

Art Schlack Interview

Tuesday, 6/25/15

INTERVIEWER: Today is June 25, 2015. It is my pleasure to be speaking this morning with Art Schlack. Art is well-known in the state's land use history with planning roles in four separate counties. Starting as a land use planner in Multnomah County in the 1970's, Art then moved on to be a planner in Washington County, followed by a stint as a comprehensive plan administrator in Clark County, Washington. He finished his career as a planner director in Polk County, as well as serving as a planner and policy management for the Association of Oregon Counties. My name is Dillon Mahmoudi, and I'm a Ph.D. student at Portland State's Urban Studies and Planning Program, and we are honored that you would be willing to sit down with us today. We are 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 are 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. I was hoping you could touch on your personal and professional relationship with Oregon's land use system.

ART SCHLACK: Wow. I got involved in land use in kind of a sequitous way in some respects. I was interested in land development and developing -- let's say building communities.

INTERVIEWER: Um hmm.

ART SCHLACK: And I got pointed towards working -- coming out of college, working for a planning department. And as a result of some interviews and some other things, I went to work for Multnomah County in 1969 and that's before things really got interesting, shall we say,

but Washington County -- counties at that point in time it was permissive to have comprehensive plans and they had a planning director by the name of Bob Baldwin, who was somewhat infamous also in land use planning, and he was the planning director, and he gave me the opportunity to join their staff and just kept going for 40 some years at this point. So, that's how it got started. And I had a degree in Business and a minor in Economics because at that time there wasn't degrees in planning, as there is these days or is now. So, you had people with a variety of backgrounds, educational backgrounds, and so I was one of the few that had an economic business background at this point. So -- anyway, so that's kind of that part of it. And as you indicated then I spent time, not only in Multnomah County, getting started and that was a real good experience. Kind of developed -- or worked on a couple projects with the Port of Portland and we did a lot of good stuff, or at least I thought, so --

INTERVIEWER: Huh.

ART SCHLACK: -- I got enthused and had the opportunity to join Washington County's staff at a time when they were -- I'll call them the pioneer. They were a step and a half or three steps ahead of the State in terms of Oregon program, because the program was just getting done, and in 1973, the county embarked on a planning program to redo the county's comprehensive plan, and this is where I met Martin Kraft (phonetic) and you mentioned him. He came to join the staff at Washington County six months after I was there and so, anyway, we -- we developed a comprehensive framework plan it was called and pioneered some citizen involvement. We had -- we were the first county to have a citizen involvement program state or county-wide, and setting up community planning organizations, which were staffed by a planner from the -- you know, from the planning department and worked with the citizens as part of that. The county did adopt a plan at the end of 1972, it was called the 73 Plan, and it basically changed the whole landscape in

Washington County with respect to land use. So, just a couple of things I've got to say about that. The county rezoned all of the farm and forest land.

INTERVIEWER: Um hmm.

ART SCHLACK: Okay. And put it from a two acre to a 38 acre minimum lot size.

INTERVIEWER: Wow.

ART SCHLACK: Okay. Established an urban growth boundary. Before that -- as part of the implementation, petitioned the boundary commission to remove 76 square miles out of the unified sewerage agency to be consistent with the plan. That to me was just amazing that they did that. I mean, we -- I went to all the hearings and -- anyway we were successful in doing that because it was going to going to be farmland for as long as anybody could see. So, why have the land inside of a taxing district where they were going to be paying tax, even though it was miniscule, that they were never going to receive a benefit from. So, anyway, those are part of steps for that and then the last 20 years of my professional career I basically was a policy manager for the Association of Oregon Counties.

INTERVIEWER: Um hmm.

ART SCHLACK: So, I was representing all 36 counties and my portfolio, the main thing was land use, so I had the great opportunity to not only work with the LCDC, but DLCD the department, and the legislature. So, got to know the program pretty much inside out. So, professional, I, first of all, I've really enjoyed being a planner and I didn't retire until I was in my early 70's. So --

INTERVIEWER: Hmm.

ART SCHLACK: -- you can tell that I enjoyed doing what I was doing.

INTERVIEWER: Yes. Can you say more about the -- you said that you got jazzed by the work that you did with Port of Portland. Can you say more about what it was that peaked your interest there.

ART SCHLACK: Oh, the Port of Portland?

INTERVIEWER: Um hmm.

ART SCHLACK: We redid -- as a joint project, we redid what was called the Columbia South Shore.

INTERVIEWER: Um hmm.

ART SCHLACK: So, it went from the Sandy River, you know, to Kelley Point at this point.

INTERVIEWER: Yeah.

ART SCHLACK: And then so we were redoing all of the -- you know, the land use plan for that area. So, that was quite an undertaking in working with the Port and -- so it was a good project and, you know, it was really going to impact an area that was developing and also to conserve Smith & Bybee Lake. You call tell I'm a native Oregonian and I grew up in the area, so -- sorry about that.

INTERVIEWER: Ha.

ART SCHLACK: But, anyway, so we worked a lot to, you know, look at employment opportunities and the development of the Port and the interface between private properties and land use and good transportation a lot, so--

INTERVIEWER: Um hmm.

ART SCHLACK: I've really enjoyed -- enjoyed that project. That -- we just finished that when I left there to go to Washington County.

INTERVIEWER: Um hmm. Well, so -- what's -- you kind of glossed over it there but I'm interested in Senate Bill 100.

ART SCHLACK: Um hmm.

INTERVIEWER: Which created this framework for land use planning across the state and based on the legislation, the statewide planning goals were drafted to express the state's policy interests in local land use planning. So, do you believe that the LCDC, the Land Conservation and Development Commission, that was created from the legislation, acted correctly to ensure these objectives have been carried out?

ART SCHLACK: (Chuckling) Some of your questions are going to be probably a little gray. Okay. So, they're not necessary yes and no's, because I'm -- largely I would say I would agree with that they have done a pretty good job and some things were left specifically kind of nebulous to allow -- well, I'm going to use the word "partnership" quite a bit. Okay. And there's -- you know, there was to be a partnership between the state and the state's interest and the locals, the cities and counties. So, the question is has that partnership really manifested in a very positive way? The goals represent, I think, the interest of the State and, uh, but as I indicated, some of them are a little gray -- you know, a little gray. I have taken issue numerous times with the difference between preserve and conserve. Okay.

INTERVIEWER: Hmm.

ART SCHLACK: Preserve means to "leave alone" if you look at Webster. Conserve means to "manage". Okay. And we manage things. We don't necessarily preserve things. We don't -- we use things.

INTERVIEWER: Um hmm.

ART SCHLACK: And I'll give you an example because I'm very sensitive to agriculture and forestlands. We conserve agricultural land. We manage agricultural land. We use agricultural land. We don't preserve it because we -- because we do those things. And so you get into these discussions between -- you know with people, well, we need to preserve the land. Well, we need to manage the land because we -- to the farmer that's an intensive use as much as a 14-story building. Okay. This is my opinion. Okay. And so those are -- that's some of the gray kinds of stuff that goes on. Sorry about that but, anyway, that's -- that's a piece that I've carried around for a long -- or carry around even today at this point, so -- but I think by and large they did a pretty good job. I mean that we got started with 14 goals, and now we've got 19, we -- it covers -- pretty well it covers the gamut of -- I'll call it the important topics that you need to discuss and within that -- those topics or within those goals you can pretty well touch everything you need to address.

INTERVIEWER: So, let's talk about those 19 statewide goals. Which goals do you believe have been the most important to accomplish -- or, excuse me, which have been the most important to the accomplishments of the State land use program and which ones do you feel have been the least important and if you could just tell us a little bit about why.

ART SCHLACK: Well, Goal 1. Citizen Involvement.

INTERVIEWER: Um hmm.

ART SCHLACK: Because if you don't have citizen involvement and the citizens don't support what you're doing or at least can appreciate why you're doing what you're doing, it's not going to go very far. Okay. You know, it's -- the people won't accept it. They won't support it. So, citizen involvement and transparency. Transparency is something that you get with citizen involvement at this point. So, that's extremely important. Not -- you know, I had to refresh my -- the goals when you asked me about them doing this and I'm going, oh, and --

INTERVIEWER: Um hmm.

ART SCHLACK: -- I haven't thought about some of those things for a while.

INTERVIEWER: Yes. Um hmm.

ART SCHLACK: And but, anyway, Goals 3 and Goal 4, I mean, because part of reason why the State undertook the program was to conserve agriculture and forest lands. So, 3 and 4. Okay, 11, which is Public Facilities, 12, which is Transportation, 14, which is Urbanization, I mean these things, if you're going to build a community, and part of what we were doing is trying -- if we're going to conserve the agriculture and forest lands, you've got to define the areas that are going to be subject to development and for communities to grow and those kinds of things. So, those are to me the most important. You've got to have the infrastructure and that's been a sore part for me for a long time is we don't spend enough time doing capital facilities planning.

INTERVIEWER: Um hmm.

ART SCHLACK: And to support the kinds of development that we're foreseeing in coming up with the costs. What is it actually going to cost? If we do this what's it going to cost and who's going to pay for it?

INTERVIEWER: Um hmm.

ART SCHLACK: And too often what we do is we go, well, we're going to go here and we're going to expand these urban growth boundaries and all those kinds of things but we really don't say how we're going to pay for it or who's going to pay for it and what's it going to cost. Okay. It's going to have -- it'll come. You know, if you build it, they will come, and so it's -- anyway so that's why I think, 11 and 12 and, certainly, urbanization, and then within those you can deal with a lot of the other goals at this point. Now, I wouldn't say they're not important, it's just that they're not as important as this whole question about urbanization and -- and the conservation

of the other resource lands that we have in the state that we hold important. So, that's kind of -- that's what's most important. You can add economic development to that too if you wanted to but I think that kind of falls within the urbanization kind of purview and as long as they have all the other goals that you -- that we have at this point. So --

INTERVIEWER: Um hmm. What are some specific examples of the lack of capital and infrastructure investment? I know you touched on the expansion of the urban growth boundary. Are there other areas that you think are particularly lacking?

ART SCHLACK: Well, that's probably the biggest one because we look at expanding urban growth boundaries right now and often there's not adequate infrastructure within the existing urban growth boundary. Seriously.

INTERVIEWER: Yeah.

ART SCHLACK: And so you really -- if you were to -- you say, okay, we need to provide the infrastructure there first, because we want to do infill, and we want to do redevelopment and all these kinds of things that should be done, because they're probably more economically viable than expanding into new areas, okay. So, it's kind of a circle but my experience over the last many years at this point, that I've been involved with this, is that without that adequate infrastructure kind of an analysis and making -- having communities really think about not only what they have within the existing let's say incorporated city limits or, you know, what is it going to be to expand, they don't really make that conscious decision. And then down the road five or ten years they go, oh, my god, well, we've got to float bonds and we've got to do this and we've got to do that and, unfortunately, the citizens don't necessarily receive that as well as they might. Okay. So --

INTERVIEWER: Well, we'll come back to citizen involvement in a little bit.

ART SCHLACK: Oh, okay.

INTERVIEWER: Yeah. I -- because I think that's an important topic. I want to ask first if there are any -- so we have these 19 statewide goals. Are there any land use policies, subjects or topics that are missing from the LCDC that should have been addressed in the goals?

ART SCHLACK: New communities.

INTERVIEWER: Um hmm.

ART SCHLACK: We're silent on new communities. The goals and everything is silent on it. It's like, well, we shouldn't have a new community and I think we ought to have that conversation. Whether you take a, I'll call it a rural community and expand it, or whether we really do some pioneering kind of thing about creating a new community some place, where we want people to be, okay, and can plan that, provide the infrastructure and go through that whole thing. I guess that goes hand in hand with my concern about the program accepts or reinforces the idea that existing communities are good and should grow. In fact, we make it almost mandatory that they do.

INTERVIEWER: Um hmm.

ART SCHLACK: Okay. And whether they want to or not and I think that the idea of I'll call it new communities at this point, I mean, for a long time there's been the -- well for a long time, and it will be for a long time yet, probably the discussion of between the west side of Oregon and the east side of Oregon. I look at the west side of Oregon and there's a lot of development, there's a lot of resources there too, and we talk about the Willamette Valley and the Tualatin Valley and all this kind of stuff, but -- and so maybe there's a good idea of going into Eastern Oregon some place and saying, well, we want to -- you know, it's a good place to live, the climate's good, we just need to provide some transportation and an infrastructure and I'll betcha, if you look at

Bend, that we could create another Bend or we could do whatever and move some, you know, in a positive way, make a positive decision to go ahead and create a new community and encourage growth or development in an area rather than just say, okay, we're going to continue what we did for the last, almost 200 years, because where did people live or where did they locate? They located on a river.

INTERVIEWER: Um hmm.

ART SCHLACK: Okay. They located because of easy transportation and all those things. And so if you look at the cities in the state of Oregon, they're pretty much all along rivers, I mean, we've got a river running through it, and as a result then you lose your land, the farmland, and all that kind of stuff, and so if you just keep doing this all the time, it won't be -- it won't happen in my lifetime, but in somebody's lifetime, we're going to say, wow, what happened to the Valley? Where did it go? So, I think we can -- you know, we ought to -- we're good enough, we're smart enough, we've got the people, we could -- if we wanted to, we could make a conscious decision to create a new community some place, maybe more than one, I don't know, but it would be really fun to do some planning. You'd think that would at least be in the mix and I think there ought to be a goal or something that addresses that.

INTERVIEWER: Um hmm.

ART SCHLACK: Okay. The only other thing I'd probably mention, and we've already touched on it, is this whole question of partnership. Oregon's program has been viewed by many as top down. The state of Washington's program, that I was involved with for about seven years at this point, was called the Growth Management Program, which is bottom up, and it's got its warts too. I mean, you know, because what you do there is they've got basically some goals, and they're transmitted to the counties and the cities, and they develop a plan, and they submit it to the state but

the state doesn't have an approval process shall we say. They don't review it and say, yeah, this meets the test or, you know, you need to do something else, you have to go to court, somebody has to sue and so that's not really a good way to do business either necessarily. But it's a question of partnership, and the partnership is still very nebulous and it's contentious, and a lot of the court cases that we see, a lot of the detail that we try and put in, not only statutes but administrative rules to address some of these issue, are all because we don't either trust or the partnership really has a lot -- has so many rough edges, and nobody really knows what it is, I mean if you were to ask. I always thought that the plan for the state of Oregon was the mosaic of the cities' and counties' plan. That's the plan for the state of Oregon. Okay. The goals are here and they shine this nice bright light but if you were to say, well, where's the plan for the state of Oregon, it's the mosaic of all the cities' and counties' plan. I think that the people that started the program, I think they -- that was more of their vision and their vision initially was a partnership between cities and counties because the counties at this point have quite a bit of responsibility to do coordination within their county, with the cities and that kind of stuff and, in fact, the county even initially added some oversight, you know, of the cities and what they were doing and how they did it and that kind of stuff. So, anyway, the partnership needs to -- we need to work on of trying to articulate how that partnership really works.

INTERVIEWER: Um hmm.

ART SCHLACK: Now I told you if I rambled, you know, you'd -- (Chuckling)

INTERVIEWER: No. This is not rambling at all. This is -- you know, I hadn't thought about the new communities' piece and so --

ART SCHLACK: Not very many people do.

INTERVIEWER: Yeah.

ART SCHLACK: But, you know, I raised the issue when I was in Salem a number of times and, you know, it was like, oh, well, we really don't want to talk about that because that -- you know, but there's a lot of people that would be interested in that I think. Not just from a theoretical kind of position. I think that the development community would be interested and I think investors would be int -- I think a lot of people would be interested -- would at least be interested to see how it would work and or -- and I think it could work.

INTERVIEWER: So, how might that actually play out? Would that be like restricting the urban growth boundary in one or more places and then, you know, opening up that space somewhere else? Is that kind of how you're thinking of it or in what way would--

ART SCHLACK: Well, I think at some point you might -- you know, you might get there but I think it's going to take a while before that happens. Okay. I mean, if you want to say is that the ultimate goal? Maybe? But it's like -- let's use Salem because it's kind of, you know, Salem is surrounded by nothing but one -- you know, some of the best agricultural land in the state of Oregon.

INTERVIEWER: Um hmm.

ART SCHLACK: Okay. So, what if Salem didn't necessarily grow out but it redeveloped, you know, within its current boundaries, maybe because it made the conscious decision that that's what they wanted to do and -- you know, and to conserve the land around it. So, they could still accommodate population growth, they could go up, they could go infill, they could do a whole lot of stuff, but they don't necessarily have to annex another 100 acres or 500 acres or whatever to accommodate more houses on 10,000 square foot lots or 5,000 square foot lots or whatever the case may be. Okay.

INTERVIEWER: Um hmm.

ART SCHLACK: And so if you said, well, we're going to have X number of people come to the state of Oregon, well, maybe there's this new community that has industrial and has commercial, has the infrastructure, and we did get an employer to locate there because he doesn't necessarily need to be -- ship things out of the port of Portland, assuming we had a port that actually functioned, speech that you may have to editorialize, uh, but I mean those kinds of things and so it would work. And so it wouldn't be a demand, if you will, for a community to grow in an outward way and you could have another area that could take that demand that might come to the state of Oregon at this point. So, I don't know whether you'd say -- I've seen that in a couple of places.

INTERVIEWER: Um hmm.

ART SCHLACK: In fact, in Marion County, over in St. Paul, and some other people they did that. They decided not to grow and they had to transfer it and somebody else had to take it, you know, kind of stuff.

INTERVIEWER: Um hmm.

ART SCHLACK: And so I suppose you could do those kinds of swaps, if you wanted to, but I'm not sure you would have to do that. It's just a question of if you built it, and you had the infrastructure, and you've got all the kinds of things you need to do, well, then I think it will happen and there will be less pressure to do something else, and maybe you -- maybe you do limit more than we do today, because there's not the need statewide for that kind of activity. And so that's for the universities to take that and run with it. I wish somebody would run with it.

INTERVIEWER: Yeah. That's an interesting topic. I'm glad you brought that up. Well, Art, I want to change gears a little bit back towards citizen involvement. So, in 1974, LCDC

and the DLCD undertook an unprecedented public outreach and involvement effort in adopting the first 14 goals. Was this worth doing? How, if at all, did it affect your thinking and views?

ART SCHLACK: Another one of those gray kind of things. At least my response to that is, yeah, it was worth doing because we needed to get more people involved and we needed to have some transparency about what was going on in the state of Oregon and why we were doing -- why we were involved in this goal process at this point. So, the problem -- and I think they probably, under the circumstances, did as good as they could, maybe, is to get people involved and what I have at least found is that, well, the end use is kind of one of those subjects that people don't really pay attention to until it touches them. Reached out and touched you.

INTERVIEWER: Um hmm.

ART SCHLACK: Okay. And so you're only concerned about your living environment and what's going on until somebody proposes something down the street. Okay? Well, then you want to get involved. But you don't get involved when the policies and all these kinds of things are being discussed that are going to lead you to whether somebody's going to do something down the street or not. Okay. And so the involvement by people that went to the hearings, and that kind of stuff, were kind of the people that were already involved in planning. It might have been planning commission members and it might have been staff and it might have -- at the local level in some of these -- and there were some people that were involved, like the League of Women Voters and different groups that, you know, that have, I'll call it, a civic interest in those kind of things and that kind of stuff. And so it would have been great if they could have gotten more people involved. Okay. And so that's probably the -- you know, and it probably wasn't their fault necessarily, but I think it was well worth doing. It didn't change my mind. We had already done that. You know, not to -- you know, Washington County had really basically done that. We had held meetings in all

these community planning organization areas talking about this framework plan and how it was going to impact them and, you know, we might get 25 people. We might get 50 or 100, depending on where we were, but, again, that was -- that's a small segment and they came there interested to find out what was going on. Some of them left before it was over. You know, oh, that's not something that (unintelligible) you know, that they were really interested in kind of stuff. But at least it was worth doing and it's still worth doing. So, it's basically very important.

INTERVIEWER: So, can you tell us a little bit more about the citizen involvement work that you did in Washington County and what kind of things -- you know, you had mentioned that Washington County was ahead of the game. So, what kind of things were they doing that were novel or new and were those things then adopted by the State? Was that like a--

ART SCHLACK: Well, I don't know that it was adopted by the State but certainly let's say the community planning organizations that were -- we divided -- the county had been doing planning for a while in Washington County, and so with this new approach that was led by the -- and I'll throw a name your way at this point, was led by the chairman of the planning commission, Eldon Hout, who was a professor at, I believe, Pacific University at the time, but he was also part-time -- they had part-time commissioner, but he was -- anyway, so he was very much interested in planning and it was through his interest that the county was undertaking this new program, and it was like the McHarg approach, you know, Ian McHarg, Design with Nature?

INTERVIEWER: Um hmm.

ART SCHLACK: And we did that. I mean we had maps showing all the soils and what they were good for and what was their limitations and -- and we could remap a whole lot of things and we did all those overlays and synthesized and all this kind of stuff and then came up with, you know, areas that were -- they ought to be considered for agricultural lands because they -- you

know, like where the forest lands were, and all this kind of stuff, and then we determined how much land we actually thought we were going to need over the next 20 years for urbanization and established an urban growth boundary. And it wound up being almost exactly the same boundary, and this was 1973, that Metro adopted when they adopted the metro boundary Washington County. So, it was not that bad, let's put it that way. So there was -- in the county had rezoned. I mean, think about -- and, now, most of the agricultural lands in the state of Oregon at the time were two acre. Washington County was two acre. Marion County was two acre. Multnomah County was two acre. Well, it was F1 kind of stuff. And then to take -- to go through and hold the public hearings with notice to the land owners and that kind of stuff that their land was going to be rezoned from F1, okay, to a 38 acre minimum lot size? And we had fun, I mean it was fun, you could call it fun. I got to meet a man by the name of Tim Alison, and I don't know if -- you may have heard some stories about Tim. He and I finally, after a number of years, came to a -- I'll call it a mutual respect. And so we were able to work fairly well together over a period of time but he was a tenacious little fellar (chuckling) who had a deep feeling for personal property rights. Okay. And so you could tell, you know, where the rubber hit the road with -- between the two of us at this point because I was -- you know, I was a planner and I was bringing forth a bunch of these different -- these ideas and -- and that wasn't in the wheelhouse with Mr. Alison at this point. So, we had lots of fun and he came in for many years. Okay So -- does that help?

INTERVIEWER: Yeah. Absolutely. Actually, I -- you know, I wan to hear more about Tim.

ART SCHLACK: Oh, yeah. (Chuckling) But, anyway, so the county really, you know, was -- Senate Bill 10, which was the forerunner of Senate Bill 100, you know, that had passed at that point. So, I'm not sure all of the -- of all the dynamics. Eldon Hout might give you a better,

uh -- well a view from his perspective as to why he wanted to undertake this and why the county should undertake this because without his leadership it wouldn't have happened. There's no question about that. But it did put us -- it was like -- my first read when we -- when it was done, you know, and so we had statewide planning goals and we had a deal that we're going to have to submit for acknowledgement, I just wanted to take and fold up all our stuff and just give it to them, because we had gone miles from where we were and I'll just tell you that -- make a comment now is that it was really difficult for the county then to say, oh, we've got to go back and do this again and it's not good enough and that's where friction, at least at different levels, maybe at the -- I'll call it the technical level, yeah, because you didn't live through this, we did, and then certainly at the political level, because then you were telling citizens that what they had just gone through, and basically barely accepted, now was going to be changed again significantly. That's why it took 10 years for Washington County to get through acknowledgement for where it is.

INTERVIEWER: Um hmm.

ART SCHLACK: There's a whole history there, you know, and you don't have time to listen to all that.

INTERVIEWER: (Chuckling) Well, so -- you know, the -- okay, Goal 1, Citizen Involvement.

ART SCHLACK: Um hmm?

INTERVIEWER: Why is it viewed as crucial to development and education of the Oregon land use system? In your opinion is it still relevant today? Citizen involvement?

ART SCHLACK: Yes. It's -- you know, yeah, it's very relevant, and, you know, you've got -- we've got such a change in population. You know, the people don't have the history and, you know, and -- and, again, they're being touched and they go, well, why and how do I get

involved and -- you know, and what's going on, and so there needs to be citizen involvement, and there needs to be education. I wish even the schools would have more in terms of, you know, at the high school or even the junior high, that would have a piece on community development or how your community grows and that kind of stuff so they get an understanding of kind of some of the elements of what -- what's in a comprehensive plan and they've taken on a whole different meaning in the last 25 years, at this point, in terms of how they affect people. They affect people as much as your doctor does, okay, because it affects how you live.

INTERVIEWER: Um hmm.

ART SCHLACK: Again, that's my view. It affects how you live. It affects your health and your well-being, and what you could do, and how you could do it and all that kind of stuff, and so -- but they -- I think it's very relevant and it's extremely important at this point.

INTERVIEWER: You know, it reminds me of that Nohad actually -- that was of the things that he kept talking a lot about is that we need to get out into the junior highs and high schools and talk about the Oregon land use system and planning and what that means. So, yeah, I -- that's come up a number of times actually in talking to planners, so --

ART SCHLACK: Yeah. They don't do sys classes in, let's say, in high school or junior high necessarily anymore like they used to.

INTERVIEWER: Um hmm.

ART SCHLACK: So -- but I -- yeah, I think it would help. You know, I would think that would help in terms of involvement, and I think it would help in terms of understanding and support for the system at this point, because that's where a lot of the impressions and things are done. You know, if we talk about environment and people get -- you know, young people they get all enthused and, you know, they get so enthused they even talk to their parents about it.

INTERVIEWER: Hmm.

ART SCHLACK: And, you know, it makes a difference. So -- anyway.

INTERVIEWER: Well, so, in your opinion, have the statewide planning goals struck a balance between state and local control, that the LCDC intended in 1974, and so if could talk a little bit more about partnerships here that would be great.

ART SCHLACK: (Chuckling) Yeah. Well, you know, when Tom McCall, Hector MacPherson, L.B. Day, you know, Ted Hallock, and a few others at this point, that really put together the -- you know, Senate Bill 100, when they were doing all of that they -- I think they viewed the program as a partnership between I'll -- at this point I'll say local government and the State and I dare say that if you talked to more than a couple local governments you're going to really raise some eyebrows when you say, well, what did you think of the partnership? I mean they're going to say, well, what partnership? Okay. So, I think it's important -- or it would be important to really spend some time trying to put some sideboards or understanding as to what your in -- you know, how this partnership is going to work because it's different wherever you go and nobody really understands it. So, that's -- I think that's the -- that's probably the main thing that, you know, is -- is what the -- I'll call it the founding fathers thought they were going to see and what they were -- were putting into motion didn't really happen the way it is and maybe it's the product of a number of things that changed from the time they did it. Because at the time they did it, you know, we were still the -- the comprehensive plans were a guide. They were a guide. This is what we think is going to happen and all those kind of things and so I'm going to maybe be jumping ahead a little bit but there's a couple court cases that came out in '73, 74, maybe '75, because I didn't look at the dates at this point, but there's two of them that are -- that really

changed what a comprehensive plan is and it's --and what it means. Well, one of them was *Fasano vs. Washington County*.

INTERVIEWER: Um hmm.

ART SCHLACK: And the other one was *Baker vs. City of Milwaukee*. Okay. And that took a comprehensive plan from a guide, and I used to call it the bible, to a bible or a constitution, because in the -- in the *Fasano* case the court said that, yeah, we've got to have a comprehensive plan, and, number two, you've got to follow it. So, if you're going to make decisions about land use it has to be consistent with the comprehensive plan. Okay. Before, you know, you could say, well, gee, yeah, but we'll make an exception here and -- and the local government would make an exception. I mean, the decision-makers would make an exception, and so the plan would say X and they'd do Y and okay -- okay (chuckling) and they could do that. But with that decision that changed all that and so any decision henceforth had to be consistent with the plan. So, if you're going to zone a piece of property, and we had a two-map system predominantly at that point in time, so you had anticipatory zoning and people would get zone changes up or to other zoning and, you know, and they'd look at the plan and they'd -- and if a plan said commercial and it was currently residential then 95 percent of the time, or 99 percent of the time, a zone change would pass. Okay. *Baker* went one step further. *Baker* went and said -- I mean this is just the -- the big piece, *Baker* said the plan takes precedence, and if you've got a piece of property that's zoned and, you know, inconsistent with the plan, the plan takes precedence. Okay. So, in reality what that meant is, oh, and -- and you had land that was zoned industrial, but on the plan it was residential, and then you were telling some -- the property owner that, sorry, you know, if you want to do anything else we -- we've got this problem. And so people were either changing plans or changing zoning because -- and I can just tell you, I remember sending probably six to eight hundred letters

to property owners, after the *Baker* decision, or shortly after the *Baker* decision, telling them there was a conflict and if they were looking at doing something, you know, they would have to be in conformance with the plan, and/or we'd have to see about changing one or the other at this point but the controlling document was residential. There was a lot of unhappy people at that point. Anyway, so those two court cases really changed really what, you know, how plans were -- were viewed at that point. They weren't this guide that when the founding fathers thought that they were, you know, when they were doing the plan and had the -- they were going to have this partnership and they were going to work these things out. All of a sudden the courts and the whole legal system that we had brought into the land use planning profession program is -- it has made it a lot more -- it's changed its complexion considerably. Okay. And that's just the view from somebody who was working with it when it all was happening. So, it's just changed almost overnight. So, pretty fun.

INTERVIEWER: Well, so we -- I mean those are two really important court rulings.

ART SCHLACK: Um hmm.

INTERVIEWER: I'm curious if there are other -- I've got a list here, the -- how state and local elected officials, how ballot measures, actions by the Oregon legislature or even other court rulings advanced or uncut Oregon land use planning?

ART SCHLACK: Well, we've been fortunate to have elected officials, at the state level and also at the local level, say a group of individuals, who believe in land use planning and what it brings to the community, and they've been in the majority and I've mentioned several of them at this point that started this whole thing but, you know, at the -- at the state level we've had a number and I -- you know, I hadn't really thought about the Association of Oregon Counties has -- you know, all 118 commissioners are part of that, and as part of that, in that group, there's always been

several outspoken county commissioners that are supportive of land use and the whole process they're supportive of it in their own community, and they are -- they've supported it statewide. Don Lindley, was a commissioner, a long time commissioner in Lincoln County, was one that I would say was extremely supportive, you know, he'd been supportive of land use over the years, and there's been a lot of other ones, and I haven't been that involvement with the cities, but I mean they've had people too. So, there's been elected officials that have been supportive. And even some of the special interest groups, like the Homebuilders and others, have been supportive because they can see the advantages of having good comprehensive plans and those kinds of things. There's also been some detractors, shall we say, and that's why you had Measure 37 and Measure 49, which is basically property rights, and so you -- you know, those -- they -- they were successful enough to get some measures passed, even though one of them didn't hold service with the courts, but -- but it did change things and actually there was, if you want to call it the -- I'll say in the final analysis there was some property rights acknowledgement that was put into effect through the legislature. I was involved in some of that when it happened but -- but it's, again, part of the -- part of the process because you've got a process that's technical, it's political, and then you've got this nation, which was founded on the idea of man -- you know, man had a right to do with his property what he wanted to do, and so it's only been the last, what, 50 years that some -- we've said -- well, as a community we've said, well, there's a bigger purpose, and everybody has an impact on everybody else, and so there's a community facet that we've got to deal with, and so property rights have taken on a different -- a different meaning at this point or a different color than it did 100 years ago or even up until probably about in the 1970's. Okay.

INTERVIEWER: Well, you've talked a little bit about how the Oregon land use program has changed in the last four decades. Do you think or how do you think, the Oregon land

use program of 2015 compares to how it was envisioned four decades ago by the founding fathers as -- as you might have referred to it. How do you think that they compare --

ART SCHLACK: Well --

INTERVIEWER: -- or, more importantly, is it what was envisioned?

ART SCHLACK: The outcome is, I think, close to what they envisioned. How did it get there? I don't think it's what was envisioned. Okay. And that's the partnership piece of it. I think what they wanted to do was to conserve agriculture and forest lands and they wanted to stop what was termed urban sprawl, which was having a detrimental impact on agriculture and forest land. They wanted to get -- I think that they were looking at, you know, providing urban services or services at this point because you had health hazards being -- you know, when the program was being done you had health hazards being declared because you had, uh, fairly intense development on some sewage disposal systems and you had health concerns at this point. So, they wanted to deal with those kinds of issues. So, I think, you know, if you'd have said, well, what do you want things to look like kind of, you know, 50 years later, there -- that would be somewhat similar to what -- but how you get there I think is -- is different than what they had in mind initially and I -- and we might have been really close, you know, because what -- I always talked about land use as 51/49er's. Okay. Some things are really clear. I mean to a planner, okay, to a planner you look at somebody and he wants to do X, Y and Z, and some of them are really close to being that fit within the plan or they don't. Okay. Or you look at them and you say, well, maybe if we changed this and we changed that we -- you know, maybe if you're willing to do this then it's acceptable but then there's some that are 51/49's. Okay. But you've got to make a decision but they're still 51/49er's. So, where do those come into it? You know they're there, they're a reality, they happen every day, and so they make things a little more complicated. Okay. Make things a little more

complicated. There's a lot of 51/49er's in planning. You know, those type, that's what I found over the years, so -- does that help?

INTERVIEWER: Yeah. Absolutely.

ART SCHLACK: (Chuckling)

INTERVIEWER: Absolutely.

ART SCHLACK: Tell me no.

INTERVIEWER: No. Any changes or additions that you'd like to see in our planning laws and in the statewide goals to enable Oregon's land use program to face future challenges?

ART SCHLACK: Okay. Well, I wish it wasn't quite as legalistic as it is because the -- the lay person -- the system doesn't welcome the lay person into it at this point. I mean you've got to devote, you know, a lot of time to understand it, to be able to work with it, and it is somewhat difficult to convey to other people, let alone the general public at this point. So, it's -- I think, you know, that's why you have now a planning program at universities and you have a lot of attorneys, and I have a lot of friends that were attorneys, that made (unintelligible) out of being basically land use attorneys, you know, over the years, and there was a time when I thought, well, maybe that was in the back of the mind of some of my friends that were attorneys. Ed Sullivan was an attorney.

INTERVIEWER: Do you think that that is the intention with the Goal 1, Citizen Involvement, or how do you think that that -- the, you know, the inability or the lack of legibility to a lay person?

ART SCHLACK: I don't know how we'd get away from it, necessarily, where we are now because the court says we've been involved for so long and if you -- as part of the pro -- the process if you -- you do have the right to appeal or you do, you know, we do have this litigious

legal process that people go through when they're not satisfied and the result is new law. Okay.
New statutes.

INTERVIEWER: Um hmm. Yep.

ART SCHLACK: We go down to get, you know -- we go to get clarification of something and there comes a new rule. Well, we've got the statutes and then you've got the goals and then you've got this and you've got that and so you wind up with, you know, more than a little book as to how you can, you know, get involved in land use planning. So, I wish it wasn't quite so detailed that you had to get involved in the minutiae in order to be able to understand it, and be able to, I would say, participate in it because you do. I mean that's the reality of it at this point and if you get involved in it you will certainly get involved in the minutiae at some point in time, so -- we've talked a lot about the partnership kind of question. To me that's a very big one in terms of being able to move forward with the program. So, I -- those are the things that come to mind at this point.

INTERVIEWER: We're you -- Art, you're one of the few people that have had the opportunity to be a planner in Washington state and Oregon state.

ART SCHLACK: Um hmm.

INTERVIEWER: I was hoping you could contrast -- compare and contrast a little bit between the two states and your experiences across them, particularly in relation to land use planning.

ART SCHLACK: Well, I -- earlier, like I said, a little bit about top down/bottom up. Okay. And, you know, the big picture that's the difference between the two. In -- at the Oregon program is, you know, you've got the goals, you've got the administrative rules, you've got the statutes at this point, you've got all that stuff, and it's given to the local government then to do a

plan or to look at its plan, okay, if they're going to make changes or update it or whatever they're going to do to this point. And so you have this body of information and requirements and guidance and all of these kinds of things to go do this and so you do it and you spend -- you spend three years and several hundreds -- well, several thousands of dollars, let's put it that way, when you consider staff time and all the stuff you've got to do for all these kinds of things and lots of public hearings. And, you know, elected officials are involved, you've got planning commissions, you've got all this kind of stuff and so it comes together finally with a product. Then that product is given to the State and the State looks at it and says, oh, well, you did a lot but you didn't do enough here, and you didn't do enough there, and you -- and, oh, god, there's this little area, these 50 acres over here, no, that's not good to what you decided to do there, we want you to change that. Well, at the end of the day does that 50 acres make that much difference at this point? Okay. So, that's where the bottom -- the top down becomes -- there's -- there's a real rub there. Okay.

INTERVIEWER: Um hmm.

ART SCHLACK: And it's hard. It's hard for the locals, after they've lived through all the trials and tribulations and dealing with the people, then to come back and says, well, we've got to go change that again. Now there may be certain circumstances where it's warranted, okay, I won't -- but if you really had all the involvement and the special interest groups and all that kind of stuff down front, at least you would know about it going into it and not get surprised necessarily. The state of Washington is a little different. As I indicated, you get -- you've got the State kind of message to the locals as to what you need to consider and how to do it and that kind of stuff, and it's given to the locals to spend a couple of years spending your time with all that information doing it and coming up with a product. Okay. And then you submit it to the State and State says, thank you, very much, we're happy to receive your product and they don't have oversight authority. So,

then it falls to a special interest group, a jurisdiction within the county, okay, potentially, or somebody to raise the question and take you to court. So, it puts a whole different dynamic at this point, you know, the State and the local isn't necessarily in a -- in, you know, grinding against each other at this point. They're not an adversarial position. But it's not the best place to be because you don't want to necessarily get done and then have to -- wind up knowing you're going to go to court because you can go to court by this special interest group or whoever has standing to file and so that's not a great place to be either. I mean -- and it could be more rigid than you're trying to work something out necessarily but you always have the idea of going to court at this point. It's just how you get there. You get there and (chuckling) -- you can get there in the state of Oregon also and it's happened but -- so, but anyway that's the main -- main difference at this point.

INTERVIEWER: Well, we talked -- so the two things that kind of we've talked about a lot have been the partnerships and citizen involvement. How has citizen involvement or how is citizen involvement different between the two states and how might we see that in the -- in the land use differences between Washington and Oregon?

ART SCHLACK: I'm not sure that you're going to see it that much. There's that much difference between the two. I mean citizen involvement is as important there as it is here. So, you've got this, you know, citizens involved and you go through that whole process so if you've got a number of -- if you've got the involvement from as many people as you can with as many views at least they're considered.

INTERVIEWER: Um hmm.

ART SCHLACK: And I think that's the same both ways. Okay. That's -- and it should be. I mean that's just a part of a good process and that's what it ought to be. So, I don't see there's

that much difference between citizen involvement necessarily in the Oregon system and then the Washington system at this point.

INTERVIEWER: Um hmm. Well, one of the things that you mentioned was the role of the special interest groups in bringing someone to court perhaps. And also maybe you could say more about how special interest groups in Oregon have played a role in the land use program? You've talked a little bit about how the special interest groups would participate in the kind of public outreach.

ART SCHLACK: Um hmm.

INTERVIEWER: How have they played parts in -- and going back to key court rulings or the legislature?

ART SCHLACK: Well, the special interest groups, whether they're the Homebuilders, or the Realtors, or Oregonian in Action, or the Farm Bureau, or OFIC, I mean there's -- I mean from which represents forest companies, and the forest industry at this point, I mean, these are special interest groups that should be involved in the local -- at the local level when you -- plans are being undertaken or the plan -- in the planning process but they also go into play at the legislature. Okay. And they have influence, needless to say, with members of the legislature that certainly have a similar interest and there are those that have very similar interests. Okay. So, there can be bills drawn to address things that are basically supported by that special interest group to change, you know, something that's in statute or actually even change an administrative rule because administrative rules have the -- act like a statute, but they're not a statute, and so if the legislature occupies the space by a rule but, you know, whatever it might be, let's say how you got a dwelling under certain circumstances in a resource area, they can go ask the legislature to change the -- you know, to have a statute and they have done that. Then you have also the fact that, as you well

know, we had Measure 37, which was basically property rights from back to saying if you owned property in 1973, when the program was initiated, that you had the same -- basically, you know, in some instances the same rights as you had today is that you had -- if you owned the property in 1973, even though it might have been significantly changed through the program over the last 20 year -- over a 20-year period. And so you -- special interest groups, and what you have before them, you certainly have, you know, can file for an initiative and get it on a ballot and then, you know, if there's enough interest in it they -- it'll pass and we've seen that. So, they play an interesting role at this point. Okay.

INTERVIEWER: Um hmm. Well, Art, I want to give you the chance to share any other thoughts, anecdotes and experience.

ART SCHLACK: Boy, if I did, I'm get myself in trouble and I already probably have.

INTERVIEWER: (Chuckling) That's okay.

ART SCHLACK: Yeah. I'm getting like -- I had a fairly long career and I got to work with a lot of people and I think, by and large, the -- the only criticism of the department that I will say is that the department sometimes has a feeling that they know best. Okay.

INTERVIEWER: Hmm.

ART SCHLACK: That they know best. And I appreciated it when -- when I, as a staff person, made a recommendation to my commission, that the commission, who may not be as knowledgeable as I am, okay, would follow my recommendation. And you have that same phenomena with the relationship between LCDC and DLCD, but my criticism of the department, and I think they do a lot of good work, my criticism would be is they think they know best and a lot of them have never worked at the local level.

INTERVIEWER: Um hmm.

ART SCHLACK: And so they don't know what the local -- a planner at the local level goes through and what they have to deal with and this is not the science. This is not two plus two is four because some place you have to balance the technical part, the political part, and it's tough. It's tough. And so we need to be able to work together as much as we can and to have that understanding and not rub -- have rubs all the time or very often, let's put it that way.

INTERVIEWER: We've been speaking today with Art Schlack, county planner extraordinaire.

ART SCHLACK: (Chuckling)

INTERVIEWER: Art, it's been a pleasure. Thanks, very much, for your time.

ART SCHLACK: Oh, you're welcome. Thank you.

(Concluded)