INTERVIEWER: Today is August 19, 2015. It is my pleasure to be speaking this morning with Jack Faust. Jack has had a long and varied career, practicing law with the firm Schwabe, Williamson & Wyatt, of Portland, until his retirement in 2007. His practice consisted of corporate, appellate, and general law. He also moderated Town Hall, a weekly public affairs television program on KATU. Among numerous other awards, Jack has been awarded the title of Portland's First Citizen. Specifically as it relates to land use today, Jack served as Vice Chairman of the Land Conservation and Development Commission from 1979 to 1983. My name is Kevin Pozzi and I am the Program Manager for the Oregon Planning Forum within the College of Urban and Public Affairs here at Portland State University. Jack, we're honored that you'd be willing to sit down with us today and we're hoping to gather as much information as we can from the people who are influential in forming and shaping Oregon's Land Use System. We're aiming to document the stories, anecdotes and experiences of people who were involved back then, as well as to get your thoughts on how the system has evolved and where you think it might be headed. We encourage you to share anything you feel is relevant to this effort. So let's begin. As we start this interview, I was hoping you could touch on your personal and professional relationship with Oregon's Land Use System.

JACK FAUST: Well my personal relationship was to be, as you just said, I was on the Commission.

INTERVIEWER: Uh-huh.

JACK FAUST: I was appointed by Vic Atiyeh and I served there for four years. I was sort of looked at as the governor's guy, so they put me in at Vice Chairman right away,
although -- well my personal and professional relationship, that was really it. That was what it was. I was a Commissioner for four years. I'd never practiced in front of the -- (unintelligible - 2:00).

So, that's my sole relationship as a Commissioner.

INTERVIEWER: And are you a native Oregonian?

JACK FAUST: Yes, I am a native Oregonian.

INTERVIEWER: Great. Well, as you're more than familiar, Senate Bill 100 created the framework for land use planning across the state and I was wondering, based on this legislation, if you think the Statewide Planning Goals that were drafted and that LCDC carried out from this legislation, acted correctly to insure that the objectives have been carried out?

JACK FAUST: Well, the framework was certainly set in place. The Goals were well thought out. They covered everything you can think of, even a town like Prineville, would have to report on mass transit needs. They would have to make a finding, which was easy for them of course, but I think they were very well set out and the staff and the commission tried to apply them.

Senate Bill 100 was basically Ted Hallock's baby. There are others who will take credit, others who have been given the blame for it. But Ted was really, you'd have to say of all things considered, was the father of this Land Use Planning Program.

INTERVIEWER: And you think LCDC throughout the years has consistently carried out what was objective -- what was termed in 1973 in what they were hoping for?

JACK FAUST: I can only speak for my years and I think we did our job. When Vic Atiyeh appointed me, he said Jack; he said I want you to do your job. He said apply the law, apply your judgement. In the four years I was on there, although as I say, I was the … governor's guy, I got two calls from Vic. Both calls started with, now I'm not telling you how to vote, I'm not asking you how to vote, but there was somebody who was important to him, he said, could you please
listen to them, and then Vic would say again, two or three times, I am not asking you how to vote, believe me. And I knew he meant it. He said, I just want you, uh, to give them some -- pay attention to what they say and then of course he could report back and say he talked to me. But there was not the slightest pressure ever in four years from Vic Atiyeh, to come to any, uh, given result. I don't even remember how I voted on those once he called, because it just came in and out of my mind. I made a point to pay some attention to them and ask them a couple of questions. That was it.

INTERVIEWER: Were there any particular issues that came up specifically or were contentious from 1979 to 1983?

JACK FAUST: Uh, if you gave me some time, I might think of some that weren't contentious, because we were battling everybody. Getting the acknowledgement, showing that they had considered and reached judgements on all the Goals, was a terrible task for local government, because they were at odds. Basically with rare exceptions, one exception being Happy Valley, the governments want development. That's what they want. Development brings more taxes, more real property taxes, jobs, etcetera, and probably along the line, maybe some political contributions. So you're fine, your governments and the energy for it and the community was always for development. There would always be opponents to development, but they were always outshouted by the advocates of development and we had death threats. The police had to guard us in a couple of cases. We had one guy get up in the meeting and say, we'll be waiting for you in Coos Bay, be waiting for you with ropes.

INTERVIEWER: Wow.

JACK FAUST: But people, no matter how you went, you always had opposition in different basis. I remember we had one meeting where a guy got up and he said, you people, he
said, if you had your way, you would pave over this whole state. He said you're just buckling under these developers. He said you just want to make this one big parking lot and angrily stalked out. In the next hour or so a guy got up and he says, you people want to turn this state into one big Walden. He said it's just ponds and birds and all that. He said that's the kind of people you are. And we sort of looked at each other, and particularly Dick Gervais and I, we were very close, he was the chairman, and we would look at each other and kind of wink back and forth, you know. But it was always contentious. We had full rooms of people, just to -- and there would be inner city advocates of conservation, but they were always outshouted by the people who wanted development. There were the builders, the people who, well, who looked for money coming in the community and generally speaking, the governments. In fact, almost exclusively speaking, the governments. And I could tell -- it often went this way in enforcing it, we would meet, of course we had open meetings a lot, but generally speaking, Dick and I or someone else, Ann Squires and I would meet separately with the chairman of whatever commission it was, city or county. We would meet with them to talk about what we needed and they would say to us, look, I can't get that through. You're going to have to threaten an enforcement order and an enforcement order meant no building permits, period. You can't fix your roof without, without, it there's an enforcement order in place. So we would meet with them and they'd say, you have to threaten me with that, then they'd say we understand. Of course that I have to resist you, I have to be, you know, I have to put on a show so to speak. Yeah, we understood. But it was galling to sit there, particularly I think one from Southern Oregon, to sit there, having had this understanding. I'm with you, I understand perfectly, but I need the threat of an enforcement order, after we just said, look, we're going to have to put in enforcement. He just gave us hell. This is the worst thing, what ever happened to democracy in Oregon and of course he had a roof full of people from Coos County I think it might
have been. And just, you know, just yelling away at us. Just terrible. Afterwards they were all pounding him on the back and we had to just sit there, okay, you know, we're getting there. Then you'd go back and you say, we had no choice, you have to do this. The jerks up there, you know, pushing it down our throats.

INTERVIEWER: Well LCDC adopted 19 Statewide Goals and I was just wondering, which Goals do you believe have been the most important to the accomplishments of the program and which ones you feel maybe have not been lived up to their title?

JACK FAUST: Well, looking at everything, I think that -- well, you know, they're all important. It's hard to prioritize. The importance varies from jurisdiction to jurisdiction as to what they are. I think overall if I were to look at the state, I'd say that the most important Goals there would be transportation, preserving farmland, and then I think another one that's maybe not expressed as such, but infilling the big cities. Portland particularly. I think if there's one thing I learned there was the value of infilling. We have to crowd people into Portland. This is resisted. People will say, oh this is -- they'll say here's this old house, this sentimental house and clearly some of these houses have value and they should be historically preserved. The Pittock Mansion comes to mind immediately. However, you can't have one in every neighborhood, because we've got to get more people into town. We've got to crowd people into this city over time. It has to be done. And basically the fellow who converted me to this was someone who didn't exactly leave on the best of terms, the State of Oregon. It was Neil Goldschmidt, and he was, in my opinion, the best Mayor this city ever had. But if you get a lot of people in town, you'll have shops. Shops can work. Mass transit can work. People will demand law enforcement, cops in the street where they need them and you can make a city work. Now as an example of that, I always give Paris. You ask people, what's the most livable city in the world? Paris. People are jammed into Paris. They
live in apartments; they live in at best, row houses. One of my friends in Paris and one of the only
two really private residences with a yard and garden around it in Paris. The other one was by the
president. But that's what will make a city work. That's important and transportation of course is
important. You have to look forward and I'm going to launch off here, but buses were the solution,
buses are the solution and buses are going to be the solution for the time ahead. Light rail came in.
Light rail is not the answer. Never was. However, you have to deal with political reality, and at
the time, this is something Neil Goldschmidt understood, but people came up with a battle over the
Mount Hood Freeway. The days of getting money for freeways were over. Dead. What we had
was MTA (phonetic), Mass Transit. So if you wanted money, you got it from Mass Transit. They
were favored to light rail, so we've got and it continues, building this light rail system here, which
is not roofless by any means, but you just have to watch them roll right by your building out here
with a few people on. The advantages of busses, express lane buses, if you could do that, it's
flexible. If population's change, you can zoom away to where they move. If they need more, you
can put on more, just like that. Buses are what we need. Overheads if necessary, express lanes
elsewhere, so someone can get on a bus and get somewhere else in a hurry and they can get -- and
of course one thing about transit is, it has to go everywhere. You can't just say, well we're going to
run trains or buses in peak time. Because if you're going to say to people, you don't need a car,
then you have to accommodate them, if they're coming back from a restaurant at ten o'clock at
night.

INTERVIEWER: So you had talked about --

JACK FAUST: You can probably edit that up a bit, maybe.
INTERVIEWER: You talked about density and infill a little bit more for Portland. I was wondering if you believe that would work in a place like Salem or The Dalles or Medford, if should encourage that there as well?

JACK FAUST: I think they should start doing it right now, because they are growing. The growth has been, by my terms, spectacular, in my time. And obviously, it isn't as essentially now, but they've got to start planning for the future. They've got to identify the downtown core. You want to keep your downtown alive. Every city does. You don't want to spread out here. You know, you've got people driving all over. Drive from here, drive from there, and they'll be a demand for cars, if that's what you do. So you want to start with the core downtown. This is what Neil understood. This is why the first light rail came down here and with the development of the transit mall in downtown Portland. Neil saw the need to keep a vibrant urban center and we worked, always worked to preserve that, so they've got to start looking down the road in Salem, saying we're going to put in regulations now for infilling in downtown Salem, downtown Eugene, downtown Gresham they may not be needed for 25 years, but we're going to start it now. This area is going to be high density.

INTERVIEWER: And just going back a little bit to the Goals, I was just wondering if there were any that you feel like maybe haven't again lived up to what they were hoped for or maybe even haven't been utilized yet. For instance, maybe some of the Coastal Goals or any of those?

JACK FAUST: It's hard for me to think back and identify any that have really failed. I would like to have seen them -- I'd like to see less encroachment on the agricultural land. You know, the problem is -- yeah, I think they've done a good job. I'm just looking at what I see, because I'm not involved in this as a lawyer or even as a citizen now. But they've done a good job
with doing away with the hobby farmer. The hobby farmer wanted just ten acres to go up there and you don't see that, nowhere near the demand for these. Because the problem there is, if you have your hobby farmers, they come up there in a real actual farming area, well then they're going to start complaining about the farmers use -- the smell of the fertilizer coming over, if they're using herbicides or pesticides, whatever they're using, they're going to start complaining, going to be complaining about the tractors rumbling, rumbling down their little roads. And even though they are -- because they're really -- it's not agricultural use. We have people making agricultural uses by buying half a dozen llamas from central Oregon. And of course that's tax reasons. But you have to protect the real farm property. This is not popular of course with a lot of farmers, because we used to day, scratch a farmer and you'll find a developer. By golly I've worked this farm all my life and now I want to cash in and they could be very rough about that. But you have to control those things. I have the general impression that LCDC's powers, statutory powers have been weakened over the years.

INTERVIEWER: Can you talk about that a little bit more?

JACK FAUST: Well it's hard -- you know, this is something that over -- I'm talking about -- you're talking -- we're bringing up a period now, 32 years.

INTERVIEWER: Uh-huh.

JACK FAUST: It's hard to delineate much. I'll just say that over the decades, since I was in LCDC, my general impression is that they don't have the clout that they once did. Although, I would have to say we put in a good system. If they just follow the system, well we didn't -- Senate Bill 100, but we got the acknowledgement, so I think we were pretty strict on acknowledgement, because we took it seriously. I would give you an exception to the -- to really what I would call fairly tight enforcement of the goals, and this one's on me. And one of the even
number years, I think every other year there would be about measure to abolish the system during
those years. And to me, looking at what's the mission of some things, I'd say the mission here is to
preserve the system. So shortly before one of these elections, when polls showed it quick nip and
tuck as to whether LCDC process would survive, we had both Salem and Marion County up for
acknowledgement. We had a full room of very intense people who wanted that acknowledgement.
Very intense people. Buses brought them in. They couldn't get in. And I moved and I talked to
Dick about this, Ann Squires. Ann Squires would be viewed as these most environmental of the
group. A very bright woman. The most environmental, but she -- they bought into this idea. But I
made the motion that those plans be acknowledged because they substantially complied with the
goals. There's nothing in the statute about substantially. We'd never really applied that test before.
But I -- the pitch I made to those two, in which the majority of the commission went along with is,
if we turn them down this close to the election, there isn't going to be any process next year. We
better save the process. Now, one of the, one of the environmental association leaders came up to
me and he said, Jack, he said, you know this is going to be overturned by the court of appeals. I
said, when will that happen? Will it happen before the election? He said, well no, but it's fine.
Now that is crass politics in play. But I, in my humble opinion, it'd save the system. It narrowly
passed and I mean the bill is narrowly defeated and it was never challenged again. And to go on
from there, is one illustration I think of the weakening of the system, because the legislature then
put substantially -- after it was -- after that was overturned, the ruling was overturned by the Court
of Appeals, the legislature put it substantially into the statute. But, even had I known that, I would
have said, there isn't going to be any process. If we enrage Salem and Marion County, a whole lot
of people down there.
INTERVIEWER: Well it's been more than 40 years now since Senate Bill 100 was adopted and I was just wondering if there were any topics that LCDC should have addressed in the Goals that, you know, maybe haven't been touched on.

JACK FAUST: Well, if you give me a minute, that requires some real thought. We have so many things in there. Because like I said, some are more or less important in different communities, but they tried to cover the ballpark and cover, for example, economics, you know? You've got to look at the economic; you've got to look at things like that. So many of these things, if you were to look at the 19 Goals, I certainly couldn't list them all for you now, decades later, but I think you'd see that everything there is still relevant and maybe you would have an idea of something that ought to be covered. But within those 19 Goals, you're pretty much free to address anything as to its significance in a different area. So I think it was a good job done on the goals. There's another story about the survival of the system. I don't know if this relates to your questions, but I will tell the story. I came up for reappointment, and I don't remember what year, but the legislature was … affirmed by the senate and the word came out that I was going to be made the whipping boy for LCDC and that I -- Eldon Hout, a very capable legislative representative, first class, he said Jack, be prepared to be there all day and maybe the next day. They're going to torment you. So I really studied. Eldon was sitting right next to me so I could say, could you give me a minute on that if I had to. But I came in well prepared and the chairman of the committee, who was anti-LCDC, he asked me the traditional question, why do you think you should be reappointed, and I didn't give him a speech, I said, I think I've done a good job and I'm willing to serve again. That's what I said. So then the chairman said, all right, are there any questions? And Ted Hallock was on the committee. Ted just put up his hand and started talking. He said, this isn't a question, this is a comment. He said, I think we are so lucky to get people like
Jack Faust to serve. And he went on with what would have been a wonderful eulogy over my body at a memorial service. He went on how great this is. He said, I think, he said, it's just even embarrassing that we should have to drag someone down here like this to take questions from us. He said, I move that we confirm. And I didn't know this was coming, but Ken Jernstedt said, second. And so the chairman looked around and said well, any questions? Not a word. I was out of there. Ted Hallock totally intimidated those people. They knew if they came in with one question, they had a fight with Ted Hallock. He was the father of the system, he knew what this process on me represented, was an attack on the system and by God it wasn't going to happen.

INTERVIEWER: And you were expected to be there for two days and --

JACK FAUST: Well at least a day.

INTERVIEWER: Yes.

JACK FAUST: Eldon said we'll be here for at least a day. We were out what, ten minutes if that.

INTERVIEWER: Wow.

JACK FAUST: Yeah. But he just totally intimidated them. And so he is -- there is another illustration of Ted Hallock as the father of this system. He took care of the baby.

INTERVIEWER: Well switching topics just a little bit, LCDC and DLCD undertook a pretty unprecedented public outreach and involvement effort in 1974 in adopting the first 14 Goals. I was wondering if you thought that was worth doing or if it affected at all, your thinking and views when you were commissioner in the later '70's?

JACK FAUST: Well the Goals were in place when I came there, but I am certainly familiar with the process of public input and all. Candidly it's rare you get anything republican, very rare. The people who have significant points, generally will get them across without coming
to a hearing. And there was a lot of input, valuable input. There was input from -- there were very few of these people around those days, but oh say like a professor of urban studies somewhere, that was very rare. Environmental organizations provided a lot of information. You could pick up any goal and I'll tell you, you would find there were people who came in with very useful information. Of course there were arguments also and things we discarded, but I mean nothing in there -- there's not one goal that's a product of ignorance. The hearing process -- a public hearing process, that's not of much value, but plenty of public input came in without it on both sides of every issue. So those goals, there are no accidents there. And I don't think in the time of my four years, I don't think there was ever a time when you thought, you know, well we desperately need to change this goal, and goals were amended with time, but I don't think we ever felt handicapped with the goals. I think the goals covered issues very well and clearly. For example, if we found somebody that didn't comply with the goals, they didn't comply, and I think they knew it.

INTERVIEWER: So it was more of a, not shaming, but they understood what they were doing and were trying to get away with it more so?

JACK FAUST: Yeah.

INTERVIEWER: Uh-huh.

JACK FAUST: Well they felt they were serving their community. They very much felt they were serving the community. Now one sort of exception to the general was Happy Valley. Everybody in Happy Valley didn't want development and we thought they were quite unusual. Happy Valley didn't want development.

INTERVIEWER: The government itself?

JACK FAUST: And the people.

INTERVIEWER: Yeah, the people.
JACK FAUST: Yeah, it was that way. But we had -- and also, if you go back to the early '80's, which is the bulk of my time there, we were in a real recession. A bitter recession. Economic considerations were much higher than they would be today. People were looking at unemployment, they were looking at mill closures. There were a lot of problems, so it wasn't easy for a process that was designed to have results that would go ahead for decades and decades in good times and bad, and in sickness and in health.

INTERVIEWER: Well that's an interesting segway to the next question which focuses more on the balance between state and local control. I was wondering if you think over all these years we've struck the right balance of state and local control that LCDC intended more than 40 years ago.

JACK FAUST: Hard for me to speak on today, but at the time, as you know, one of the main issues was big brother, that the state was getting into -- and it's true. We were doing things that had not been done before. Before these were all simply local matters. If you went into the County Commission you got your permit, et cetera. If you were the City Council, get your permit then go. And they could do it for whatever reason they wanted, within their own ordinances etcetera, but then we came on and said, no you have to have ordinances for this, ordinances for that, you've got to serve this and serve that and that came in and it was shocking to people. I think it's probably less shocking today to have that. I think people are more used to control from government than they were then. And of course also, we are a frontier state, you don't tell me what to do with my property, you don't tell us what to do on our property.

INTERVIEWER: Do you think there would be ways that there could be a balance today? I mean I know you said you don't have as much of an opinion on how it is today, but would it be more geographical or more interest group based or I was just wondering --
JACK FAUST: Interest group based. I would just say that it would be -- of these things today would probably be -- so much is done now by lobbyists, so I think you would find government relation's people fighting the battles on these. But to the extent that things have calmed down, how often -- when is the last time you saw a story on LCDC on page one of the paper?

INTERVIEWER: Very rarely, if ever.

JACK FAUST: Yeah, if ever. I would notice if they were there and you don't. We had these, particularly in the local papers, we would have these stories, you know, right up there. LCDC this, LCDC that. It's faded in the background. Part of it of course is that the process is in place and my general impression, this is all I can say, I haven't followed it closely and I don't practice that kind of law, I didn't, is that their powers have been nibbled away at of the legislators. Because that's the place where interest groups can get things done. They couldn't get things done in front of the commission when I was on it that could be heard. But nobody, believe me, I look back on all of those people that were on that commission. Nobody was serving any particular interest. We were trying to enforce a goal. That sounds corny, but it's true. Just as I told you about Vic Atiyeh. Vic Atiyeh was governor my whole time in there. He never pressured us to do anything ever and he had pressure on him, he just let it roll off of him.

INTERVIEWER: And do you think that that, I mean obviously it was beneficial to the system because there wasn't any particular angle that you came at. But I'm just wondering if that, if I mean maybe if we don't see that today or if you even think that that was a big reason why the system survived over the past, you know, 40 years?

JACK FAUST: Well the system almost didn't survive because of it. Because of the opposition that we had. The system barely made it through those ballot measures. The system
almost didn't survive. (Unintelligible - 30:42) town hall, you may know something about that.

That land use was one of the issues that was debated, but today we don't have those battles over it. There's no existential fight. It's easy for me to say, over the land use, the commission anymore.

What also helped I think at the time, I thought we had a very good department, that the people were very good. Jim Ross was a good leader and they had good people who did their job and I think without a fear or favor, we had one case where the question was the existence of a stream that would have to be protected and the one side said there's no stream up there. It's way out in the middle of nowhere and the other side said there's a stream there that needs to be protected. Now mind you, a dispute over whether there's a stream. So one of our good staff people went out there and hiked back into the woods, went into the woods and he was no question he was an environmentalist, he hiked way up in the woods and he came back and said there's no stream. So he reported the facts.

INTERVIEWER: Wow. And do you know what area of the state this was? I'm just curious.

JACK FAUST: No. This was no -- not a big deal. But it came up and so we had to find out, is there a stream there or not. They found, no there isn't any stream.

INTERVIEWER: It's interesting that in the era that we're in today of technology and much different it would be to debate that.

JACK FAUST: Oh no problem, yeah.

INTERVIEWER: Right.

JACK FAUST: Yeah, but thick woods back there, could be a stream in there, but there wasn't.
INTERVIEWER: Well I just thought I would go back real quick to citizen involvement because Goal 1, you know, it's Goal 1 of the system --

JACK FAUST: That's right.

INTERVIEWER: -- and it's considered by many as critical to the development and execution of Oregon's Planning Program. So I was wondering if you thought that, you know, in the era of social media and technology and whatnot, if that goal is still relevant today or if you think that even just in your own experiences after the commission, it's still working as it maybe was intended.

JACK FAUST: Well of course citizen involvement is essentially, because the worst thing you can do to people is to tell them that they won't be heard. And that meant that sometimes for us, we sat and listened to way, way more than we needed, we listened to abuse, we needed repetitive testimony and of course some very good testament, particularly I think I would say we heard from the lawyers. The lawyers that were practicing land use law were good. They could speak our language and they were good, they were informative. But you have to let the people have some access to resolving these things. And now as you say we're now at an age of too much communication probably, which reminds me, I should turn off my cell phone, but still, it doesn't matter how it's done, but I do think that despite the age of electronics, there is a value to having a place where people can go and face the people who are decision makers and speak into a microphone. And I don't care what kind of -- if you have holograms or whatever in the future, I think you want to afford people the opportunity to do that and I've been on other commissions too, where we've done that and we sat there listening to just some good things here, but a lot of dribble. But you want to give the people the chance to be heard, so at least they can't say, they wouldn't even listen to us. And you also -- it implies a duty on your part too to respond in terms that you
know what they're talking about, you understand their concern. You don't just sit there. You have
to come back and say, well Mr. so and so, you know, we've done this and that. They may not like
it, but you have to understand, we know what you're talking about. They feel better.

INTERVIEWER: So as a citizen, as opposed to a commissioner today, I mean I'm
wondering if you still keep in touch or if you feel like the ways that crucial land use information for
instance needs to be conveyed to you if it does make its way to you via the proper channels?

JACK FAUST: I couldn't even comment on that, because to comment on it, you have
to be within the process. But they do, as I say, whatever it may be, you do want to give them a
chance to get up and talk and you have to sit and listen. There were some limits on it, but
sometimes we'd extend the session, but when three or four busloads of people show up to talk to
you, you can't just say, we're going to give you five minutes.

INTERVIEWER: And you had to travel the state I'm sure, as a commissioner to various
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JACK FAUST: Oh yeah, we went around. We tried to go in all the districts. Go
back and forth, which was difficult. One of the difficulties being that the state police had to check
out where we were, because there would be bomb threats. A couple of those. And so they would
go check -- like it was gas pipes and things like that. They would go and check to see if it was
okay. And I didn't hear it, but they said a shot whizzed over our heads in Jacksonville. And I
didn't hear it and nobody -- we didn't make a fuss about it. Nothing was said. You didn't want any
copycats. The next one might be closer, but there were very, very angry people out there. Like I
said, the guys would be waiting for you with ropes.
INTERVIEWER: How was the relationship with DLCD when you were there? I mean was that -- obviously it was pretty close, but I'm imagining throughout the years, there may have been differences or whatnot.

JACK FAUST: It was very good. I thought they were good professional people. Well, we did have a problem with I came in with the director. It was resolved, he resigned and we replaced him with Jim Ross. But there was a feeling on the commission that we needed someone who would do a better job and Jim was open to the staff and he understood that there's a difference between being the executive director and being a commissioner. And so he was -- I would say in my time with Jim, he never embarrassed us, he always served us right.

INTERVIEWER: Great. We've touched on politics a little bit, but I was hoping, you know, you could maybe elaborate a little bit on how maybe prominent state or local elected officials, ballot measures or other actions by the Oregon legislature have either advanced or undercut what SB 100 had originally intended?

JACK FAUST: I haven't heard of anything significant over the years. But again, my general impression was that the legislature has nibbled away a bit, because there was no question that the more significant lobbyists and all are working with people who have interests. But you know, there are upsides for business, for bringing in business. We have a process in Oregon where we can tell someone, if this out here, if this is zoned manufacturing, if you want to come in and build a manufacturing plant, you're going to be starting work pretty soon. You're not going to be coming back to court again and again with lawsuits, then another lawsuit, then a lawsuit. We have a process. We have a special court, LUBA. It'll go to LUBA, it'll be there quickly and any problems would be resolved and when it's resolved, that's it. So if you're the mayor of Gresham and you want to bring in some heavy industry out there, you can say to them, this is properly zoned
and there is a state process in place, a judicial process, you're not going to be in court for the next five years. We've put you in there. And that's attractive to people.

INTERVIEWER: What about, I think it's often held up as one of the major reasons why the program has survived and --

JACK FAUST: Oh, absolutely.

INTERVIEWER: -- just wondering if you wanted to touch a little bit more on LUBA?

JACK FAUST: Yeah. No my feeling was that you could leave out -- you may agree or disagree with the ways they've gone. But the fact is that it's expeditious. That's so important to people, because say for example, if you want to bring in this widget factory and it doesn’t go well for you and you find out in a hurry. You don't spend millions of dollars on legal fees and you can say, well, we'll go somewhere else.

INTERVIEWER: Uh-huh.

JACK FAUST: You'd be disappointed, but you're not going to find yourself hanging onto property that may plunge in value or have problems. You're not going to be spending millions on lawyers, it gets it over with. It's an attractive system and the LUBA process was very well thought out.

INTERVIEWER: Well you know, you had mentioned that there had been ballot measures obviously during your time and I'm wondering why you maybe feel that we keep coming back to that. Obviously Oregon has an initiative system, but if you think that, you know, measure 37 and 49 stopped that, you know, repeal system for a while or if you think we will kind of go in that cycle as we have in the past?

JACK FAUST: I'd be surprised, because after the last one, which was fairly close, see that gave us time and during that time, just about all of the contentious jurisdictions, the process
was resolved. It was over. The energy to get rid of the process, the general public energy to get rid of it dissipated. You would still have of course special interests that wanted to wiggle this and do that, but the general -- I would say two years after that last measure, you’d have trouble getting the signatures. There just was no -- you couldn't just say well let's go down to Coos County and get a thousand signatures an hour, something like that. Those days are over.

INTERVIEWER: And even again though with Measures 37 that we had and then Measure 49 that seems like it's quieted down. The efforts to repeal the system for a while or significantly cut it back.

JACK FAUST: I think that the efforts quieted down well before that, and we still have a whole lot of measures coming in. Still is a fact that one person can write a check and put something on the ballot. We see it time and time again, so the last election, we'll see it the next time. So it's still there, but there's no longer the energy and there's nobody -- I don't think -- I think anybody on that to the -- I don't know how they'd sell their case. How many people have heard of LCD anymore? When I've known LCDC, everybody was saying, oh my God, my dad said they drive around in armored cars. Walk down your streets here and say, do you know what the LCDC is and see how far you have to walk before you find somebody outside of Portland State who is studying these matters. How far you have to walk before you can find anybody who even heard of LCDC. Often times in conversations over the decades in recent years I'll talk to somebody. I say I was on LCDC and then I'd explain to them what it was, what it is. Only people who have some direct interest in it, environmental or commercial, whatever, really are following it anymore.

INTERVIEWER: And that leads to a good point that a lot of Oregonians are not native Oregonians, they are migrants into the state and may not realize why Oregon looks the way that it does.
JACK FAUST: Yeah.

INTERVIEWER: And I'm just wondering if you maybe had any thoughts about how we can educate people about the system, if that's even necessary?

JACK FAUST: I don't see any reason for it. Why bring it up. If it ain't broke, don't fix it. I thought if they had a potential problem with the public that might lead to a repeal, then I'd say, do what you have to do, sell your story, get out there. But why?

INTERVIEWER: So you have been quite involved in the political system and public affairs throughout your career. I think back in the day obviously there were a lot of republicans who supported the system and in fact were leading the charge on that. You may not find that much in today's polarized climate and I was hoping you might be able to just touch on why you think maybe it was a more bipartisan effort in the past.

JACK FAUST: Oh there's no question about that. That can take up the rest of your roll. I belong to a small group of people who were active in Salem in the '60's. Old Timer's it's called. It's republicans and democrats. They're all friends, they were friends then. Things like the Beach Bill, other things like that. The Bottle Bill. There would be all this talk going back and forth, but honestly, the effort that was made, always people behind there were, let's get the job done right. And I'll give you a specific example. Leave the bill out, but there was a bill where there were differences that were, that would say, certainly perceived to be partisan and there were partisan differences on a bill. Lee Johnson was taking the lead for the republicans and Jim Redden, now a retired federal judge, Jim was taking the lead for the democrats. And I was with them when they sat there and they -- together they wrote out their statements for the press and they laughed about it and Lee came out, the democrats are this or that, you know, then there's Redden, the republicans, this or that. They had done this together. But what they were working for all the time
was, you know, let, let's get, let's get the job done here. No, it was -- anyone who was around then will tell you how things have changed. We have the Wyatt-Green building down here. Do you know who they were? Wendell Wyatt was a republican congressman, Edith Green, the democratic congressman from Oregon at the same time. They were the closest of friends. They worked together. When that building came out, there were republicans there and they wanted to name it the Wendell Wyatt Building. He says, it's got to be the Wyatt-Green Building. They were good friends. Bob Duncan who was a democratic congressman, Bob was a dear friend of Wendell's. They worked together. There was not the partisanship there was now at all. One thing, they're not spending all their time raising money. Now if you want to get the senators together, you have to do it Wednesday afternoon on Washington D.C. But here too, we have this partisan divide. They did a pretty good job, the session before this one, this one they didn't have the significant problems, but look at what they didn't get done. Take one of your goals as transportation, right? They didn't get that done. But this is more than you need to do know, but suffice to say that there's no question, because I was involved in that process and I know a lot of those people are still alive today. They're friends today and they were friends then.

INTERVIEWER: So ideologically though, do you think that land use or, you know, ways that we can conserve and develop responsibly, were those inherently republican values 40 years ago and those have shifted or is just the climate such that you need to take a stand, one side and another side and something else? I'm just curious how that became led by republican legislators and now it's opposed by many, if not actively.

JACK FAUST: Well it's a change in the partisanship, --

INTERVIEWER: Uh-huh.
JACK FAUST: -- is what it is. And the republicans are trying to keep together a caucus and so generally speaking, you want to go along with your caucus. You have problems if you don't. And so people tend to follow a general policy. That's the way politics works. But as I say, there are partisan divides that are sharp today and you have to look to your caucus for protection, for cooperation, et cetera, and the interplay between the two is not near what it was 40 years ago. Not close.

INTERVIEWER: Oregon is rather unique in having its land use system comparatively to other states. Do you think that -- is there any particular reason why Oregon is one of the few or has one of the strongest land use systems across the country and maybe why that hasn't taken off in other places?

JACK FAUST: Well to first answer your question, I do have the answer, I'll give you the answer, it's very quick. It's Ted Hallock. Ted Hallock's drive. Now don't get me wrong, he wasn't the only one. I could give you a list of names. Stafford Hansell, people like that. Those republicans there who'd surprise you. But he was not the only one, but Ted was the drive from the very beginning. He was the guy willing to break heads to get it going and as in my situation, and to keep it going. So Ted was that. Today I don't know who is apt to be an angel for our devils. The city before today, it's just not the contention it was before. It was extremely contentious. It just isn't anymore.

INTERVIEWER: There's no reason though that Oregon is unique amongst other states?

JACK FAUST: Oh no, Oregon. Well, I think the reason why it hasn't caught on in other states is probably that the experience in Oregon has alerted lobbyists for development. I think that they are ready to fight these things when they come up, because what we -- we were the first, and so there really wasn't a horror story you could bring up to your legislator. But if you were
a lobbyist and you want to create agitation among your clients, which is a gift you have to have, then if a program like ours would have come into your state, you could say, oh you got to fight this right now. This is terrible. Out in Oregon they're doing this or they're doing that. And so I'm not surprised to see that nobody's done it as far as we did. We found, the people in Oregon and the people in the legislature found a void and they filled it. It was very imaginative. In fact, it's amazing when you think back, how little change it is. It's kind of like the U.S. Constitution. You look at that and say, my God, all this time has passed and how little change there is.

INTERVIEWER: Well you are a native Oregonian, you've been living in the state and working in the state for many, many decades and I'm just wondering if you think back, how the land use system in today's, you know, climate in 2015, compares to what was created more than 40 years ago. I mean not necessarily was it or was it not successful as is even when you served on the commission, I mean, is this the landscape? Is this the state that you envisioned? Is this what you hoped or thought the system would be?

JACK FAUST: I would have to say that I don't -- that the things, that the evils that we feared, are not much evident. I think that for example, urban sprawl, our model that was Houston, we don't want to be another Houston, and we came up with the -- we had the concept of the Urban Growth Boundary and maybe it expanded here, expanded there, maybe it's been expanded too much, but we have one and we put it in place and people developed to it. Systems fall into it, the Urban Growth Boundary and so the evils that we feared, there's no Houston here and also crowding in means being more up than out for building. Now I think some of the areas around here, well I won't name them, but some areas around here are too much left, right, northeast, southwest, instead of up than I'd like to see. I would like to see some of these that are closer. The
most evident thing today for Oregonians in planning problems, if you were to ask anybody, what's the thing that makes people the angriest about the way things are today? I'm asking you.

INTERVIEWER: Oh. Well the traffic traditionally comes up.

JACK FAUST: You got it. You got it. That was my point.

INTERVIEWER: Yep.

JACK FAUST: People are very angry about traffic and that's where the system has basically failed them. We haven't worked it out. We haven't found ways to make mass transit more appealing and we haven't found ways to make driving less appealing, and so now we're getting into situations where people are basically angry at themselves. They're the crowd. We got hurt by the Terminal 6 matter where it put more trucks on the road. Definitely that hurt, but the fact is, we have not come up -- we do not have a system that's adequate by the standards of the people who live here and by what makes us appealing. One of the things that makes us appealing is that we don't have -- it's not Los Angeles. There are people who love Los Angeles. But our appeal is that we aren't, and we're having problems with that lately.

INTERVIEWER: Well I was wondering if there are any changes or additions you'd like to see in the planning laws to enable the land use system to face the challenges of the future and what challenges you think we may face.

JACK FAUST: I can't think of any changes in the law that I would be advocating now, because I haven't seen any failures in the system. I've seen -- I think as I said, that we made some -- we haven't over the years, things haven't been applied to avoid this traffic problem we're having now, which is the main reason why people are angry at government today, is traffic and traffic related problems.

INTERVIEWER: Uh-huh.
JACK FAUST: Pot holes in the road and stuff like that. The Transportation Goal has really not been well met and that's what should get more attention and I don't know how much the commission today has the power to do things about it. But the commission should be active in trying to insure that transportation needs are met. And people are still driving cars, you have to face that. We've got to in time, have infilling and attractive mass transit from my judgment and I'm hardly alone in this, is buses. I know what your people here at Portland State say about it, but I think there would probably be a lot of support for that. There's buses. And that means buses running -- sometimes you'll see a bus with maybe one person on it, but you have to have that if you want to get people to get out of their cars. And of course look at what's going on -- it's hard for me to believe that this could go on. Something is wrong somewhere, when you can see the way that Northwest Portland is being developed. These apartment buildings being built there with no parking or very little parking and under the assumption, that the program admitted later on, of the assumption that people would ride street cars. Well not yet. It isn't that horrible yet. 70% of the people in these apartment buildings have cars, they park them out in the streets. They drive them on weekends. They may ride the street car down to Portland to work, but they still have a car somewhere.

INTERVIEWER: Sounds like transportation is a particular interest of yours and I'm wondering --

JACK FAUST: It's a particular interest of everybody.

INTERVIEWER: Well sure. I'm wondering though, obviously when you were on the commission and just in other eras for instance, infrastructure finance was a very different set of tools and ways to come together to actually finance the needs that we have and --

JACK FAUST: Oh yeah.
INTERVIEWER: -- wondering what maybe your thoughts or pontifications are on how we might be able to fund infrastructure in the future?

JACK FAUST: Well it would be nice if we could get more federal money, but that isn't going to happen and the federal -- we don't have the clout we had in congress at one time, the Hatfield - Packwood combination worked very well to pour a lot of money in here and we don't have that yet. We have -- we don't have that clout, but it would be nice to get more federal money in and it would be one attitude that holds things back of course is that if you say, well we may have to raise taxes, don't bother to file for office. But we need to be able to fund changes as I say. We need to -- and they should be forward looking. I would like to see Express Bus Zones and in some places overpasses, so that we can have someday a bus system that zips in and zips out. It doesn't happen by accident. There's only one way to build -- Seattle is stumbling into this, there's only one way to build an effective underground system and to say transportation system and that's to do it 150 years ago.

INTERVIEWER: Because of the cost?

JACK FAUST: Uh-huh. That isn't going to happen, so we got to look for a transit, we've got to work for transitioning out of cars, in the mass transit. As I say, a little bit, say like Paris, but see, that's an unfair comparison, because they have a wonderful subway system that's not available to us now.

INTERVIEWER: Well what other anecdotes or thoughts do you have that you'd like to share? I mean, whether it's individual people that you have stories about or other thoughts from your time on the commission or even outside of it?

JACK FAUST: Well --
INTERVIEWER: This is your opportunity to share whatever you'd like for posterity sake.

JACK FAUST: Well, one key thing in planning, and this is your law firm, your university here, is to recognize. Don't rely on forecasts of the future. Forecasts for population growth, for employment, historically they're wrong. Almost invariably they're wrong. Books have been written about how wrong they are, but people take them as a Bible. The key to planning for urban development is flexibility and in some areas -- we don't think of flexibility protecting Crater Lake, but in other areas we do. We have to think of flexibility, because we're talking about infrastructure and primarily -- and we're talking about the saving or urban farmland. You can't bring back farmland, so what we need to be is flexible and as I say, that particularly comes up when it comes to transportation. You can't just say, well we're going to commit ourselves to this system, because those population growth figures you have, those economic growth figures you had, would probably almost certainly be wrong and probably very wrong. And that's why again I'll give my pitch for buses. Buses are flexible. They can change as needs change. If we're all wrong about how this area grows in the next 25 years, buses will be around.

INTERVIEWER: And if the Portland Metro area, if people feel like there is too much congestion, is there ways to divert that growth to either surrounding areas or other parts of the state?

JACK FAUST: Well we don't have too much now and the one thing you want is -- I think I said this earlier, you want people living downtown. You don't want to make downtown a place that's like a cemetery at night. You want people living downtown. Again, that's the key to Paris's livability. People live downtown. The streets are crowded. So we want to keep people to living downtown. This is very good what's going on down here in the river front. We've got them
and there's a streetcar that reaches them, but there's got to be more of that. You've got to have towering condos around here to get people living downtown so that when they're going to go out for the evening, they don't use a car, they just walk down the street. They go to some good restaurant. If it's a little ways, they'll hop on a bus and go down there. And that is absolutely essential to do that. Get people downtown. And that applies to Salem, so should Eugene, these other cities. Let's get people living downtown.

INTERVIEWER: And is that an ideological gap that's missing right there or is it that there's not enough demand?

JACK FAUST: It's not the demand, yeah. There's no demand for it. This is the kind of thing where -- this is a perfect area where planning is needed. And again, with people living downtown, that also fosters flexibility. You're not strapped. Yeah, what are you going to do for Houston today? It's going to take some sort of technology that just isn't there yet. So you maintain your flexibility by keeping that sort of a base. Building from that base, but don't completely commit and say, well this is the way it's going to be. This is what we're going to build for. Build so you can accommodate surprises that you will get.

INTERVIEWER: Anything else you would like to share with us?

JACK FAUST: Let me think. Well you know who the good people were back then and it's -- it'll probably occur to me when I'm walking back to the office.

INTERVIEWER: Do you feel as though you have, in any way, created a legacy or something that you're proud of from serving on the commission or your time in land use?

JACK FAUST: Well I think it probably -- you can probably get an argument -- this is what I think probably the most significant thing was that I was there at a time when we did survive at least two ballot measure challenges and there weren't any more. The system survived. The
system is in place. The system -- I'd be surprised if we ever take it away. It just has to be directed, it has to be focused.

INTERVIEWER: And do you think that the system is flexible, the word you use, enough?

JACK FAUST: The system is flexible. The decisions made under it have to look to flexibility. The goals -- take a look at those 19 Goals. They still apply today. Off the top of my head I can't think of one I'd put in, I can't think of one I'd take out, because that was the genius of it. They took general -- transportation, economic development, environment, and they picked out some things for the coast. These are things that I'd be surprised if 100 years from now, those general concepts should work. Now it may be in all the different ways than we think they're going to go, but when you start making some assumptions under those, you may find yourself dealing with issues that are irrelevant 25 years from now. But the general concepts are there, the powers are there. I hope that they're there. I hope they don't cut back too much. But it's good news that you're not reading in the paper of huge battles between the environmentalists and developers and LCDC.

INTERVIEWER: Uh-huh.

JACK FAUST: I don't see a demand to reinvent that wheel.

INTERVIEWER: We've been speaking today with former Land Conservation and Development Commissioner, Jack Faust. It's been a pleasure. I appreciate you coming in and sharing your story.

JACK FAUST: Thank you.

(Concluded)