, while I grew up that wasn't a problem, but I could see it was a problem here in the Willamette Valley.

So, when I became a member of the Environment Committee in 1971, I was familiar with land use problems, environmental problems and I'd asked the President of the Senate, John Burns, to chair a committee on land use planning because I knew it was a hot issue and we had passed, I believe in 1969, Senate Bill 10 which talked about preserving farmlands. And I think what should be emphasized for people who don't know the history of land use planning in Oregon in the 60's and 70's was that it was the farming community that made it possible to have the most progressive land use planning in the United States at the time. It was not environmentalists necessarily, or particular conservative land use planning on an intellectual level, it was farmers from a very practical level concerned about their farmland becoming so prohibitively expensive, and the best bottom lands being used up, that pushed this legislation.

And if you would know about the structure of the legislature in Oregon and the power structure, you know that the power structure basically was controlled by the rural element, and may still well be. I don't know the structure there now, but it probably still is. And if they wanted something, they got it, if they wanted it pretty badly. This was something that most all the farm folk wanted, was protection of their lands, and that's basically why it happened. Because if they hadn't have wanted it, it wouldn't have

happened because there was a lot of opposition by developers and industrial people and people who just don't like planning bureaucracies.

So, that's basically my background. I wanted to be chairman of that committee and wanted to do the interim work. And John Burns said I could chair a committee on land use planning, and then he stalled a little bit, and I had the stationary made up for the committee. The next thing I knew Hector Macpherson had already started with a hearing. And then the Governor jumped in it, because the Governor was a very timely person and he saw this as a major issue too.

KT: When did the need for land use reform first come to your attention?

WINGARD: Well, it's something you just don't wake up one morning and say, "We've got a problem here." It became evident just driving up and down the Willamette Valley. You know, there were subdivisions sprouting up and I looked at River Road, here there were number one soils being used up on River Road, near Eugene, for housing, a use that...it shouldn't happen. You can't make soils that are that good without spending lots of money. You just can't build soils like that, and so you shouldn't be building on it if you can avoid it. You should keep it on the clay soils and nonfertile soils. The other thing is the flood plain problem, and that's also involved in this. So, I would say that I started to become aware of this when I moved to Eugene, and that was in 1953. It seems to me I've thought about these things for a long time. But this was an opportunity to do something about it.

KT: Who influenced your ideas for land use reform?

WINGARD: Oh I think the Urban Land Institute probably more than anybody else. They used to send out weekly or monthly publications that were on various planning issues and also they have a lot of resource material. And I traveled around the world looking at development on trips sponsored by the Urban Land Institute.

KT: That resource material then also influenced you?

WINGARD: Yes, in reading it.

KT: Did you ever see the *Willamette Valley Futures* report?

WINGARD: No, I don't think so.

KT: Okay. I know that that was one thing some others had mentioned as stimulating their awareness of growth. It seems that you were aware of it more before.

WINGARD: Yeah, I sort of grew into it. I hadn't been involved in all of the process.

KT: Where there any constituencies who you listened to during the hearings that surprised you with their support for land use reform?

WINGARD: Well, I was surprised with the strong support from the farming community. I knew there'd be support from the environmental community. I was strongly supported by the environmental community when I was in the legislature, and that just grew out of the task force on pollution and things that I'd done prior to that in 1969. But we talked about land use planning in 1969 and passed a large portion of pollution bills in 1971. I knew this was basically a land use planning situation.

KT: What values or ideas did you believe needed to be contained within Senate Bill 100?

WINGARD: One of the things that I was very concerned about was the taking of lands without compensation. I had even sponsored legislation to make sure that use of lands could not be taken without due compensation, but the compensation in fact, did not become a part of the bill. There have been some Supreme Court cases where they have upheld that premise. Now this doesn't mean from the speculative basis, this means the taking of value. Not speculative value, but real value. There's a vast difference between those two concepts.

KT: Did you have any interest in local versus state control issues over land use planning?

WINGARD: Well, you know, it's sort of interesting. I fluctuate on that issue. I think that, for instance, Oregonians could manage their lands much better at the local level, and I've always supported the idea that the federal lands in Oregon ought to be managed by local governments. You know, take the timber issue for instance. The federal government has done the worst job of managing our forest in Oregon on public lands. The best job has been done by state, or by private individuals actually. The next best job has been done by the State Forestry Department. And I have done a little bit of background research on the history of lands in Oregon and why there is such a high proportion of federal and state lands, mostly federal lands in Oregon. It's because when the division was made from out of the Oregon Territory we were promised those lands would be turned over to private individuals, but it never happened. This was in the 1840's-1850's when it was promised these lands would be turned over, but they never were. The same thing happened, of course, in Nevada where seventy percent of the lands are now owned by federal and state agencies. What that creates, if you have for instance a property tax state like Oregon, is a vast reserve of properties that don't pay any taxes that require services in a way. You know, that's why we are as they say, in a great deal of trouble tax wise in this state because we don't have a sales tax and yet we depend on property taxes. And yet we have one of the highest ownerships by federal and state agencies of land in Oregon, so that we don't get the kind of monies we need to operate our schools and maintain our social facilities. So it creates a real problem. What we've really done—Senate Bill 100 originally was designed to use regional type governments to take care of problems in land use planning and take care of the planning processes that were brought up under Senate Bill 10. We turned the basic planning process over

to counties even though there have been some problems, and I'm not too sure I agree with how some of the counties have done. They still have to meet certain standards, and probably that's okay. I mean you can't have everything you want and local government in a democracy really, probably, should be the one involved in making decisions as long as it doesn't usurp the general guidelines and goals. And that's why we set up these guidelines and goals.

KT: Do you think that your values or ideas for land use planning have changed over the years? Have they been consistent?

WINGARD: Oh, you know, I hadn't thought about that. I don't think they've changed. No, I don't think they've changed.

KT: Do you believe that the current system has met your original intentions for land use planning?

WINGARD: Well, I don't think they've been tough enough. We just discussed a moment ago, I see some weaknesses in counties, some counties, at least. I know I've had realtors talk to me thusly, "Well, if we pound on 'em hard enough we can get these divisions and these lands made up." 'Cause I still own property in eastern Oregon and I've had people say, "Well, why don't we subdivide it." And I own maybe a section of ground and they say, "We can subdivide this once or twice, and then you can give part of it to your daughter, and she can subdivide it a couple of times..." and you can usurp the rules and regulations. So, I see that as a weakness. But it's certainly kept, or at least it's certainly slowed down, subdividing of lands. One of the primary things we set this up for was to keep large blocks of land economically feasible, blocks of land that could be farmed economically. I see this usurpation process as being unfortunate, but then you have to balance that against a dictatorial type of bureaucracy. So, you know, you've got to compromise it, and it's not always good.

KT: Do you think that the current system has improved on any ideas that first came out of Senate Bill 100?

WINGARD: Just as time has evolved? Well, it's not come out as idealistically as I would have liked it to.

KT: What would have been the ideal?

WINGARD: Well, the ideal would have been to have local governments be idealistic like I think I am. (*laughs*) But I knew that wasn't going to happen in the beginning, when we turned it over to more local control, but I also believe in local control, so I was impaled on the horns of the dilemma. No, I just don't think you get everything in life. And we have to provide expansion space I guess. Senate Bill 100 certainly hasn't slowed down the growth rate in Oregon to any great extent.

KT: Do you think there were any ideals that have been entirely lost?

WINGARD: You know, I don't know. I think though, we've allowed some encroachments that were never intended. And that is this give parts of land to one of your kids and then they can subdivide it, and they keep subdividing it. We missed closing this loophole.

KT: Citizen participation is a huge component of the Oregon land use system. I was wondering, do you believe that the goal continues to work the way it was intended to, or is it still practical for local governments to implement?

WINGARD: You know, I don't know how it's working. And I really shouldn't even speculate because I really haven't observed it first hand. I do believe in it very strongly. It's the old consensus thing that the Quakers taught us. It's a tremendous concept. A lot of Native American groups used that same consensus kind of stuff. Thomas Jefferson tried plugging that concept into our system of government. This consensus building—I think it's extremely important. That's why we included it in the bill—it's the only way it could work. And it's amazing, probably, it's worked as well as it has.

KT: What sort of balance between state and local control were you looking for in Senate Bill 100?

WINGARD: Well, I was looking for the idealistic balance, and that is open participation but strong guidelines that couldn't be violated. The ideal situation. And it's very difficult to get there.

KT: How would you rate the current land use system on like a scale of 1 to 10, with 10 being...

WINGARD: The best?

KT: Or strongest.

WINGARD: Yeah, it's either the best or strongest. Well, you know, as I say I see some loop holes that are being worked over very heavily by realtors in Eastern Oregon. I don't think in Lane County that it's as big a problem, but I think it's in our rural areas where there is a big problem. I haven't studied a lot of cases, but that's my observation at this point.

KT: So would you be willing to give a rating?

WINGARD: Well, I'd say there's a different rating in eastern and western Oregon.

KT: Two different...

WINGARD: And I don't know with the more rural areas of western Oregon—I would say we'd have to rate the urban areas of western Oregon pretty high, like an 8 or 9. And I would say the rural areas of eastern Oregon, that I know about, I would have to rate about a 5. And the coastal regions, I don't know what's happening.

KT: What would you say were the ultimate strengths of the land use reform efforts in Oregon that resulted in Senate Bill 100?

WINGARD: Well, I think one was an educational process. You know, if you think about it, the millions of dollars that were spent on advertising against, for or against, but basically against votes, the public was educated on the issue because the press covered it well. Oregonians in general have been very aware about their environment. People become educated on land use planning because of the money spent on advertising by proponents and opponents.

KT: Right.

WINGARD: What was your question again?

KT: Just that, the ultimate strengths of that process.

WINGARD: Yeah, it was an awareness building that was the strength of this whole thing. And then they can keep the public attuned to the need for land use planning and can help keep it from eroding. I think that's what's important. Just like on our tax problems in Oregon, newcomers to Oregon don't understand, in a lot of cases, the reason for land use planning and that's a problem. And that's the problem we have with our taxes here is that we have a lot of people who are escapees from other areas that have had a sales tax. They came here because they don't want to pay any sales tax. Well they don't pay any taxes. Quite frankly, nobody wants to pay any taxes, but we have to support our schools and we have to support our social institutions here. With an expanding population, our tax base suffers and our idealistic base suffers. Senate Bill 100 is an idealistic concept of: what can we do about preventing problems and proliferation of development? And I'm getting too deep in the philosophy here, but I think that's why many of us supported the concept of SB 100

KT: Did you see any weaknesses in the effort to develop Senate Bill 100?

WINGARD: Well, I saw the weakening of the bill with the local control compromise. I like local control in some areas, but I like it when it works my way I guess. But I think the change we made, you know, where we gave it to the counties, and I think the Governor also thought that was a bad change. I wanted to have more central controls. And it's proven to be a problem, but we wouldn't have gotten the bill otherwise. So see, you have to think about giving up some things to get something at all.

KT: Looking back, would you have done anything differently?

WINGARD: Probably nothing because the votes were awful tight and I don't think we could've gotten the bill stronger. Or, what I mean, idealistically we would have liked to have gotten a stronger bill, but we had maybe eighteen votes out of the senate or something, that's only three over what we needed, and I feel we probably wouldn't have gotten those needed votes.

KT: In finishing up here, is there anything else you'd like to share about Senate Bill 100 or land use planning in Oregon?

WINGARD: Well, I just think we're lucky to have had a group of people at that time who were willing to sacrifice their political careers. You know, Hector Macpherson sacrificed his political career on that bill just as Don Stathos sacrificed his political life over the bicycle bill that passed. We had some very selfless people at that time who were willing to sacrifice probably good, bright political careers for causes they really believed in. And I think that's exemplary, the kind of people we had in the legislature at the time. Tom McCall was, well he was really a giant on these kind of concepts.

KT: Thank you very much. This was great.

WINGARD: Well, I enjoyed it. It's fun to think about those things again. Sometimes it's better not to think too closely and prepare because that way you're not into detail that drowns everything else. This is a broad perspective I've given you and I could probably bring up a lot of anecdotes if I had looked at the catalog again and looked at their votes, the senate votes, and specific committee members. But there's a lot I don't remember.

[END OF TAPE]

APPENDIX C: Myers Interview

KT: This is an interview with Mr. Clay Myers, conducted by Mrs. Kami Teramura, a Community and Regional Planning masters student at the University of Oregon, at Mr. Myers' home in Portland, Oregon on May 28, 1997.

[TAPE ONE, SIDE ONE]

MYERS: Well, I'm all over the map. You'll forgive me for being about the most ambivalent person you'll ever meet. A quick side-bar on two issues. My enthusiasm for the University of Oregon is not as great as it used to be having been sued by the students and others over divestment. I've had eleven meetings with a friend who I think is a saint who calls me by name in Capetown, Archbishop Desmond Tutu. Having been on every side of the South African divestment issue, depending on whether I'm state treasurer and being fiscally responsible; or a trustee vestryman at Trinity Church, Wall Street, New York, where I advocated total divestment because those were not public funds; or an officer at J.P. Morgan Investment Management helping public pension funds around the United States respond to the divestment question. So how do you rant and rave against a fascist government while trying not to screw up your investment?

And I've done the same thing on the abortion question. My wife and I are ardently pro-choice, but we're strongly anti-abortion. You prevent unwanted pregnancies. So, if you'll forgive a terrible mixed metaphor, I am the father of the National Episcopal Church's Termination of Pregnancy Resolution which got a unanimous vote in '76 in committee at the national convention. Twenty-one years later only one sentence has been added to it.

My job has always been to take hot issues, such as land use, and bring divergent groups of people together to come up with a consensus. I'm giving you these side-bar activities to explain how I got in public office. Tom McCall seldom used anybody as much as he did me on his television— and prior to that, his radio shows. So I was in on broadcast debates on every conceivable subject. It was interesting to try to help bring divergent groups together and arrive at consensus.

On the abortion question I had a committee of thirty-seven members in Minneapolis when I chaired urban and social affairs at the national church convention. You can't divide thirty-seven by equal threes, but there were no less than eleven and no more than fourteen in any one group: pro-life, pro-choice, and a third group hoping the holy spirit in her wisdom would move us to some decent answer. And on that group I got a unanimous vote for a resolution stating, in substance: life is sacred, not to be taken lightly, a gift from our Creator; the church faced the question in '67; and in cases of rape, incest, or saving the mother's

life in the early term, termination of pregnancy was permissible; faced with the question of the parties involved, wanting to consider it in other instances, they should get medical advice, if members of our communion they should get clerical advice; should they decide to proceed, you hope it would be a case of repentance and maybe forgiven; but in no event should the government interfere in personal matters.

This is basically the same approach that I took to this hot Oregon controversial issue of land use planning. It has really been a lifetime involvement. Now you have a bunch of questions you wanted to ask...

KT: Yes, I do. First of all, how were you involved in the reform efforts that lead up to the passage of Senate Bill 100?

MYERS: Oh, I suppose I got involved in childhood, but as far as the actual governmental actions it was my sharing with the Governor Tom McCall, before he was Governor, our concerns about the environment, about pollution, about land use. And then, the two of us serving on the Land Board. I had been his Assistant Secretary of State from May of '65 until he was elected Governor at the end of '66. And we worked hand in glove. I did most of his research. He was really an idea man, but I did the staff work for him for the Land Board and for the Board of Control, and in other areas as his deputy, and got involved in a lot more land issues.

When Tom was elected governor, I thought I would be the powerful little guy behind the scenes, as his executive assistant. Gave him a list of twenty people to appoint as secretary of state who had to be in the same party because of the Neuberger Law. All twenty were republicans, but Tom for some reason rejected all of those, including the half dozen that I particularly was most interested in, and asked me to take the position.

So, I became a sudden politician. And in my first week in office a conference at Oregon State—land use conference—asked me to be one of the major speakers the next month on the subject of land use. That gave me an opportunity to take a lifetime of experience as well as volunteer activities and governmental work done prior—twenty months—and put that into a statement of my beliefs. And that appeared to propel me, along with Hector Macpherson, into the front ranks of those advocating land use in Oregon. I believe there was a second conference with many of the same interested folk at Portland State.

Tom, whenever he needed somebody that he was close to, but he still knew would be independent but not destructive of our personal friendship, kept appointing me to various positions. The first thing he did was to make me a chairman of a Governor's Commission on Youth, and I did that for about four years. And one of my projects there was to start cleanup along the highways in the state, taking high school kids

and college kids out with me. And I'd travel the state and we'd carry litter bags and we'd try to get communities involved to quit littering and also clean up.

And then Tom made me chairman of other different committees for him. When it came to the land use study in '69 we were working on, "If we could get anywhere with legislation," he said, "would you chair this 'Project Foresight'?" I was able to participate in the selection with him, recommending some people to the committee. Most of them he picked himself from the public, such as Evelyn Nokes, some from the legislature, and others. I chaired that study group that we called *Willamette Valley Choices For the Future*: Project Foresight. It was limited to the Willamette Valley, because nearly four-fifths of all of our people lived on one-eighth of our land mass in Oregon, and it was where we were losing the prime agricultural land, the richest land. I know you come from eastern Oregon where my great-great-grandparents first came through and my great-grandfather Henry Clay Myers was an early county commissioner in Umatilla County when it ran from Wasco County to Idaho...

The farmland up there, generally speaking, unless it's along a river, isn't as rich as the Willamette Valley. The coast with the salt water and the winds are not as, except for say Tillamook and Clatsop Counties inside the first coastal hills, are not as rich as most of the Willamette Valley. Having been interested in the valley, many years prior to chairing the committee, and then I suddenly had it thrust on me as a extra community service.

KT: Who came up with the idea for Project Foresight?

MYERS: The Governor and I kicked around for some years, how do you get appropriate legislation through. But, he had staff people either currently on his staff or others from councils of government that were very early on, and I think the structure of the committee and its name itself probably was staff inspired. You know, I think of people such as Bob Logan who was our chief staff person; Kess Cannon who was on the Governor's staff; others. There were really no legislators particularly involved at that early time, unless Hector might have been, because of his ideas and the Governor's respect for him on some of the embryonic thinking.

KT: When did the need for land use reform in Oregon first come to your attention?

MYERS: Probably about the time I could learn to hear and talk and see. Another personal side-bar--I hope we won't get into too many of these--but my father moved around a lot. I was born in '27 and most of my growing up occurred during the Depression. Things were pretty bad. Dad had been a sheet metal worker who lost one eye a couple of weeks before he married my mother in early '26 in Colorado. He had to give up that kind of work and became a commercial rig driver, and a logger and a log truck driver. I think I lived in eighteen homes, some of which were only huts, early in my life. A good share of them

didn't have indoor plumbing. Sometimes it would be the kind of a cabin you would throw on the back of the truck and drive up to a logging area and slide off.

When you see from your very early years the destruction of beautiful forests, and the clear-cuts, yet your livelihood comes from it, the irony is that you get the good with the bad. We lived all over Oregon. I remember living in Union in a decent house near Katherine Creek we rented from a store owner family named Levi or Levy.

When you see the pastoral parts of the state lost to concrete and malls, it hurts. When, as a fifth generation Oregonian on my father's mother's side, you go back to Colorado (where my mother was born) at age four or five and stand on what looks like a gray snow drift, but what it is is dust piled up to the eaves of the cabins behind my grandfather's gas station in Walsh, Colorado, you see the destruction of the character of the land.

Then you come back and you travel the state of Oregon as a student, later as an insurance man. Southern Washington and all of Oregon was my territory for Connecticut General Life when I was their state manager. I traveled the state earlier for the Young Republicans as state College President and later as State President of the Young Republicans. And you see the terrible layouts of mad developments in eastern Oregon, Christmas Valley, so poorly laid out. Down by our granddad's family farm at Sand Lake, there was a place out on sand dunes called Sand Lake by the Sea. It was laid out in fifty by hundred foot lots on sand dunes that you can't do anything with.

I don't mean to denigrate all developers. I'm doing some developing currently in Arizona. My brother is doing some on the coast on property that we've owned since 1961... my mother and brother and I. But it's like lawyers, used car salesman, politicians: with developers--you get good ones and you get bad ones. Then I would see a city such a Newburg built on some of the prime agricultural land in the state, and other communities expanding out into the best farms. You're driven to do what you can to try to preserve Oregon's livability and see that God's Country doesn't become Satan's Hell-hole.

KT: Was there anyone who really influenced your ideas for land use reform who gave you ideas of what you would like to see in Oregon?

MYERS: Yes, including family, farmers in Oregon since 1845. Loved the land. They passed through eastern Oregon. Most of them ended up in the Valley, except for one great-granddad up in the Heppner area who later came down to East Portland. Most of them ended up on Sauvie Island or out in Washington County. The Millers, the Walkers, the Tompkins, were in the first wagon train, to come across the Barlow Trail. With that kind of love for the land and the need to preserve—you don't want to preserve, you can't—you conserve and you maintain the prime forest and farm lands.

One of the things that influenced me dramatically was at age six in 1933. We were logging north of Tillamook, possibly in the far west reaches of Washington County or southern end of Clatsop County, in a little area called Elsie. We witnessed the great Tillamook burn, hundreds of thousands of acres. We were totally surrounded by the forest fire. My memories of the fire, it's August of '33, approximately; I started grade school at least a week or nine days late, because we couldn't get thru the fire and out of that area.

Then you see the need for balance. If you preserve things in a totally natural state the trees die and fall down and create debris and you almost need a fire to clean it out. So, if you want to not lose everything you're going to need roads and fire trails and abilities to limit destruction. Today we're learning an even further irony, and that is maybe you're better off doing a control burn. In '39 I remember the second big Tillamook fire including one down near our farm on Sand Lake. Then in '45 I was in the Navy stationed up in Montana at Carroll College (Naval aviation cadet training) and got an appointment to the Coast Guard Academy. I flew home and saw the third Tillamook burn in the summer of '45. Then you see the great restoration the state did in reforestation starting in the late forties. Now, we're going to start harvesting the replanted Tillamook timber from the old burn. So, in my lifetime I've seen the entire cycle. You know what you want to conserve, you know what you want to maintain, but you also know you're going to have development.

Going back to your question—family influenced me, friends influenced me. Tom McCall, who gets a great deal of credit for cleaning up the Willamette River with his early T.V. show, actually got that idea from a person most people think of as a very conservative Republican. A former Mayor of Salem, Douglas McKay, later Governor and Secretary of Interior. Doug McKay, in the thirties, was advocating cleaning up the Willamette River and Tom at the end of '48 was appointed as Doug's administrative assistant in the Governor's office. So, there was a great deal of cross-pollination of ideas among people. I think it's of extreme interest that some of the people you think of as conservatives are, in the best sense of the word, conservationists. And some of the people that you think of as progressive or liberal sometimes end up being against the best conservation.

There were all kinds of people that influenced my life, but most of it was personal observation. You leave Oregon—I've done it five and a half times. The second time in my life at age eleven (birthday on the Queen Mary going over) to move down to Southern Rhodesia, now Zimbabwe. You see terrible slag heaps of debris around the gold mines and you wonder isn't there some way to restore the land or make it decent. Now we're doing that oft times with garbage dumps; you can cover them up and make a golf course out of it.

The contradiction at times is almost ironic. What you do is go through life and see things that need to be done, get ideas, and then you find there are really no original ideas. My wife is a former editor of my Weekly Reader, they're great in teaching ideas in elementary schools. Elizabeth's uncle, Ivar Griffith, wrote a book, *Lobscows*, back around the early 1930's, writing about a lot of the things we're talking about today, including the threats of tobacco and the need to conserve, pollution problems and so forth. And I'm sure you can probably go back to Greek and Roman times and find people who were then saying in different words about what we need to conserve, what we need to do to maintain, preserve land and our livability.

KT: Were there any documents or any physical things, things you'd read, that influenced your ideas for land use?

MYERS: I can't remember what I was reading a quarter of a century to sixty-six, sixty-seven years ago when I first started reading. But, I've always been a great reader of history, government and politics. In the process you pick up a lot of ideas. Sometimes you end up kind of claiming them for your own because you forgot you read them somewhere else.

KT: Were there any constituencies who surprised you with their support for land use planning?

MYERS: You expected the environmentalists, of course, to be ardent land use planners. But what pleased me was to find so many farmers from all parts of the state; not just the Hector Macphersons from Albany, but others from Washington County, Marion County, Lane County. I think, for example, of one of my favorites, Staff Hansell from Umatilla County. I was also influenced by legislators who had a broad respect for not only natural resource protection but human rights. I think of an eastern Oregon Senator, Phil Hitchcock, Phil had been an implement dealer. A Clackamas County "Man's Shop" operator, Bill Ireland. These kinds of legislators had the broad perspective, that at times today I'm beginning to feel we're losing to more narrow interest legislators representing a much more limited constituency. I'm afraid (this is another side-bar) one of the causes of that problem (besides money, obviously, a big one) was single district constituencies. I think we had much broader thinking legislators when they represented districts when you would have to fight for a seat with two or three or four other people. Multi-member districts. Therefore they would have more varied groups of people to represent.

There was no better time, in my estimation—and I know this sounds like an old man speaking, I was seventy, yesterday—no more interesting years to be involved in or to grow up in the days of the Depression, World War II, and the great reforms after World War II.

With all of the competing groups, development versus conservation, and you have friends in both camps, it's mentally stimulating. I grew up in a forestry raping environment and yet at heart was a

conservationist, book-reading animal lover, in a family of fishermen and hunters. And yet, I spent two summers with the fish commission, restoring or building fish ladders along the streams of the Oregon coast, on the tributaries of the Columbia—one horrible month, with some days of hundred degree temperature at Willamette Falls in Oregon City, with thousand of eels dying and rotting around me.

But, you know, you're trying to maintain the fish stocks and the supplies. And even there we had the fights. And this was another, I suppose, aspect of my learning process. You have fish biologists claiming that you increase the runs through biology rather than through the fish ladders. Well, my dad's cousin, Clay Warren, was the chief engineer of the fish commission. I got the job through a family relationship those two summers. I'm still convinced that the salmon runs have been hurt by allowing "scientific" advances, the high dams, and fish biologists not being as practical as their education should have called for.

So, you get too many inputs and I have a hard time telling you what were the ones that were the major influencing factors. It's a blend of a lifetime of experiences and observations.

KT: What values or ideas did you believe needed to be contained within the land use system or a land use system?

MYERS: The prime objectives, of course, were the preservation of valuable resource lands whether agricultural, or timber, or open space, while making provision for rapid population growth. Oregon's increasing population has been like waves washing up on the shore, then the tide ebbs. Oregon has had a half a dozen major population spurts and it was obvious in the late sixties, that we were going to have that again, as we'd had in World War II. How do you try to locate the towns and the cities? Preferably on the foothills. You get better views, as you can see here where I'm living now. My wife and I try to find housing views without being wasteful of land. You don't have to have ten acres. There are eleven home sites here on two and a half acres including green space in front of our house. Our townhouse—I was proposing this approach in the late sixties.

Transportation is a major challenge. Why do we keep putting the freeways (such as I-5) right through the best valley farmlands? It's more scenic as you drive south of Cottage Grove into Roseburg when you're going through the hills and not on the prime lands. How do you, again, balance all of these competing interests? Those, I guess, were my motivation factors.

KT: Do you think that your values or ideas for land use planning have changed over the years?

MYERS: Yes and no. The basic values, the thrusts of what you want to achieve, have not changed. As you learn from experience, and its been over a quarter of a century since Project Foresight, twenty-four years since the enactment of Senate Bill 100, you recognize that some of the planning has not produced

what you hoped it would. You get local government dictators who delay progress unnecessarily. Another piece of property in Tierra del Mar, this is again personal experience, my family has been involved in for thirty-five and a half years, and the largest portion of it still is trying to go through, this month, the final hurdles of Tillamook County bureaucracy. Now you'd think that thirty-five and a half years is a fair amount of time. So, in a sense, as with my irrelevant earlier remarks about the abortion question and the South African divestment question, I've been on every side of the land use planning question. And really what you try to do here, Kami, is to balance the equities, recognize that your own selfish interests can not intrude unduly.

This property we bought, a quarter-mile of ocean frontage and eighty acres of hillside (about sixty acres of which was ocean view.) In 1961, I was in the insurance business and my brother didn't have enough money to put the deal together to purchase from two of our grade school classmates who owned the property. Their grandfather had owned it. Their family had owned it certainly from the late eighteen hundreds. Well, we had a deed that would go back to the original land grant, that gave use title to the low water mark. If you can believe it, that in 1961, thirty-six years ago, we modified the deal and only claimed from the high water mark, because we believed that beaches were public. And our family had used that beach and walked on it for generations, with the permission of the Sears family who owned it. We developed that quarter-mile of ocean frontage first and sold off those lots in Tierra del Mar, an unincorporated community. The hillside behind it, the eighty-acres, has been where we've had the hassles with Tillamook County. I have run into some great planners but I've also run into some that I think must not have been too well educated, or if educated, lacked common sense training in judgments, in constantly changing the rules as you go along. So I can sympathize with a lot of the critics of what we did in land use planning. But, the thrust of what we did, I think, is paramount to preserve the livability. I guess, in a sense, if I were summarizing this comment it would be the pendulum theory. Government goes too far from at times too little protection of the general public and regulation to at times too much.

And how do you get back to a balance? That really is what ought to be the goal. When we had a hundred and twenty acre farm and my father was ill, knew he had Parkinsons and wouldn't live too long, one of my brothers and I, decided to buy and divide the farm. I was on the state Land Board and I said, "Please, Brother Bill, cut it into four equal, valuable quadrants and let me take two out of three as long as I'm not involved in the fourth, the wetlands." Because as the Land Board member I can't have anything to do with the over half-mile of dikes that my father built down on the wetlands at Sand Lake. That would be a conflict of interest.

KT: Do you believe that the current land use system meets your original intentions as you were envisioning land use planning in Oregon?

MYERS: Yes and no. On scale of ten, probably a score of seven. I know that more people out of state probably praise it than in state, because people who have not had our foresight and not done what we've done, think it's a great idea. Obviously it's damned by a minority, including a good share of developers who might capitalize on prime agricultural land to build homes on it. Certainly by many land owners who would like to take advantage of development.

It's why, and I see that among the critics of land use planning the group that Bill Moshofsky and others organized, they've often cited one of my sentences or phrases which was the need for some type of compensation if there's "takings". If the government's going to come in and take land where you have been entitled to certain uses and now deny you those uses, there ought to be some type of compensation. Different states and different communities are doing it in different ways. Vermont is setting up land trusts, where you can get paid if you lock up your land in the future. You have all types of easements, visual easements, a variety of others that we covered in our Project Foresight book. Three or four different alternatives where you can try to mitigate the effect on the rights of land owners while you're trying to preserve land or open space or trying to acquire more for parks, as Portland has done recently in the Metro area.

KT: Does the current system improve on any of your original intentions or thoughts?

MYERS: Not really. Our early dreams added to that thorough study we did in Project Foresight; then the two hundred and seventy-five meetings that we did later to try to line up support for Senate Bill 100. We had so much input and so many ideas. If anything, I would say that the total knowledge we acquired is what we tried to sell initially—although we lost some of its advocacy in the legislative process, in getting and trading votes.

How do you get through a legislature with people who oppose the bill—including the democratic senate president? President of the Senate at that time, John Burns, very business oriented; Jack Ripper from the coast, another democrat who looked rather askance at our efforts. We had to make compromises to get Senate Bill 100 passed. Senators Ted Hallock and Hector Macpherson were masters in strategy. We had failed two years earlier in '71 to get Senate Bill 10 passed which had much the same thrust.

KT: Citizen participation is such a large component of the Oregon land use system. Do you believe that that goal continues to work for the Oregon land use system today like it was originally intended to?

MYERS: I think once you get legislation enacted, then you do not always find the bureaucrats going out and getting citizen input as much as they should. And we don't seem to have as many advisory

councils or groups of citizens. What you're getting today is more of special interests on all sides. And special interests can be just as much the environmentalists who are saying we want the right to tramp across private land, or the hunters or fisherman who would say the same. Or the people who say, "Now that I'm in Oregon, lock the door and don't let anybody else in." I think the most avid people for restricting the rights of others are sometimes the last ones through the door.

KT: What sort of balance between state and local control over land use planning did you anticipate?

MYERS: I anticipated a cooperative concordant. Another side-bar, I think it was a later governor, I'm not sure it was McCall. It was more likely either Straub or Atiyeh—asked me to chair a state group that was called One-Stop Building Permit Committee. As an environmentalist, I suddenly found that in the attempts to protect the environment the city, county, regional, state governments had put on so many restrictions, that it could take you a year and a half to get a fairly simple building permit through. Down in Arizona the past six winters, I can get a building permit in a couple of months. And so it was my job to bang heads together and to try to help prepare legislation that would have one form that you could use at all levels of government and try to develop that kind of cooperation.

The term concordant came to my mind a moment ago when you asked me, because in July I'm going to be a deputy for the Diocese of Oregon, at the National Episcopal Church Convention. We're voting on intercommunion with the major mainstream Lutherans. And that's called a concordant, where we will have shared intercommunion and a shared faith but separate governmental church structures. You don't have to give up your local government, you don't have to give up your Episcopal church in order to share one faith under one Lord with the Lutherans or anybody else. It seems to me we're all Oregonians even if we live in different cities, different counties, different metro areas. How do you share your thinking and then try to arrive at a common consensus to solve your mutual challenges?

We don't always see that. "Hells bells", I don't even see it in the legislature between the senate and the house. They're supposed to be one legislature. We have too much partisan bickering between Democrats and Republicans, between the "narrow literalists", almost bigots at times, on the radical right; versus those on the radical left who think government is the answer to everything and we can control everybody's life. As a centrist, my job has always been, how do you moderate the extreme points of view and get us together to solve problems, instead of trying to impose a narrow vision or lack thereof on everybody else.

KT: I'm going to turn the tape over really quick and I've got just a few more questions.

[TAPE ONE, SIDE TWO]

KT: Okay, we'll get back into this. You had mentioned earlier that you were rating the land use system on a scale of one to ten, and I also have a question kind of along that same line. How would you rate the current land use system on a scale of one to ten for how well it fits what you envisioned?

MYERS: I'm probably among the least qualified to answer how it's doing currently, because I left Oregon in March of '84, went to New York for over five years as an officer at J.P. Morgan. Came back and was not that involved in the legislative process. Had some major surgeries, and have spent six of the eight years, since we've been back from New York, in Arizona half of the year, including almost all the Oregon legislative sessions. So, all I'm picking up is by osmosis, what I hear or what I read, or what I'm told. Obviously there have been many efforts to repeal land use planning. I have worked with McCall's widow, Audrey, who's a dear friend of ours. In fact, we'll be spending Sunday evening with her.

I've worked with others to fight the repeal efforts either from long distance from New York or locally. I've even "split the sheet" with some friends of mine of fifty years. I think of a college classmate of fifty years ago, from the University of Oregon, Bill Moshofsky, who worked with me when I was President of the College Young Republicans. He's one of two people I hired for Rockefeller to handle the presidential primary campaign in Oregon in '63-64. We were close to each other. We worked together in the Chamber of Commerce in Portland, before I went into state government. He chaired the legislative committee and I chaired one of the sub-committees.

And yet, that fifty-year friendship I broke last year when I supported a twenty-five year old Democrat for a house seat in Washington County, who's the first Democrat to ever be elected in that district, Ryan Deckert. He beat Bill narrowly, by a thousand votes approximately in the general election, because Ryan is a supporter of land use and I think Bill wants to roll back too much of it. Even though I can sympathize, and this is a further irony, with Bill's frustration with the state LCDC, local planning commissions oft times being too bureaucratic, too delaying, and really in a sense, too locked into the wording, rather than the spirit of the law.

Why, for example, do we become so bureaucratic on the coast on view properties that could not grow decent trees because of the salt water and the winds, and then continue to give up in the metro area agricultural lands seven or eight times richer and better? It's the spirit of the law that I support much more than the "nit-picking." So, that's why I can't give the application of our land use law a nine or a ten on a scale of ten.

KT: What do you believe were the strengths of the land use reform effort in Oregon?

MYERS: Well I think we've probably covered most of the strengths. There are others. I think of wetlands protection. I'm amazed to read in this morning's paper that there are seventy-three navigable

rivers and that we on the land board, and I served there longer than anyone in the state's history, seventeen and a quarter years, really only defined ten of those. What happened was, we started that navigability process prior to my being on the land board, but we did most of it while I was on the land board, and I thought it was going to continue. Maybe it hasn't. I really was the "daddy" of the South Slough Sanctuary in Coos County. And they asked me down to dedicate that because I was the one who made the motion to do it, to try to preserve those kinds of wetlands. That's an area that we often haven't gotten into.

What were our goals and objectives? We haven't reached the summit to follow up on our study of Project Foresight. Energy and power is an area that's oft times overlooked. That even has visual pollution ramifications. As I drive from Portland to Scottsdale, I go through California and I leave I-5. And before I get to U.S. 15, or 10, I drive up through the mountains. Twice, once on I-10, in Palm Springs-Palm Desert area, and also around Tehachapi, there are thousands of windmills. I strongly believe in wind power. The trade-off is the visual pollution of the windmills.

I strongly believe in solar power. My winter home is in an area where I was amazed to find that the neighborhood association's CC and R's, the rules and regulations, prohibit us from putting solar collectors on our roof because it isn't visually attractive. Now that is individual neighborhood bureaucracy, and those same people who rant and rave against government bureaucracy impose it on their own neighbors; if they don't want to look at a T.V. antenna or a solar collector on a neighbor's home. We also looked in Project Foresight at jobs and the economy. And we were looking at how do you prepare for the future to get away from Oregon's traditional reliance on fisheries, agriculture, timber, and more into tourism and electronics, et al. Well, a little known part of my past is, that I brought the biggest company in Oregon to Oregon in '73—Intel. And there are two ironies, at least, in that. One, was the fact that they would not talk to Tom McCall because of his alleged statement, "Come to Oregon to visit, but not to live." The irony there is that while I stole ideas from him in election law reform, he stole that idea from me.

Tom was unable, because of illness, shortly after he became Governor, to give a major speech in early September to a National Convention at a major hotel in Portland, and I was asked by him as Secretary of State to be his replacement. He was supposed to greet them on a Sunday when the convention opened. Well by Thursday or Friday, towards the end of the week, he still hadn't recovered and they still hadn't had their state greetings. So I made the trip to Portland and the President of this National Convention said, "We've been here four or five days. We always thought it rained in Oregon. You've had nothing but blue skies and warm, wonderful weather." And I, in response to his introduction of me, ad libbed, "We're glad you came to Oregon with your "green", your money, because that's what keeps, along with the rain, Oregon green. Come back often to visit us, but don't come here to live. We have enough

people and we want to preserve our livability." And I was, in effect, quoting from my own speech in February of '67 at the land use conference in Corvallis at Oregon State. My wife, being a native Philadelphian , chewed me out after my speech, and said, "Any American has the right to come to Oregon and live." And I said, "I agree." She said, "Why did you say it?" And I said, "Well, I was responding to the introduction. I was trying to be humorous. The audience laughed."

I was later telling Tom McCall the story and he loved it. He then changed the words and adapted it.

But the real irony, the second one, was when a Vice President of Tektronix, then our biggest state employer, Frank Consalus, called me and said, "Clay, will you meet with an Andy Grove," and somebody else, from Intel. "They are a couple of Californians who want to consider coming, maybe, to Oregon, but they have serious reservations about Oregon." And I said, "Well what are their reservations?" So he told me it was our high taxes, and whether or not the international airport was good enough, if our workforce enjoyed too much fishing and hunting, questions about the educational system, and would it be a stable workforce, etc, etc. And I said, "Well, let me introduce them to Tom McCall. It's the Governor who ought to be bringing industry to Oregon, not the Secretary of State." And his response was, "I can't do that. They won't talk to the Governor because they don't like his comment about "don't move to Oregon". They're business people and they want to develop their business." And I said, "Well, where do they want to go?" And he said, "They're looking at Southeast Asia; Central America; the State of Washington, up near Seattle, because that's a larger international airport; as well as here." I said, "Well, bring them down." He said, "First, let's meet them in Portland." So I had about four meetings, with a couple in Portland, a couple in Salem.

It worked, and when I finally had softened them up enough I took them up to introduce them to the Governor. Alerted him to the problems, but by that time I had answered their questions. I said, "High tax? You're talking about income tax and property tax, not sales tax. But don't you have people in Silicon Valley who would, among your officers, love to live in Oregon?" They admitted they would. I said, "Well, they're not going to worry about the high income tax if they want to come. What you need is a literate, educated workforce. We have that here in Oregon." I said, "All you have to do is give the men a few days off in April at the beginning of the fishing season, and a few days or week off in October at hunting season. That's when you—maybe that's when you clean-up your plants." And so I walked them through each one of their reservations: the tax question, the education question, the workforce question. I said, "You produce chips. These are tiny little things. You don't need a major airport. What you need is

cheaper land to build on, and what you need is access, within a half an hour to an hour of a an international airport. And we've got an international airport, so shipping your chips off will be no problem."

Well, they decided, I guess, in December of '73--first week in January '74, to come. And were kind enough to ask me to chair the meeting at the Hilton Hotel that month, to announce they were moving to Oregon.

But, I've always felt that what Tom did (with the thought that he stole from me, and as I said I stole a number of ideas from him in election law reform when I succeeded him as Secretary of State) was the best negative salesmanship Oregon ever had. In his terms as Governor the rate of population growth increased at least fifty percent, if not doubled, because people wanted to come to Oregon.

But, we had to have the land use planning. And we needed, as Tom had always advocated, clean non-polluting industry, which was a real sales-pitch that I had him give Intel when I finally, after about our fourth meeting, did take them up and introduce the Intel people to him.

KT: That's a great story.

MYERS: Well, all of these things are interrelated. Land use can not be separated from election laws, or education, or taxes, or much else. You're a student at the University of Oregon. I remember organizing the College Young Republicans after World War II, at the University, and then organizing, with two friends of mine from Willamette, the first state college Y.R. group. And this was done in '47 and I became state President of the Young Republicans in '48, but remained President of the University Chapter. When the war was on, there weren't that many students, they were almost all females, but student population tripled or quadrupled in the two years between January '46 and early '48. We wanted to restore the man-made Mill Race at the University. And, I wanted Harold Stassen to beat Tom Dewey in the Republican Presidential primary. Luckily we did win the Mill Race vote with the student vote. I was also the state youth chairman for Stassen. We lost that one. But, I organized a voter registration drive on campus and registered somewhere in the neighborhood of twelve to fifteen hundred students. The fall-out value was that they all voted to restore the Mill Race against the votes of the people in downtown Eugene. So there was a little land use planning restoration of the Mill Race in 1948, that tied-in with my Republican Party activity. None of these things stand alone, demonstrating the interrelatedness, the interconnectedness, of all aspects of our life and government.

KT: Looking back, would you have done anything differently?

MYERS: Very little. In either my own life or what we did in Project Foresight. We had probably four years of imaginative thought preceding our work. And the first real organized effort I remember was that Oregon State University Conference in February of '67. And then we had the very deep studies of '70

to '72. And Project Foresight, we had what?, more than a half dozen or so consultants and advisors plus the nineteen members of our board. Most of whom were forward-looking Republicans. We had our staff. We even had some federal government HUD financing.

We had several councils of government working with us. I don't know how it could have been a much more thorough job of preparation or study. And, looking at almost every conceivable valley livability subject, whether it was transportation, the open spaces, the environment, the pollution, the energy, the "works". I'm sure that intergovernmental relationships, that's probably the area that still needs the most work. That's the one where if I was doing something different I would try to structure it in a way that would be more responsive to citizen advisory groups on a continual basis.

KT: Is there anything else you would like to share that we haven't talked about already?

MYERS: Well, we did not fall prey to uncoordinated growth and urban sprawl. We have not totally solved it, but we made great strides. We said to ourselves at that time in the late sixties-early seventies, the choice is ours, we've got to make it. We did it. It wasn't perfect, but it was to my knowledge better than any other state has done as we've moved away from the natural resource base to jobs of other types.

We still have challenges throughout the state including here our Metro growth boundaries. We have made major strides on scenic rivers. Tom and I, and I believe Norma and others, were all prime movers and original sponsors of those kinds of things. We still need more clustering of communities rather than the spreading out on prime farm lands. I'm not sure that we've solved questions of compensable zoning or purchase of development rights. That of course is why there still is so much objection to much of what we've done.

Wilderness areas, we made major strides to preserve it. As an environmentalist I've always felt we need to have as much or even more respect however for the freckle-faced logger as we do for the spotted owl, as long as it's done on the sustained timber yield basis.

To me some of the great joys have been the different contributions made by so many thousands of Oregonians to this process. I regret that I've not had more opportunity to visit in recent years with Bob Logan. Give him my best when you go down to Tucson. I'm living, in winters, just two hours away in Scottsdale. I should get together with Logan down there.

A lot of people who worked with us have gone on to other things or died. One of our key members on the Foresight committee, who was very close to Norma and me, was Senator Wally Carson, now the Chief Justice of the State Supreme Court. Most people forget that he was a very great, contributing Republican Senator. Representative Clay Nyber who died; Representative Jack Anunsen died also. I don't know what's happened to Russ Tripp, down in Albany, long time friend; Eldon Hout from Washington

County; others. When you're as eclectic as I have been in my life, land use planning has just been one little pigeon hole of my activities, on a desk cluttered with activities, papers and thoughts and friends in other pigeon holes.

You've given me a great opportunity this morning, Kami, to think about something I feel very strongly about. I would hope in the future, that instead of treading so heavily as we caucasians have done (and I don't mean to ignore other ethnic Americans) we could walk as lightly as the Indians trod when they had Oregon exclusively to themselves. I wish those of us who are immigrants, sons and daughters of immigrants, could have tread as lightly in Oregon as the Native Americans did and done a better job of preserving our livability. But we've at least made some initial steps.

KT: Thank you very much. I really appreciated this.

MYERS: You're more than welcome. I've enjoyed visiting with you and I hope that we again get a bipartisan group together. I realize I discussed mostly Republicans. Much of the great progress in Oregon came from what had been a progressive Republican tradition. Now I find that I have to quite often do as I did two and a half years ago—serve as a Republican chairman for the Democratic Governor John Kitzhaber, because sometimes members of my party appear to be too regressive, too anti-environmental. But we need to get back to drawing together people of diverse backgrounds and say let's sit down and arrive at a mutual consensus. We used to do that in Oregon, and nationally, much more than we do now.
[END OF TAPE]

APPENDIX D: Paulus Interview

KT: This is an interview with Mrs. Norma Paulus, conducted by Mrs. Kami Teramura, Community and Regional Planning masters student at the University of Oregon, at Mrs. Paulus's office in Salem, Oregon on June 4, 1997.

[TAPE ONE-SIDE ONE]

PAULUS: Got out of law school with Chief Justice—who I just thought of him now—Wally Carson. We'd graduated from law school together. He came to me after our graduation and said he wanted to run for the house and would I help him do that. And my husband had kind of grown up with him, so we decided he'd be an excellent legislator, which he was, and that's how I got involved in local politics. And the Republicans were a very moderate progressive group at that time and they were leading a lot of these issues. So, I became very involved in the environmental issues and campaigned on them when I first ran in 1970. I was elected in 1970. My first session was '71.

[BREAK]

KT: This is great. Continue to go into the background of how you became involved in the land use reform efforts.

PAULUS: I campaigned on recycling and land use and environmental issues. And then we, of course, were very concerned about protecting the farmland in the Willamette Valley from this impending hoard of people that was coming in, which it came in twenty years later. So, when I got into the legislature in 1971, I was placed on the Judiciary Committee because I was one of the very few lawyers. There were only seven of the sixty members. So I was placed on Judiciary, which was kind of a workhorse, and then on the Natural Resources Committee. It wasn't called the environment in the '71 session. And I became very involved in trying to build the Forest Practices Act, and reclamation of land, and things like that.

So, then in the interim I had a lot of environmental groups—after my first session I was given a very high rating by the environmental groups, so more and more of those interests or those kinds of bills and issues came to me. And then I got involved with Hector Macpherson and other members of the farming community who had been working on Senate Bill 100 with the Governor. And the ultra-conservatives were very concerned about Senate Bill 100 because they thought it was part of an international conspiracy to create a new world order, which we hear that now. Now we're hearing it about schools. But, very paranoid about what Senate Bill 100 did as far as governmental structure.

Also, at that time we were helping start the Metro system in Portland, trying to build these mutual planning commissions and the boundary commissions. And prior to my going into the legislature, because

of my environmental involvement, Governor McCall had appointed me to the first boundary commission which was Marion-Polk Boundary Commission. And as a matter of fact, Ed Stillings, who was also a member of the Boundary Commission and was a professor at Willamette, a political science professor, he and I were the first people I think in the United States to really coin the phrase "Urban Growth Boundary". I know that we were the first group to actually impose one by law under the urban growth boundary commission, the Marion-Polk Boundary Commission. And the first speech I gave was to the Downtown Salem Rotary. First political speech I gave was before I was elected as a member of the legislature and I served on this Board. I went before the downtown rotary club and spoke about this new urban growth boundary and instantly the builders talked about "Norma's iron ring around the city". So, I've had a long history in land use and trying to provide wise stewardship of land use. It's now more important than ever, of course, with the growth pressures so tremendous.

But, getting back to that. I worked closely with Hector Macpherson and the Women for Agriculture, the Oregon Farm Bureau, and other farm interests to try to come up with a way to create a comprehensive land use plan. And, oh, the political turmoil over it, of course, was tremendous and the resistance to it was great. It took several years to do it. One of the key people, that unfortunately is no longer with us, was L.B. Day, 'cause he played the most major role, in my opinion, in getting it past the Senate. His involvement in it at the later stages was very critical to its passage. And I enjoyed working with him on a lot of issues. But, my goodness, it was really a hard fought issue. Now, have you heard the story about the House committee on land use and the environment?

KT: Just that Ted Hallock had come in and said that they should not change a thing to what had passed through the senate committee, the senate environment and land use committee.

PAULUS: Well, L.B. Day had brokered all the changes, and it was L.B. Day that played the major role in putting together the final version. Well, no, what I was talking about is the--we had the Land Use and Environment Committee, and it was chaired by Nancie Fadeley, and it was dominated by women. It was the first committee to be--have a majority of women serve on the committee. And that was because we had a lot of feminist bills and the Democratic and the Republican women had gone to Betty Roberts, who was the Dean of the Women in the legislature and the senate, and asked her to help them form a women's political caucus. So that if the Republican women and Democratic women in both houses held together on all the women's issues we'd be able to make great headway, because the pressure was building on the outside for changes to the statutes that discriminated against women in credit, accommodations, athletics, education, property ownership, insurance...a whole bunch of things.

So, we were working with Women for Agriculture and they were very involved in changing the inheritance laws that discriminated against farming women. AAUW, Zontas, Business and Professional Women, the Women in Communications, all kinds of women's groups outside. And we knew that if we could get the bills to the floor that they would pass because of the public pressure. But our problem under Oregon's system of running the legislature, was to get it out of a committee. And then, most of the committees were dominated by men. So, we went to the speaker, who was a feminist at the time, and told him that we had all these feminist bills that we wanted to pass but we had to find a friendly committee. And he said, "Well let me think about it." And he came back a few days later and said he was creating the Land Use and Environment Committee and he was going to make Nancie Fadeley, a Democrat because the Democrats controlled, the chairman of it. And then he put five women, so all we had to do was to make certain we were all five there at the same time, and we could shoot these feminist bills through the land use and environment committee. And that's why—we did a lot of things.

One of them, was that we changed the law that session so that if it was against the law to sell sex, it was going to be against the law to buy it. And that, everybody that researches that prostitution bill, wonders why it came out of land use and environment. And the reason it did is because that's where we women were to dominate the committee process.

Well, that's when the Senate Bill 100 came to our committee. And it was a grand, grand occasion when we finally got it through. The same time we were trying to protect the Willamette Greenway, and Governor Straub wanted to condemn all the land up and down the Willamette Valley along the river. And my bill actually passed, the current Greenway Bill was my bill, and I used an easements theory rather than condemnation theory which was much more palatable to the farmers. And I argued that it made more sense to keep the farmers farming and have the farmers profitable, because if farming is profitable you'll have less development. So, I, for a long, long period was very involved in that issue. Still am.

KT: When did the need for land use reform first come to your attention?

PAULUS: Well, after I got out of law school and became involved in public issues. Then the forecast was that Oregon was such a Shangri-La that we would have this tremendous influx of people. And it was projected to hit at the end of the seventies. Well, then our economy lessons fell in the hand basket because the timber industry took a nose-dive. And we went through this period where we actually lost people rather than had people come in because there were no jobs here. Now the economy is booming. We've had this tremendous growth cycle—so it's fifteen years later, twenty years later than they anticipated. But that's what really drove us to pass it in '73. And it was the first comprehensive land use plan to be passed in the

United States. And I started my political career by campaigning on recycling which was part of the Bottle Bill.

KT: So you were involved right from the beginning.

PAULUS: I introduced all the major recycling legislation and I chaired the first commission on solid waste.

KT: Who influenced your ideas for land use reform? Was there anyone in particular who you would listen to?

PAULUS: Well, a lot of people. What really started it, what gave it credibility, was the farming community. The farming community was very prominent and very powerful. And then the ranching community supported the more urbanite farmers. But just the clean air, the clean wise use of the land.

KT: Were there any documents that you had read that also maybe influenced you?

PAULUS: Oh yes, there were a lot of books written at the time about it. I still have most of them at home. So yes, a lot was being written about this at the time. Air pollution, water pollution, transportation. I've supported every mass transit proposal put forth by anyone. All the livability issues. And the issues are the same. The people are different, but the issues are pretty much the same.

KT: How are the people different?

PAULUS: Well, number one, we have more of them. And we have more people who don't have roots in Oregon, so there's fewer people like yourself with a sense of history and heritage. Sometimes, though, the younger people that move here and still find it pristine by their other standards, are zealous in their pursuit. But, if people travel this state like I do and could see the dramatic changes, the transportation problems all over the state, and see that we have not been investing in our infrastructure, schools, and transportation, and water systems, and such.

KT: Were there any constituencies as you were going through all these processes for environmental reform and land use reform who surprised you with their support for land use reform?

PAULUS: Well, at the time we were doing this, the Oregon Environmental Council was a very powerful organization, and it was because average Oregonians joined it and it was a very popular thing to be involved with. And there was a very strong push for an environmental posture for the state. So, the average Oregonian, I think, was very involved in it. And they were inspired by Tom McCall's leadership. But it was a very exciting time. It was a very exciting thing to be so involved in. A very rewarding part of the political process.

KT: What values or ideas did you believe needed to be contained within Senate Bill 100?

PAULUS: Well, number one, that if we would protect the farmland it would enhance the livability because the more—the Willamette Valley has the most fertile land in the world. And Lake Labish is probably the most fertile land in the world for growing things. I'd always maintained that Oregon should do what it did best, which was grow things and that included trees. So, I've been very involved in the forestry issues throughout my political career too. But, the wise use of the land coupled with a transportation system that embodied mass transit, and clean air standards, and clean water—that kind of package. And we have much to do on every one of those fronts.

KT: Do you see anybody taking leadership with those fronts?

PAULUS: Well, Governor Kitzhaber has certainly been a stalwart supporter of most of those issues, so that's good. But the environmental climate has not been there. The pressures from Republicans have not been there, but it's growing again, you know. In 1973 we had greeting cards, the Un-Greeting Cards. Have you ever heard of that?

KT: No.

PAULUS: Oh, well you should investigate. But a James Crutier had a business of selling greeting cards that were Un-Greeting cards. For instance, one would say, "Oregonians don't tan, they rust." And all of these things. They'd chant in the rain to keep people out. We had "Don't Californicate Oregon" bumperstickers. We used to make rude jokes about Californians. We were viewed as very inhospitable. It kind of gave Oregon a mystique, and it worked in reverse because more people were drawn to it. A lot of good fun, a lot of talent, a lot of wit.

KT: Do you think that any of your values or ideas for land use reform have changed over the years?

PAULUS: No. More urgency now than ever before.

KT: Does the current land use system meet what your original intentions were when you were coming up with policy?

PAULUS: Well, the system is only as good as the people who are elected to administer it. And when the economy took a nose-dive we became an impoverished state. An economy that is suffering, breeds and fosters a more conservative attitude on a part of the people. And with that comes a decline on environmental protection, certainly at the legislature. And we're still seeing it.

KT: Do you think it has met your original intentions?

PAULUS: Well, it has, but it's endangered. More and more people will give-in on the urban growth boundaries. More people will be willing to give-in on those basic precepts.

KT: Do you think that any of the original intentions for land use reform have been improved with the Department of Land Conservation and Development, since they've been formed?

PAULUS: And LUBA. Well, I've been so busy with the school business that I haven't kept up on the court cases, the administrative rules, so I don't know the damage that has been done. But I can see that we are not doing a good enough job of protecting our wetlands. I can see that here in the city of Salem. The agencies that are charged with looking after the environment have been attacked and underfunded by conservative causes. So, that has affected air pollution, water purity, and land use. So, I think that there's been a diminishment of it to some degree.

KT: Do you think that any of your ideas have been lost entirely as the land use system has matured? I know that you said that you came up with, or worked on the ideas for the urban growth boundary. Has that been implemented pretty consistent with your original ideas?

PAULUS: Yes, because the original space allotment was considerable, but now there's pressure because of this tremendous unprecedeted growth. There's pressure all over to expand it in Bend, in Salem, in Portland, in the valley.

KT: Citizen participation is a large component of Oregon's land use system. Do you feel that the goal continues to work the way it was intended and that it is still practical for local governments to implement?

PAULUS: Well, we have such a strong history in Oregon of local control that I think that that has to be a part of it. Citizen participation is not as great as it once was, and that has a lot to do with the economy, advanced technology, and the fact that we are more of a peripatetic--more of a commuting society, so that there's so many people that live in south Salem but work in Portland because they can get a bigger house and a bigger back yard for their children in Salem for less money. A nicer house and a bigger one. So there are many people that actually live in Salem, it used to be just in Keizer, which is in the north part, now it's even in the south part. If you left at six-thirty in the morning you'd follow a whole lot of people from Salem to Portland where they actually work. Well, those people that are holding down one or two jobs and a family, most people that have families now, everybody's working in some capacity. They have fewer hours to participate in governmental affairs or civic affairs. And I see the effect of that in many ways.

KT: What sort of balance between state and local control over land use planning did you anticipate?

PAULUS: Well, I think what we were trying to do is to set a very broad general plan at the state level, a vision, and then a framework and allow each county to come up with its own version inside that bigger framework. That's an important concept in governance with the state regardless of whether you're talking about schools, or land use, or transportation, or health plans, or water, because this is the most diverse state in the nation. We have three mountain ranges, and this fertile valley, and then the high desert country, and rivers, and we have concentrated urban areas, and then communities that are very sparse and

sprinkled around. So, one size does not fit all in Oregon and you have to, whatever you do at the state has to allow for a lot of local innovation and control.

KT: How would you rate the current land use system? I know that you said you haven't been watching it too closely since your interests are contained in education, but on a scale of one to ten how would you rate the system for being effective?

PAULUS: Well, if you're comparing it nation-wide, I think we would be right up there at the top. But once again, with this unprecedented growth it's going to depend on the elected leaders at the local level and state level. And one of the things that I worry about now in this legislative session is not only the more conservative elements, our anti-environmental stances anyway, so that they underfund protection thereof, or the study thereof. That's a real problem and that will be a weakening factor. The other thing about it at the state level is term limits. It had kind of a debilitating effect on major systems because there's no institutional memory of why we have a certain plan. So I think that we are at the precarious turn here.

KT: How would you rate the system for meeting what you had envisioned in 1973? Has it fit what you were trying to accomplish?

PAULUS: Well, in 1973 I used to drive to Portland, not nearly as often as I do now, which is about seven or eight times a week, but I remember one day when I was on the freeway with a fellow legislator, and he said, "Well, in twenty years this will be a solid development." And I thought, 'Oh, that can't be.' But of course it almost is. And the smaller towns along the freeway expanded—made their urban growth boundaries as large as they could then to accommodate businesses. So, I see some deterioration in the overall concept.

KT: Do you think you'd be able to give it a rating for how it fits what you had envisioned in 1973?

PAULUS: Well, it's still the best that the nation's had, but the next ten years will tell us whether or not it really works. And it's all going to depend on the people making the local decisions.

KT: What were the strengths of the land use reform effort in Oregon?

PAULUS: The greatest strength was that it came—it literally did come from the people, from a participatory. I always used to joke that as an Oregonian it was just a part of your life. It was part of your passport, or your birthright that you had to go to at least three public meetings every week, or you weren't part of the process. But that participation, as I said, is diminishing and I worry about that because of the peripatetic lifestyle we have; the fact that we're commuters; the fact that almost everybody is working; the fact that our poverty rate has risen—we have more and more low income people that are holding families and jobs together which sort of allows less participation.

KT: Did you see any weaknesses in that whole reform process that would have you say, "I wish I would have done this differently."

PAULUS: Not really.

KT: Is there anything else you would like to share?

PAULUS: Well, I'm certainly proud of my involvement and very satisfied by it politically because it was not only very exciting, but as I said very rewarding the same. To be at the top of an effort to bring all these people together, and it was a very exciting thing. It was extremely difficult, but then to pass into law very good things and lasting things it is always difficult.

KT: Well thank you so much for being willing to participate. I really appreciate it.

PAULUS: You're welcome.

{After the interview was formally concluded, we began discussing Project Foresight, and Mrs. Paulus felt that the following should be included in the interview:}

PAULUS: Hundreds, literally hundreds and hundreds of hours of meetings with people.

KT: All over Oregon?

PAULUS: Um-hmm. Senator Hallock's contribution was in a committee where people came to the committee hearings. But, to get to the point where you could actually formulate a bill and get the public pressure was really an exhausting thing, because of just the countless, countless meetings. And Hector Macpherson, I'm sure, must have made a point of that, because to get it to the point where you are actually going to come into the committee is just...

KT: I think that is what has amazed me the most, is the enormous effort that was taken to educate the people in Oregon...

PAULUS: Oh, yes, and involve them. Just hour after hour after hour. Night after night, month after month.

KT: Did you ever just feel exhausted?

PAULUS: Well, you know, it's part of what you're supposed to do as a legislator. Thank goodness we had a lot of energy at that time.

[END OF TAPE]

APPENDIX E: Kvarsten Interview

KT: This is an interview with Mr. Wes Kvarsten, conducted by Mrs. Kami Teramura, a Community and Regional Planning masters student at the University of Oregon, at Mr. Kvarsten's home in Salem, Oregon on June 10, 1997.

[TAPE ONE-SIDE ONE]

KT: First of all, how were you involved in the reform efforts that lead up to the passage of Senate Bill 100?

KVARSTEN: Basically, Kami, my involvement stemmed from initial work on Senate Bill 10. You may recall that I chaired a committee of planners, not any kind of a citizen wide thing, it was strictly professional planners. I recall Bob Baldwin and Arnold Cogan for sure; Mark Westling, does that ring a bell with you?

KT: Mark Westling?

KVARSTEN: He was a staff person at the Bureau of Governmental Research and Service at the U of O.

KT: Okay.

KVARSTEN: A first class person, a tremendous planning resource, great intellect. Bob Baldwin; Arnold Cogan; Mark Westling; I think Lloyd Anderson, past director for the Port of Portland. Those were some of the people involved in that particular committee, and we met in Salem and hashed out those goals. There were ten at the time.

KT: For Senate Bill 10?

KVARSTEN: Yeah. Hashed out the goals, planning goals that became a part of statute. That was basically my first involvement in terms of a statewide focus. Prior to that I was just working in Marion-Polk area, Marion-Polk and Salem.

KT: Did you work on Senate Bill 100 itself?

KVARSTEN: Yes, I did. I worked on Senate Bill 100 as a member of a technical committee chaired by Clay Myers. And that was a part of Project Foresight. In the context of a lot of us that worked on the bill at that time, Kami, you need to understand that we also had full-time jobs. For example, I was director of the Council of Governments, and the planning council as well. And in that role I served as Planning Director for the City of Salem, Marion County, and Polk County. So, you know, all of us, we had to steal a little time from our families and our jobs in order to contribute to the program.

KT: A lot of energy.

KVARSTEN: Oh yeah. You bet. But those were high energy days when McCall came in. He was elected on a basically environmental format. I think he sensed a tremendous desire on the part of the electorate to have a leader who would begin to coalesce the constituencies out there to preserve and protect farm and forest land, the beaches, all of that. And that all kind of coalesced around Tom McCall and for those of us that were there at the time we were swept up, I think, in the enthusiasm of the moment. And we could sense that here was a time, that the time was ripe. This was a fertile time to move ahead and participate.

KT: I've read that you worked closely with Hector Macpherson.

KVARSTEN: Yes. Hector was a state senator. The father of Senate Bill 100 as he's called. And we had a representative named Norma Paulus who has been referred to as "the mother of Senate Bill 100". And they were both very active in trying to develop the basic statutory structure and I was seen as a resource.

KT: When did the need for land use reform in Oregon first come to your attention?

KVARSTEN: Kami, you may not remember my address last year at the Oregon Planning Institute in Eugene, but I'll just be very brief in kind of recounting some of my initial experience. I was a student at the U of O School of Architecture. I chose that field because it had a strong regional planning emphasis and attempted to key the planning effort to specific geographic areas, for example, river basins and sub-basins. And I had a professor there named Karl Belser. He was an architect, although his deep driving interest was regional and urban planning. Following several years at the U of O, Karl became planning director for Santa Clara County, California at the time of tremendous growth and development.

Several years later, Karl returned to Oregon to speak at a planning conference. I may have been just out of school at that time, working in the Eugene area. And Karl Belser told a story of total chaos. He had designed a plan for greenways, not greenbelts, but greenways. He had identified parks, timberland areas and small river valleys as part of a comprehensive system of greenways around San Jose. And it was approved by Santa Clara County. But the City of San Jose didn't agree with the plan, and they began annexing many of the "greenway" properties. California state law provided that a city could run a corridor out an arterial road and annex a farm if they wanted to subdivide that farm. And eventually this tremendous plan of greenways was completely gutshot by the lack of agreement on a regional basis. And this brought home to me the need for a regional or area-wide agreement between elected officials. If you don't have the cities and counties, as principal decision makers, agreeing to a particular plan then it's not going to be effective.

KT: So that was your first dip into...

KVARSTEN: Yeah, it became very clear to me that there was, governmentally, a balkanization in our urban areas with cities, counties, water districts, sewer districts, cat-control districts, irrigation districts, fire districts... They all had small territorial areas and the primary responsibility for carrying out a single function, except for of course the cities and counties, they were multi-functional. And with that kind of balkanization of responsibilities there had to be some kind of an overall agreed to plan in order to get anything accomplished.

KT: Who influenced your ideas for land use reform?

KVARSTEN: Well, I think probably, Karl Belser, the man I mentioned, was the dynamic force when he came up from California with his tales of woe. I remember his concluding comment in his address: "I felt through those years like I'd been presiding over the dissolution of one of the garden spots of America." Pretty saddening really because that was one of the fabulous agricultural areas of the world. And it's just simply been destroyed by that irresponsible growth, lack of planning, lack of agreement. The public interest then becomes subverted to the turf wars between cities, counties, sewer districts, and so on. So Karl, yeah, he had a lot of influence on me. My old professor.

KT: They tend to have that ability to be so influential.

KVARSTEN: (*laughs*) Yeah right. They do.

KT: Was there anybody else from later on?

KVARSTEN: Certainly the Governor Tom McCall with his impassioned belief in the environment. People I worked with, my colleagues. Baldwin, people like that...Hector and Norma. But it wasn't, Kami, as if we were kneeling and worshipping at the foot of some great leader. We were more or less caught up in the enthusiasm of the times and era. A very supportive environment. Very supportive in terms of doing the things that were necessary to try to preserve some of these values of the state.

KT: Were there any other things that helped frame your ideas for land use planning? Several other people have mentioned the *Willamette Valley Futures* report that came out during Project Foresight.

KVARSTEN: No. Well Project Foresight didn't influence me very much. It was designed to influence the general public out there, as you know, a colored book and so on. It was part of fourteen workshop—was it fourteen we had—yeah, around the state under L.B. Day's program. No, I can't recall, no. I was trying to help in that program to educate and inform.

KT: Were there any constituencies who surprised you with their support for land use reform?

KVARSTEN: I was always surprised and tremendously heartened by the strong support from the agricultural interests, farm bureaus around the state. And the League of Women Voters, were very, very strong. In fact, my recollection, Kami, is that at that time, perhaps a little later but somewhere in that time

frame, the state chair of the league was a women named Annabelle Kitzhaber. Do you recognize that name?

KT: Yes!

KVARSTEN: She was the current Governor's mother of course. And she was a very effective person. She may have come a little later but not too much. She was very instrumental in that. And the league was a very powerful factor in moving the program forward and that support from the league was critically important. A new organization that sprang-up—I don't know how old the Oregon Environmental Council is, do you?

KT: No, I don't.

KVARSTEN: But I think before that they were not a big factor and they got on the bandwagon and became effective. The group over on the coast, the Oregon Coastal Coalition, they were very strong and effective in terms of coastal issues. But principally, I would say the women and the farmers, agricultural people, of course forestry as well. Very strong and very important in the legislature taking action. Without them, I don't think we could have pulled it off.

KT: You're the first person who has mentioned the League of Women.

KVARSTEN: The League of Women Voters, is that right?

KT: Norma Paulus did speak of...

KVARSTEN: You might want to do a little bit of research on that Kami to kind of flush that out a little bit more. But my memory is that they were very strong.

KT: I've heard of it from other groups, such as the Legislative...

KVARSTEN: Yeah, in the organization they have their local chapters and they function under the statewide organization. And when I mentioned Annabelle, I didn't mean to say that it was just the statewide organization, but the locals as well.

KT: That's pretty neat.

KVARSTEN: Yeah. The person I remember here that was I think chair, perhaps the land use chair, Nina Cleveland. Still around.

KT: Let's see, what values or ideas did you believe needed to be contained within the land use system?

KVARSTEN: Needed to be contained within it? Well, it seemed to me that the main thrust needed to be directed at the resource lands. Because after all, at that time, not today I guess, but at that time, the economy of the state rested squarely on our resource lands, farm and forest. Some would argue it still does. You know, economists can skew that thing around as to how large a percentage high-tech is and so

on, but you know, I think in any broad comprehensive view, the resource lands, farm and forest, are still tremendously important to this state. Wouldn't you agree with that?

KT: Oh, definitely.

KVARSTEN: No question about it. High-tech comes and goes, and outsource and all of the above, but the resource lands, they are here. And because the program was keyed to identifying and protecting those lands, this was a powerful political message. And people really rallied around. And of course it was broader than that, wetlands and all of the other natural resource goals became a major focus. Those two issues, farm and forest land preservation, were basically a sex appeal issue. They caught people's attention. Whether it's high Columbia Basin wheatlands or the tremendously productive row-cropping in Marion County and the Willamette Valley or this land right here, which is some of the best tree growing land in the world.

Yeah, I'd like to, if you have more time we can take a look at this little ten-acre plantation that we put in since--ninth growing year. It's putting on three or four feet of growth a year. At its rotation which would be like maybe fifty years from now, from planting time, that small plantation will be worth in today's prices, like half a million dollars. So basically, the tremendous diversity of this state's agriculture, it's economic strength, as well as the farm and forest lands was a powerful motivation for the state to enter into a leadership role. Because if the state didn't do it, you leave the direction of the state resource to a kind of a balkanized area of control. And that's not going to work. It never has.

KT: Do you think that your values or ideas for land use have changed over the years?

KVARSTEN: Not very much, no.

KT: They've stayed pretty consistent?

KVARSTEN: Pretty much so, right. You can't teach an old dog new tricks. But basically, you see it even more important now as we are again seeing another tremendous spurt of growth. The times we're talking about way back in the 1970's were having unprecedented growth and we are again back in 'unprecedented growth'. The state growth is booming, the unemployment rate is lower than five percent, land is at a premium, and again our resource lands are under tremendous pressure. I think we're losing about two thousand acres of farmland a year right now in the state. But, contrast that with Colorado. They have no program like Oregon's and are losing fifty thousand acres per year! So, basically, as the state grows these values become not less important, but more important. We're not a North Dakota losing population. We're getting tremendous in-migration mostly from California, parts of Washington. Some out-migration as well, but the net growth is much higher.

KT: Does the current land use system meet your original intentions?

KVARSTEN: Yeah, the current system is basically the system we put in place; the fourteen Goals and Guidelines. But since SB 100 we have added, over the years, an overlay of administrative law that stems from LUBA cases and commission actions that have all become a part of a land use body of law. Every time LUBA takes an action or a case is carried up to the higher courts and they act, it becomes a precedent that is part of the legal framework. We no longer have the relatively easily understood program that the man on the street could relate to and understand. Now it's pretty complex. I would guess most people who go up before the commission probably have a lawyer. A land use lawyer.

KT: Yeah, those are becoming pretty popular I think.

KVARSTEN: Right. It's made a lot of work for lawyers, that's for sure. That's probably inevitable.

KT: Do you think that the current system improves on any of your original intentions?

KVARSTEN: Well, it's been a refinement certainly. We were babes in the woods and nobody had a program like this. You know, we were the first in the nation to put together a program like this. And I think that there's certainly been refinements. Definitely.

KT: Do you believe that any of your original intentions for land use planning in Oregon have been completely lost?

KVARSTEN: I do not, no. The thing that I was the most personally involved with in the development of the program was the concept of urban growth boundaries. Here in the mid-valley area where we started the UGB effort, we felt that if cities were not contained there was not much value in counties zoning areas for exclusive farm or forestry use if the city is simply going to continually annex these lands. So, the concept of requiring the cities to identify a site specific urban growth boundary, agreed to by the counties, it is a very important part of Goal 14, Urbanization.

KT: The UGB's have received a lot of attention.

KVARSTEN: Yeah. Yes they have and will more so as they become tighter and there's less available land, there'll be a lot of debate. And that's the way it should be; prior to SB100 there was no public involvement in that since the politicians were making decisions on what farms to incorporate into the city and convert to urbanization. The public needs to be involved in that; it should be debated. That's the democratic way. And that's—if nothing else, the UGB provides for that. It becomes an issue in a public forum, not in the back room. I believe the urban growth boundary concept has been very successful.

When we were involved in the "great debate" here in the mid-valley area, we were often asked the question, "What happens when the boundary fills in totally?" And we answered it in this way, "Three things: One, you can expand the boundary consistent with the public interest and including findings of fact keyed to the public interest. Secondly, you can infill and redevelop the areas within the current urban

growth boundary at a higher density. And then thirdly, you can just say, "No, we're not going to expand it, we're not going to redevelop it into higher densities. We will encourage growth into the satellite communities." In this area it would be Silverton, Mount Angel, Woodburn, Sublimity, and all of the other smaller communities."

KT: Citizen participation is a large component of the Oregon land use system. And do you believe that that goal continues to work the way it was intended and that it is still practical for local governments to implement?

KVARSTEN: That's a very tough question Kami. Goal One should be the basis for anything we do in government. And I think it's an excellent goal. I believe that prior to that there was an awful lot of things done in the smoky rooms, good old boys making decisions with no public involvement. Our daughter is involved in an area advisory committee in Polk County. And in Polk County the Planning Commission is the CIC, Citizen Involvement Committee. And we don't think that's appropriate. A planning commission is very busy, and we would rather have a free-standing CIC. And so she's working toward that right now. And she's finding that under the planning commission it was pretty much window dressing without any real, on the ground, citizen involvement. It was pretty much a smoke screen. So, I think, you know, the mechanism is there, the law is there, the requirements are there, and it's a very good thing. Citizens who want to get involved, there's the avenue to do it. It's just a matter of getting going. Right now in Polk County they're debating as to whether the areas of the county, subareas, should be keyed to water basins for planning programs Kind of a neat idea.

KT: I think it's a great idea.

KVARSTEN: I think it is too, so they may well go that way. But the neat thing is they have that option. Every county can be different, there is no cookie-cutter approach, whatever works. And it's an avenue, it's a way that people can get involved.

KT: The only discussion that I have heard against the citizen involvement process is just the expense.

KVARSTEN: Yeah, on the part of the county?

KT: But I don't know how you could ever avoid that really.

KVARSTEN: Right. Well let me give you a quick case of expense. It's not very far from where you're sitting right now. There's--before there was any planning and zoning, a landowner with forty acres off this road--this is Eagle Crest Road--built a gravel road, and created five, eight-acre parcels. No subdivision law, no zoning law, and he sold those parcels off and developed homes on them. About a year ago, one of those tracts of land was sold, and the new owner, through a lot-line adjustment, tried to create two new homesites. And this is a farming area, tree fruits, Italian plums, cherries, timber and Christmas trees. So

we are faced with the possibility of two new homesites, non-farm dwellings in this area. Every time you put a non-farm dwelling in a farm area you build in potential conflicts as you know.

Well, Polk County, did not even notify the adjacent properties. And to make a long story short, they had a lawyer, we had to hire a lawyer and fight the thing at the county level. We finally went to LUBA, but LUBA remanded the case and we eventually hired a mediator and had it worked out. That process cost us several thousand dollars. How much would a notice have cost? A pittance. This simply demonstrates that in the very beginning, if the notice is provided upfront, before people have committed themselves to various actions, you can probably negotiate the problem in good faith. We basically had our right to due process taken away by Polk County. This is just an example of the need for citizen involvement upfront. And notice is a key to that, providing notice. And that expense, as you said, is there. But it's a small expense when you contrast it with the alternative.

KT: What sort of balance between state and local over land use planning did you anticipate?

KVARSTEN: This is a very good question, and it's a very difficult one. Initially, the Senate Bill 100 program had as its intent to provide for three levels of control: state, regional, and local—local being city and county. At that time we had the so called fourteen administrative districts which are now called councils of government. And the initial legislation in fact provided that the regional COGs would be the major functioning level in this program, delegated directly from the state. And it made a lot of sense because instead of the state having to deal with thirty-six counties, they could deal with fourteen entities. This area was Marion, Polk, and Yamhill Counties.

The administrative districts at that time were pretty controversial. There were a lot of rednecks in the area saying they were simply an attempt to take over control of the world or turn everything over to the United Nations...*(laughing)* They were pretty controversial, and land use planning itself is controversial enough. But the leadership of Hector Macpherson and others felt that we should not add controversy on top of controversy. Let's back off from the fourteen administrative districts being in a coordinating role. So basically, as I recall now, the compromised position was to leave that—not mandate it, but leave it permissible to the local governments. If they wanted to use the COGs they could. I'm not sure if any did. Perhaps in eastern Oregon, maybe?

KT: None in eastern Oregon. They do in Lane County.

KVARSTEN: Yeah, of course Lane is a single county because it's so big. It stretches from the mountains to the sea, so you know, it's sort of a big administrative district. But, what is the original question that had to do with the state?

KT: Just what kind of balance...

KVARSTEN: Yeah, the balance. So basically, it's turned out that the state has been in the drivers seat. The goals as you know are mandatory, they're mandated by the state. And cities and counties, local governments, have to develop their plans consistent with the goals. And the COGs have been in the role in many cases of helping doing the planning process. For example, in this tri-county area where we have so many small cities, I can't really recall the number, fifty or so. Mid-valley COG did most of those plans. It has been kind of a staff function. It has been an administrative function, not an overview function. So, it's been basically state and local government. There's been lots and lots of controversy as you know, a lot of people in the redneck areas such as southern Oregon saying that, you know, Salem is dictating everything and so on. But, if you turn it over to the counties you don't have a program. The state must have an oversight role.

KT: You have to be comprehensive.

KVARSTEN: Right.

KT: How would you rate the current land use system on a scale of one to ten...

KVARSTEN: The current system?

KT: The current system yes, for how well it fits what you envisioned in 1973.

KVARSTEN: Oh, as how it fit the...

KT: Ten would be the highest rating.

KVARSTEN: I'd rate it pretty high. You know, it really could have just failed. It could have just fallen down in a tremendous chaotic mess of regulations and controversies, but it didn't. The program was assailed three times statewide. Voted on three times I recall. Each time it passed with strong margins. As I recall, getting stronger each time. So I would rate the program pretty damn high. About an eight point five.

KT: What were the strengths of the land use reform effort in Oregon?

KVARSTEN: Strengths of the reform effort? The basic strength was the identification of the goals, identification of them and providing that they were mandatory. Not permissive as in many states the state promulgates goals for land use planning but they are only permissive. In our state they are mandated. And then secondly, the state provides resources, money, to local government to help in the planning process. The concept there being, if we're going to require you to do something on the one hand, on the other hand we'll help you with resources, money, and in some cases staff to get it accomplished. That is a tremendous strength.

Another strength is your word, the comprehensiveness of the program. Thirdly, finally, its focus on resource lands is very important. But I think, I continue to think, that is a feature that still sells it to the

general public. We have so many examples in our nation of farmland being trampled across, bulldozed out of the way. And we can look to the north in Washington and there's one little valley in the entire Seattle area, I think it's called Maple Valley, that has even a vestige of agricultural land left and the rest of it is just gone.

Of course California is the best example of that. I may have mentioned to you before, I sat next to the Director of State Department of Agriculture, we were on a panel, and that panel had to do with the identification and preservation of farmland. I was chatting with my colleague from California, and I asked him, "What's going on here in California in terms of this program?" And he said, "Well basically, what we do in California is we farm a valley, get pretty good agricultural production going, and then here comes the subdivisions. We move over the next ridge into the next valley." I said, "Well, that's one way to do it." And he said, "Yeah, that's one way to do it but the problem is we're running out of valleys."

KT: Let me turn the tape over...

[TAPE ONE, SIDE TWO]

KT: Okay, I'm going to start in on our last three questions. Do you think that there were any weaknesses in the reform efforts?

KVARSTEN: Well no program is perfect and obviously we have weaknesses. But the obstacles were the 'getters', the political antagonists who tried to kill the program and are still trying to do so. As you know, each legislative session we fight off an avalanche of bills. Robert Liberty told me we have one hundred and eighty this year, and half of them were bad. So, it's a continuing battle. A weakness may well be too much reliance on counties. My judgment based on five years as director, is that cities, by and large , and this is a generic statement obviously, but cities have been very diligent, supportive and responsible in carrying out the program. Sometimes even going beyond the goals to do a good job. Counties, on the other hand, again a general statement, have often times been dogs in the manger, dragging their feet at best, opposing the program at worst in many cases.

KT: Looking back, would you have done anything different?

KVARSTEN: Well, that's another very difficult question, in retrospect right? No, because you have to deal with the situational constraints that you have, and opportunities as well. We did what we had to do, and when we initiated the UGB effort at this level it had nothing to do with state programs. It was simply a need that we sensed here. We had many people that were effective in moving the planning process forward. And the sheer logic of that effort, and its obvious linkage to the state program in terms of preserving farmland and forestland. Because as you know, Kami, most of the cities are situated on the most fertile land in the valley. That's where settlers came in and developed the first communities and then they

expanded. So every time that city expands it gobbles up more farmlands. No I can't really, I don't know what we would have done differently.

KT: And then here's an opportunity for you to share anything you'd like. Is there anything that you'd like to expand on?

KVARSTEN: No, I don't think so. I think I really want to emphasize the county as the weak link. I've had this concern for a long time. In fact, I recall talking with Henry Richmond when I was first appointed as the director of the department. He came down and we had lunch together. I told him then that my big concern was that with pushing ahead with this great program and all these high ideals, citizen support and everything. Then over time the planners standing behind the public counter had the opportunity to just blow the program right out of the sky if they wanted to. And to some degree that's happening, especially at the county level. Increment by increment, piece by piece. This county (Polk), a small county, and yet rich in terms of agriculture, allowed thirty-three non-farm dwellings in farm and forest areas last year. Thirty-three! You may think that's not very much but when that pattern is repeated across the state it's an incremental chewing away, bite by bite, at the program, challenging the integrity of farm and forest lands. The only way to stop that in terms of the present statutory structure is having very, very vigilant citizens out there. It's hard to do, very difficult.

KT: Thank you very much Wes. I really appreciate this time we could spend talking about SB 100 and the Oregon land use system.

[BREAK]

KT: Has there been an opportunity for you to testify about your observations?

KVARSTEN: Oh yes. And of course at the Oregon Land Use Institute I presented a new goal, you probably don't remember that do you?

KT: No, I missed that one.

KVARSTEN: Well, my new goal was "community appearance". Have you seen the latest *Landmark* which is the quarterly publication for 1000 Friends? Well, they were recommending a new goal as well. The issue is on urban design. It's an excellent document. I'm going to give you a copy. It talks about urban design as an important element, you know, trying to get away from these god-awful fast food strip zones, etc., etc., etc. And I guess looking back, you asked me about looking back, yeah I would have—I think we should have included a goal on urban design. Why look like every other state in the union? God-awful clap traps of billboards and signs. Schlock town!

KT: It involves taking pride in your community.

KVARSTEN: Exactly, and especially your major entryways and so on. So, I'd like to amend my comments on the tape as we sit here.

KT: We can do that. (*laughs*)

KVARSTEN: Yeah right, we can do anything, right. (*laughs*) Add a goal on community appearance. In fact, I proposed that at the institute, but I didn't see anybody standing up and clapping or anything. It didn't go over very big, but you've got to make the proposal. And maybe people will think about it, and it might gain more acceptance.

[END OF TAPE]

APPENDIX F: Fadeley Interview

KT: This is an interview with Mrs. Nancie Fadeley, conducted by Mrs. Kami Teramura, a Community and Regional Planning masters student at the University of Oregon, at Mrs. Fadeley's office at the University of Oregon, in Eugene, Oregon on June 11, 1997.

[TAPE ONE, SIDE ONE]

KT: How were you involved in the reform efforts that led up to the passage of Senate Bill 100?

FADELEY: Well, probably my best education came from the League of Women Voters. But I think that, as a mother, the environmental issues always caught my attention more than they may have caught others'. Of course, we called it "conservation" then. One of the things that attracted us to Oregon was reading Richard Neuberger's writings. As you know, he was a conservationist. I don't recall the use of the word "environmental" for a long time after that. So, I had followed conservation issues in Neuberger's articles. At that time, there was a six-month waiting period before you could vote in Oregon. We were not here in time to be able to vote for him, but we did work for him. I think the idea that "you can do something about your environment" came from that.

There has been a dissertation written by a political science doctoral graduate of the University of Oregon who did a study of the women who were kind of the forerunners of the women who are in the legislature today. Before me—about 1970—you know, there were very few women in the legislature. They were really, really oddities. We were sort of odd too. There were more of us than there'd ever been before; and then, right after that, why, there was a boom. This dissertation—I probably have a copy of it somewhere around here—it's in the library, I'm sure—found a most interesting pattern in the first women who were able to assume leadership in the Oregon legislature. Remember, we were really a small group. Norma isn't the only one who refers to our Environment & Land Use Committee as the first Oregon legislative committee to have a majority of women. Actually we were not a majority of that committee. We only seemed like it. As I pointed out before, we were not a large group.

But back to that dissertation. That doctoral student found that woman after woman in the early 70's had gotten involved politically because of environmental issues. I have a couple of theories on that. One of them is that we were new in the system. We were focusing on new issues. The men were focused on issues that had been big before. Also redistricting after the 1970 census reconfigured legislative districts so that people who had not had a chance to be elected before did in the early 70's. So these were new issues and we were able to create new leadership roles. Earlier I mentioned the relationship between the nurturing of children and the nurturing of our environment. In my case, I also had the do-the-right-thing

drive that came from being a member of a preacher's family. There isn't any question, there isn't any question, but that that shaped my political will. I grew up in a Methodist parsonage, learning to appreciate the beauty of the earth, and feeling a stewardship for it. That was very important.

Another reason women could take the environmental ball and run with it was because the environment was considered sort of a softy. I mean, men did things like economic development, taxes, Ways & Means. They really didn't consider these issues substantive or important. So they were willing to leave the environment up to us. There was not a recognition then, and there still may not be now, of the fact that environmental lawmaking involves a high level of expertise.

I think you'll see the footprints of Oregon women who were environmental activists in the 70's in legislation adopted by other states and the federal government. I often think about how lucky I am, how fortunate I was, to have been able to be here at a time when we could make a difference. Because of the nature of the political scene here, we could do stuff in Oregon that we probably couldn't have done anywhere else. It has been incredibly satisfying, often wonderfully surprising, to me to see how much other governments have plagiarized our language. I have noticed strange constructions of words that can only have happened—that couldn't just have happened in other states. Those phrases came out of our hearings when we would be trying to get the parties to agree on something that they could all agree on. And so you have some really funny language constructions that are a real dead give away that they were copied from us. I fell blessed that I was able to have that opportunity, and I believe that it has elevated me in my children's eyes in a way that is very precious to me.

Well, so how'd I get involved? My then husband, Ed, entered the legislature in 1961. For ten years I had been his legislative assistant and I can remember being so impressed. When he made his maiden speech. "Oh," I thought, "I could never do that!" Well, in a few years I was looking around and it occurred to me, "I could do as well as those guys."

So I had been in the political scene and knew that Senate Bill 10 hadn't worked. I'd seen fights over issues that now seem outrageous. Today we can't imagine why people ever questioned why houseboats in Portland shouldn't be prohibited from just flushing straight into the river. That was one of the first environmental bills I remember. But, of course, we didn't call them environmental bills. Conservation was the term. And in the sixties I'd watched the State Sanitary Authority try to do its job, and witnessed the creation of the DEQ.

So I knew the legislative scene and its players, and I had a good education in how to get things done.

KT: When were you elected?

FADELEY: I was elected in 1970 so my first session was 1971. Bob Smith—now Congressman Bob Smith—was Speaker of the House. I think it's interesting that, even though I was a freshman member of the minority party, he gave me good assignments. He knew that work had to be done, and he knew that I'd do it. I mean, there was a lot of partisan position taking, but there was much else that wasn't partisan.

He appointed me to the Oregon legislature's first environment committee. The chair was an eastern Oregon Republican who was very definitely identified as a conservative fellow, but whom I found, to my delight, I could work with. We were able to do some things—surprisingly, because that was not the image he had. But when I think about what we did in that session, it's nothing like what started happening in 1973. I can't remember any big land use legislation in 1971.

Right after the election in 1972 when the Democrats gained a majority in the House, Janet McLennan and her husband were down here. We were having dinner when suddenly realized that there was only one Democrat who had been on the 1971 environment committee who outranked me. His name was Keith Skelton and we had just learned that Keith had said he did not want to be on environment. He wanted to be chair of Ways & Means. You know, that's what men want to do. And Janet and I looked at each other and realized that I was the logical one to chair the new environment committee. We knew that Dick Eymann had the votes to be Speaker, and we looked at each other and decided to call him right away from the restaurant. By the way, you know she (Janet McLennan) was Bob Straub's environmental person. Are you interviewing him?

KT: I've asked him and he's too busy.

FADELEY: Bob is one of my very favorite people. I just adore him. He's wonderful. Almost as neat as his wife. But Janet is the one who was responsible for his environmental leadership. She had been deputy state treasurer, and we realized that Bob's State Treasurer time was ending which meant that her job was ending there. All of a sudden it just fell into place. She could be the legal council for the House environment committee!

So we went to the restaurant's pay phone, and we called Eymann, and I said, "I want to be chair of the environment committee." He said, "Okay." "And I want it to be called the Environment and Land Use Committee because I want to make sure that the land use bills come to my committee—to an environment committee, rather than to something like commerce or economic development." He said, "Okay." And I said, "Janet says she'll be our legal counsel." And he said, "Good!"

So that was the way we assured our right to that bill. And in the next interim, the energy crisis hit,

and then I told him, "I want my committee to be called "Environment and Energy" because we want our energy decisions made by legislators familiar with environmental issues." So, in 1975, we changed the name of my committee to Environment and Energy.

I'm sure that we were regarded as a light weight committee. Dick got a big kick out of putting all those women on my committee, most of the women in the House. I imagine that Norma told you that we were the majority of the committee. In my mind, and in many other's, we were the majority, but if you go back and look at the record and count, you will find that that committee had more men than women.

As for SB 100, I had not been involved in the hammering out of the language. Hector Macpherson deserves that credit and Ted, too. By the way, I did an oral history with Ted Hallock for the University of Oregon Collection. So I know you had a wonderful time interviewing him, and, of course, for eight of the ten years while I was working with Ed, he and Ted were in the Senate. So I was pretty used to his candy bar diet and articulate patter. What I'll never forget is the time he gave the prayer in the Senate. I don't remember what the words were. All I remember is that it was something else.

But back to SB 100. The language hammering out had been done before it reached my committee. I'm not aware of how much blood was shed, and all that, but I know it was not easy. Ted was absolutely firm with me. He said, "I cannot hold the votes. I cannot." He said, "I got this out of the Senate and there is no way I can get the votes to re-pass it. You cannot change a comma; there is no way this bill can come back here." That meant that if anybody suggested we make any changes—even improvements—we just couldn't accept them.

So the trick was getting it through the House without amendments. One of the things we decided was that we couldn't have a bleeding heart woman carrying this bill. Ralph Groener—he afterwards became a Clackamas County commissioner—had decided that this was really important legislation. He was really enthusiastic so I assigned the bill to him to carry on the floor. Maybe the greatest contribution I made was figuring out how to get him to session on time so that he could carry the bill. In fact, I think the first day he was late and we had to put it over. We were so worried lest he not show up. But he did.

McCall had promised to help us get the votes we needed. There was a lot of dealing with his office although not with McCall himself, but with Bob...

KT: Logan?

FADELEY: No, Bob Davies. They kept promising to deliver the votes, but they didn't deliver very many so we had to hold our Democrats. Of course, we didn't hold them all.

I was looking over the list this morning, and saw that no woman voted against SB 100. That fits into the pattern I was talking about earlier. That's not something you'd see today in environmental

legislation. There was a difference, I think, from the kind of woman who gets elected today. In the early 70's, we elected women had a lot in common, regardless of any party. Norma talks maybe more than what was really true about the way we worked together, but we did share a lot. At that time, the woman who got elected was one who was breaking the mold, but also appeared to be conventional. I mean, we all wore suits, we all were married, we all had our hair combed, we wore bras, we belonged to the PTA, we were very traditional in our lifestyles, but we did most untraditional things, you know, like walking the mills campaigning in the middle of the night; and leaving our families to go up to Salem. I was a bit of an exception because my family was already up there. We were traditional women who did untraditional things, motivated in large part by making the world a better place for our children. That's not necessarily the situation today.

Anyhow, we got SB 100 through the House so it didn't have to go back to the Senate for concurrence. And the Governor's signature was assured.

I've been trying to think of what I said during the floor debate on SB 100. My speech was very short. I had recently been back in Washington, DC for a land use conference which was probably sponsored by the National Conference of State Legislatures, although I'm not sure. I did a lot with the NCSL, but I can't remember who sponsored that conference. It was good, a very interesting event. I'm not sure if there had been any gathering like that before as states had not done much in land use, only Hawaii, Vermont, and New Jersey come to mind. In every one of the conference sessions, a representative from President Nixon would walk into the room and say, "We want you to know that the President is 100 percent behind you." Then there was some legislation in Congress that would have provided funding for the implementation of land use planning laws in the states. And, you know, they all had on ties, they all had on business suits, and they all said exactly the same thing, "We want you to know that the President is behind you 100 percent and his legislation is going to pass and provide funding."

So when questions arose on the floor about "How are we going to implement this? Is it going to cost money and where's that money coming from?" I was able to say that I'd gotten the work straight from the White House that funding was assured. Later something happened and that federal legislation never passed. I think I remember hearing that some Chicago land developers got to the President. But, by that time, we had SB 100. I really don't feel like a liar because I was perfectly honest in relating what—to my surprise—Nixon's representatives had told us.

As we worked on SB 100, I was very aware of the political land mines ahead. I was uneasy not only about the politics, but also was unsure about how much good it would actually do. But it was the only legislation that offered any hope and that bothered me. I can remember thinking about that a lot. I usually

thought I knew what would happen if most of the bills I voted for became law. For bills like the bottle bill, no one else was going to decide whether this bottle should have a deposit or not. Voting for legislation like that was voting for what you got. But SB 100 was different. It was going to be implemented by many, many, many different people, and some of them, really made me nervous. And so I could see coming back to me blame for decisions that would be made by people, you know, who are way out there.

In short, I was not sure SB 100 would solve all our land use problems. I felt we would have to refine it and continue to monitor it.

My really important land use role came in keeping SB 100 from being sabotaged, and in refining it. That kept us very busy during the seventies.

[BREAK]

FADELEY: There is no way, there is now way that SB 100 would have worked if it had not been for Henry Richmond and 1000 Friends of Oregon. I cannot emphasize enough how important I think it is for you to try to interview Henry. Janet will be of help there. As I said earlier, the idea of what I was voting for was not necessarily what I might get was worrisome. The implementation of SB 100 and the compromises were a worry. But I think the big compromise of putting decision making at the local rather than the state level turned out to be a good compromise. I'm really not up-to-date on land use law anymore, but as far as I can tell, Hawaii is in a terrible mess now. It seemed wonderful at that time because agriculture was the big cash cow then, but agriculture isn't that important now.

It was Henry Richmond who saw that there had to be a watchdog. Henry is a gifted fund-raiser. He has the golden touch. He was incredibly effective in raising money for 1000 Friends. You know, I remember Henry as a law student and he wasn't very long out of law school in 1973. I think he was working for OSPIRG then. You know, I can remember him spending the night in our recreation room. He was a good looking guy and he always looked sharp and, you know, he would just sleep downstairs in his clothes and he'd get up and go off and, you know, take on the big interests and make pleas before committees the next day.

Henry saw that, if you're going to have local government officials implementing SB 100, you've got a problem because that's the reason we needed SB 100 in the first place. They hadn't done what they were supposed to do under SB 10.

There's no way to overestimate the significance of that McCall-Richmond press conference at the end of McCall's governorship. We just wouldn't be the state we are today without 1000 Friends.

1000 Friends has to choose their fights carefully. I remember Bob Stacey who started out with Henry and Richard Benner, two bright young lawyers right out of law school who took on the development

interests and kept on winning. I'm sure that you could count on one hand the times 1000 Friends has lost in court. Robert Liberty is a genius too. He's doing 1000 Friends in a different way than Henry did, but these are different times.

Apparently Henry was having the same uneasy feeling about the implementation of SB 100 as I was, although I don't remember talking to him about them. He figured out what to do about them, and I'm so proud of him.

It's been very rewarding, knowing that other states consider our land use legislation a model.

KT: I think that what was accomplished was remarkable.

FADELEY: It was very satisfying. And of course—are you an Oregonian?

KT: Yes, a seventh-generation Oregonian.

FADELEY: Yeah, well you know that we can do things in Oregon maybe that you can't do in other states, although, there does seem to be a difference between legislatures now and then.

KT: When did the need for land use reform in Oregon first come to your attention? Maybe it wasn't just for Oregon because you said you moved to the state.

FADELEY: I don't remember the term land use reform.

KT: Or, environmental interests.

FADELEY: I'm sure the person who got me into environmental activism was Richard Neuberger.

KT: What did he write?

FADELEY: Well, Richard Neuberger was a prolific writer who figured out that promoting Oregon was also a way to promote his writing. So he wrote for *Reader's Digest*, *Life Magazine*, many popular publications. Ed who'd done the research and decided that Oregon was the place for us said that Neuberger nurtured his (Ed's) interest in Oregon, although I think what really turned him on was reading about Lewis and Clark, and the Oregon Trail as a kid. Ed started directing my attention to Neuberger's articles. And, of course, Dick's wife, Maurine, was also a good environmentalist although then the term was conservationist.

Many folks didn't take environmental issues seriously, thought they were funny. And that's still somewhat true, the idea that environmentalism is kind of a light weight thing. Often when talking with liberals in eastern cities, liberals who are social activists, I am surprised to realize that they seem to think that we are avoiding the real problems of our society by concentrating on environmental issues, although less now than in the past.

You already know that I'm the worst Oregon chauvinist that ever was. This place really nurtures environmental activism because we have such beauty worth preserving and it's still possible to preserve it.

It became even more apparent in the 70's that what was happening elsewhere, especially in California, wasn't what we wanted to have here. So we had already become leaders in anti-pollution legislation. Wasn't it 1938 when the people of Oregon voted for a State Sanitary Authority?

KT: I'm not sure exactly.

FADELEY: It was something like that. We were really progressive compared to other states. Why just think, your forerunners did this.

KT: Where were you from before you moved to Oregon?

FADELEY: Missouri. We realized early that things were happening environmentally here. About 1970, the Oregon Environmental Council was formed. Maradel Gale and her then husband were really spark plugs there. I don't know if you know this or not, but Maradel was a celebrity because of her leadership in the environmental movement. And so I worked with them. I wasn't a spark plug. I worked with many people who were giving us good information.

KT: Was there anything else that influenced your ideas for land use reform? You mentioned Richard Neuberger's work, but what about general observations you may have had about how land was being used up so quickly without any real regard for it's best use.

FADELEY: My feelings probably came more from being in awe of Oregon's beauty and from reading about what was happening elsewhere. I can remember a land use scandal, I mean a consumer fraud thing over near Lakeview. Somebody was selling Californians lots that had no water, no utilities or anything like that. And so there was in the sixties some consumer protection legislation. I remember thinking it shocking that it was necessary. And I can remember people in California who'd been taken in by this scam saying, "That's all right if it doesn't have water, or access, or electricity. I just want to have my own piece of land." Those stories may have been apocryphal. Maybe only one person said that. But it really stuck in my mind that people who were living in the L.A. environment would be so desperate that they'd get pleasure from owning a piece of useless land.

KT: Were there any constituencies who surprised you with their support for environmental conservation efforts or land use reform efforts?

FADELEY: In my legislative battles, Tom Donaca was on the wrong side of everything. His constituency was the Association of Oregon Industries. But I think he was constructive in later years when SB 100 was threatened even though Tom had to, because of his constituency, tried to sabotage SB 100 in later years. I remember him telling me during a serious threat to our land use program in the late 70's, "My head tells me I hope you don't get this done, Nancie, but in my heart I hope you do."

It blows my mind when I consider the difficulties that we had in getting and protecting good land use laws that many of the people who were the worst problems are now boasting about the livability of Oregon. My daughter was working up at Expo...

[TAPE ONE, SIDE TWO]

FADELEY: When I went to the Oregon Pavilion at Expo, what were they boasting about? Bicycle paths, land use planning, bottle bill! All these things I'd bled for. The same people who had really made it very, very difficult to have this happen are now saying, "Come to Oregon, this is what makes us special." I think that's been the most surprising thing. You know, I had to count my votes carefully to get SB 100 passed in the first place, and we did get it passed. But the support that has come since then has been, I think, as gratifying, perhaps more. It's not surprising if you look at what it is that is making us attractive to the kind of industry we want to attract, much of what we're getting.

KT: I thought that was ironic too, that some interest groups were saying that our efforts for livability would push away industries, when in fact they attracted them to the state.

FADELEY: And boy, now that they've come here, they better follow all the rules. (*sarcastic*)

KT: What values or ideas did you believe needed to be contained within land use legislation?

FADELEY: The basic thing was to preserve what it is that keeps us healthy and sustains us. And, I guess, getting broad input including citizen participation was important too.

KT: The protection of natural resources.

FADELEY: Yeah, and understanding how you do that. I mean, a lot of people can live in an area and not harm the land, or a few people can live there and ruin it.

KT: Do you think that your ideas or values have changed over the years regarding environmental conservation or land use?

FADELEY: I think they have become a little bit more sophisticated about understanding what to do and how you can do it. I'm more tuned into the value of infrastructure that is appropriate. I don't think I ever, ever dreamed how important urban growth boundaries are.

KT: Does the current land use system—or your knowledge of it, or understanding of it—does it meet what your original intentions were for Senate Bill 100?

FADELEY: Well, I think that a lot of decisions made at the local level are really not right, and the only reason we haven't had more bad decisions is because of 1000 Friends. I think there are far too many exceptions made. There are exceptions that bother me.

KT: Overall, do you think that it's working?

FADELEY: We certainly are in better shape than any other state I know. I may be wrong about that-- You know, I'm not as up-to-date on that subject as I used to be. Yes, I think that as long as we have governors who know how to veto, we will continue to be fortunate. Because, as I recall, Atiyeh voted for SB 100. Let me think. I think he did, but he may have been one they couldn't hold. Did Ted tell you that?

KT: Yes.

FADELEY: Yeah, I didn't think Ted could keep Vic for concurrence, but as governor, he didn't do land use much harm. All our other governors since SB 100 have been good about vetoing if necessary. Of course, the initiative attempts to eliminate land use planning have been very, very scary. We've defeated them all. I just wish that we could be more successful making folks recognize that, if we're going to continue to be such a desirable state for people, we've got to stick by the principles of good land use planning.

KT: Do you think that the current system—I'm not really sure of your knowledge of it right now, or if you've kept up with the current land use system—but do you think it has improved on your original intentions for Senate Bill 100 as it has matured? Or do you think that some of your original intentions have been entirely lost as the program's matured?

FADELEY: 1000 Friends has kept them in line. And different governors have had different levels of commitment, but generally, we're about as good as we could hope to be. Barbara Roberts with her environmental conscience was wonderful and so is John Kitzhaber. They're really looking out for our natural resources. Even with Atiyeh, we didn't go back in land use.

KT: As you've already talked about, citizen participation is a large part of the Oregon land use system. Do you think that goal continues to work the way that you thought it might in 1973? Has it been practical for local governments to implement?

FADELEY: Well, I was always a little uneasy, and I'm still uneasy. But we've got to try it. Real citizen participation is difficult to bring about. Some interests are more savvy than others about how to be heard. Some people feel that they're never heard. Some feel, "Because I told them what they should do, they should do it." We need to worry about making people think that if they speak up, it's going to happen their way. But, you know, that's a democracy. I wish I could think of some ways to make sure that we had broader participation. We also need to do a better job of educating folks about the many things that we need to keep in mind as we make decisions, how what may be good for the goose may not be good for the gander.

KT: What sort of a balance did you anticipate between local control over land use planning and state control over land use planning?

FADELEY: Well, we hoped that local governments would follow the rules. We also knew that that would be difficult.

KT: Right. Cities and counties wanting to hold on to the control that they had before.

FADELEY: Yeah, and you know there's always the county commissioners "brother-in-law" who's able to get an exception.

The economic plunge of the late 70's and early 80's endangered our environmental commitments in some ways, and in other ways it didn't in that money wasn't available for development. So we got some breathing room, but we also got the idea that economic development is everything and promotion of the idea of economic impact statements. They are simplistic.

KT: What were the strengths of the land use reform effort in the late sixties and early seventies?

FADELEY: I think it was some very committed leadership. And we had support. The Oregon Environmental Council had just formed. Before that, the Sierra Club was just a hiking club, but it was discovering that pollution is political. So we had the growth of people banding together for the environment and good government. McCall really didn't take much leadership then. He later was very articulate, very helpful. I think Hector probably did most of it. It did not fit the rest of his political career. This was very surprising and maybe that's what you were asking when you asked about the surprises, to have somebody like Hector Macpherson whom you thought of as such a conservative fellow, but these were values that were very important to him as a long time Oregonian, as a farmer. He honestly came out of that although he wasn't able to bring many of his own kind into the fight. And that fight cost him his seat in the legislature. And, of course, Ted Hallock is a P.R. genius.

KT: Do you feel there were any weaknesses in the reform effort?

FADELEY: You mean, whether there were compromises that shouldn't have been made?

KT: Yes.

FADELEY: I don't know that there there's anything to talk about because we wouldn't have been able to get SB 100 through the legislature without the compromises. The idea that locals would get to make land use decisions that fit into the big picture. The more I think about that, the more I think, "That's really good. I wish I'd thought of that." I mean that's really good. Rigid state-wide land use planning, that's just asking for problems. As it is, we've got a multitude of people having to make the hard decisions—and to take the blame. No, I'm really proud of it. I wish that exceptions weren't happening.

KT: Is there anything that you would like to share that you would like to have on public record?

FADELEY: Public record. (*laughs*)

KT: As public as I'm going to be able to make this. Just something that you've always wanted to share about your involvement in environmental conservation efforts.

FADELEY: I can't tell you the satisfaction it gives me. I can't tell you how privileged I was to be able to be a part of something that not only helped assure a better place for my children, but offered a statement for others states as they saw what we had done. I got to be a part of it, but I wasn't the one who thought up the ideas. I really don't deserve a lot of credit for the formulating of ideas. I do deserve credit for being able to save SB 100, but I was of the majority party (although it was a very slim majority at times). If I had not been a member of the majority party for eight of my ten years up there, you wouldn't be interested in interviewing me. I was at the station at the right time.

I'm glad you're showing interest in this because it means that something's getting written to remind people how this happened.

[END OF TAPE]

APPENDIX G: McLennan Interview

KT: This is an interview with Mrs. Janet McLennan, conducted by Mrs. Kami Teramura, a Community and Regional Planning masters student at the University of Oregon, at Mrs. McLennan's home in Portland, Oregon, on June 18, 1997.

[TAPE ONE, SIDE ONE]

McLENNAN: I worked for Nancie. I worked as the general counsel to the House Environment Committee that session, and the bill went through our committee. But few, if any, changes were made in the committee. The Bill was built on the senate side, so I can't say that I put any big stamp on it. After I left state government, I went on the Board of 1000 Friends and was on the Board for a long time and eventually President of 1000 Friends. And I felt very strongly, still feel very strongly, that 1000 Friends was a key element in the success of the legislation. That without that litigative prod, we wouldn't have gotten the thing really going and wouldn't have had the kind of strength in the legislation that made it work. And that was primarily the work of Henry Richmond, Bob Stacey and Dick Benner. They're the real architects of the workability of Senate Bill 100, I think.

KT: My first question is: How were you involved in the reform efforts that led up to the passage of Senate Bill 100?

McLENNAN: Not very directly, quite frankly, because though I was active in politics and I was active in support of Bob Straub, who was candidate for Governor unsuccessfully in both 1966 and 1970 against Tom McCall, so I was a part of the contemporary issues, but in, for instance, in those two campaigns, land use per se was not a big issue. Willamette Greenway preservation, preservation of the Oregon beaches and access to the beaches, those were big issues between the two of them. And effective pollution control was an issue in those campaigns. Not that either Tom or Bob varied a great deal in their long term goals for Oregon, but Tom was more beholden to the business interests. He was more successful in his campaigning, so he was challengable as to whether he was preceding with the speed appropriate and whether he was compromising in the interests of political expediency, or whatever, and so those issues always got aired. But as between the two of them it would be hard to determine, fundamentally, differences of political opinion. They were both very well meaning public servants.

KT: So that's how you got into it.

McLENNAN: Yes, Straub of course was State Treasurer all through that time. Tom, before '66 had been Secretary of State and Clay had been his assistant, and then he moved into the Governor's Office and Clay moved into the Secretary of State's role. I'm trying to think--there were issues that related to land

use, pollution control and so on that went before the Land Board, but they were pretty isoteric. I mean, state lands, submersed and submersible lands, leasing, and fill and removal permits, things like that that those three men collaborated on, sometimes differed a little bit on, differed on the timing of reform and so on, but basically, again, they were a very constructive influence in making state policy through their association on the Land Board.

KT: Did you ever have an opportunity to look over Senate Bill 100 before it was passed?

McLENNAN: Well, sure, in the committee. I mean, we had hearings on it and I can remember a conference, at least between Ted and Nancie, that I participated in. I can't remember who was my counterpart in Ted's committee, you know--maybe Eldon Hout but I'm not sure about that--anyway, I remember Ted being very adamant that he didn't want Nancie to be taking testimony and making a lot of amendments to this bill because he felt that a very delicate compromise had been worked between him and L.B. Day, and the timber industry, and business lobbyists, and so forth, and he didn't want that shaken at all. And basically, we did not amend it though there may have been a few technical amendments, you know, things that there was general agreement on and needed fixing by the time it came across. There was another bill, I can't remember the number of it. Was it Senate Bill 101 maybe? I can't remember, but anyway, it was another bill that Hector Macpherson had sponsored and it was complementary to this though much more technical. I think, if I recall correctly, it had to do with exclusive farm use zoning.

KT: Yes, Senate Bill 101.

McLENNAN: Was it? And there was some need to make adjustments between those two, as I recall. I couldn't tell you what kind. (laughs) But, by and large, the house side was not considered a point of significant creative energy on that piece of legislation. There may have been a few amendments, and then there may have been a pro forma conference committee.

KT: I was interested too, when we were talking earlier and you spoke about 1000 Friends and how active you had been with that. So, in a way you did work a lot with Senate Bill 100.

McLENNAN: Oh, yeah. No, I genuinely felt that that Senate Bill 100 was pretty barren unless it had the kind of support that 1000 Friends put to it. Also, I worked probably in late '73, or early '74, after Senate Bill 100 had passed and as they were about to write the goals. L.B. Day was then chair of LCDC and they created a large committee, super committee, and broke it up into subcommittees to work on goal drafting. I participated on a four member subcommittee that worked on the forestry goal, I remember. And others, I think either Stacey or Benner worked on the agricultural goal with others. If I recall Ward Armstrong also worked on the forestry goal.

KT: When did the need for land use reform in Oregon first come to your attention?

McLENNAN: The need? Well, I was aware of Senate Bill 10 and aware of the frustration. I guess I should say that I started law school in '68, and I had worked in the '67 session. Then I started law school, and I sort of dropped out of active political volunteer effort for that period between '68 and '72 when I graduated, except that I took a leave of absence from law school and was the, I can't remember my title, Executive Director or something like that, of the Straub governor campaign in 1970. But, that was just a six-month hiatus and then I went back to law school. So, though I was aware of those things, I wasn't an active participant in that period between '68 and '72 when I finished school and passed the bar. But then I immediately went to work in state government and worked through the end of '72 for Straub in the Treasurer's office. And then as Straub finished with his second term, I then went to work for Nancie in '73 in the legislature. But I can say that I was not at all at the forefront of that thing until we got into the '73 session. Clearly it was going to be one of the very big issues of that session and was.

KT: As an Oregon resident did you ever just look around at all the development that was going on?

McLENNAN: Oh, sure. And there, I mean, among other things I can remember thinking at that time--of course it's much aggravated today--but it was marked how much traffic pressure had increased in say that four year period between '68 and '72. And I can remember urging Bob to make that a big issue in '70. I don't think he did, but the increase in the number of cars, the increase in population, and the press of density was clearly beginning to evidence itself. As far as any specific knowledge about agricultural land, anything I would have known about that would have come through studies that were being done and publicized, 'cause I didn't have any direct knowledge of that.

KT: Who would you say influenced your ideas for land use?

McLENNAN: The most? Well, I think probably Henry, and Bob Stacey and Dick Benner have influenced my ideas the most. And Bob Liberty now. Tom of course, I mean Tom was a wonderful spokesman and evocative leader. He was a great speaker and a great phrasemaker, so he captured the public's attention. He could, more than anybody I've known I think, attract a large number of people to an issue and inform them in the way he communicated. I suspect and don't know, but I suspect that Bob Logan was pretty much an intellectual driver on this thing. I didn't know Bob well, but I had the sense that he was the primary craftsman. I've never talked with anybody about that. I've never—I don't know whether Henry would say that. I don't know whether Ted Hallock would say that. But, and then there was another sometime employee in the McCall administration, Marko Haggard, who was a Portland State professor, political scientist, and I think he was sometimes an idea man for McCall. But I don't know whether he was, specifically, on this issue or not. Ed Westerdahl was Tom's Chief of Staff for a good part of the administration and Bob Davies was for the latter part of the McCall administration. Bob was a

competent lawyer, but I don't know if he was an idea man on this. He would be the type of person who would know how to get things done in government. I don't remember anybody in the Hatfield years, which would be pre'66 or pre'67, who evoked any of this. I would say, there was no gestation before this. I don't think it was a continuum from that period.

KT: It all kind of began with the political campaign...

McLENNAN: And also whatever Bob Logan brought to it and this OSPIRG study began to show up.

KT: That nicely leads into my next question. What other things or documents influenced your ideas for land use? You just mentioned the OSPIRG study.

McLENNAN: There wasn't a lot of writing on the subject at that time. I can't recall speakers in that period, the pre'73 period. Again it goes back to the fact that I was going to law school.

KT: I can understand. Were there any constituencies who surprised you with their support for land use reform?

McLENNAN: Oh I don't know that I would say surprised, but it took a long, it relied on a long range understanding of interests. For example, generally, most of the timber industry supported it, not all of it I think. Georgia Pacific did not. Georgia Pacific had several lobbyists who were vehemently opposed to it, and they were a big land owner. But Weyerhauser was the biggest at that time. But again, you had to, as a timber land owner, you had to be able to look forward a long time to see both that this was a good investment and that you weren't harmed by submitting to the loss of freedom to sell land, basically, to inhibitions on the change in land use. And also to see that the efficiency of your operations would be imperiled by encroachment of residential development. In other words, that there was a basic incompatibility with industrial forestry which operates on a kind of a gross scale—that's indeed a controversial gross scale of clearcuts and slash-burning and the aerial application of fertilizers and pesticides and so on; and that if you tried to do that at the same time people were building housing developments or even single family dwellings in the woods, why, you were going to have a conflict that would be expensive and detrimental in the long run. And as I say, the more progressive companies did understand that and I think that's not exactly surprising, but it does take a maturity of judgment, that sometimes arguably, the American business community doesn't always have. And indeed since that time, though Weyerhauser supported SB 100 strongly at the time, there was later a change in management in Weyerhauser that came to be real footdraggers about land use planning. Because they became kind of infatuated, at least for a time, with short-range goals and so they were later on, I can't exactly put dates on it, but say in the early '80s—there were Weyerhauser managers in Oregon who were obstructionists about

land use planning decisions, anxious to sell-off their land for destination resort or golf courses, or whatever.

KT: You're right, it is the mindset so much of the time. Whether a person has a long-range outlook or a short-range outlook.

McLENNAN: And, I guess I was surprised with the support from the agricultural community, at least to the extent it could be viewed as a unit. Of course its never unanimous and there's always a strong minority, you hope it's a minority--who are resistive, but so many farmers with smaller land holding than, you know, these big timber counties that have tens or hundreds of thousands of acres. So many farmers have traditionally thought of their retirement nest egg being selling the land to a housing developer. You know, that was what enabled them to go to Palm Springs or whatever. To get that community, or a majority of that community, is almost more surprising than corporate forestry's support for it.

KT: What values or ideas do you believe need to be contained within a land use system?

McLENNAN: Oh, inhibitions on change of land use and inhibitions on partitions, which of course is an element of change. The, I guess the intellectual question is always how much you go beyond that. I mean, there were, I guess there were essentially two intellectual questions. One was whether you impose this as an incident of state government by a direct regulatory scheme. Another was whether you went further than this in terms of social engineering, I mean, whether you decided where new towns were or you moved populations, or, you know, you did the kinds of things that would interfere significantly more with people's individual freedom. And, you know, you look at—and I'm not a student of social engineering systems, but I'd at least, I would assume that in some of the Scandinavian countries and in Russia and so on that you went much further than this. And the question I guess comes as, you know, is the seed of failure in going too far, or is the seed of success in taking at least bites that are no bigger than the ones we tried to take? I don't know the answers to those questions.

They—I can't remember the year, my sense is that is was after '69, but I'm not sure. You could find out, and it'd be kind of interesting to look at it. 'Scoop' Jackson, Senator Henry Jackson, then of the state of Washington, who was the prime mover of the Environmental Policy Act of 1969, after he accomplished that he wanted a national land use planning scheme. And again that, I suspect it must have been when I was in law school because I don't remember ever seeing a draft or hearing about it. But he was not able to perfect that and get it passed. I don't know what its dimensions would have been. You know, I don't know whether, how, or in what way it might have differed from what we did in Oregon. It'd be kind of interesting.

KT: So he was from Washington?

McLENNAN: Yeah, he was a very powerful Senator, Chairman of the, originally the Senate Interior Committee. Eventually it became the Senate Energy Committee. And he was a Democrat. Ran for President in, what 1968? No later than that. I can't remember, but in the Democratic primary.

KT: I'll have to check into that. Do you think that your values or ideas for land use have changed over the years, or have they been fairly consistent?

McLENNAN: I think they've been pretty consistent. I'm--on a spectrum of, you know, how rigid you are about enforcing Senate Bill 100 or how lax you are about how you might take exceptions, I'm pretty rigid. And to the extent that I've been active in areas of state government where I could influence or encourage continued enforcement or support for the land use planning system I've done so. For eight years I was on the Board of Forestry and for the last six of that I guess I was Chair. During that time we adopted a Forestry Program for Oregon. It's a program policy document that's been adopted every five years or so since 1976 or '77. And in the—we added an objective in the 1990 document, and perpetuated it in the '95 document, to preserve the forest land base with a series of policies under that and a series of programmatic things that the Department of Forestry was to do to encourage that.

And, you know, I've been known in the timber community to be pushing that and so, and I—and there are a lot of empirical reasons why that, from their perspective, is an important thing to do. In terms of firefighting, for example, you know big forest firefighting, if you run into an enclave of homes out there that are in the line of fire, if you will, why that becomes very expensive and very difficult to handle on the part of forest firefighters because it is an entirely different kind of firefighting to preserve human life and human properties as against the way you kind of grossly fight big fires by driving bulldozer fire lines through, and one thing or another. And that's been a reason why I felt it was important for the Department of Forestry to resist and to oppose, for example, the exceptions that have allowed development in forest lands. And it continues to be a real problem, because a lot of counties have allowed that and people want to live out in the woods, you know, and they want a shake roof, and they want shrubs and trees growing right up to their house. Then a fire comes through and it just wipes them out. And in many of those cul-de-sacs you can't even get fire equipment in to fight fire. I mean, the roadways are narrow and there are no turn-arounds. Basically, it's just made for disaster and we've had some disasters and we're worrying about them all the time. So, I mean, that's a very practical, empirical reason to want to support land use planning, but it resonates with the foresters.

KT: Have you always had an interest in forestry?

McLENNAN: Yes, kind of. All Northwesterners do really, I mean if they're native Northwesterners, have an interest in forestry. I've enjoyed forestry a lot.

KT: Are you very informed about the current land use system here in Oregon? Have you kept up with what's going on?

McLENNAN: I have not in a technical sense, and I have not as a lawyer. I've never had occasion to—I mean I've not practiced law in private practice. When I was at Bonneville, I was in the Office of General Council for a little while and then I was back in the Program Management, but I haven't had to deal with issues of that kind. I've dealt with noise pollution, I've dealt with Indian law, and I've dealt a lot with fish and wildlife issues and forestry issues, but I haven't had to struggle with, you know, whether the shopping center should go here or the highway interchange should go there. I read about them in the paper and I take—you know, I have opinions, but I'm not closely involved in that kind of stuff.

KT: What is your opinion about how the current system is meeting the original intentions of Senate Bill 100?

McLENNAN: Well, I think it's—I think, and I don't have very much statistical knowledge, but I think its been hard for the local governments to enforce land use planning sufficiently and I think that they've probably made too many exceptions. And I think there is erosion to the extent that we had some statistics about it in forestry a couple years ago. It was showing an erosion of about one to two percent a year in the forest land base. Well, that doesn't seem like much except that by the time you've gone twenty years out you could have lost a third of your land base if you kept picking away at it like that. So I think its something that requires eternal vigilance. I think as the population increases it will be even more tough. Local government is hard pressed particularly in the face of, well I suppose television and other demands, and the expense of reelection campaigns. They are very, increasingly, very dependent on raising a lot of money. And the sources of that money tend to come from developmental interests. Then it makes it very hard for them to say no.

So, you know, I think we've seen—at least I'm told we've seen—in Washington County for instance, a lot more erosion of the—both the agricultural and forest land base than we would like to see and a lot of, well, of subterfuge. The land use, the original Senate Bill 100 as I recall, or I think it was the original bill, at least the original Forest Practices Act, but I think Senate Bill 100 as well, provided that you couldn't prevent a change of land use. In '91, they amended the Forestry Practices Act, to make that much more difficult which, you know, was a good thing in terms of forest land. I'm not sure whether the same thing is comparable to that on the agricultural side. But one of the devices that was going on was that people were ostensibly converting forest land in five acre increments to, oh, growing blue berries, or a little vineyard, or something and then after a few years of that they grew a tennis court and a swimming

pool instead. It was a subterfuge. And those kind of things, if there are loop holes or potential for those kind of loop holes they should be closed.

KT: Do you think that the system has improved on what the original intentions were for Senate Bill 100 through its implementation?

McLENNAN: Well, I think that primarily through the litigation that 1000 Friends was able to conduct in the first six or eight years after passage, maybe even a little longer, why you've got a much more sophisticated and enforceable system. And you've got a much more definitive system. There was a lot of vagueness in Senate Bill 100 and there was a lot of vagueness in the original goals. I think that that's getting improved over time. There was also a long, long lag period—what was it ten years before we got, we met the one year deadline for county compliance or something like that. And of course there was lots of resistance at the county level, probably still is some. I don't know whether counties per se, or very many of them or many county commissioners, feel the value of this system. I don't know whether its value has become a part of their ethic or not. I mean, you know, I know some individual county commissioners who I think highly of and I suspect that they would not only give lip service, but believe it. But I suspect that there are a lot more of another persuasion. To them it just seems inhibitive and their vision isn't very broad or long.

[TAPE ONE, SIDE TWO]

KT: Do you think that any of the original intentions for land use planning have been entirely lost through the implementation of the system?

McLENNAN: Well, I'm trying to remember. I'm not sure I can remember the specific terms. There were terms like 'areas of critical state concern', and what was the other one... 'significant something-or-other'. Anyway, I don't think we've done very well with that. And again, I'm not enough of a student. Washington didn't have land use planning per se, but they had a Shorelands Act. I think that has probably been a constructive tool in Washington that, had we had something like it, would have enhanced the ability of the scheme we have. The Willamette Greenway Goal was an effort, because Bob Straub was frustrated in his effort to get a Greenway through political problems in the '75 legislative session, the problem was primarily with Norma, but anyway, we went the route of developing a Greenway Goal and using that as a tool to achieve at least something in the way of better management of the riparian area in the greenway corridor. That wasn't all that he envisioned when he first evoked the idea in 1965 or '66, but I think it's certainly been constructive. There are other, probably lakesides and streamsides, that could use similar kinds of protection that don't have them. And again, I don't know whether 'areas of critical state concern' or 'elements of significance', or whatever the other term was, whether if we had been able to give flower to

those ideas, whether that would've been—I'm sure it would've been better in terms of the general amenity of the state and quality of the environment, but it probably would've been pretty heavy political traffic.

KT: Citizen participation is a large component of Senate Bill 100 and Oregon's land use system. Do you believe that that Goal continues to work the way it was intended and that it is still practical for local governments to implement?

McLENNAN: That's something I really don't know. I mean, I've never gone, never participated at the local level. I've never gone down and haunted the county commissioners or the city council when they were adopting plans or whatever, and I don't know the extent to which people do. I presume some do. But whether a sufficient number to evoke, oh to give a sense that, you know, this is the will of the community and that the community is getting sufficiently educated as a part of this process, so that it's becoming a part of the culture or not. Because you always have a few camp followers on any one of these things, but that isn't enough. I don't know whether you would say its adequate or not. And if it isn't adequate, I don't how you'd jack it up.

KT: What sort of balance between state and local control over land use planning were they looking for in 1973?

McLENNAN: Something the counties would not defeat in the legislature was what they were looking for. I mean, I think almost everybody would have rather had, that strong proponents of land use planning would have rather seen a strengthening of the state side role and a weakening on the local government role that would make the local governments more submissive. But they did not think they could get the votes, unless they had the support of the Association of Oregon Counties and League of Oregon Cities. I don't know, another person you could talk to, oh, what's his name and where is he...until recently he was head of finance for City of Portland, but at that time—not Brower, Brauner...

KT: Hal Brauner?

McLENNAN: Not Hal. No, this guy was with the League of Oregon Cities at that time and he was the lobbyist for the League of Oregon Cities. I will think of it eventually (Steve Bauer). I saw him at a party not too long ago, but he was leaving the city at that time. My daughter works for the city and could tell me. But anyway, but he was a young lobbyist at that time and so he's young enough to have memories and perspectives that might be useful to you from the local government side. He was a very constructive and creative guy. I don't remember who was lobbying for—oh I do too, Gordon Fultz was lobbying for Association of Oregon Counties and he may still be at the Association of Oregon Counties. I'm not sure, I could find out. At least he is alive and reachable. But, those two entities were the pound of flesh that had to be purchased.

KT: How would you rate the current land use system on a scale of one to ten for how well it has fit what was envisioned back in the early 70s?

McLENNAN: That's really just pulling a guess. Probably around a seven, I suppose, and that is just a guess. But, I think we probably idealized the more perfect scheme, but—or idealized a more willing or assiduous implementation than has been achieved. But, on the other hand, I think that the gloss that's been added by the series of court cases, the decisions of the Court of Appeals and the Oregon Supreme Court, were probably not envisioned and are a definite plus. To get a more precise reading on that you'd want to talk to somebody like Dick Benner or Henry or Bob Stacey, one of those people who would kind of lay out in a systematic way what they achieved that did gloss the scheme and much improve it. And I don't think we, Henry, or some of those young lawyers may have known at the onset that they hoped to do those things, but I'm not sure. That probably was not well defined in their minds. I think that more evolved as opportunities arose. But it would be interesting to look at that question.

KT: What were the strengths of the land use reform effort in Oregon?

McLENNAN: That it got done. That it was doable. And I mean, that's sort of the telling thing, because if you'd wanted a perfect scheme it wouldn't have passed. You couldn't possibly have built the coalition, and you would've just had a sequence of failure after failure after failure. And so, again, you know, it's always the art of the compromise that gets you each bit of progress in a legislative scheme. You never know whether you've compromised a little bit too much, or whether you've just been very lucky to get what you got. At the time, I can remember thinking they'd compromised a little bit too much, but that isn't necessarily the correct assessment. I mean, I think Ted would probably say he had to give up every piece of flesh that he gave up.

KT: What were the weaknesses of that effort? Were there any?

McLENNAN: Well I think the difference you had to give to the local government is the weakness in the scheme in terms of its efficacy. And I may be overly harsh, but sometimes when you make those tradeoffs, why you come away saying, "Well, I thought this was going to be a weakening, but in the long run there've been benefits, collateral benefits from that involvement that I didn't anticipate." I may not be close enough to it, but I don't think there have been at the local level, many collateral benefits. And that may be too harsh. But at least I don't have that, in this case, I don't have that perception. And sometimes I do have, you know, sometimes I'm willing to say, "I would have been more doctrinaire, but I probably was wrong." But on this one, I think it was empirical and probably necessary, but not necessarily good. Or at least not to the extent that we had to give local autonomy.

KT: Looking back, would you say that anything should have been done differently?

McLENNAN: Again, if it had been a means of giving special consideration to particular places or particular kinds of places, that would have put the stamp of state importance and significance on them. I think that would have been, if we had—if it had been possible to give flower to that, and at this stage I can't go back and recreate from an administrative law perspective what I would have done to write those things differently or how I might have amended the bill in such concessions to get that done because those things have to be done in a studious way and competently, but that's where I think the scheme is particularly lacking. And now, Goal Five, I know something about how that has been handled, fenced off, or whatever in terms of forestry, because the 1987 amendments of the Forestry Practices Act were an attempt to subsume most, not all, but most of Goal Five into the Forestry Practices Act as far as forest lands were concerned...and I think with reasonable success. Whether again, somebody like Dick Benner who was negotiating it for 1000 Friends would have opinions on whether he gave up too much in that process, or whether it was done—whether he got all he needed to get. But I don't know whether in terms of ag lands or urban land, commercial, industrial lands, whether anything comparable has been done that really gave some flower to the intent of Goal Five. Something is getting done on forest lands, but I don't know if anything is getting done that's enough on ag lands or other kinds of—or urbanized lands. Goal Five was probably too much of a mish-mash, I mean historical buildings, log cabins, wolverines, and fish, rattlesnake nests, and the whole thing. I think there was a sensible determination that you needed to limit your goals, and of course we added some in the interests of coastal zone management. In the Coastal Zone Management Act we added four coastal goals and we added the Greenway Goal, and they may have added others, I'm not sure. But anyway, Goal 5 is the one particularly that has always troubled me because I never felt like I could get my hands around it. And so I question whether it's doing enough and that right now, things like the Endangered Species Act focus your attention on the need for the state to be able to grapple better with at least some of these wildlife resources. And probably land use planning could have been a better compliment than it is to that.

KT: Is there anything else you would like to share as we wrap this up here?

McLENNAN: No, not in reacting to this.

[END OF TAPE]

APPENDIX H: Logan Interview

KT: This is a phone interview with Mr. Robert Logan, conducted by Mrs. Kami Teramura, Community and Regional Planning masters student at the University of Oregon, on July 9, 1997.

[TAPE ONE, SIDE ONE]

KT: My first question is: How were you involved in the reform efforts that led up to the passage of Senate Bill 100?

LOGAN: I was the head of an agency called the Local Government Relations Division of the Executive Department. I believe it is now called the Intergovernmental Relations Department or Division. When I first started with the state in 1968, I was the Intergovernmental Coordinator and an administrative assistant to the Governor. Then there was a reorganization and I became the head of Local Governmental Relations, I--Nobody ever told me that I was not still an administrative assistant. So I always acted like I was.

Let's see, in '70-'71 the legislature eliminated the State Policy Planning Division. Arnold Cogan, the State Planning Coordinator, had left prior to the Legislative action. I took on a lot of the elements of the state planning function. My job had been to primarily work with local governments. Our Division was responsible for establishing regional planning agencies all around the state i.e., Lane COG, Mid-Willamette COG, etc. A Council of State Governments was set up in each of the fourteen administrative districts. The McCall administration was trying to decentralize state government so that people could understand what was going on in their local area. My part of that job was to work with the local governments and be a facilitator with the state agencies. My office was also the A-95 clearing house to coordinate almost every federal grant that came into the state. The COGs coordinated federal grants at the local level. This process had been established to avoid duplication and overlap of projects. A lot of times we were the ones, our office was the one to ask the hard questions.

KT: You had to be the bad guys?

LOGAN: Well, yes. I had an interest in that type of thing and nobody else was doing it. We used to raise questions, for example, I remember we asked them to close a freeway interchange and the Highway Department was shocked. The project was held up for a long time and the project was scaled down. When the legislature eliminated the state planning activity I took over the implementation of Senate Bill 10, which was the predecessor of Senate Bill 100. SB 10 required each city and county develop a Land Use Plan, but it didn't say how. Whenever there was a problem, for example, septic tank pollution on the coast, or whatever, some of the state agencies would use the catch-all, "Oh, this is a land use issue. They're

polluting the beaches. Oh yeah, real big land issue." I gradually became deeper and deeper involved in land Use issues and then I really saw it as a way to strengthen the 14 Councils of Governments (COGs). One of my original ideas on land use planning was that I wanted to coordinate it at the regional level through COGs. And that was a lot of my motivation. Others on my staff, Herb Riley, and a young law student helping him by the name of Gary Ross, saw the need for land use changes. Herb had experience at the local level and worked for Wes Kvarsten at Mid-Willamette Valley COG. Herb also felt the need for major subdivision reform. We knew Senate Bill 10 really didn't have any teeth in it, because you know, a local government could just thumb their nose at you when you tell them to do a plan. One thing led to another and as you've probably read, Hector Macpherson and I talked. I can't remember whether I went to his office or he came to my office, but we agreed to try to generate land use reform. The Senate had refused to form an interim committee to study land use in 1972. Our Division had quite a bit of money and quite a bit of flexibility to do their type of project. I didn't really have a day to day supervisor and so I pretty much did what I wanted to do. I would write memos to the Governor saying I'm going to do this, this, and this unless you tell me not to. He was very supportive of our activities.

KT: I think he must have had a lot of confidence in your abilities too.

LOGAN: Well, he was really interesting. I didn't have a close talking relationship with him in the sense that I could sit down and talk philosophically about a topic. I would write him memos and he always read everything. Often he would respond by note or comment to me about a proposal. I would send him a memo and then I'd say at the end of it, "If you don't want me to do it, let me know soon."

So Hector Macpherson and I set up our study committees. We put a lot of the progressive city and county people on it and some progressive and concerned citizens. Hector put a lot of his folks into it, and then my office staffed these committees with Herb Riley and Gary Ross. We had two committees. I stayed very closely with committee activities thru staff. I was responsible for some parts of the land use law proposed. I put the regional agencies (COGs) in it first and that was later dropped out. I was responsible for the name. Previously my staff and I had put together the Oregon Coastal Conservation and Development Commission. We'd done that a year or two before SB 100. We did a planning program for the entire coast and created a local/state entity to do it. I liked the CDC type of name. There was a lot of sentiment for, and in fact the Governor was supportive, to make the Department of Land Conservation and Development report directly to him and not to a commission. There was a lot of sentiment for that because Governor McCall was a very strong individual and he wanted to be in the thick of things. I prevailed on him that for the future it wouldn't work. "It might work for you but it wouldn't work for the future." The type of decisions to be determined would be the no-win type of situation that won't please anybody. There

were some other things that I did along the way in SB 100. It was my aim to make a state planning element. The idea that the LCDC could tell a state agency not to do something, but it couldn't tell a state agency to do it. For example, it could tell a state agency that it could turn down an expansion of a university for example, but it couldn't tell the university where to build. What I wanted to do was force state policy planning. This was Machiavellian, I guess to a certain degree, and I'm not sure it has worked. Maybe people didn't understand what some of the intent was, and maybe I didn't understand it because it is over twenty years ago. What I wanted to do was to set up a conflict resolution type of agency or system in state government. I actually even drew it out on a piece of paper and used it to explain it to people. They probably thought me crazy. What I thought was that if the land use agency said no to the highway department then where would that point of disagreement go? It should go the Governor and the legislature. What I saw was the same type of process at the state level as you have at the local level. I thought that the ultimate decision makers should be the elected officials not bureaucrats. I probably differed from a lot of people in my view of SB 100. I'll never forget, after we had passed all this new legislation and we were bragging all over the country, I remember Ron Schmidt, Governor McCall's Press Secretary, calling me up one day and said one of the major magazines, I think it was *Life Magazine*, or somebody, wanted to send out a crew of photographers so that we could show them some examples of good land use planning. After considerable thought, we told them Sunriver. We did not know what was "good" land use planning. we used to play a little game around the office like, "What the hell's good land use planning?" "What's wise land use planning?" "What's comprehensive land use planning?" The whole aspect of planning, I felt, was that it's in the mind of the individual. What I always thought was that it wasn't so much the decision that local government made when they made a land use decision. I didn't care. I wanted to set up a process so it laid out all the facts on the table. How they interpreted the facts was the elected officials choice. I wanted them to consider the facts, because most land use decisions up 'til then hadn't had facts considered. So what I think ended up in the implementation of SB 100 is that simplistic little idear of mine got lost in the legal mumbo-jumbo of the details, goals, and objectives. I didn't pay much attention to the implementation of SB 100 because I had pissed off so many people in getting the legislation adopted. I was the messenger bearing the bad new often to some of the folks that were fighting it, and I couldn't have survived as the first head of LCDC. In fact the Governor, a couple months after the LCDC was formed and going commented to me, "Bob, why didn't you come to me and ask to head LCDC?" I said, "'Cause I knew I'd get killed."

KT: Self preservation.

LOGAN: No, because whenever you create something this revolutionary, SB 100, then the bodies that you leave behind are incredible. This was not always good times when we put SB 100 together. There were harsh words spoken throughout. Although I'll tell you, there were some things that we did that were accidental that made it work. For example, we did Project Foresight. I don't know if you heard of that one? Probably Wes told you.

KT: Actually I have. And I've been reading your document too, the *Oregon Land Use Story*, and it does a very good job of describing it.

LOGAN: Yes, I decided to put some of the background in writing. I didn't write all of it, but was the chief editor. But I followed it closely. Project Foresight was interesting. One day we were at a Governor's staff meeting and the Governor said, "You know, by God, what we need to do is we need to do a plan for the Willamette Valley." I said we would take a look at it and knew that it would be almost impossible. There's only five or six hundred units of local governments, a couple hundred state agencies, a couple hundred federal governments all doing planning. How the hell are we going to do that? So I decided to do it through the four COGs, Lane COG, Mid-Willamette COG, the Linn-Benton COG, and CRAG in Portland. We created this coordinating committee and we set forth to do Project Foresight. It was basically run by the four executive directors of the COGs and myself. We hired Lawrence Halprin and Associates to do it. He was a noted landscape architect and planner out of San Francisco. What a turkey he was. He was terrible. We picked him and then things went down hill. He didn't deliver a quality product and my staff ended up writing most of the book. It's the one, if you haven't seen it, some people refer to it as the coloring book.

KT: Yes, I've seen it. People really hold on to that book.

LOGAN: It's amazing because we ended up doing ninety percent of it in-house. I wouldn't talk to Halprin and wouldn't return his calls. I was just so furious because he wanted to bill me extra for writing the report and study. He claimed he was only supposed to give us ideas for \$50,000. I refused to pay about half of his contract because of his inability to perform. I knew from the start the Willamette Valley plan was something dramatically different, so I gave him one of these "trust me" type of contracts. The guy screwed me, and so I didn't pay him. He would send me an invoice, and I would take it and roll it up and I would throw it into my waste-basket. Halprin even started calling the head of the executive department and then the Secretary of State, Clay Myers, and the Governor's office, and plead to be paid. They'd call me up and say, "Pay the guy, will ya?" And I'd say, "I'm work'in on it." I didn't pay the Halprin for eighteen months. I don't know if it taught him a lesson, but I got my revenge a little.

When we were working on Project Foresight, then I had an idea that I would create Feedback, a non-profit corporation to distribute information on land use planning and growth and development. Ken Bonnem became the Executive Director. I think we mentioned Feedback in the *Land Use Story*. I used HUD money to set it up. I hired the executive director and put together a board of directors. The President of the Chamber of Commerce out of Portland, and a couple legislators, and Maradel Gale of Eugene. Is she still active down in Eugene?

KT: Yes, she teaches at the University of Oregon.

LOGAN: She was on the board. Each time we went out to show the Project Foresight slide show, and it was one of these tear-jerkers that showed, "Well, we can't control growth, but we can plan for it. Do you want to look like L.A.?" And we'd show pictures of L.A. "What do you want Oregon to look like? What we need is some sound and wise land use planning so we know how to plot our future." We had this on tape with nice music and slides. It was a great show. We must have shown it about two or three hundred times to different groups in the Willamette Valley.

KT: In the book it quotes two hundred and seventy-five times.

LOGAN: It was a whole bunch. And at every place then we'd pass out a card at the end of each show and said, "Are you interested in helping to preserve Oregon's future? Would you like to stay abreast of land use issues?" Something like that. Then they would fill a card. We ended up with about ten or fifteen thousand names and addresses. Every three weeks or so, they would receive a newsletter from Feedback about what's going on. We went into the legislative session with about ten or fifteen thousand people receiving info on land use. It was absolutely amazing, and probably to this day, only a few people knew that I was the one behind it. I guess investigative reporters didn't investigate very much in those days. Well, reporters liked this. See the reporters liked McCall's administration. He had a wonderful way with reporters and so they went out of their way to make him look good in about all occasions. I don't think I ever told the Governor about Feedback. He may have known but we never talked about it. The Feedback Board of Directors had legislators on it and had a nice cross-section of people. Feedback was funded for two years, and then I decided that this is the type of thing that people can abuse and discontinued it. It served its purpose. Later on, after SB 100 was adopted, I started on a process to reorganize local government and try to do something about the many layers of local government and all the overlapping special districts. It's still probably screwed-up to this day. I was going to use the same process that I'd used on land use with the Project Foresight type of approach, i.e., slide show, seminars, and then a newsletter from Feedback. I got started too late in the McCall tenure and canceled the project.

KT: Well, I think it was definitely one of the most effective processes in the whole land use reform effort.

LOGAN: Exactly. You ought to talk to Ken Bonnem. He'd be a great interview.

KT: Okay.

LOGAN: He works for the Oregon Department of Transportation. He's a computer whiz over there and he could tell you a lot of the fun stuff. The other thing Feedback did was to encourage the formation of neighborhood associations. Feedback actually was out helping groups form around the state. At the time, I was the President of the South Central Association of Neighbors in the Salem area. It was a very active neighborhood association. We sued the City of Salem on a land use decision. We had some really bright young people working in our division. There was a brilliant law student from the Willamette, and she helped invent a compensatory zoning idea. She developed a means to implement compensatory zoning where people would be paid to downzone their property. In '73 we probably could have passed the law but I got scared because we hadn't thought it all the way through.

KT: You wanted to make sure first.

LOGAN: Yes, and I was trying also to figure out a way of capturing windfalls, so that if we upzone property and somebody received a lot of money for being near a freeway interchange, I wanted some way that the public could capture some of that. So that then there'd be a balancing of upzoning and downzoning.

KT: When did the need for land use reform in Oregon first come to your attention?

LOGAN: Oh, it kind of grew. It came out of the ineffectiveness of Senate Bill 10 which had no teeth. I didn't really get involved until I was working on Senate Bill 10, probably the early '70s. Then I got into Senate Bill 100. I didn't understand, and I still don't to this day, know a lot about the goal setting and the objectives. That wasn't my cup of tea. I was not knowledgeable about critical areas of environmental concern. I'm not an environmentalist. My main purpose in SB 100 was to establish that process where elected officials knew what their choices were and could make informed decisions.

KT: Who influenced your ideas for land use reform?

LOGAN: A lot of it came internally. Herb Riley was very good and Wes Kvarsten. We talked a lot among us, especially the Regional Planning people. Hector Macpherson had his set of ideas. Hector's push was towards saving agricultural land. I certainly had strong feelings against urban sprawl. We did a report early on and published it. It was called the Charbonneau Report. I don't know if you ever came upon that in your research.

KT: No, I haven't. It's called the Charbonneau Report?

LOGAN: Charbonneau. It probably might be in the archives at the state historical society. The Charbonneau Report basically—do you know where the Charbonneau development is south of the river at Willsonville?

KT: Yes.

LOGAN: That development was built on about forty-eight inches of Class I prime agricultural soils. It was the first of the development coming south of the Willamette River from Portland. We criticized it and said it shouldn't happen. It was rather interesting to have a State Agency being very critical of development at that point. What made Charbonneau bad, and this was one of the things that we pointed out, is that the state highway department unknowingly accommodated the development by hanging water and sewer pipes to a rebuilt freeway bridge. In their mind it was good planning because they were planning for the future. In our mind, and what we tried to point out, that decision by the Highway Department had serious repercussion for important agriculture lands and urban sprawl in the Willamette Valley. The developer did not like our report but it was well received elsewhere. I need to stress there was no Master Plan for SB 100 and other activities. A lot of things happened and we responded. My role was as a facilitator, a coordinator, I made things happen. I didn't do everything, but I was at a key spot and I was very aggressive and pro-active.

KT: Thank goodness.

LOGAN: Oh well, you never know on something like that. A lot of it's luck. Somebody would come up with a good idea and we'd say, "Let's try it." The Governor was on his last term—he could not run again. We could do many things and not worry about it harming a reelection. I was not a political appointee. Prior to coming to the state, I had been the City Manager of Tigard. I used to tell people that I'm not a planner. "But I know all about planning," I said, "because I've screwed up a town." Tigard was a rapid growth situation and I learned a lot.

KT: Were there any constituencies who surprised you with their support for land use reform?

LOGAN: No, because we hustled 'em. We hustled the business community. Probably one of the key individuals that came out of the woodwork and really helped us at the end was Glen Jackson, the Chairman of Pacific Power and Light and Chairman of the Highway Commission. In November, 1973, we had the Governor's Land Use Conference, and Jackson was the Chairman of it. There were about seven hundred people at the Hilton in Portland at this land use conference. The mood was not whether the SB 100 was going to pass, but what form it would take. We had this really slick slide show with about six projectors and film to start the conference. It was about a twelve minute slide show on growth and development—to the tune of Cat Stevens singing "Where Will the Children Play?". It was a great success.

I'll never forget the night before the conference we had the first screening of it, and the guy from the advertising company was shaking in his boots. I was very concerned too because I hadn't seen it in entirety and this was the kick-off show for the conference and hopefully set the whole mood for it. I remember Glen Jackson coming for the preview. This was the early seventies and we got Cat Stevens, a long haired hippie, singing to a bunch of straights his "Where Will the Children Play?". Glen Jackson came up to me after the preview and I said, "What'd you think Glen?" He replied, "Well, I don't understand that stuff too well, but my wife liked it." The show is somewhere probably in the archives in Salem. It was a great show. I used it later in Wyoming. I modified it and used it to help implement the Wyoming Land Use Law in the late 1970's. We did a series of land use workshops in Wyoming and used that slide show. It was effective.

KT: I know that with the twenty-fifth anniversary of Senate Bill 100 coming up they would probably like to bring it out of the archives and use it during some of the celebrations.

LOGAN: It was good. We did a lot of creative things like that. Who influenced us? I was probably susceptible to any influence. If somebody had a good idea and it was working in our direction—great. What did Wes Kvarsten characterize my role as?

KT: He described you as a facilitator.

LOGAN: Yes, I was the driver. I'm one of these types of people that is relentless. And I'm also hard-nosed. My role in SB 100 was that I made sure this thing got ready to be put together. Later on I got bumped as a main player of the process by L.B. Day. I still kept my finger on things but didn't play a key role in L.B. Day's Committee. Hector liked L.B. Day but he and I did not get along. We had reached kind of a key point in the legislature and so L.B. headed a committee to try to put together some pieces. One of the items that got thrown out were the COGs. We kept the one in Portland which was the most important. But some of the county and city official types, especially at the League of Cities and the Association of Counties, didn't want COGs to play a role, because they thought it would diminish the power of cities and counties.

KT: I hear a lot of talk about regional governments still.

LOGAN: Oh yes, and it's still a bug-a-booo because one of the constituencies against SB 100 was the Association of Counties and to a lesser degree the League of Cities. What we did was, we enlisted members of their group to support our efforts. The executive directors of the two associations had come repeatedly over the six and a half years that I spent in State Government to ask the Governor to fire me. As an ex-city manager I was not doing what they wanted. I just didn't feel like I had to be a mouth-piece for the League of Cities and Association of Counties. I had my own opinions as an ex-city manager on what I thought local governments needed. One of the things I found is that most state agency people have a low

opinion of local governments. They think they're a bunch of dunder-heads. I had to avoid being an association's mouth-piece to have credibility at the state. We also had realtor groups who opposed SB 100. I was able to enlist prominent realtors to be supportive. Some of the Association of Oregon Industries people opposed us, especially at the staff level, and the Home Builders Association to some degree. But I was able to recruit key people out of their organizations off as supporters. I don't mean to sound like I did it all, there were a lot of helpers. Hector did a hell of a lot in the legislature. When we put together the land use legislation, we put together a package of laws. We revised the subdivision laws, the planning and zoning commission make-up, established conflict of interest on land use, and a new Land Development Consumer Protection Act. I assigned two full time staff members to monitor the legislature. It was an evolutionary type thing. As I said, none of us had actually sat down and made up a grand plan of how the land use laws were going to be implemented. As I have looked back, my role was a facilitator—the Governor trusted me, I had a track record on dealing with regionalism, most of the state agencies trusted me because I'd been there for six or so years. I knew I was not going to stay in state government, and probably not in Oregon, for my whole career. And so I was not trying to survive. If somebody wanted to fire me over this-go for it. It takes at times, whenever you have massive change—and the Governor was very strong. He listened. I would brief him on an item and he would comprehend immediately. I didn't have a close talking relationship with him, but I guess in twenty-twenty hindsight, you don't realize it at the time, he did trust me a lot. But, I didn't realize it at the time. It wasn't like he would call me up and home and say, "Bob, I'd like you to do this, this and this." He didn't do that. I'd play golf with him once in a while. He'd say, "How's it going?" I'd say, "Pretty good." Tell him who we've got problems with and then we would go on and play more golf. So it was that type of a relationship. The previous Executive Assistant to the Governor, and a person that has never received credit for land use, actually motivated state agencies to be ready for the law. His name is Ed Westerdahl. He didn't directly work on SB 100. Ed was the Governor's Chief of Staff and he was a very strong administrator. He was at times ruthless and merciless, but he made Governor McCall a strong governor. Westerdahl had left prior to the SB 100 push. We had very good support inside the Governor's office. Kess Cannon, an Assistant to the Governor, worked his tail off on the land use issues.

KT: What values or ideas did you believe needed to be contained within the land use system?

LOGAN: I think I've said it Kami, and that is that my basic goal was that we needed an open process.

KT: Needed to bring up the facts and let...

LOGAN: And let the appropriate level of government decide how it should be done. That's where I have been shocked since SB 100 has become a legal type process.

KT: Do you think that your values or ideas have changed over the years in any way?

LOGAN: Mine?

KT: Yes.

LOGAN: No. My values have remained about the same. I'm maybe more pragmatic now, more knowledgeable. It's very interesting. People say to me, "Oh, you just happened to be at the right time at the right place." I never believed that. Now that may be my ego talking, but I've been involved in other dramatic governmental changes in other places. What you don't find in most governments—not necessarily in land use—is risk takers. What I was in Oregon state government was a risk taker. The idea that I would create a non-profit corporation with HUD money, and the NPC would do lobbying and set up citizen groups to fight governments is quite a risk. I made a lot of mistakes and I pissed off a lot of people probably that I shouldn't have, but I did take risks. When people say, "Well, you can't do that today." Yes, you can. I've done it.

KT: It makes you more determined.

LOGAN: Well, you're determined, and you just do it. Common sense is the guide and if somebody doesn't like it, then they should get in line and sue you. Often times, government officials end up trying to cover their tails. What happens, and I don't mean to be philosophical, in an Oregon type situation is the foundation has been there for quite some time for the land use law. Most people don't understand what the details of SB 100 are. They're still talking about sound land use planning, wise land use planning. It is and should be a process. It's been interesting, every year or two I get a call from somebody who wants to know what I did on land use planning because they see my name, or somebody mentions it. I tell them about much the same thing that I've talked to you about. I've never received a call from anybody in LCDC or state government saying, "How did you do this?" "What was the intent of this or that?" One of the reasons that I took the time to write *The Land Use Story* was to provide a history of the land use legislation because people forget in government.

[BREAK]

{The tape breaks in with Logan already speaking.}

LOGAN: Governmental change. It depends on the risk-takers. Is the key decision maker, the Governor, a risk-taker? Is he willing to put his career or reputation on the line? I remember talking with people in Arizona about the Governor Bruce Babbitt. He is now the Secretary of Interior. Somebody commented to me, "You did the land use law in Oregon, could it be done here?" I said, "Well, the

Governor's got to be a risk-taker. Was Babbit a risk-taker?" "No." To me, risk taking is probably the fundamental need for change. Hector Macpherson was a risk taker and wasn't really worried about a second term. He was not a professional politician. He put a lot of time and devotion into SB 100. Hector's role in the adoption of SB 100 was tremendous. He is one of the most sincere individuals you'd ever meet. He has an instant credibility like a Forrest Gump to a certain degree. I don't mean this comment as negative and he was well before Forrest Gump. He's a sincere, and genuinely nice person. He was the perfect person to be out front on SB 100. If I had been out front and SB 100 had been called Logan's Land Use Law, then I don't think the legislation would have passed. Somebody would say, "That guy wants to become the czar of the state." Instantly you knew Hector didn't want to be the Czar of Land Use. And who could doubt McCall? The Governor had some doubters, but a large majority of the people didn't distrust him because he was a straight talker and very sincere. McCall talked about future generations and the land. We had some of the right people in place in Oregon for land use change. They are prevalent in every state and it's a matter of whether the risk-takers are willing to do it. It was interesting, Kimberly MacColl, did a book for the Oregon Historical Society and presented it at the Portland Press Club. Have you seen his book?

KT: Is it *Fire at Eden's Gate*?

LOGAN: No, it's Kimberly, Kim MacColl. You might want to get it. It is on file at the Oregon Historical Society. He called land use the most significant political event in Oregon in the last fifty years. When he addressed why, well it was because of risk-takers. Maybe if I hadn't been there at that time then maybe there wasn't another risk-taker on the Governor's staff. Maybe they wouldn't have had the courage or audacity to just go off and do Project Foresight or Feedback? It was a fun time for me. I had a great time.

KT: Now you were saying that you're not really familiar with the current land use system in Oregon or how it's matured.

LOGAN: No, in fact I've just read some of their printed material and I know it's got quite a lot of legalese in it. I often thought that I would write an article sometime and say, "That wasn't what I intended." I didn't intend, for example, that a farmer who wanted to build a house in an exclusive farm use zone could be denied. According to the newspaper, he was building it on a hill with rocky soil and was denied a permit because the land was in this exclusive farm use area. I didn't intend that. My intent was to save agriculture land—the highly productive lands. We wanted to put houses on non-productive lands. I felt a more common sense approach was appropriate. A few years ago I read of the now famous decision in Tigard on the land use law involving the Fanno Creek. If I had been City Administrator, the issue would

never have gone to court. I often thought about it. I said, "Well, the city must have been stupid. There's many different ways to cut the deal and accomplish public good. Why spend all that money on attorneys fighting that type of issue?" Now there is a court case that some of the attorneys are saying sets precedence. As I mentioned, I was the first City Manager of Tigard so I could tell you I would have done something differently if I had been there.

KT: Citizen participation is a large component of the Oregon Land Use System. Did you ever follow or watch any of the citizen participation as it occurred in the land use system?

LOGAN: You mean as it got implemented?

KT: Yes.

LOGAN: No. I know LCDC staff went around the state and Arnold Cogan put on dog and pony shows and talked about Goals. I never followed the system as it related to getting involved in the planning process. After the law was passed I said, "Listen, I did my part." I spent another year in Oregon but I didn't get involved with LCDC. They didn't ask and I didn't volunteer.

KT: Do you personally feel that citizen participation is practical for local governments to implement?

LOGAN: Yes. I have always liked citizen involvement. I've always been a neighborhood type of person. When I was the City Manager in Tigard, I experimented with putting together neighborhood groups. In fact, I remember passing a very complicated tax base budget election. I broke the city up into neighborhood groups and met often with them. If I had stayed in the City Management business, I would have been experimenting with neighborhood budgets. Let the neighborhoods set their own budget. Not too many people have done it, but I think, one of the ways that you have to reach out to people is to get more involvement. That was the intent in SB 100—to get more public involvement. If it slows the process down a little, so be it. In Oregon in the early 1970's, we had a system that was basically dominated by the 'haves'. To a certain degree, opening up the process meant more people involvement. Plus, Oregon's always been, especially the Willamette Valley, a very proactive type place. We used to compare Eastern Oregon to the Willamette Valley. I remember one time when we were trying to form regional agencies, planning agencies, and Baker County didn't want to form one. I remember giving a speech, and we offered to let Baker County de-annex and join Idaho if they didn't like Oregon. They got pissed at us. There has always been quite a difference in rural and urban Oregon. In the late 1970's, I helped implement the State of Wyoming land use law. In that case it was a combination of the agriculture interests and the environmentalists that sponsored it. They basically were lining up together against the big coal companies and the utilities. They saw land use as a way of protecting some of their own interests. It kind of fell flat on its face later on when the farmers and ranchers realized that land use was going to affect them too. It's

okay to do it to somebody else, but they don't want it done to them. Oregon had some tremendous leaders, especially in the environmental movement. I mentioned Maradel Gale. I haven't seen her for years, probably for twenty-five years. She was an environmentalist, but she was extremely practical. And Steve Schell, who's an attorney in Portland, same way. So, Oregon was blessed with some practical environmentalists. They may not think of themselves like that, I don't know. Is Maradel well thought of still?

KT: Oh, very much so.

LOGAN: She was one of my favorites. If you see her some time, remind her of me. One of the things when you say, things I should have done, is I didn't involve the university as much as I should have.

KT: How would you have involved them?

LOGAN: Well, I made a bad mistake. I learned later on, I should have taken advantage of talent at the Bureau of Governmental Research and Services of the U of O. They were a conservative, drag-your-heel type of organizations. At least that was my view of them at the time. Later on, I wish I had used them more to help me think through some of the processes. The academic had more time than the front line administrator. Ted Sidor of OSU Extension helped dramatically in selling the concept of land use planning. I had a problem with planners that thought that they had the answer to your problems. In fact, our staff used to laugh about them and call them 'aips' because they were the American Institute of Planners at the time, AIP. That's probably why I don't receive invitations back, I was not one of their planner types. I'm sure they thought to have an ex-city manager be one of the ring-leaders on the land use was kind of something false. John Kerrigan came to the University of Oregon, but it was too late in our term to use his talents. I'd infuriated the people at the Bureau so bad, by the time I patched up the relationship, it was too late in the term to use them. What had happened was for years they had run all the local planning and passed out all the HUD planning money. The Governor, Ed Westerdahl, and I decided to transfer that activity to the state. So Westerdahl told me one day, "Bob, I want you to take over the planning program." I said, "Okay." I went down and I met with Bureau staff and I said, "We're transferring the program as of the end of the month." We did it. I bruised a lot of feelings by doing it that way but it had been dragging along for a couple of years. It took a while to repair and they would've been good people to help me think through some our projects. I had the drive and the aggressiveness, but I just wasn't that smart to think through a lot of those things.

KT: You've mentioned the strength of the land use reform effort in Oregon was that there were a number of risk-takers that were involved. But, what were the weaknesses of the land use reform effort?

LOGAN: I would have liked to have had the COGs, the 14 Regional Districts, play a role in land use planning—similar to Metro in Portland. I probably should have stressed more to my staff in the writing of SB 100, that I wanted a simplistic process, not something as cumbersome as what is there. Wes Kvarsten came up with one of the really good ideas, the line of urban containment.

KT: Oh yes, the Urban Growth Boundary.

LOGAN: We were kind of playing around with that concept, and I don't know who the hell came up with the idea. Wes or somebody on our staff. I had been playing with the concept when we did the Charbonneau Report and saw the need for an urban growth boundary. It has sure turned out good. I saw urban growth boundaries in the early seventies when I went to Hawaii. They had a defacto urban growth boundary, because seven families owned all the land. They controlled growth by controlling the amount of land allowed for development.

[TAPE ONE, SIDE TWO]

{The second side of the tape begins with Logan continuing to address the subject of urban growth boundaries.}

LOGAN: I always felt the boundary would change because you create high property values inside the boundary. Then you have questions of affordability of housing. One of the other things that I would have done, is that there needed to be continual tinkering with the law to refine the process. For example, I felt strongly that the issue of compensatory zoning should be looked at. The question of urban growth boundaries and affordable housing probably needed to be looked at. Other things that needed to be looked at were planning mistakes of bygone years, i.e., strip commercial zoning. You see it in Eugene as you drive out south, look at all that commercial clutter out there. How are you going to get rid of it? Those are the type of things that I thought should be given more thought. I probably should have considered pushing for maybe a permanent legislative committee to look at land use issues. People aren't all wet when they say, "Down zoning is taking my private property rights." There's some credence to that. The question is: How do you solve it? Sometimes the solution is worse than the problem. We used to joke about good planning on the coast. The people that were the most fervent environmentalists and activists on the coast were the folks that just bought their vacation home last year.

KT: Is there anything else you would like to share?

LOGAN: I certainly didn't mean to sound like I was a lone ranger on SB 100. I wasn't.

KT: I don't think you do at all. You did have a lot of foresight.

LOGAN: I had actually thought about some of the issues, but I thought about them as I was doing them. Maybe more thought should have gone into it from the academic side, but the train was moving. A

couple years after the SB 100 enactment, I went to a conference on land use. I can remember hearing a group of attorneys telling what was in the Oregon land use law and what the intent was. I couldn't believe it. These guys had no idea of what the hell the intent was. They were debating it and I'm sure they still do.
[END OF TAPE]

APPENDIX I: Macpherson Interview

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KT: This is an interview with Mr. Hector Macpherson, conducted by Mr. Clark Hanson for the Oregon Historical Society, at Mr. Macpherson's farm in Oakville, Oregon on February 20, 1992.

[TAPE 7, SIDE 1]

CH: Now, at the end of the '71 session, weren't you trying to put together a task force on land-use planning at that point?

MACPHERSON: Well, SJR (Senate Joint Resolution) 13 - are we over that now?

CH: Actually, no. In fact, eventually I wanted to drop into the history of...

MACPHERSON: Of course, that was the '71 session.

CH: That was the '71 session, and then there was Senate Bill 10 in '69.

MACPHERSON: Of course, I was not a part of that except that I was observing what happened, and I have looked into what did happen with that.

CH: So what did happen in '71, then, in terms of land use?

MACPHERSON: Virtually nothing. That was, of course, the reason why I got concerned, is that here was an issue that I thought desperately needed to be addressed, and nobody really wanted to address it.

CH: Didn't the '71 legislature create the Oregon Coastal Conservation and Development Commission?

MACPHERSON: Oh. Let's see, was that created then? I thought it was there before.

CH: Well, down here in my notes I have that it was created to coordinate planning and was responsible to the state legislature and not local interests entirely. And you have mentioned - you've already mentioned this, but at some point I remember you talking about this.

MACPHERSON: Well, of course, it was the - certainly when the '73 session came along, that was a part of the thing we were - that I was trying to remember. I don't remember the debates on the creation of it. I would have to go back and see whether it really was made a part in - or whether it came in '69.

CH: Now, what was this other piece of legislation that you mentioned?

MACPHERSON: SJR 13?

CH: SJR 13.

MACPHERSON: Well, that was what I sponsored because I wanted a study instituted between the two sessions on the problems of land-use planning, and to try and get an official task force appointed with the funding to look into the different problems in land use and to get a coordinated land-use system.

CH: And Burns turned you down on that?

MACPHERSON: No, not really. He didn't turn me down on it at that time. What happens with something like that is that the committee passes the bill - and it went out on my committee, and I don't believe there was an opposing vote to sending it out of committee - but then it has to go to Ways and Means where it gets funded, and it simply went down there and died. Now, as President of the Senate he could have asked the - he could have told the Ways and Means committee that this was one that he had a real interest in, and he could have gotten it funded, but, you know, when they jockey back and forth as to, well, what are we going to do in the interim, what things should we fund and what things we shouldn't, and this - and he simply didn't, was, well, we didn't think we could fund that as a separate thing, but we'll try and put you on somewhere in some one of the - on the Natural Resource interim committee to where you can work on that as a part of an official body, but it will not be funded or addressed separately from that. So I was given to understand that, yes, this was something that he would allow us to work on and that I would be a part of it, but that isn't what came to pass.

CH: So what did you do during the interim, then?

MACPHERSON: Well, immediately upon the close - in fact, in July, I think, after the '71 session was over, I wrote to Maradel Gale, who was the head of the Oregon Environmental Council, and said I was quite distressed that we hadn't gotten into this, that I didn't - that my SJR 13 had not been funded, and that I was wanting to start something on my own. She is one that I had worked with during the session, partly on the field burning bill, and I felt that she had not - after all, this was the Oregon Environmental Council that would be very vehemently in favor of trying to phase out field burning as fast as possible, and I found her not too difficult to work with. She came out with a moderate approach and I felt was supportive of the industry even though she wanted us to get on with the job of getting out of the business of making smoke. So she was a person that I felt I could work with. And the only natural allies that I had were people that were in the environmental field, and so I contacted her very early on after the end of the session saying that I wanted to get a study going on my own, but I still hoped at that point to be a part of some official thing which would give me a little official sanction. At that point I was hung up on this thing that I ought to have official sanction. I couldn't just go out and do it on my own, that somehow I wouldn't get anywhere with it the next session of the legislature if I didn't get some senators and some senate backing for what I was doing, plus I wanted some staff to help me do it. I got more and more frustrated as time went along. But to get back to my story, I wrote to Maradel Gale. She recommended Martin Davis as the person who had been working on these kinds of issues and said he was the one I should work with. Martin Davis did excellent work for me. We got together fairly early on, there, and I told him what I had in mind, and, yes, he'd help all he could and try and pull in a few other people as well. But I got tremendous help from the

Oregon Environmental Council, that contact with Maradel Gale, and all this was before - when I wasn't sure which direction we were even going. So I had done this through the summer and in the fall, and then - what trip did we take that fall?

MRS. MACPHERSON: We went to Britain.

MACPHERSON: That was our trip to Britain. Anyway, we headed off and forgot the farm and - well, we didn't forget land use entirely because we stopped and visited the new cities, and stopped down in London and talked with the environment - what is it, the environmental department, or whatever it was, anyway, and told them I was interested in visiting some new cities, and, yes, they would set up an appointment with us, one that was north of London, and so we went out and had a wonderful time being shown around as a VIP to the new city.

CH: And this was in...?

MACPHERSON: September. Came back in September, then, and still John Burns had never gotten on the stick to appoint me to anywhere, and finally, I think it was - it must have been November. Finally, in November I gave him a call one day, and I says, "John, I want to get going on this thing, and if you don't appoint me to something right away that I can get going, I'm going to do it on my own," and I was not very happy. You know, I was not politicking this thing. I think that I also alienated John Burns somewhat because I was adamant in what I was doing. What I learned afterwards is that he had contacted George Wingard, and he was going to put George Wingard in charge of a study on land use things. I don't know whether I was to be a part of it or not, but, anyway, I had already gotten organized by the time this came along, and George said, "Well, we'll let Macpherson handle this, and then I won't get into it."

CH: Why would he have been chose above you?

MACPHERSON: Well, except that he was interested in land use, and - I don't know. You know, I really can't say. I suspect that John Burns just didn't have any confidence that I'd come up with anything that was worthwhile, whereas George Wingard had been around the legislature. See, he'd come from the house, and been in there for several sessions, and he was interested in all the environmental issues, and certainly he was supportive on land use.

CH: So, then, during the next year, then, during 1972...

MACPHERSON: Well, what happened, then, is this. We went on into the fall, and I decided then that I was going to go ahead and do something on my own. I wasn't just sure I was going to put it together. I think it was probably in November that I walked into Bob Logan's office.

CH: November of...?

MACPHERSON: Of '72 - no, this would be November of '71. It was before December. It must have been right toward the end of the month, there, and we were back. You know, I made no contact with anybody on Tom McCall's team up until that time, but I walked in there, and he just greeted me with open arms. He didn't really know who I was, I don't know whether he'd ever hear of me or not, but he says I just walked in off the street. Well, I had, but I'd heard of him as being the one that I should contact. Well, there was some question whether I should have gone to him or gone to Kess Cannon, who was a natural resources and environmentally oriented person. But anyway, I went to Bob Logan, and he says, "Yes, we'll work with you on this." And we sat there on that day, and on a piece of cardboard I've still got we kind of jotted out how we ought to go about it, that we'd team up and create this task force completely on our own, and he'd try to wangle a little staff help with some interns. He had a couple of interns he thought he could staff the thing with, and we decided to have two committees. It was the Macpherson Land-use Action Group, but we had the - it turned out to be the Senate Bill 100 for the policy side, which was the big one, and I was going to chair that; and, then, the other side, because it was such a big field, I got Wilbur Blume, a county agent from Marion County, to chair that, and that was to look at saving farm land from urban sprawl and revisions in the subdivision ordinances. You know, we needed to do something in that area as well. So we sat down, and inside of less than an hour, why, we had kind of plotted what was going to happen and how we were going to do it and that he was going to help me, and from then on we worked on through that - he had suggested people I should contact, and I went down through that list and got on the phone and started talking to people and inviting them to be a part of something like that, and I think I only got one turn down, and now I can't for the life of me think of even the one turn down. Everybody I contacted said yes. I probably ought to get out the list of people that I was trying to get at so that I can give you a little feel for who it was that we were talking about, so if you'll hang on a minute, I'll...

CH: Sure. [Tape stopped.]

So this is the famous piece of cardboard that you and Bob Logan worked up, and what was the end result of that?

MACPHERSON: Well, of course - are you interested - should I give you any of the names that were suggested at this first...?

CH: Absolutely. Oh, please do.

MACPHERSON: We can, and I'm interested because some of these didn't end up where we had projected them the first time. This is in Bob Logan's handwriting, and he didn't call it the policy side, he said the state and local land use. He had Steve Schell at the top, but he had scratched out Martin Davis,

who was from the Oregon Environmental Council, and, of course, I - he was my right-hand person, and I wanted him on that committee, so it ended up that he was on that.

CH: Schell eventually ended up as the vice chair of the LCDC, didn't he?

MACPHERSON: Oh yes, right, he did, but he also worked on the rural development and subdivision side of my committee, so I got to know Steve back then. But since I did not chair that committee, I did try to attend all their meetings. But anyway, on the Senate Bill 100 side of it, Phil Bulledine or Mike Holleran, he said, and County Commissioner Harry Carson from Marion County, and Mary - he thought Jim Moore, or Neil Rhodes, and I'm not sure - Neil Rhodes was Toledo and Jim Moore was Beaverton, the Mayor of Beaverton; and, then, he wanted planning commission people from city and county and legislators, senate and house, and citizens, and he wanted to have a student, and, of course, we ended up having OSPIRG there. And then on the other - well, there's not much point in going through those names, but the ones that actually worked on it, I can kind of run through those.

CH: This is on the - your task force...

MACPHERSON: This is on my task force.

CH: Between sessions?

MACPHERSON: Right, this was the one at the very end of 1971, and we - I think January 7 of 1972 was our first meeting where we all met and organized. But on the policy side, which was the Senate Bill 100 side, why, these are the ones that agreed to serve, and, for the most part, did serve: James Moore, Mayor of Beaverton; Harry Carson, Marion County commissioner; Ralph Fulbright, Lane County Planning Commission; Martin Davis, Oregon Environmental Council; Russ Tripp, Government Committee for a Livable Oregon. Russ was a good friend of mine, a realtor from Albany, that had worked on my campaign with me. A very environmentally oriented realtor, which you don't find too many, and so I was quite proud of his - Norman Hilton of the Hilton Engineering, and he was the one that was suggested by Ted Hallock. You understand that I called Ted Hallock and said, you know, "I'd like to have you a part of what we're doing," and he said, "Well, I simply don't have the time, but I'm going to recommend a couple of people that I'd like to have on that task force, and whatever you come up with I'll help you support." So Norm Hilton was his - the one that came down at that time. Later on, Jerry Brewster, an architect from Portland, worked with me on it, but his representative on the original task force; and, then, Ellen Lowe, chairman of the Salem City Planning Commission, and Russ Beaton of Willamette University; and Dean Brice, chairman of the AOI Land-Use Planning and Zoning Committee, and he is also from Pacific Power and Light; and, then, there were, of course, resource people from - Tom Gilbert and Bob Logan form the local government relations executive department; Lee Miller, Lane County planning director; and OSPIRG,

which had different people at different times. This is probably the time to mention that it was my first time that I met Henry Richmond III was after we'd gone along. He was not with OSPIRG when we started this thing and was not a part, really, of the committee which developed that, but he did come in right at the end and I think attended at least one meeting. But anyway, he wrote me a letter, and I still have that, his first letter. He said he was reading Fred Bosselman's book and David Kelly's book, the two that developed the model land-use code, and I was quite impressed with the kind of reading that he was doing on it, and so I knew he would be a good person. I came to know him much better later, but I did get introduced to him while we were still developing Senate Bill 100. A later addition to that, a very important one, was Anne Squier, a member of the board of directors of the Oregon Shores Coalition, and went on - let's see, she is chair of the - no, she's not the chair. She was on the Water Policy Commission, Anne Squier. She was on the - let's see. Well, she's had a number of coastal-type thing, and I can't say just what. She's now, I think, a lawyer or teaching law with Lewis and Clark. She was one of the original members of the LCDC and had the reputation of being the best prepared when they came to meetings, so she's been an outstanding figure right from the beginning, so I certainly want to mention her.

On the other side, I asked this Marion County extension agent, Wilbur Blume, to be the chair of that, and he went to his authorities, and they permitted it, and so he chaired that one. This was the one that worked on what became Senate Bill 101 and Senate Bill 487. And then, of course, I think I attended almost every meeting; not absolutely every meeting. Other members of that committee were Andy Zedwick, a Lincoln County commissioner who has been very opposed to Senate Bill 100 ever since but was a part of my task force on the rural side of the effort; Gerald Barrett, Mayor of Lebanon; Charlie Hecht, a good friend of mine here in Linn County, who was chairman of the Linn County Planning Commission, took over the chairmanship when I resigned; Donald Grounds from Medford, Jim Jordon, a lawyer from Albany that I knew that helped us out on that on that side; Dave Nelson of the Oregon Farm Bureau; Steve Schell of the Oregon Environmental Council, and he functioned quite a bit on this side as kind of our lawyer in residence on that particular effort; Robert Knox, vice president and counsel of Oregon Planners; and R.S. Livermore, a member of the board of adjustment of the Clackamas County Planning Commission. Anyway, that's the important people that worked on this task force during this entire 1972 and helped prepare the groundwork for both Senate Bill 100 and these other land-use bills we were working on.

CH: Quite a large number of people there.

MACPHERSON: Quite a large number of people. When you get back and look at the minutes of the ones, you'll find that there were different people at different times. And some were not very consistent in their coming and didn't really contribute a great deal, others much more so.

CH: Now, were you the primary person behind who was appointed to the task committee?

MACPHERSON: Yes. That - maybe this is the time to say it. I found this really a wonderful challenge, and I was not responsible to anyone as to what I did and who did it with me, and so it was very simple. Everything came back to me. You were either on or you were off. Any idea to get into that bill, in the initial phase, had to come through me, so I didn't have to convince someone else that this particular idea ought to be in the bill or not be in the bill because, in the end, I was the one that made the decision as to whether that should be included. And in looking back at the changes that were made, we did it by consensus. You know, we - there was not complete agreement, but somebody had to say, well, this idea is in or this idea is out, and I worked that way. And I don't think the people that I worked with felt that they were being run over the top of, but when it got down to the final crunch time, when we had to get a bill, we wanted to get it pre-entered into the legislative process, time got short. We didn't hold any committee meetings after September, so there was this October-November-December period when we were finally shaping this bill up into its final form when basically it was Bob Logan and his staff and myself that made those decisions as to about what went in and what didn't go in in the final draft.

CH: One thing that's interesting to me is, in this task force you also got people who represented realtors and rural landowners, and, in a way, you were sort of defining the voice of the opposition in a - in your favor, in a way, because you were choosing people who would be open minded, I pressure.

MACPHERSON: Well, not necessarily open minded. We thought everybody ought to be a part of it. We felt that the Association of Oregon Industries was a very powerful lobby group that we needed to get in there in the ground floor. They were fairly supportive. They were not overly enthusiastic about some things there, but they went along with us. I don't think I mentioned Fred Van Natta, who was the lobbyist for the Homebuilders. He was fairly active, although I don't think I considered him to be a member of my team. But we tried to keep him informed, and he did come before us and offer suggestions and changes, and so on, mostly negative since that was a group that had been really opposed to doing anything with rural lands, and still is.

CH: Just to take one step here away from land use but going towards the '73 session, what happened in the election in 1972 to change the makeup of the legislature for the 1973 session? The senate leadership changed and...

MACPHERSON: Well, the senate leadership changed from Republican - well, it wasn't Republican, but it was split. I'd have to go back and look through to see just who lost and who won, but obviously the leadership in the senate changed, and Jason Boe, of course, was elected, then, senate president for the '73 session. I thought, boy, this is a bad omen. But what I recognized, and what I'd recognized early on, is

that if we were going to do anything in land use, we wanted to get in there while we had Tom McCall governor and while we had a good, strong person like Ted Hallock on the Democratic side and Macpherson doing whatever he could with the Republicans on the Republican side if we were to get anywhere.

CH: What about the party composition of the senate by the 1973 session? How had that changed?

MACPHERSON: You know, I'd have to look back to see exactly how balanced it was.

CH: But the Democrats were still in control.

MACPHERSON: In the '73 session?

CH: In the '73 session.

MACPHERSON: Well, yes, because they elected Jason Boe.

CH: And in terms of committees that were established then? I mean, was there a major change in terms of committee makeup, ways and means, environmental committee, things that would then affect your...?

MACPHERSON: Not as much as you might think because of the fact that John Burns really - you know, he was a Democrat. He appointed a lot of Democrats as heads of committees, and that, of course, didn't change, except that in the - I'm not sure that any Republicans - well no, I think Vic Atiyeh was give a ...

[TAPE 7, SIDE 2]

CH: How would you rate Jason Boe's handling of the senate?

MACPHERSON: I think it really was quite good. He was a very strong president. Certainly, we Republicans were not happy with the way we were downgraded and ignored, but that goes with whoever controls. I'm not critical of Boe and what he did and the kind of leadership that he gave. As I say, he was known as a strong president. I think my feelings, though, are strongly covered by the fact that I didn't feel that he stood in the way of the particular bills that I was most interested in. I'm sure he didn't vote for some of them, but he didn't stand in the way.

CH: Actually, it makes it seem even more miraculous that you were able to get land-use planning through in a session where your party was in the minority and you had this person at the head of the helm in the senate that was not particularly an ally of yours.

MACPHERSON: Not an ally of mine, but not really an ally of Ted Hallock. And, of course, Ted was my window on the Democratic community, the liberal community, and - but he was very effective, and apparently he worked well enough with Jason that we didn't go at cross purposes.

CH: How was the house shaping up for the '73 session, do you recall?

MACPHERSON: Well, let's see. Dick Eymann was speaker of the house, was he not? I think so. And so they were Democratically controlled for the first time. Dick Eymann, I think, was speaker of the

house. And I guess I can't tell you the breakdown between Republicans and Democrats there. Obviously, it was Democratically controlled. I don't think that it was particularly anti land use. Of course, Nancie Fadeley was appointed as chair of the environment committee, the one my land-use bills went to, and I worked very closely with her, mostly through Ted Hallock because he was the Democrat. But here again, I found no great problem. We had a number of enthusiastic Democrats for the things that I was trying to do, and even a few Republicans spoke kindly of the things that I was doing, as well, which is more than I can say of today.

CH: Maybe at this point you could give me sort of a general background on the history of land-use planning and how we got into the point where we are, say at this point, the '73 session, why people saw a need for concern as they looked to California and to places like Lincoln City and out in the desert and in the Willamette Valley. What brought this issue to the forefront?

MACPHERSON: Well, growth and sprawl, I guess, if you want to put your finger on a couple of the things that happened, was that people saw the Willamette Valley, particularly, filling up. That's really - that's more of a problem today than it was then, I think. The problems we saw then were the sagebrush subdivisions and the coastal condomania that Tom McCall talked about, and I really have to go back to the kinds of things that he was pushing that brought the issue to the front. Early in the 1960s there was a move on, and this was basically before anybody was talking much of anything, but other than - some of the rural areas began thinking that we ought to have some rural zoning, that there were problems out there, and there was a loss of farmland. And if you go back to that period of time, rural zoning had been permitted - and I can't tell you exactly the time, but sometime about 1959, I would say, but maybe it was back in the fifties, that enabling legislation for counties to go ahead and do their own planning was passed. People, at this point in time, were beginning to think - after all, you know, city planning was an old, established thing. This went back to the time of World War I, I think, and, in fact, if you follow it on back historically in the country, it goes all on back to the very pioneer days when they wanted to have the slaughterhouse located on the downwind side of the city. And so planning and zoning were inaugurated way back when, but it never had been applied in rural areas. But at this time, along in the sixties, it began to be popular, and there was an article occasionally in the popular press that farmers needed to protect themselves from sprawl and that sprawl was a bad thing. It was bad for the farmers, and it also was bad for the people that - as you got additional development that caused people to have to commute too far, you got the open fields covered up, the concrete, the parking lots and the shopping centers, and this kind of thing. So there was a general feeling there that something ought to be done, and we always looked to California. You know, the horrible example has always been California, and you can still scare people by telling them that Oregon is

getting more and more like California. So that was the development there, is that we had this planning going on to some extent during the sixties in some places, but not in every place. And to those of us that were interested in this, and of course I was one that was, we could see that we were - as farmers, we were going to be shoved to the wall if we did not get out and protect our interests in the rural area. So when it was first suggested that Linn County ought to have a planning commission, and this was along in that time when a great many counties were looking at it and some acted and some didn't, why, we here, and I certainly was one of them, thought, yes, we ought to move on and get planning started in Linn County, thinking in terms - and, of course, my own feeling was based on the fact that I was a dairy farmer and I saw the development that was coming up from Corvallis, and there were a number of new houses going up and down the Peoria Road, and, then, there's a mile - another farm that's just across the creek about a half mile that way where there were half a dozen houses put in. We were getting hemmed in here, and we needed to do something about it, and the only way to do that was through planning. So that was the move that was going on, but the trouble was that there was no standardization to planning. Some counties were doing a pretty good job of it and other counties were doing absolutely nothing. Lane County, for instance, was one that had absolutely no exclusive farm-use zoning. Back in the early nineteen - I think it was 1962, why, Loren Smith, a representative from Benton County, right next door, here, had gotten in the farm deferral type of taxation, and two years later it was tied in with zoning, that you got it automatically if you were in a zone for exclusive farm use. This was the kind of thing that was going on at that time. But if you were not in a land that was zoned for exclusive farm use, you could still get this taxation benefit by promising not to develop your land. And I don't think there was any penalty. I don't remember whether there was any penalty at that time if you changed the use of your land. This was the background. But, then, we came on up, and I think I've talked before about Ted Sidor and his campaign that went on that finally got Senate Bill 10 passed, and that was the first move to try and get some statewide coordination, to get some standards put on what counties were doing. So Senate Bill 10 came before the joint committee on agriculture, so it was an agriculture thing with all farmers and farm-oriented type people on there. It was supported by Tom McCall very heavily in that session, and he made the first statement that I've been able to find that planning had gone beyond local control, that we needed to have state involvement in planning. So this was the background at this time, but there were given - the Senate Bill 10 said, counties, you've got to go out and zone from border to border. There are no real standards for this thing. Go out and do it. If you don't do it, the governor is empowered to withhold some of your moneys, take over the planning job and do it for you. A very unworkable situation because there were no people, no facilities, no dollars, really, to step in and take over the planning process.

CH: Plus, wouldn't that also set up a lot of antagonism between county and state governments?

MACPHERSON: Oh yes, and that was a foregone conclusion there would be antagonists. But Tom McCall threatened this. He threatened it knowing that it was really a paper tiger, that he really couldn't step in and do anything, but he had a tool, and he was in the driver's seat if he really wanted to push it. We recognized that we needed something better than that, but they had until, I think it was, the end of 1971 to get their zoning in place according to Senate Bill 10, so this was the preface to what we were doing then. I wasn't working, some counties were still not zoning. In fact, I think as recently as ten years ago there probably were counties that were not zoned completely border to border, but they were certainly progressing in that direction. And some counties simply went in and asked every landowner, Well, what do you want your land to be zoned? Whatever you want it to be zoned, we'll try and block it up, and this will be your zone, and that's it. To my way of thinking, that was not planning, and we had to get some statewide standards in this thing. So that was the background, then, before - between - in the 1971 session when I was there we had Senate Bill 10 that really - there was no way to enforce it. Counties were doing their own thing. Some of them were doing a fairly good job, others were doing a lousy job. It was time to get some statewide standards set up to make a more credible job of the planning process.

CH: What about the Clean Water Act? Did that have any effect on planning in terms of trying to control pollution and what companies were doing in certain places?

MACPHERSON: I don't think that had a great deal to do on that, other than the way that you got at sprawl, oftentimes, was to tighten up on the septic tank permits. So those were used, and Tom McCall, of course, used those, and I think he singled out Lincoln County for special attention because they were not controlling the pollution, and it was running down across the public beaches. So there was quite a move on that way to try and get tighter controls at least on that part of it.

CH: They looked to Lincoln City and what was going on there as a bad example of planning.

MACPHERSON: A bad example of planning and ticky-tack development. They needed to get the whole thing under control and make our coastline a more attractive place.

CH: Did the Willamette Greenway offer any kind of program towards helping the Willamette Valley along in terms of development?

MACPHERSON: Yes. I think that was one of the stepping-stone types of legislation. Now, I'd have to look back to see whether the original greenway legislation, which didn't have much in it, was - what year it was passed. We completely reworked that in the '73 session, and I was active in that effort too. Of course, that was, well, Bob Straub's idea, and then adopted by Tom McCall. Can you tell me, now, what year that that...?

CH: Well, Bob Straub worked on that as treasurer, and he was treasurer during Tom McCall's terms, right? He must have come in around, oh, '66, or something like that, as treasurer, but I'd have to...

MACPHERSON: This had been talked, but the first bill was passed before I was in the legislature, or else it was a part of that '71 session and I simply don't remember it. But it was a fairly general type of thing where they were - I think they were supposed to study it. Maybe it was. Maybe there was supposed to be a study going on on the greenway. But there was more than that, because the problem that we got into in that period between the '71 and the '73 session was that the parks department was trying to confiscate - well, confiscate isn't the term. Use eminent domain on Liz Van Leeuwen's - and she is, of course, now a representative, has been for some time - farm down on Irish Bend in Linn County, or just south of me. And so I heard a great deal about this, the fact that they were trying to - Straub's idea, of course, he wanted to get a bicycle path up completely from one end to the other up and down the river, and the landowners along there simply became unglued about that. And I, as a representative of the farm community, saw there would be great problems with having a path go up and down right where you've got to put your pump into the river, and the vandalism and all the problems there, and so I tended to be opposed to that particular concept. But it was Norma Paulus, actually, that took the leadership on taking the greenway proposal and rewriting it so that power of eminent domain was completely taken out of it, designating where the park could go in up and down the Willamette River, and generally protecting the landowners from this threat of a path that would go through their back yards from one part of the state to the other.

CH: Along with some of these other "B" bills that we've mentioned, the bicycle bill and the bottle bill, there were also bonds for pollution abatement and the beach bill and the billboard removal bill.

MACPHERSON: Beach bill and billboard removal. I did not take any particular part in any of those.

CH: And then there was Project Foresight?

MACPHERSON: Right.

CH: What can you tell me about that?

MACPHERSON: I can't tell you a great deal about it. Clay Myers - I don't know that he chaired it. He was very active in it, anyway.

CH: While he was Secretary of State?

MACPHERSON: He was Secretary of State in 1967, when I first met him, and that was when I was chairman of the planning commission and made the speech at the conference, the urban conference on the Willamette Valley. So I met him then, and we were all speaking very favorably of land-use planning then.

He was, of course, very environmentally oriented and was - certainly worked on Project Foresight, but whether he was the chair of it, I'm not sure.

CH: Did you mention last time - I can't remember anything about this, and, then, the feedback group for that project, the citizen response to the Project Foresight? Ken Bonnem chaired that. I thought you might have mentioned something about that.

MACPHERSON: I may have. I think of Project Foresight as being one of those things that helped prepare Oregon for the kinds of things that I was doing. I was not an active part of it, but I recognized that his was a very important part. And I take this all and say this is the kind of thing that Tom McCall prepared the way for the kind of things that I was doing. I was the nuts and bolts man for the legislation itself, but we never could have gotten that through without the kind of input that we got from Bob Straub and Tom McCall and the other people that were interested in those issues.

CH: Your bill really - Senate Bill 100, then, really formed under that task force, the primary elements?

MACPHERSON: The primary element, under the one that I put together, the action group - I didn't call it a task force. I thought this was presumptuous.

CH: Land-use policy action group.

MACPHERSON: Right.

CH: Maybe you could tell me how you fit together what the - how did you put that together? How did you create the main elements?

MACPHERSON: I think we've discussed a little bit of the people that were involved.

CH: Yes.

MACPHERSON: When we first got together, we met first on January 7, and we had both of the two committees together, sat down in the Blue Room in the capitol there and - well, let's see. Let me dig out my notes from that. I can tell you what we talked about then and what I expected of the group, because that's probably as good a way to get it first-hand as to say, well, what was it I was telling them at the time. Sorry, this is taking me a little time.

CH: That's all right. At the same time, Bob Logan was also setting up the land development consumer protection act, too wasn't he?

MACPHERSON: Right. He didn't really work actively with my group. He had some members of his staff that did, a couple of members, and he'd drop in once in a while, but he is not one that sat down with me and helped me put the nuts and bolts together.

Here's my notes for that first meeting on January 7, 1972. The objectives of the informal planning task group: To bring together a wide range of people interested in promoting a better statewide planning

effort; 2) to develop objectives and philosophy that will promote good comprehensive planning; 3) to develop specific ideas, specific pieces of legislation to carry out the objectives and philosophy agree upon, and to spearhead the drive to get the legislation passed into law. This may dovetail with a formal planning task force yet to be appointed, or it may entail taking directly to the 1973 legislative session.

And here are the assumptions that I told them we should base it upon: That land is a precious commodity that must be protected for the wisest use of this and succeeding generations; that the public must be included in the land use decision-making process and educated to make the right decisions; that state and regional comprehensive plans will be developed and implemented, and implementation of which will require greater state control over local land-use decisions; that while both incentives and coercion are necessary to achieve land-use goals, incentives are the preferred course of action.

So that, basically, was the charge that I gave the committee there at the first meeting, and everybody was very gung-ho to proceed at that point.

CH: Even the people that were representing the land holders, more or less?

MACPHERSON: Yes, yes. I would have to say that at this point we received almost no negative input.

CH: When you're talking about the necessity for using coercion to be able to implement your goals even though incentive is the preferred choice, I would think that would perk up the ears of people who might be your adversaries.

MACPHERSON: I'm sure that - and I don't recall whether Fred Van Natta was there, but the homebuilders and people like that, and the property-rights-type people that are so prevalent today, I'm sure that would have them, but they were not organized at that point. And the people that I invited were people that I at least thought were receptive to this kind of thinking. Basically, the club part of this thing applied not to the policy side of this thing but to the Senate Bill 101 where we tried to take the incentives that we were giving to farmers and also say that, okay, if you change the use of your land, you're going to have to give back these taxes. There had been a five-year payback before that time when we changed the law to make it a ten-year payback of back taxes, so that was the club that we held over them. And, of course, we had other clubs over cities and counties, "You do what the LCDC says or you're going to have your - cigarette taxes can be taken away from you." So there are clubs there as well. Cities and counties simply can't ignore you if the state rules and regulations, which, after all, have the force of law, say that you should be doing thus and so. So we had our stick there, too, and it was generally recognized that we did.

CH: I think you mentioned earlier that you can't have something like this without taking away...

MACPHERSON: People's property rights. If you look on property rights with a bundle of rights, you lose some when something like this happens.

CH: And is there any way to convince people - were there ways at the time to convince people that there might be an advantage in giving up some of those rights in terms of knowing in the future where they could build and maybe even enhancing the property value?

MACPHERSON: We certainly pushed that side of it. But, there again, I was a farmer. My greatest point of consideration on this side was simply that farmers needed to be compensated for the loss of their development rights. That was what - the kinds of tax breaks I was giving them for, and we wrote this into the law. So Senate Bill 101 gives farmers all the rights that I could put together to allow - to give up these development rights. In return, they got certain advantages: They got their farm-use assessment kinds of taxation, they got the fact that you could not tax them for a sewer that went through their property if it was designed - if it went through your property to get to a subdivision somewhere beyond it, you couldn't be taxed for it. Inheritance taxes were to be based on its farm-use value. This was something new, never been done before. I say never been done before. Hadn't been done in Oregon before. And, then, we had the first right-to-farm bill. We included in that accepted farming practices. If you are farming accepted farming practices in an EFU zone, the local government cannot restrict those accepted farming practices providing the things that you do stay within the zone. You couldn't control field burning. They told me there are certain things I couldn't do. I couldn't control the air quality that was everybody's air quality by accepted farming practices. But anyway, as long as you could keep the dust, odor, and noise within the zone, they couldn't be legislated. So that was the incentives that we put in in return for giving up their development rights.

CH: And how did farmers - of course, maybe this is a little early for that part of the feedback process, but did farmers find in that something that was to their advantage?

MACPHERSON: Well, when you say farmers, farmers are a very diverse group. Some did, but it took a long time for others to be convinced. In general, the ones here in the Willamette Valley that saw the problems with the development have pretty well come around to the point where most farmers agree with that philosophy and recognize that there are protections in the law that they wouldn't have. Unfortunately, what they tend to want to do is to get all the advantages that were in something like that and still want to develop when the time comes. You know how that is. So there was a lot of human nature involved there. And those that bought property with the idea of exploiting its value by the increase in...

[END OF TAPE 7, SIDE 2]

[TAPE 8, SIDE 1; February 25, 1992]

CH: In our last session you were describing some of the things that preceded the introduction of Senate Bill 100; your task force and who was on the task force. Maybe you could describe for me how the bill was composed and what elements went into its making.

MACPHERSON: Well, probably the thing that I should do is simply run through how we organized the - that year, that 1972 year, when the original draft was then formulated by the action group for original introduction into the legislature. We first met in January of 1972, and I think I've already described who was invited to participate. We spent the first - I guess the first couple of months, really, with trying to bring in significant people to talk to us about what they thought ought to happen and to give us some basis to start working. But I thought - the thing that I had done, which would be perhaps of some interest to also bring out not only what was in the bill but how we arrived at what we did do, was to take four or the very significant issues and shift it in the process, both before the legislature and after we got into the legislature. So the very first one was - this is analysis of the significant issues, when they were made and how they changed. And so the first one I'd like to go through is simply, what state agency should be designated to oversee the process. You know, we had in mind that we needed a state agency, but there was a lot discussion at the beginning about who and what that should be. I find the very first - and this was before we'd actually started with any draft, or anything, but in February of 1972, why, Kess Cannon, who was Governor Tom McCall's natural resource agency head, he was arguing that we use an existing agency, and he preferred the state water resources board or the highway department. But Bob Logan, who, of course, was the man that was working directly with our action group, he wrote a memo to Tom McCall, and he argued for a separate agency, and he called it a land-use commission, with sufficient stature and prestige to coordinate planning activities like highways, DEQ, COGs, and cities and counties. All that's a direct quote from his memo.

On March 31, 1972, I brought to the meeting that we had at that time the first rather extensive Macpherson proposal of things that I thought we ought to be working on, and among those I offered three options for a land-use agency. Option one was a state conservation and development commission, and I proposed that it ought to be made of seven; two appointed by the governor, one by the president of the senate, two by speakers of the house, and at that time I wanted the secretary of state and the state treasurer to also sit on this thing. Our thinking was, and I think it always was, that land-use was never going to go anywhere unless it had some high-level, very visible support, and so at different times we looked at different elected people that we could bring in that would add stature to what we were doing. My option two was the Department of Environmental Quality, and my option three was the State Land Board, and , of

course, the State Land Board is the governor, the secretary of state, and the treasurer. This was simply thrown out as a possibility.

Then, the 4/28 meeting we started going over the American Law Institute model code, and they called for an agency directly responsible to the governor. This was discussed by the action group, and Martin Davis, the Oregon Environmental Council representative, reported on Hawaii and Vermont. Hawaii used a seven-member commission and Vermont a twelve-member board. But I think at this point I was pretty well locked in to something else, so I suggested this - the minutes show: Macpherson suggested creating a new agency similar to the DEQ. So this went on, and, then, in June we had our first draft. We had Steve Hawes, from legislative counsel, who was doing the first draft, and he proposed that the department of LCDC be created. He suggested that we have a commission director, that one member of the commission be the director of the department, and the commission would be a five-member commission serving four-year terms with a limit of two terms. But at this point, Russ Tripp, the realtor that worked with me from Albany, objected to the commission director and said that a commission should do policy and the department should carry it out, and Tripp supported making the state land board the agency at that point. But Tom Gilbert, who came from local government relations, said that this was impossible because of the constitutional problem there because the state land board is created in the constitution and they can only - their constitutional mandate is to maximize the investment from the state lands, so that there would be a conflict of interest, and he felt that that was completely untenable. At this point I think I asked for a concurrence on the draft of provisions, which was with a - basically the director, the commission - the department and the commission. And the director - Section eight, the director was to be selected by the commission.

In the July 3 draft - this is the newest draft - it spells out a commission with five members appointed by the governor and confirmed by the senate, and this kind of went on through. But, interestingly enough, I found that in that one there was an alternative language which made the commission and advisory committee similar to the state Board of Agriculture which does not control the director. This draft gave powers formerly with the department to the commission. That had been discussed at the previous meeting, that it was more appropriate to put those powers with the commission and let the department carry it out.

So, then, you go on through to the 12/31/72, the final draft of LC 100 - it became Senate Bill 100 - and it kept these provisions the same. In other words, a five-person commission appointed by the governor.

CH: And confirmed by the legislature?

MACPHERSON: And confirmed by the senate.

The next major change was what we speak of as the L.B. Day subcommittee that revised the bill. One of the changes that they put in was that the commission should be enlarged to seven members, one from each congressional district and the remainder at large, and it added that one, but not more than two, should be from Multnomah County, and they could only be removed from the commission for cause, and they retained the two-term limit. So there were some significant changes there that were put in. When I talk about the L.B. Day, I hope you understand that there was a larger committee and this was only the drafting committee. But in essence, the L.B. Day drafting group actually did the work of the entire committee, and the rest of the committee, although we had - I think there were four other members beyond the four that did the drafting, really didn't enter into these decisions.

CH: This was an ad hoc committee?

MACPHERSON: This was the one appointed by Senator Ted Hallock the ad hoc committee which pulled together all the different interest groups they could have, and I probably should dig out and give you the members of that committee, particularly the - I have them. Let's see.

CH: L.B. Day's committee.

MACPHERSON: Right. Now, I have it right in front of me now, the revised SB 100 as recommended back by that committee, and it says: Task force member Senator Hector Macpherson, chairman, Ward Armstrong, Dean Brice, Martin Davis, L.B. Day, Nan Dewey, Gordon Foltz, and Fred Van Natta. But significantly, only - of the drafting subcommittee of that group we have, of course, L.B. Day, Ward Armstrong, representing forestry and the AOI, Gordon Foltz, who at that time was representing Mel Gordon from the City of Portland - I don't quite understand that, but Mel Gordon couldn't be a part of it - and Fred Van Natta of the Homebuilders. So those were the four.

CH: How were these people selected?

MACPHERSON: Simply appointed by Ted Hallock. I take a little credit for having pulled L.B. Day in because he had worked with me, had appeared before my action group, and I knew him to be a strong, powerful person, and I suggested he be a member of that. But this was Ted Hallock's effort. And, you realize, that time we did this there was grave doubt whether we'd ever get Senate Bill 100 together enough to be even voted upon. I recall meeting with Ted at that time, and at one point he was saying, "Well, maybe we ought to just cut it back and just make it a study group for the next legislative session." But, fortunately, we decided not to do that. The drafter of this was Hal Brauner, who was Kess Cannon's assistant and the one who had drafted the final draft of Senate Bill 100. You understand we had a legislative counsel drafter all in the early part, but the final one was put together by Hal Brauner.

CH: And how was the decision made for the final draft that the LCDC be composed of people from the seven congressional districts and only one from the Portland area? How did that configuration come up? What was the rationale for that?

MACPHERSON: Well, in looking back through it, and I haven't come to that part of it in this analysis, we had used that in a - the committee - the adjudicatory board - we had decided that it ought to go that way. Now, whether that had any influence or not - but, basically, the idea was to make it geographic, was that we wanted a geographical distribution, we didn't want them all from Portland, and so we specifically - that was the thinking behind it. Now, I can't tell you exactly how that got into the L.B. Day draft since I wasn't really at those drafting sessions, nor am I sure that there even were any accurate notes made of how this was put in, but it could well have been. Anyway, that's the way it came out of that particular - so when it was all done, why, of course, it was signed May 29, 1973, and it retained all of those provisions that came out at that time.

Well, that was one rather easy-to-follow-through issue that changed to those configurations in the process, but the other one that there were tremendous changes in, particularly after it got to the legislative session, was the - what I title "Regional Planning, What Happened?" The original Macpherson outline that I spoke of, then, on March 31 proposed that we have cities and counties continue to do their planning, but we thought that they ought to be coordinated and evaluated at a regional level rather than taking them all the way to the state, as what actually we do now. So that was in my original 3/31 draft. Then, on 4/28, in discussing the American Law Institute code, the regional approach was questioned. Beaton, Gilbert, and Hilton strongly endorsed a regional approach, but Andy Zedwick, who was the county commissioner from Lincoln County, opposed. And Martin Davis proposed existing councils of government to be used to prepare the regional plans. So that was kind of where the voices were at that 4/28 time, and so when the first draft came out on 5/12, it included the council of government as regional agency but had provisions for governor to appoint five persons to a regional planning agency if none existed. So it went a little bit beyond that because not every area in the state at that time had a council of government. Then, on 5/30 the draft was revised again and it legislatively created the COG because the COGs - as I understand it, the councils of government were originally proposed by McCall because the federal laws said that you had to use this type of an agency rather than just simply counties or cities in getting the federal funding which was coming down for planning at the time. So Governor Tom McCall had created these districts, fourteen districts, but they'd never approved by the legislature, and they were in trouble, I think, politically. Well, on 7/3 the draft went back to having the governor create the planning districts rather than having the existing COGs created legislatively. Kind of interesting. It looks like we took a step backward on that one.

But Senate Bill 100, as it was introduced, went the other way again and had the fourteen district councils of government. They all were identified and had to have a county commissioner, a mayor of the most populous city. You didn't have to use the mayor, you could use one of the other members of the council, but they were to be the regional planning agency. This was as it was introduced. But there was no matter, when we first started to open the thing up to the hearings, that created more consternation than councils of government. They were ridiculed as being, you know, a creature of the governor, and they were not empowered by anyone, and they didn't like what they did, and they didn't work. And so it became very obvious to anyone who wanted to get this thing through that councils of government were in deep, deep trouble. By February it was obvious to me that regional planning had to go and make counties the coordinating unit for all plans within their borders, and this, of course, delighted the counties but upset the cities.

CH: Was there a lot of suspicion towards the state, state control of land?

MACPHERSON: Well, yes, I think there was. Cities and counties wanted to do it themselves, they didn't want anyone - and they feared the state because there were so many things mandated by the state already, and you might have thought, and I would have thought, and probably I did think, that a regional body would be more acceptable to them than to let the state do it. I think this probably is not the case, the way it worked out, because as soon as you made one over the other, you were in trouble. So, the 3/31, the L.B. Day version, made this official. You don't need to really credit that committee because this was a decision that really had pretty well been made before that, and I'm sure it had been - I had been quoted in the press, I know, as saying that we had to take a different route than using the regional bodies. But then the problem was, once we did that - we went to the counties, and the counties were much happier than they had been before, but, then, the cities became unglued. They had never been supportive. In fact, I guess they had basically opposed Senate Bill 100. But the idea of taking the - of the counties and let them be supervisory of the cities, they just simply couldn't understand that, and particularly the one jurisdiction that we had real trouble with was, of course, Neil Goldschmidt and Portland. He simply wouldn't allow Portland to be put under the county, and, of course, Mel Gordon had been on our drafting committee and had proposed this. So we finally got the, I guess, Portland amendment or the Goldschmidt amendment, whatever you want to call it, in which said that for cities over 300,000 they would be considered the same as counties and they would do their own planning and be supervisor of themselves. This, of course made the city of Portland quite happy. We heard from the county on that one, but they didn't have much clout. And, of course, from then on the League of Oregon Cities lobbied, really lobbied against the bill, except for

Portland. But basically, the Association of Oregon Counties bought off on it, and because of this move they tended to be reasonably supportive.

CH: Were you trying to determine not only what the best system would be in theory, but politically how it would be acceptable to...?

MACPHERSON: Oh, we were trying to find a politically acceptable solution to our problem. We knew that coordination had to take place, and at that point we were somewhat reluctant to lodge it all in the state because that was anathema to a great many people as well, and we were trying to find some other system. But it's interesting that - we went on, and, of course, the bill, the law, was passed, but it never functioned. Counties, in reality, never took that responsibility, and gradually, although the law was not changed in that respect as far as I know, what happened was that the LCDC itself did its coordinating, and the LCDC required cities to make intergovernmental agreements with the county so that the counties and the cities were on equal basis to work out their agreements, but it came back to the LCDC to see that it happened, and that's the way it is today.

Of course, the one thing that's interesting to note is that there is one area of the state now, Metro, which - because they've changed from being an appointive body to being an elective body, and now they are doing regional planning. I think that they're going to bring to the program what we envisioned in the first place, which was a regional agency that could and would actually coordinate what goes on at somewhere other than the state level. So, then, we finally ended up with a regional example of what we had in mind.

CH: What was your original idea?

MACPHERSON: That was our original idea, of course, was that we needed to have a regional thing. You know, looking back on it I think this, though: much of the state simply is not ready, has no real need, for the kind of coordination you'd have in the Portland area, and I think maybe that it was one of those cases where we looked at the worst-case example, which is the Portland metropolitan area. And, of course, the Eugene area has a very strong council of governments there. In fact, the one in the Salem area, the Mid Valley, had been quite effective there. But everywhere else in the state they're not really functioning well enough to give them the kinds of powers that we thought that a regional agency ought to have.

CH: But when you're trying to plan a structure like this, don't you have to plan for the part of the state that needs it the most? It's hard to adapt something that would be appropriate for that kind of a situation over the entire state.

MACPHERSON: I think so, and yet I think one of the biggest arguments that we hear now is that we planned for Portland metropolitan area, and what we planned for them doesn't fit the rest of the state, and I

think perhaps this is a case where that certainly was true. But we hear that nearly every time we propose any new thing at the LCDC today, is that this is all planned for the Willamette Valley and the metropolitan areas and doesn't fit eastern Oregon.

The third issue that I followed through - am I getting what you think you want here? This is the way I approached it anyway.

CH: Yes. Well, you've talked about the Department of Land Conservation and Development and that it would be a commission of citizens appointed. And, then, I remember in the original plan - wasn't there going to be oversight by the joint legislative committee on land use?

MACPHERSON: Oh, I haven't even - in fact, I don't even take that particular issue up. But early on I recognized that there was no way that we were going to get this thing by the legislature as an appointive body without having some kind of oversight, and so we created the joint committee, joint land-use committee, which, there again, was another new idea. I don't think anyone else - there was a joint committee, of course, on ways and means, but as far as I know that was the only joint committee that functioned at the legislature. We made this a statutory committee in Senate Bill 100 so that the commission would have to take all of their proposals to this joint committee, which they didn't have to pass on, but they had the opportunity, then, to go back to the next session of the legislature and say, "Hey, wait a minute." And they do from time to time give the LCDC direction. So that joint committee is now functioning more than it has in the past, and with the current division in the legislature where we've got a house that's Republican controlled and quite anti land use planning, that particular committee is doing more work than it ever has done before.

CH: Why was it looked upon that it should be a responsibility of the legislature for oversight as opposed to some other - well, of course, the governor appointed them, right?

MACPHERSON: The governor appointed them, and the commission is really responsible only to - you have to make them responsible to the governor; he appointed them. But since he can't remove them for anything but cause, he can't just fire them all and say, "I want a new board there." After all, I was a legislator, and I felt that it was quite appropriate, and I still feel that it's appropriate, for our one legislative body to have pretty tight control over land-use planning to see that it doesn't go too far astray. So this was built into the process, but it didn't change much. The reason I didn't follow that through as an issue was because this basically was accepted the way it was envisioned from the first, and there were no changes, as far as I know, in the legislative process at all on this part of it.

CH: I presume that you were going to talk about the - well, the LCDC, wasn't that directed to develop a statewide land-use goal in a one year period?

MACPHERSON: Right.

CH: But that was after it would be passed.

MACPHERSON: They were given one year. Why don't I follow this through, because I think that some of this might come out as I take these different issues. The third issue was state control of city and county planning process. This kind of gets back into what just what you're zeroing in on there as to who did what. Well, the original 3/31 Macpherson policy paper presented at the committee said that: Comprehensive plans to be prepared at the local level, plans to be revised at a regional level for adherence to regional goals and consistent with local zoning, and the state only reviews decisions of areas of critical concern. This was, of course, what the American Law Institute model code said. The state will establish objectives, policies, priorities, and guidelines for local and regional governments' use in preparing comprehensive plans. That's a quote from what I wrote. The state would require mandatory elements in local planning, such as open space, low-income housing, transportation network, floodplain zoning, urban service boundaries and so forth. But in areas of critical state concern, the state would retain the right to overrule the local decisions. Critical areas suggested were regional shopping centers, subdivisions over twenty-five homes, freeway interchanges, and major industrial developments. This was all kind of the preliminary thing that I had in the back of my head. Well, then, on 4/28 we went through the American Law Institute Article VII. Russ Beaton, the man from Willamette University, analyzed the American Law Institute code and brought up this thing that we kind of latched onto that 90 percent of the decisions should be made at the local level rather than by the statewide agency. The committee's discussion turned to problems involved in deciding whether the state agency or the local board would have supremacy in any given development application, but we didn't resolve that. The ALI code reserves the right for state supremacy only in areas of critical state concern where scale, type, and location are important factors.

The 6/9/72 draft - that's the first draft - Section 25, Steve Hawes had asked for further direction. The direction how far the department could go in regulating areas of critical state concern: Should we have a permit system as in the ALI code, and discussion of top-down versus bottom-up planning. The draft would have regional plans drawn up from which statewide objectives would be formulated, but Davis objected. And this is kind of critical because what we have now, really, are state objectives, and they come down and tell the locals. We were arguing this point, but we didn't resolve it. But anyway, Martin Davis said that he wanted - we should have statewide objectives determined first and then used to evaluate regional plans. Section 29 was clarified by providing that districts prepare long-range plans after statewide objectives are approved by the department.

And on the 7/3, the third draft, the Section 28 gives the commission the power to designate areas of critical state concern and provide objectives and regulations. Now, those terms lived on through to - eventually, the L.B. Day committee changed those terms. And Section 29 provided that district planning agency must prepare plans compatible with commission objectives and regulations for areas of critical concern and submit plans to state for approval. However, Section 2a says that nothing in this act is intended to limit the actions of cities and counties and districts except in areas of critical state concern. That was the only time that phrase appeared in any of the drafts, and it went out of the next one because I think we felt that that was too broad, that we couldn't really live with anything which said that absolutely nothing the state could do could limit what the cities and counties did except for these critical...

[TAPE 8, SIDE 2]

CH: You were saying?

MACPHERSON: All right. I was right into what happened in the fourth draft where we added activities of critical state concern to areas; in other words, different types of activities that might be considered to have the need for state control. The fourth draft dropped the specific prohibitions to the third draft to limit state involvement in areas of critical concern by implied the same when in Section 27 it talks about preserving the local aspects of planning that are not in conflict with such guidelines. Now, I could go back into this, but because they all dropped out later, I don't think it's terribly important. I'll research that, if you would like, and could give that to you.

CH: Well, it just was that there was quite a bit of controversy about some of them. From what I reviewed, there - one of the ideas was to - one of the areas would be everything west of the Coastal Highway, Coast 101.

MACPHERSON: Oh yes. The areas of critical - like the Columbia Gorge, the area west of 101, freeway interchanges.

CH: Freeway interchanges are considered an intrusion?

MACPHERSON: Right, was considered to be another thing that were so important that the state should - because, after all, the highways are a state concern in themselves, and what happened around interchanges were considered to be something that the state should have control over. And this, of course - whereas the Columbia Gorge affected relatively few people, and the people on the Coast were, of course, upset by anything happening - losing control over what happened west of 101. But when you talked about freeway interchanges, you were stepping on the toes of a great many cities within the state. So we added to our enemies list, I think, in that list. And the more specific you were, the more people that said, "Oh, we can't have that." So this is the kind of thing we ran into.

CH: Well, it must have been a difficult balance between being specific enough to be able to have your selective control of various areas and yet broad enough that it would not stir up too much trouble.

MACPHERSON: Well, you realize, of course, that the environmental groups that were working with us closely wanted to spell out a number of areas, the scenic rivers, Willamette Greenway, all these kinds of things, to where, by the time you ended up, why, half the state, it appeared, would be areas of critical state concern. So there was a pulling and a hauling on this particular thing. But the more specific you are, the more likely to have someone that finds fault with it. And so we found - we took refuge in being general.

CH: How were the environmental groups as far as working with them on the political expediency of the bill?

MACPHERSON: I have to say that they were - they all wanted their thing in, but they were - not so much. They recognized that there were great political problems of them getting anything through, and they were basically supportive. After we had watered the bill down to where it was passable, they still supported it, and for this I'm truly thankful to the environmental groups, that they came in a lobbied for what they wanted, but when they didn't get it all, they still were willing to support the product.

CH: Who were the primary environmental groups?

MACPHERSON: Well, of course, the Oregon Environmental Council was the one that worked so - Martin Davis did yeoman service for it going through, and we had support from, I guess, all the rest of them, the Sierra Club, several local environmental groups. I could go back and pull them out, but the - there was the Wildlife Federation and the Audubon. Those are the ones that come to mind, anyway. The Oregon Shores Coalition, that was another one on the Coast. And, of course, Anne Squier, who represented them, had been a part of the Macpherson action group. Well, let's see. If you're ready for me to go ahead...

CH: Yes, please.

MACPHERSON: ...we were still discussing where did the state control and the local control, how did that change as we went through the different drafts. There was no question but what we were going to give strong state control to the areas and activities of statewide significance. But what was to happen in the rest of this? And it wasn't until, I think, 10/17 where we had an action group discussion where we thought, you know, whatever else we did, we had to insist on minimum planning standards for cities and counties, and they be added, in addition, conforming to the state-imposed standards for the areas and activities so that we had some minimum planning standards everywhere, although our thinking at this point was that they were not to be nearly as stringent as in the areas and activities of critical state concern.

CH: Was there a lot of opposition to that?

MACPHERSON: No, I don't think so, I really don't think there was. Not within our group. If anything, I guess, the feeling was that it should be strong, but we hadn't really spelled out exactly what that meant. You know, we had no degrees of control that were discussed at that point.

CH: Well, how would you distinguish, then, between having general land-use planning goals for the entire state and, then, those areas of critical concern? Obviously, the areas of critical concern, the state has more control over those, but how did you distinguish between - I mean, if you were planning for the entire state, in every area, then, and you had those minimum goals to be obtained?

MACPHERSON: Well, what we did, we identified the areas and the activities, in other words, specifically by size for activities and what they were. So we had spelled these out very specifically as to what things could be into the areas and activities, and so these were all a part of the bill.

Well, on the January 1973, when LC 100, Legislative - I don't think I've mentioned that our bill was the Legislative Counsel 100 before it became Senate Bill 100, and I selected that number at the time we pre-introduced the bill. It included both the areas and activities of statewide concern and a permit process for the activities, so we even had it built in that you had to get a state permit to do those activities that were listed. Section 4 gave the commission authority to promulgate planning guidelines and statewide objectives and regulations. This authority contains no specific prohibition limiting them to areas or activities of critical state concern. The term planning guidelines is applied to rules to be applied to local planning, and the commission has to approve that, [the] first mention of making goals in ORS - of making the goals in ORS 215515 mandatory. This is part of the Senate Bill 10 language that was already in the statutes. But there was no definition of goals or guidelines included. Then, the March 23, this is the L.B. Day draft, and this is where the major change was made. This draft simply dropped the areas of critical state concern and made them - they were to be given priority consideration by the commission but were not made mandatory. But the activities were still left in in the original form, which always puzzled me somewhat that he didn't drop them in the same way. He left them in the law, and they were passed, went on through, but really never were activated, so we never had state permits for these activities. But what he did, he changed the terminology from objectives and regulations, and he applied goals and guidelines. The goals and guidelines were undefined, but they were to apply to all plans everywhere. So the activities of statewide significance were left in, complete with the permit process.

CH: Who was to interpret what the goals and guidelines would be? Would that be the LCDC that would then interpret...?

MACPHERSON: Yes, it would be the LCDC.

CH: So the door was really left wide open, and so to the extent...

MACPHERSON: The door was left wide open, and this became a little problem as we get on down to the final passage before the - in fact, maybe it's time to go to that. We got down with our bill approved by the committee, with its changes, and the last change to be put in was the Goldschmidt Portland one to take them out from under the counties. I got to worrying just before we went and brought it to the floor that day and decided that we really - there was a lot of concern at this point about that we hadn't defined goals and guidelines, and, of course, I recognized this as being a very significant part of what we had there. So I prepared a draft of a legislative intent statement that I wanted entered into the senate Journal, and this became the first order of business when we argued Senate Bill 100. I have it here, and it's not too long, and I think I ought to read it. I drafted this up and I sent it around and got it initialed by all the members of the senate committee, so this was officially from the committee. Hallock sent it around saying, "All members of the senate, subject, Senate Bill 100. The accompanying statement of legislative intent with respect to the goals and guidelines has been agreed upon by members of the Senate Environmental Land-Use Committee. It is to be recorded in the senate Journal."

Here is what I had said, "Goals are intended to achieve the purposes expressed in the preamble and policy statement of Senate Bill 100. No effort is made to further define goals, preferring the definition to be refined in the process of citizen input, commission approval, and legislative review." So it wasn't by oversight, it was by intent that we had not defined what a goal was. "Guidelines are suggested directions that would aid local governments in activating the goals. They are intended to be instructive, directional, and positive and not limiting local government to a single course of action when some other, locally conceived course would achieve the same results. Guidelines are not intended to be a grant of power to the state to carry out zoning from the state level."

CH: What did the preamble say in terms of the goals? Or are you getting to that?

MACPHERSON: No, I'm really not. I certainly can read the preamble.

CH: I'd be curious to know what...

MACPHERSON: All right. Why don't we simply turn to the preamble, here. It's not too long, and I'll read that to your tape as well.

Part one, introduction, the preamble: The legislative assembly find uncoordinated use of lands within the state threaten the orderly development, the environment of this state, and the health, safety, order and convenience, prosperity, and welfare of the people of this state; 2) to promote coordinated administration of land uses consistent with comprehensive plans adopted throughout the state is necessary to establish a process for the review of state agency, city, county, and special district land conservation and development plans for compliance with statewide planning goals and guidelines; 3) accept as otherwise

provided in subsection 4 of this section, cities and counties should remain as the agencies to consider, promote, and manage the local aspects of land conservation and development for the best interests of the people within their jurisdiction; 4) the promotion of coordinated statewide land conservation and development requires the creation of a statewide planning agency to prescribe planning goals and objectives to be applied to state agencies, cities, counties, and special districts throughout the state; 5) the impact of proposed development projects constituting activities of statewide significance upon the public health, safety, and welfare requires a system of permits reviewed by a statewide agency to carry out statewide planning goals and guidelines prescribed for application for activities of statewide significance throughout the state. And, of course, there was a sixth one which dealt with the areas, but that was stricken by the L.B. Day subcommittee.

And then, we also had the policy statement. Do you want that? That's even a little bit shorter but about the same: The legislative assembly declares that in order to assure the highest possible level of livability in Oregon it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas, and the state as a whole. These comprehensive plans 1) must be adopted by the appropriate governing body at the local and state levels; 2) are expressions of public policy in the form of policy statements, generalized maps, and standards and guidelines; 3) shall be the basis for more specific rules, regulations, and ordinances which implement the policies expressed through the comprehensive plans; 4) shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans and shall be regularly reviewed and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve.

So this was sort of the policy background for the whole thing.

CH: Would they be reviewed on a regular basis or only as needed?

MACPHERSON: Have to be reviewed on a regular basis by both the commission, and, of course, then, the joint legislative committee is presumed to be doing this as well.

CH: You had mentioned the L.B. Day committee and some of the changes that it made. Didn't it also eliminate the governor's role as enforcer and then made...

MACPHERSON: Right.

CH: ...the LCDC the enforcer?

MACPHERSON: I had one more to go through, but why don't I simply - since you've asked that, why don't I take the major changes that were made, because there were more than that, and some of these I really don't touch on in what I'm doing here.

This was February 27. This was apparently when they brought this back to the senate committee, and these were the significant changes: 1) Counties are mandated to coordinate the land use and related plans of cities, counties, special districts, and state agencies. That we've discussed. The LCDC commission is enlarged to seven members, removable only for cause. We've discussed that. The third one we haven't discussed at all, and that is that public participation is mandated before the state goals and guidelines are formulated. This was L.B. Day's big contribution that really wasn't discussed before at all. We had included throughout Senate Bill 100 the use of advisory committees to cities and counties, to the state all the way along, but we had never mandated it in the way that he did. So we even have now a statewide goal for public participation, and this really came directly from L.B. Day's thinking, that if we were going to have land-use planning, we had to get the public involved, and this was the way to do it. Number four of the changes I'm going through in Senate Bill 100: No areas of critical state concern are provided in the bill. The modified bill does provide that priority consideration be given to certain types of areas in their comprehensive planning process. The bill does ask the LCDC to study the need for areas of critical state concern, but this was study only. 5) The power to take over the planning of city or county one year after the adoption of state goals and guidelines, if it finds that the planning does not comply with the statewide planning goals, is given to the commission rather than the governor. I'd better explain what the original thinking was. We simply took what was already in the statute for Senate Bill 10, the fact that if all else failed, the governor could take it over, and this was carried on through in our draft, the introductory draft, for SB 100 simply because we wanted to keep as much that was already in law without making changes to it. But I think this was a very positive thing to take the governor out of this thing and give it to an agency that could clearly handle it much better than the governor could except by - through his local government relations that Bob Logan had at that time.

CH: How was the citizens advisory committee to be selected?

MACPHERSON: Well, I guess I'd have to go back and research a little bit. The citizens groups were basically appointed by the - each unit of government has to work up their own system of appointing committees, but I think - like the county commissioners are responsible for getting citizen participation. The LCDC itself is responsible for seeing that we get the advisory group to the LCDC, which we still have. So basically, I guess that - the only other thing on my list of significant ones, the adequate funding. Now, this was not a part of Senate Bill 100. The funding was reserved for a separate bill, but L.B. Day's committee, and certainly we all approved of that, was that it was not going to go anywhere unless you've got adequate funding, which meant not only giving money to develop the state department, but give money

to local cities and counties to generate those first plans that had to be in compliance with the state goals and guidelines. So those were the six things that I identified as being the major changes.

CH: And what was the reaction to the changes?

MACPHERSON: Very positive. Interestingly enough, we - I think we put it out to hearing, and almost everyone said, "At least it's better." We still had our significant opposition. Certainly, the rural land-owners group that had been fighting us all along, we didn't do anything to placate them.

CH: Maybe you could tell me a little bit about them, the rural landowners association.

MACPHERSON: Well, there was only one really organized group, and that was the one in Washington County led by Jim Allison. But there were little nodes of people that thought the same, and there may have even been - in fact, I think there were a couple of other small ones, too, that I identified from testimony that was given before the senate committee. Of course, their feeling was simply that they didn't want anybody telling them how to use their land and so they remained, and to this day oppose it. The realtors, of course, agreed with them, and so they've been an opponent to land-use planning from day one, and still are.

CH: The realtors association?

MACPHERSON: Realtors association, right. When you get past that, then there - I don't know any other group that you would identify as a group that was adamantly opposed.

CH: Wasn't there an opposition group to the Macpherson bill from Clackamas County?

MACPHERSON: Yes. Clackamas County I think has their own rural landowners association, but I can't tell you the name of it, but I think I could probably dig out some testimony from them.

CH: And what about editorial support and opposition?

MACPHERSON: Editorial support tended to be favorable in most areas of the state. I'd say it was, oh, at least 65 to 70 percent in favor of doing something, with varying degrees of support, some of them pointing out specific changes, but basically the editorial support was fairly positive.

CH: And opposition?

MACPHERSON: Opposition from some areas, generally eastern Oregon, but there again, when you get - in eastern Oregon we had the Pendleton - no, the Bend Bulletin tended to be - Forrester, which may be a name that you've heard, tended to be supportive. Outside of that, I think that probably we got really universal objection from the folks in eastern Oregon to the basic concept of doing anything. But they weren't terribly - they were not organized, so I don't think it was that significant, but certainly the people that represented them recognized that their folks just wouldn't go for something like that. This was a Willamette Valley creation, and they disapproved.

CH: What about support and opposition among Republicans and Democrats?

MACPHERSON: Interestingly enough, it was - there were more Republicans opposed, but I think it was pointed out that on the vote on the - let's see, was it senate or the house, that they were equally divided, that there were as many opposing from the Democratic party as from the Republican party. I don't think that was quite true on the senate. I think that was the house side, and the senate side was disproportionate. But we had a significant number of Republicans that supported Senate Bill 100.

CH: So it wasn't really a partisan issue.

MACPHERSON: It was not a partisan issue, no. There was this rural-urban split which you find so frequently, and, then, certainly the more rural it was the more they tended to oppose anything like that.

CH: Maybe you could just address that a little bit. I mean, your own concerns as a rural landowner were to protect your own property from encroachment by development, and it seems like that would have been a persuasive argument for other rural landowners. How do you...?

MACPHERSON: Well, you've got to recognize first that rural landowners, unless they've seen the problem, don't tend to be very receptive to that. My land is mine, and I want to be able to do what I want to do out here, but I really would like the option to sell it for development or do anything I can with it. So that it really was not - it was difficult to sell this even to the commercial farmers in the areas that had never seen the problem. [It was] much easier to sell it here in the Willamette Valley where at least some of us were aware of the kinds of problems you get into when you have a lot of neighbors that may be from the city that will object to the kinds of things you're doing. Of course, this really I tried to take care of, no in Senate Bill 100, but in Senate Bill 101, with the right-to-farm provisions that I built into that legislation to make it more palatable to farmers to give up their development rights and get all the goodies that I could find. That was the basis of Senate Bill 101, was to pull in all the tax breaks and all the options that I had to encourage them to allow their development rights to be given to the state in return for these improvements that we could make.

CH: What about the members of the Senate Environmental Land-Use Committee? Maybe you could just describe these members a little bit. Or had you planned on - we're right in the middle of your...

MACPHERSON: No, I really hadn't finished, but maybe I've been through enough of those so you kind of get a feel for what went on there so that I don't know that I really need to go through - let's see what I have left. I think there was just one fourth issue that I followed through. Oh yes, and that one if relatively insignificant. It's the appeals process. That evolved as we went on through, but most of the changes were before it got to the senate committee. Well, why don't I just kind of, instead of going through it with the different dates and the changes in the drafts, point out what happened that we - on the appeals

process, the American Law Institute said we ought to have a separate land-use court. We bought this concept in all the early drafts with what was called the land-use adjudicatory board, but when we got on down, there was - I guess it was on the June 9 one we had spelled out the land-use adjudicatory board, and Russ Trip argued that really we were getting a kind of a board that was another board to be appointed by the governor that had very similar functions in some ways to the LCDC. So basically we dropped that. We thought, well, you know, it's really too much to ask the legislature to adopt two brand new bodies out there to handle land use. So we made all our - the way it ended up, we gave the land-use board of appeals functions to the LCDC. But the interesting thing about that is that subsequent legislatures went back the other way and eventually gave us LUBA, the land use board of appeals. So what we originally had envisioned has come to pass, but did not come to pass through Senate Bill 100. As it was finally evolved, why, the commission got all the appeals that were generated here by cities, counties, individual citizens. But we were very jealous in this appeals process to keep - so that the individual out here could challenge the governing body. [There is] a great deal of criticism of that even yet today in that this ties up the process. If you get a concerted citizens' effort out there, you can tie things up for a long period of time. One of the things that's happened since then is that they've tried to narrow the scope of this a little bit and to at least give some time frame so that things can't be tied up for a long period of time. People that are opposed to a NIMBY, you know, not-in-my-backyard type of thing, have unlimited ability to thwart it, and this has been a real criticism of the process that we formed.

CH: Are you going to try to address that now with some way of...?

MACPHERSON: Well, as a matter of fact, we are. We're right in the process for trying to develop, at least for major types of development, a process which is somewhat more streamlined than going through the whole land-use process all the way and on up. In fact, we'll be holding a hearing on that, here, this next - in fact, this wee, the first one we've held. We've had a - I'm speaking now as an LCDC member, and I'm on the committee that's been evaluating a system to better handle these major types of things, public types of things, like prisons, west-side bypass, these very controversial things, garbage dumps, that we've not been able to site easily by the full land-use process, so this is something that's ongoing.

[END OF TAPE 8, SIDE 2]

[TAPE 9, SIDE 1; February 25, 1992]

CH: Who were the people on the Senate Environmental and Land-Use Committee?

MACPHERSON: Well, let me run through them and have a word to say about each one, about what their interests were and where they really fit in with the process. Of course, the chairman was Senator Ted Hallock, which , as you recall, I think in an early tape I mentioned the fact that I had invited him to be a

part of my original task force, and he said he was really interested in the project but didn't have time but would agree ahead of time to endorse anything that our group came up with. So he was named chairman of the senate committee. The vice chairman was Senator John Burns, and, of course, he was the ex-president of the senate, was president of the senate in the preceding session when I was there. He's an interesting person, because of all the votes that were made in that committee, I could somewhat predict, and I never, to this day, knew quite where John Burns came down and why he came down where he was. I felt that he was opposed to the whole process for reasons that I never was quite - he never made clear to me. He voted against the bill, and he said the reason that he voted against the bill and put a - entered his explanation in the senate record, was because he thought it wasn't tough enough, we'd watered it down too far. And yet, in the discussions within the committee, none of the discussions that we had where he was there did he suggest changes, amendments, things that would get this to happen. So it was - I thought he was disingenuous when he voted that way and was writing for a future political campaign or something. Anyway, he voted against the bill. Senator Atiyeh - and, of course, Senator Atiyeh was the leader of the Republican party in the senate at the time, very influential, been there a long time, quite conservative, and yet a progressive conservative. And whereas he and I tended to disagree on a few things, particularly on the environmental side, he was moderately supportive in the process of going through it, but I never knew, while we were working on Senate Bill 100 in the committee, whether he would be for or against when we finally finished. Senator Jack Ripper. Ripper was from the south coast, a very conservative area, but he had - think that his basic feeling was fairly moderate. He was not a redneck, not anti-intellectual, not against the kinds of things that we thought we needed to do, and from day one I had decided that we needed a fourth vote on the committee. We had, of course, Hallock, myself, and I haven't discussed George Wingard yet, but we needed that fourth vote to get anything out, and I had thought that Jack Ripper was the man that I could most likely count on because of having watched him on the senate. He was a new senator, he'd been in the house before, that he was probably amenable to this unless he got direct pressure from his home constituency. Senator Mike Thorne was there. Mike - and this was his initial introduction to the senate, joint chairman of ways and means, but he didn't really have a political philosophy at this point, that he was conservative. He had been a realtor, even though he was a farmer he was also a realtor, and I never knew - I suspected that he might come down against the Senate Bill 100 when the vote was finally taken. And, then, the last one was Senator Wingard, and, of course, he was from Eugene. A Republican, which is a little bit remarkable because he represented the University of Oregon district, he was very environmentally oriented. He was my adversary on field burning, but he and I, outside of field burning, and even on field burning, had very good relations with one another as far as what we had wanted to do. He

had been one that I had spoken to with the possibility of trying to get him to work with me when we developed Senate Bill 100, and I felt that he definitely would be supportive, and he was. All the way through the process there was no question but what we had three votes on there to do anything we wanted provided we thought we could do it.

So that really gave you the rundown as to who was there. Three solid votes no matter what; beyond that, we had to have one more vote to get it out of the committee, but we really needed greater support than that to count on being able to get it across the senate floor. When the vote was finally taken, of course, only Burns voted no. There is that little dramatic time when - I think when the bill had just come back from the L.B. Day subcommittee, and I guess it was Vic Atiyeh that questioned - or was it John Burns. One of them had questioned, "Well, why did they make all these changes? We didn't need all these changes." And of course, I think Hallock, who was fast on his feet, said, "Well, because we needed four votes out of this committee. I'm going to make a motion right now that we send the original bill out and see how many of you support it." And, of course, he made the motion, and there were three votes for and four against, and so that settled the issue right there.

CH: On the committee hearings, is that where a lot of conflicts between the cities and the counties were ironed out? Or was that actually before the L.B. Day ad hoc committee?

MACPHERSON: Well, the hearings universally - and I think back over the people who supported the original bill as far as regional government was concerned, and I can only think of one person that testified in favor of regional government, and that was Ellen Lowe who had worked on the bill with us and was a part of my action group. You know, it was just almost universal that people didn't trust regional government, it wasn't anything they were familiar with, and they were opposed to it. So with that kind of opposition, it was obvious that we had to do something in a hurry. But I've been through already that when we did, we upset the cities, so that we didn't gain as much as - we gained more than we lost, but we lost some as well.

CH: Was the opposition in the committee hearings pretty well orchestrated?

MACPHERSON: Well, it tended to divide up. Of course, we had the organized groups. The League of Women Voters, of course, was very supportive, and was right all the way through. We could count on their coming in and praising what we were trying to do and offering constructive suggestions as to how we might improve it more. And, of course, the Oregon Environmental Council that same way in that they were constructive and they suggested certain improvements, in other words, they'd like to strengthen certain things. We had a number of different groups that came in from the environmental side and said, well, you know, for an area of critical state concern we ought to accept this or accept that, so we had a number of

people that were supporting this kind of thing. But the organized opposition really came - we had, I guess, a semi-organized opposition from the Association of Oregon Industries. They were not very - after all, they'd been a part of developing the whole thing, but they'd been critical of a lot of it, and I - now I can't think of whether - when they finally came down, they pretty well had their ideas well developed and presented them well, and I don't know just exactly all the things that they proposed, but they were not very supportive.

CH: If there wasn't very much support during the committee hearings, how do you come up with the explanation for the committee supporting it, then, and voting for it, especially these conservative members like Vic Atiyeh and Jack Ripper and Mike Thorne?

MACPHERSON: Well, the turnaround was getting it into the committee that to all appearances had gutted the bill. You know, here we are doing something that's not going to hurt anybody. That was the general feeling. I think that somebody was a bit asleep on the other side. Certainly, I didn't hide the fact that I thought it still had considerable teeth in it. They strengthened the overall bill. In fact, I remember Clay Myers coming in and saying, "Well, you know, this is a much improved bill over what we had before." And, you know, I think this is true. He was very appreciative. Of course, Tom McCall came in and endorsed the bill after - I don't recall that he said it was a much improved bill that way I thought that Clay Myers was - really, in looking back on it, I think it was a tremendously improved bill that came out of that subcommittee.

CH: After it came out of the subcommittee?

MACPHERSON: Yes.

CH: And then it went into which committee, then?

MACPHERSON: As reported back to the senate committee, the ad hoc committee. The ad hoc committee is the one that put in these changes in the thing, which at least gave the appearance of having gutted the bill. In fact, more than once I had to explain that I didn't think it was a gutted bill to my friends that felt that maybe they shouldn't be supporting it. But that didn't prove to be the case. They really came in. I think we just held one major hearing after the ad hoc committee had put their changes in, and basically everybody that had been with us before still supported it. The only support we lost, really, was the League of Oregon Cities, and they were opposing it before, but not - they were not that opposed to it. They certainly didn't like the aspect of having counties put over the cities.

CH: And when it came onto the floor of the senate, what was the reaction there?

MACPHERSON: Well, I guess I've said a little bit about what happened there, but not very much.

CH: Is that where McCall endorsed it, then when it came onto the floor of the senate?

MACPHERSON: No, no. He came before our committee, the Senate Environmental Committee, after we had adopted the changes by the ad hoc committee.

CH: Had he been very supportive during the whole process?

MACPHERSON: Oh, he'd been very supportive, right, and he'd had Bob Logan, I'm sure, canvassing our friends to - the interesting thing, as I'm looking back on it, is that as near as we know, no one had ever really counted noses, and we genuinely thought, at the time it came on the floor, that we didn't know whether it was going to pass or not. It was pulled back from committee at one point because there were going to be some people absent, and then brought back out, and I know Hallock was - boy, he was on needles and pins whether we ought to even bring it up at this point because he didn't know and I didn't know, and we apparently didn't feel we had any way to assess what people - we felt that people were - a significant number would make up their mind on the floor depending on the debate. So you never know, when this kind of a thing comes up, how many people are with you and how many aren't.

Anyway, we brought it up on the floor at a time certain on a Wednesday morning, I think it was. The first order of business was to get this senate statement on policy entered into the senate record. I had gone to Cecil Edwards, the secretary of the senate, and asked, "Has this ever been done?" He said, "Well, not to my knowledge has it ever been done, but I don't see why it couldn't." So we made that the first order of business was to discuss this and to get it entered into the senate record so it would be an official part of what was going forward when people came to vote on the bill itself. Well, the first move, and I have to look back at the calendar that day, was a move to send it back to committee and have, I think, something like this actually put into the bill itself rather than simply make it as a statement of intent. I remember that I argued against that and said, "Well, if you look over what we're saying here, we're not saying what goals and guidelines are, we're saying what they're not, and so it isn't appropriate to try and put them in the bill, but we do think it's appropriate to put this in the record here so that future historians will know what it was we had in mind. You can't do you zoning from the state level based on what we've said here." It won the day, and it passed. Interestingly, the vote was a little bit different on each thing that came up. So that was the first thing. We finally got over that hurdle.

The second hurdle, was that Tom Mahoney decided that it had an emergency clause on it and it shouldn't have an emergency clause, and he said that his vote would be controlled by whether we took that emergency clause off. He also said, and I don't think it was true, that he controlled two other votes, and he knew there were two other senators that felt the same way, which would have made three votes. We couldn't afford to give up three votes, we were sure of that, so we allowed something that's very rarely

allowed. We allowed the bill to be changed by unanimous consent on the senate floor to take the emergency clause off.

CH: The emergency clause stipulated what?

MACPHERSON: The emergency clause said that it went into effect as soon as it was signed by the governor, rather than three months later. And the difference it makes, it gives you three months, then, for folks to go out and organize and to get enough signatures to put it on the ballot. So we were subjecting it to some more uncertainty in this period. In fact, it did do that because they appointed - let's see. I think the governor did not immediately appoint the commission members until he got past this time when folks could get it on the ballot and possibly refer it to the people and get the thing voted out. So it delayed somewhat the actual implementation of the law. If it does not have an emergency clause, then it requires three months after the last day of the legislature before it goes into effect.

CH: And so how was the final vote, then?

MACPHERSON: Well, the final vote went on, and, of course, it was eighteen to ten in favor of it on the final passage.

This is probably the time to remark on the most dramatic thing that I can remember during the debate, other than the fact that I carried the bill myself, which was beyond my abilities, I think, but anyway, I did. We had Bill Holmstrom, who was chair of ways and means at that time, a legislator from up on the coast, opposed to the bill, and the one day that I can remember that he was noticeably drunk on the senate floor. He came up, made his speech, wasn't too incoherent, but he was swaying to where it was just a little bit questionable whether he was going to stay on his feet to the end of his speech or not. Actually, I thought - you know, I think that helped our side. Anyone that was in that condition - and it was pretty obvious that he was in that condition. He had a drinking problem, and fortunately he got it under control sometime after that, but not until some rather bad things had happened to him because of the drinking problem that he had at that time. But anyway, I certainly remember that as one of the high points of that particular day.

CH: What about when it went to the house, then?

MACPHERSON: Well, when it went to the house - and this is all Ted Hallock's doing. He said, "You know, there's no way that we want to have to debate this thing on the senate side again. We're not sure we can hold the votes we've got." So he went over to Nancie Fadeley's committee and prevailed on them to make absolutely no changes in the bill, to report it back out the same as it went in. They're quite reluctant to do this because the house always thinks it can improve on whatever the senate does.

CH: And vice versa, right?

MACPHERSON: And vice versa. Anyway, that's what happened, is that Nancie Fadeley agreed. There were enough members of the committee that were willing to accept it on the face of it, and they voted it out. I can't even, without - I guess I can't even give you the vote in the committee, but [they] voted it out to the house floor.

CH: And then on the house floor?

MACPHERSON: On the house floor, let's see. I should look up the - do you want to give me the book over there, the gray one?

CH: You know, when Kessler Cannon was talking, the assistant for natural resources, was talking about this bill, I believe he referred to the livability thrust or something to that effect. What did he mean? This whole term livability has become part of the Oregon creed.

MACPHERSON: Right. Well, I think that certainly that's what the environmental movement saw as the big virtue of this bill was that we had to give us an opportunity to improve our livability and to keep our open space, hold down pollution, all the different - urban space, hold down pollution, all the different - urban sprawl, you know, that's a no-no. So I think that's the livability that - and you give Kess Cannon - I think he echoed Tom McCall, but I have a feeling that Tom McCall was far stronger on that than Kess Cannon, and I say that only because Kess was not supportive of a very strong LCDC. I think I mentioned the fact that - and the first thing - he thought that this power, whatever we came up with, ought to be given to an existing agency, and I never - well, I shouldn't say that he wasn't as supportive as Tom McCall on livability because I think he was, but at least he was not in favor in the beginning of a super-strong type of agency that Bob Logan and I were in favor of. But there's no question but what Ted Hallock, who was certainly an environmentalist and livability was a big thing in his philosophy, and most of the people that supported us felt that way too.

CH: It seems like kind of a vague term, subjective term. What livability really means from one person to the next probably varies quite a bit.

MACPHERSON: I'm sure that livability to the landowners that wanted to build houses on their land out there has been very much in the - they would say that livability was letting me build my house out in the woods. So it has a negative aspect there, too. But certainly we sold it on the basis of livability, and I think we did feel, and I still do, that it has preserved far more livability than had we allowed no planning and let folks go everywhere.

CH: So the final vote in the house? Was it close?

MACPHERSON: No, it never was close. Gordon Macpherson, my same name on the other side, wanted to bring it up for reconsideration, but got nowhere, so I'm sure that it wasn't - well, I'll check.

Let's see. There were several votes that reading passed. Forty ayes, twenty nays. So it was two to one, and Macpherson moved for reconsideration, and that vote failed. That was on a vote of twenty-five ayes and thirty-three nays, so that was a closer vote than the original passage, which is interesting. The president signed and the speaker signed.

CH: Did McCall say anything in his signing of the bill?

MACPHERSON: He held a little ceremony that my wife and I were a part of. We still have a pen that signed Senate Bill 100. Of course, the interesting thing that particular day was that it was our thirtieth wedding anniversary, and so a small celebration was held. In fact, I guess there was a cake. It seems to be that there was, anyway. It was a great day the day that Senate Bill 100 was actually signed by the governor. And, of course, Tom had been very supportive of me and it, and so it was a happy time.

CH: By the time it was signed by Governor McCall, was the funding mechanism for the bill all straightened out, or was there...?

MACPHERSON: I can't tell you the exact dates of that. The funding was worked out, but I think that it may have been in jeopardy at the time it was actually signed on May 29. I'd have to look back to the times when the different bills passed. We were very concerned. You know, as the years have rolled by, the funding has been the biggest problem with it, was to try and get it adequately funded.

CH: The original funding was just for the state staff, right, and didn't allow anything for the local...?

MACPHERSON: No, I think that - let's see. It seems to me that you may be right, that it was not - because that first year, you realize, that state staff had to generate the goals and guidelines, and it wasn't until the next year that it was presumed, was not provided, and so that really the cities and counties I don't think got anything that biennium. Undoubtedly, that contributed to the very long length of time it took the local governments to ever get their plans in place. You know, it took ten years. We had envisioned that it would take one year to get the goals and guidelines, with their ten hearings and all the things that were prescribed, and then the next year, one more year, the cities and counties ought to get their plans in place. Well, it didn't work out that way at all. In fact, it was at least ten years before all the cities and counties got approved plans.

CH: Really, that long?

MACPHERSON: Oh yes, it was a tremendous length of time. In fact, there are some of them that I don't think are completely - well, we keep changing them now. They finally did get - and I should have in mind the year, but it was somewhere in the eighties before the last plan was approved by the LCDC.

CH: Well, actually, during that 1973 session, as you've already mentioned before, there were other bills that addressed land-use planning. You've mentioned Senate Bill 100 - well, we've talked about 100, and,

then, there was 101, which was on farm-use zoning, and, then, there were others as well. Is there anything else on Senate Bill 100 that you'd like to mention?

MACPHERSON: I think we've pretty well covered it on Senate Bill 100.

GLOSSARY

Definitions of planning terms were taken from the glossary of Gerrit Knaap and Arthur C. Nelson's book, *The Regulated Landscape*.

Acknowledgment. Official approval by the LCDC of a local government's comprehensive plan and implementing ordinances. The complete phrase is "acknowledgment of compliance with statewide planning goals."

Continuance. An order issued by LCDC declaring that parts of a local government's proposed plan are inconsistent with statewide planning goals. It specifies a period of time within which the inconsistencies must be corrected. Continuances are typically issued for 150 days.

DLCD. Department of Land Conservation and Development.

Enforcement order. An order issued by the LCDC to compel a local government to make specific progress toward complying with one or more of the statewide planning goals. Enforcement orders are a last resort and are preceded by continuances. In practice, enforcement orders place a moratorium on all land partitionings and all building permits until the problem is resolved. The moratorium may apply to the entire local government jurisdiction or to specific areas, such as agricultural lands.

Exception. In land use planning, the abatement of applying a statewide planning goal to a parcel or an area, as in abating the application of Goal 3 (Agricultural Lands) to a developed subdivision outside a UGB.

Goals. "Mandatory statewide planning standards adopted by the [Land Conservation and Development Commission]." There are nineteen goals: (1) Citizen Involvement; (2) Land Use Planning; (3) Agricultural Land; (4) Forest Lands; (5) Natural Resources, Scenic and Historic Areas, and Open Spaces; (6) Air, Water, and Land Resources Quality; (7) Areas Subject to Natural Disasters and Hazards; (8) Recreational Needs; (9) Economic Development; (10) Housing; (11) Public Facilities and Services; (12) Transportation; (13) Energy Conservation; (14) Urbanization; (15) Willamette River Greenway; (16) Estuarine Resources; (17) Coastal Shorelands; (18) Beaches and Dunes; and (19) Ocean Resources.

Guidelines. Suggested approaches to the preparation, adoption and implementation of comprehensive plans in compliance with statewide goals to aid state agencies and special districts in the preparation, adoption and implementation of plans, programs, and regulation; guidelines are advisory.

LCDC. Land Conservation and Development Commission.

LUBA. Land Use Board of Appeals.

Periodic Review. First, the regularly scheduled review by DLCD of acknowledged comprehensive plans and implementing ordinances. If necessary, cities and counties must revise plans to bring them back into compliance with statewide planning goals. Second, the review of an acknowledged comprehensive plan and regulations by a local government in accordance with a schedule for review and revision adopted during acknowledgment. Reviews make major plan revisions more frequently.

Postacknowledgment. The phase of the Oregon program that began after all local comprehensive plans had been acknowledged.

Resource land. First, an informal description of areas outside UGBs that are agricultural or forest lands as defined in Goals 3 and 4. Second, a formal designation for farmland, forest land, estuarine resource lands, coastal shorelands, beaches, and dunes.

Rural lands. Lands outside a UGB.

Urban growth boundary (UGB). A line on a map showing the outer-most limit of urban development within the planning horizon. While not explicitly defined in the goals, the LCDC imposed the concept on all cities and counties. All UGBs are designed to accommodate urban development needs to the year 2000. In theory, only after 2000, and only if a UGB is fully developed, would the boundary be extended outward to accommodate new growth. In practice, it is likely to be very difficult to move UGBs outward even when the UGB is built out.

Urban lands. Lands in incorporated cities and lands adjacent to and outside cities that comprise concentrations of people who generally reside and work in the area and that have supporting public facilities and services.

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This is what the Lord says:
"Stand at the crossroads and look;
ask for the ancient paths,
ask where the good way is, and walk in it,
and you will find rest for your souls."

Jeremiah 6:16