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Looking Back at Planning Oregon

Henry Richmond

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Looking Back at Planning Oregon

*An interview with
Henry Richmond, co-founder of
1000 Friends of Oregon*



Henry Richmond was just 32 in 1973, when he co-founded 1000 Friends of Oregon, an organization created to act as a watchdog for the newly formed land use system. He was the group's first Executive Director and served in that capacity for more than 19 years. Henry is a practicing attorney in Portland and lives on a hazelnut farm on the Willamette River.

Richmond was interviewed by Jim Sitzman, whose career in land use in Oregon includes work with Metro and its predecessor, the Columbia Region Association of Governments (CRAG), where he assisted in drawing the first urban growth boundary around the Portland metropolitan area. He also served as a field representative for the Oregon Department of Land Conservation and Development.

This interview was recorded in June, 2015 as part of People and the Land: An Oral History of Oregon's Statewide Land Use Planning Program. Sponsored by the Department of Land Conservation and Development, and carried out by Planning Oregon, the project's goal is to document and preserve a record of Oregon's land use program through the recording, transcription, collection, and archiving of personal oral histories. The interview begins with Richmond's rationale for founding 1000 Friends. This interview has been edited for length.

Henry Richmond: My interest was protecting farmland—not as a farmer but as a conservationist. I wasn't thinking about the average citizen, I was thinking about building a political majority for the program because the environmental impulse as a value was too slender to support the rezoning of millions of acres with farm use.

Jim Sitzman: *Could you share your thoughts about the significance of the comprehensiveness of Oregon's statewide planning program?*

HR: It was comprehensive in terms of a range of subject matter, it was compre-

hensive geographically, and it was able to be comprehensive because of the urban growth boundary. In other words, the statewide planning goals required, as do most European or UK systems, the local governments to demark where we're going to be urban and where we're going to be rural. To me that's the most important element of comprehensiveness in the Oregon planning program. A comprehensive plan, is important because it has the body of data that allows the zoning to be workable and to be effective. You would have to have both the comprehensive plan and the zoning and the zoning should follow the comprehensive plan.

JS: *If there's an area of land where there's a conflict between what farmers and developers want, the boundary makes the separation, but the decision process for [where] to locate that boundary brings sections of the goals in conflict with each other.*

HR: In the process of establishing the urban growth boundary there's a certain balancing and trade-offs that have to be made. It wasn't about collaboration. It was about the counties doing a lousy job for decade after decade and the state legislature, under the leadership of Tom McCall, saying we're going to do things differently.

It was a hard fought deal. There wasn't a lot of collaboration. It was a blood bath and people were strongly in disagreement and gradually, I think, mainly because the farmers supported it, the public turned in favor of land use planning and Senate Bill 100.

The road has been pretty rocky for the last 15 years but I think we've survived and the political roots of Senate Bill 100 are sinking deeper into the soil in this state. I'm really confident that it's going to survive and succeed beyond what it's already succeeded in doing.

JS: *Where do you think the urban growth boundary stands in that regard?*

HR: I don't have the numbers but I believe that public polling shows that there's really strong public support for urban growth boundaries and for farm zoning. The concept of an urban growth boundary—this is rural, this is urban—that's the core of all planning systems in the industrial world whether it's Sweden or Germany or Italy or the UK. Even in Chile they have urban/rural designations.

JS: *What organizations have been most influential or perhaps have caused the most havoc for the adoption and implementation of Senate Bill 100?*

HR: The goals are strong and clear not because of any interest groups, whether it was the Oregon Environmental Council or the homebuilders or county governments. The goals were adopted the way they were because of L.B. Day and because of Jim Smart and because the other commissioners, by and large, followed their lead.

L.B. understood agriculture. He was the head of a labor union whose members were truck drivers and cannery workers who wanted to see fruit and crops coming in the front door of the places where they worked whether it was the Hood River Valley, or down in Albany, or elsewhere. He understood the economic importance of agriculture to his people.

And Jim Smart is probably the main reason why we have a strong Goal 3, the agricultural lands goal. He had standing in agriculture, in the Farm Bureau, as somebody who'd been a leader in the Farm Bureau on non-land use issues, workmen's comp, immigration, and labor laws. And he was the head of the Salem Cherry Grower's Association.

It was these people, the members of the Commission, who were picked by Governor McCall, that are the reason we have strong statewide planning goals. It was strong personalities and people with conviction, people with courage, people who were willing to stare down lobbies. And they had the insight to build a constituency by having all those public meetings, some 70 of them, as I recall, in the course of 1974.

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Beyond agriculture, I was concerned about the overrepresentation of interests that would favor development of natural resources.

JS: *Who or what influenced your understanding of the issues that should be addressed in the goals?*

HR: Beyond agriculture, I was concerned about the overrepresentation of interests that would favor development of natural resources. When I was in law school at University of Oregon, there was a lot of discussion about coastal planning and there was an entity called the Oregon Coastal Conservation and Development Commission (OCCDC). The Oregon coast is a very narrow strip of land, [where] only about four percent of the state's population lives. But it's important to the whole state and the OCCDC was supposed to come up with policies for coastal resources, beaches and dunes, estuaries, wetlands and so forth.

The legislature set the OCCDC up to be run by seven city commissioners, seven county commissioners and seven port commissioners, and they were supposed to come up with balanced policies. I thought they were coming up with terrible policies. That was one of the things that motivated me to get involved in Senate Bill 100 when I got out of law school and after I finished a clerkship with Jed Solomon in the federal court. I thought that the statewide planning goals should address the coastal issues.

JS: *The bill contains language granting the Commission authority that has statewide significance. But that authority hasn't been actively pursued. Do you have a perspective on why that has not happened?*

HR: The land use system hasn't been a technical or legal issue mainly, it's always been fundamentally a political issue. 1000 Friends of Oregon helped by getting the courts to reject certain interpretations of

the law by counties and cities that would have rendered the law just mush, but the legislature can change the law anytime it wants—or the people can change the law, as interpreted by the courts, anytime the people decide to.

There was the *acknowledgement* review process going on. The Land Conservation and Development Commission (LCDC) was constantly faced with the City of Newberg or the City of Bend proposing some outrageously big urban growth boundary and then having to say, no, you can't do that.

There was always a risk of the LCDC budget being cut in the legislature or an initiative getting on the ballot. So, the LCDC quite sensibly concluded they had their hands full. The last thing they needed was to give somebody more grease for the mill to complain. If they could get the boundaries adopted, and 15 million acres of farmland rezoned to exclusive farm use, and 9 million acres limited to forest use, that would be enough.

JS: *Survival and practicality are key.*

HR: Yes, and being sensitive to the fact that unless there's a majority in the state and in the legislature in favor of the LCDC and Senate Bill 100, on any given vote in the legislature or any vote at the ballot box, if there's not a majority there, the whole thing goes away. So, they were mindful of that. And, as I say, they had their hands full politically and they didn't want to overload the situation.

JS: *If Senate Bill 100 had not happened in the 70s could the legislation be passed today?*

HR: There were certainly a lot of wonderful planets in alignment in the early 70's. We had a governor like Tom Mc-

Call who was committed to this. There were legislators who were knowledgeable about the issue. There was a progressive mayor in Portland, Neil Goldschmidt, who could have been a problem but he wasn't. I mean because he wasn't in the same party, but he supported it.

There was a can-do atmosphere at the time. The Bottle Bill had happened in the prior session. But could it happen today? It happened in other states. In Florida and New Jersey and Maryland and all of those programs have come to nothing. They've either been just interpreted into nothingness or they've been repealed as is the case in Florida. The Hawaii program is still functioning. But could it happen again today? I don't see the leadership for it. And I don't see the support in the establishment in Portland the way you had it in the early 70's. I don't mean to be a downer but I don't see the same bright stars leading Oregon today that there were then.

The other thing is that we had a newspaper that cared about this. *The Oregonian* cared about this. Herb Lundee wrote about it. Bob Landaeur, who ran the editorial page, and Larry Hildebrandt and Mary Kitsch wrote strong powerful editorials that were read by people in Salem and all over the state in favor of Senate Bill 100. Now you have a paper that's not worth the paper it's written on. It's opposed to the program and that hurts.

JS: *I think what you've pointed to there is something we need to be concerned about in not having bold leadership.*

HR: Well, the state is not as rich as it used to be. When the forest products industry was mechanized, both in mills and how forest lands are managed and timber is harvested, we still produce almost as much lumber and plywood as we did 30 or 40 years ago. But the industry is pro-

ducing much less benefit economically to the state of Oregon because it has about 30 percent fewer employees. They have like ten guys running the whole mill, as opposed to 100.

And at that time, Oregon was ten states above the average in terms of per capita income. Now we're below the average. Weyerhaeuser used to be the biggest manufacturing employer, now Intel is. The per capita income is down and so there isn't the revenue for the government to do the things that are needed for the public good like paving the roads, funding schools and so forth. We have to have a state that creates wealth and income for people.

JS: *Were the forestry issues as important to these strong personalities that were promoting Senate Bill 100?*

HR: I don't think they were at the forefront of people's thinking as much because the forestland, a lot of it is federal land but the land base, the industrial land base, is actually increasing, the industrial timber base, there's about nine million acres of private forestland in Oregon. Six million are owned by 20 companies, and three million are owned by 25,000 or so non-industrial forestland owners. But the non-industrial owners are sort of a buffer between the farmers, suburbanites, and the industrial owners.

The industrial owners welcomed zoning that limited the forest use of the non-industrial owners. Goal 4 is very important. Oregon has good farmland but our forestland is the best in the world. The best forestland for saw timber that can be made into dimension lumber is on the coastal side of the coast range—Clatsop County, Columbia County, and some lands up in the coastal part of Washington and Southern British Columbia.

Now, that's not the whole nine million

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acres of private forest land in Oregon. There's a lot of it that's average grade or lower, like in the Klamath Falls area where Weyerhaeuser owns a bunch, but we have very important forestlands that are highly productive and it's important to keep those in forest use for the state's ability to generate wood fiber.

JS: *There was kind of a thread that runs from Senate Bill 100 through the goals and the comprehensive plans for the whole program to be effective. What are some of the program elements and practices that have been useful in pulling that thread from the statute to the goals in the comp plan?*

HR: I think one of the most important things that happened was the shift from Senate Bill 10 to Senate Bill 100 and Goal 3 which said that if the State's objective was to conserve the maximum amount of agricultural land, and to conserve it in "large blocks," the agricultural land goal should be grounded in soil types that are understood by farmers, county extension agents, and realtors. And that the soil type information is mapped and it's objective, it's understandable, it's visible, and it's grounded in credible science. I think that is one of the most important strengths of the Oregon Land Use Program that's allowed effective policy and implementation to occur from 1969 through the goal adoption and through the plan implementation process.

JS: *That's an interesting observation—how the soil inventory is an essential element in that continuity.*

HR: And every county has a soil survey and you can easily see: "Oh, this is farm? "Oh, you know, I'm sorry, it's [class] 1 through 4 soil, and so is it outside of your urban growth boundary?" "Yes, it is."

"Okay." Zoned EFU—end of discussion. That takes the politics out of it.

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HR: The ability of 1000 Friends to accomplish what it's done means that there were some really terrific staff people there. Bob Stacey and Dick Benner were the initial guys that filed all these appeals.

They had credibility with the Land Use Board of Appeals, the Court of Appeals, the county commissioners, and the newspaper editors. They knew what they were talking about and so 1000 Friends was able to preserve the law by identifying decisions made by counties and cities that we thought were wrong and that disregarded the intent of the legislature. And by representing people at no charge, we were able to build a body of precedent in the case law that protected the intent of the legislature and kept the law in place.

I think the second thing that 1000 Friends did that was important was to broaden the base of support of the program by getting the homebuilders on board that essentially eliminated the argument for local control.

1000 Friends also helped make the high tech industries see that something new was happening here for them. More fabrication plants were built in Washington County in the late 80's and early 90's than anywhere in the world. And the high tech industry gave a lot of credit to the land use system: your site was inside the urban growth boundary, it was zoned industrial, bingo, you're home! I think that is an important contribution that 1000 Friends made. Local control has been a knife in the heart of the land use reform movement in many other states and it was a huge obstacle here but once the homebuilders and the high tech people got on board with the land use program, it's just evaporated. **M**

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