

Henry Richmond Interview
Monday, 6/01/15

INTERVIEWER: Today is June 1, 2015. It is my pleasure to be speaking this morning with Henry Richmond. At just 32 years old, Henry, co-founded 1000 Friends of Oregon, an organization created in 1973, to act as a watchdog for the newly formed land use system that Senate Bill 100 created. He also served as the group's first Executive Director for more than 19 years. Henry still practices as an attorney in Portland and lives on a hazelnut farm on the Willamette River. My name is Jim Sitzman. I'm conducting the interview today. I have a history in working with Metro and the development of the Metro urban growth boundary and for many years a Field Representative for the Department of Land Conversation and Development. Henry, we are honored that you will be willing to sit with us today. We are hoping to gather as much information as we can from the people who were influential in forming and shaping Oregon's land use system. We are aiming to document the stories, the 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 relative to this effort, be specific with names and locations and dates, as much as you. So, let us begin.

HENRY RICHMOND: Well, I would just interject that 1000 Friends was formed in '74.

INTERVIEWER: '74.

HENRY RICHMOND: Not '73.

INTERVIEWER: Okay.

HENRY RICHMOND: I wrote a letter to Governor McCall on August 1, 1974, and posed the idea that me and -- that Allen Bateman (phonetic) and I had and we met with him and he

said, well, that sounds like a great thing, that the motivational thing on 1000 Friends of Oregon was that Senate Bill 100 was passed, the goals were -- had been gone through several drafts and it was clear that if these goals were adopted and implemented that they would have a dramatic impact on the state of Oregon. But our concern was that local governments had imposed Senate Bill 100 in the '73 Legislature but the law, unavoidably, delegated to localities the job of saying what the law meant, and so we were concerned that the counties, in particular, would say the law didn't mean very much, it only meant X instead of Y, or A instead of B, and unless there was a way for important erroneous decisions of their local governments to be identified and presented to courts for correction, that the intent of the legislature or the intent of the LDCD in establishing the program would gradually turn to mush. So, we proposed to Governor McCall that he chair a board of dir -- an advisory board of an organization, which would provide a staff of attorneys who would represent land owners in cases that presented important questions of precedent and not charge the land owners, the clients, for taking the case up to the appellant courts. And he said, well, if you can raise \$30,000, I'll be your chairman, and I'll announce it. And so we raised the money and he announced it on January 8, 1975, his last day in office, but the germ of it was that meeting in August, 1974, when he approved the proposal that I wrote to him about.

INTERVIEWER: Well, I'm glad you started with that introduction because it does lead into some questions I wanted you to clarify a little bit and I guess behind this question is the fact that, yes, for the people that -- among the people we're interviewing you're somewhat unusual in that you're not a former director of a department, and not a former commissioner or on the commission, not a former employee, which many of the other people are, you're -- in that sense you're not of the program but you certainly have a keen perspective on it and I guess the other difference that I'd like you to comment on is the fact that among all the other outsiders that we

might interview, who have had an influence on the program, they've, by and large, been spokespeople for vested interests, the homebuilders or the farmers or -- they -- that you have, you and others at the time of formation, have stepped in and said we need to represent the average citizen, the property owner. Can you share a little bit your sense of the significance of that of the program?

HENRY RICHMOND: Well, I never really thought of it as representing the average citizen. My interest was protecting farmland. Not as a farmer but as a conservationist or environmentalist. And what I realized fairly quickly, you know, by the time that it was the first initiative, is that there needed to be a broader support for the program. It couldn't just be environmentalists or farmers. So, I was eager to get the homebuilders to support the LCDC and to bring that support about to cause the program to be interpreted by LCDC rulings or by court rulings to benefit homebuilding and affordable housing, and -- and then later the high tech industry to make sure that there were cutes and fast procedures. So, I wasn't thinking about the average citizen, I was thinking about building a political majority for the program because the environmental impulse as value is too slender a reed to support Senate Bill 100 and the implementation of it, the rezoning of millions of acres with farm use. You know, by itself, there had to be broader support and that's what I think was the role of 1000 Friends of Oregon.

INTERVIEWER: You've introduced in the comments you've made so far, in a sense, the need to balance, in a comprehensive way, issues confronting the State. It seems significant that the terms with the largest definition in Senate Bill 100 is comprehensive plan. Could you share your thoughts on what was intended by that and then the significance of being comprehensive in the planning effort?

HENRY RICHMOND: Well, it was comprehensive in terms of a range of subject matter, and it was comprehensive 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, that require the local governments to demark where we're going to be urban and where we're going to be rural, and to me that's the most important element of comprehensiveness in the Oregon planning program, and it was the goals and it was the way that the goals were developed and written that allowed for that comprehensiveness. A comprehensive plan, another word you use, or another phrase you use, is important because it has the body of data that allows the zoning to be workable and to be effective. So, I think you would have to have both the comprehensive plan and the zoning and the zoning should follow the comprehensive plan and those are policies that are in Senate Bill 100, policies that the Supreme Court in Oregon put in place, or pulled it out of the air in the *Fasano* opinion, but it was put in the statute in '73 that the zoning has to comply with the plans and the plans have to comply with the statewide planning goals.

INTERVIEWER: If we could elaborate on that form -- if I can get my question back, from listening to you, the significance it seems that perhaps some comprehensiveness is that it entails -- in the process of being comprehensive it entails tradeoff. If you have a -- as in the case of the goals, you have 14 goals, 12 of them are very specific subject related items and you're talking about farmland and forestland and natural areas and commercial land and so forth but at some point you run into conflicts between those where the planning has to make some tradeoffs. Do you share that understanding as to what happened in the process and if so has it ever been helpful or detrimental in meeting the -- achieving the goals?

HENRY RICHMOND: Well, the urban growth boundary makes the tradeoffs and this is going to be -- for farm and forest, and this will be industrial, residential, commercial and so forth. I mean the policies make the tradeoffs, but other than that, you know, it's up to the local governmental discretion.

INTERVIEWER: If there's an area or sections of land where there's a conflict between the resources of two or three different goals, and the farmers don't get their entire way with regard to that, and the industrialist comes in for a share of it that, the notion of tradeoff, I guess, is -- and I realize the boundary makes the separation, but the decision process for -- to locate that boundary brings sections of the goals in conflict with each other that -- and then those -- those conflicts are --

HENRY RICHMOND: Well, at -- at the margins and in the process of establishing the urban growth boundary there's a certain balancing and tradeoffs that have to be made.

INTERVIEWER: Exactly.

HENRY RICHMOND: But once the boundary is in place, then you don't have industrial land outside the boundary, and you don't -- you know, it's -- the decision has been made for the time being.

INTERVIEWER: Right. But -- and then it's -- I guess I was focusing on that -- on the process of getting up to setting the --

HENRY RICHMOND: The boundary.

INTERVIEWER: Yeah. And I think you've commented for that.

HENRY RICHMOND: Yeah. Yeah. The tradeoff is --

INTERVIEWER: Well, I'm just trying to think about it. I mean there's supposed to be population projections and assumptions about density that translate into acreages and density of use with respect to housing and with commercial, and with industrial, and certain natural areas are

supposed to be considered but there -- the, quote, "Goal 5 Programs" don't have the same firm protection that industrial, residential and agriculture and forestry upside do. It's not with the way it's specifically, probably -- probably sensibly so but this is a lot more variety. Not moving out of the camera.

INTERVIEWER: Yeah.

HENRY RICHMOND: But I don't know, I mean, I don't -- I don't really have any thoughts on that.

INTERVIEWER: Okay. Having worked a lot in setting the urban growth boundary for the Portland area, you know, I have this -- I still feel the challenges we had to go through to not only get good inventory but then to match -- to make decisions where inventory's clashed with each other and where perspectives of the goal had to be compromised on a little bit in order to move forward.

HENRY RICHMOND: Correct. Yep.

INTERVIEWER: And it's a very dynamic and an important part of the program.

HENRY RICHMOND: Do you think it sounds a little loosey goosey? I mean, you know, we thought it could be reduced to numbers expressed in acreages and but those are the kinds of language you're using would be in, you know, county or city proposals that our attorneys would pounce on and say, sorry, that's not part of the goal, we --

INTERVIEWER: Yes.

HENRY RICHMOND: -- we're appealing it.

INTERVIEWER: Right. I can think of when the urban -- metro urban growth boundary was finally acknowledged by the State --

HENRY RICHMOND: Um hmm.

INTERVIEWER: -- they drew a big circle, at the behest of Washington County, around North Bethany area --

HENRY RICHMOND: Um hmm.

INTERVIEWER: -- that was highly contested about whether, you know, which inventory those acreages ought to be included in.

HENRY RICHMOND: Now, you're talking about the '79 decision or --

INTERVIEWER: No. The -- the '81 acknowledgement decision.

HENRY RICHMOND: Okay. That Wes Kvarsten signed?

INTERVIEWER: Yes.

HENRY RICHMOND: Okay.

INTERVIEWER: The Wes Kvarsten cite did you say?

HENRY RICHMOND: Signed.

INTERVIEWER: He signed it. Uh, yeah, I believe that's correct. Yes. But the -- but the point was that Bethany was one of those unresolved areas and the commission said that can you go back and document your case better and bring it back to us and it was eventually -- the boundary was extended -- eventually extended to include that area but that was a -- a good example of the rather almost to say radical clash between the different points of view about how the inventory numbers should be treated.

HENRY RICHMOND: I'm just not that familiar with that particular case.

INTERVIEWER: Yeah.

HENRY RICHMOND: I know that they had to weigh in a lot of things about Class 1 and 2 soils that, you know, those -- stay away from those as opposed to other soils and that the

different projections of, you know, types of industrial uses and the -- so there's a lot of evaluation of people's judgments and numbers --

INTERVIEWER: Right.

HENRY RICHMOND: -- that they'd have to take into account but the -- those are the kind of things that just get worked out.

INTERVIEWER: Yeah. It's always seemed to me that that's a good replica of life in that we need to be making careful analysis and adjustment with each other on a continual basis and that's one of the -- potentially one of the bright spots of Senate Bill 100 is that it -- it forces into the public arena serious discussion and informed discussion about uses of land.

HENRY RICHMOND: Yes.

INTERVIEWER: You mentioned at the outset that a key element in forming 1000 Friends of Oregon was legal and they had staff attorneys to engage in legal analysis and argumentation on behalf of the goals and that Senate Bill 100 was also very expressive about the decision-making at the local, particularly city and county levels, and in effect sets up a collaborative effort between the State and local government.

HENRY RICHMOND: Well, they're both involved but the local governments are supposed to be complying with the state law.

INTERVIEWER: Yeah.

HENRY RICHMOND: Collaboration isn't in the statute.

INTERVIEWER: Yeah. The term collaboration is not but when you -- I guess the point of my question I want to get to is when you have law being implemented by a body, the commission, --

HENRY RICHMOND: Um hmm.

INTERVIEWER: -- and you have all these local governments who are responding to the law, the goals --

HENRY RICHMOND: Um hmm.

INTERVIEWER: -- and attempting to develop comprehensive plan, when the two meet, the State has a hammer, if you will, because their goals are law.

HENRY RICHMOND: That's right. Basic.

INTERVIEWER: That's very basic to the program.

HENRY RICHMOND: Yes. And the problem was is that as when you're interviewing Gordon Fultz, I see -- I see Gordon Fultz is on here and, you know, the statewide planning goals were effective January 1, 1975, and on February 7, 1975, Marion County re -- was proposing to rezone for subdivisions five and ten acre lots, 24,000 acres of land, that was Class 1 through 4 soil and, you know, if it hadn't been for L.B. Day and Jim Smart on the commission, in Salem, Marion County, we -- we appealed that to LCDC, that was in the days when you had an appeal procedure that went directly to LCDC, and not to LUBA, they said, no, you can't do that. There's a state law that says you have to zone that Exclusive Farm Use, you're outside of the Marion County or the -- the regional urban growth boundary. Fortunately, there was an urban growth boundary around Salem at that time so the -- it was like an amazingly good opportunity for a test case of what the goals meant. This is agricultural land outside of an urban growth boundary, it has to be zoned EFU, and the county just sort of said, oh, well, that goal doesn't take effect until a year from now and that's exactly why 1000 Friends was needed. We had to appeal that to LCDC, LCDC ruled in our favor, the county appealed it to the Court of Appeals and the Oregon Supreme Court. They wanted to violate the law just like they opposed it in the legislature. But interesting thing, Gordon Fultz lived out in that area, in the East Salem area -- (Chuckling)

INTERVIEWER: (Chuckling)

HENRY RICHMOND: -- and he and I both went in front of the Marion County Board of Commissioners before they made the decision to go ahead and do this, and he and I were opposed to what the county -- here he was the representative of the Association of Oregon Counties, telling Marion County don't zone that, you've got to -- and they just ignored him and they ignored me and they zoned it. So, it sort of put Gordon in a funny position but, no, the -- it -- it wasn't -- no, the -- it wasn't about collaboration, Jim. You know let's not mush all this up. I mean it was about the counties doing a lousy job for decade after decade and the state legislature, under the leadership of Tom McCall and the tremendous commission, saying we're going to do things differently and we're going to do things differently because there's a law that says that the county's authority that's been given to them by the legislature to regular the use of land, they don't have any inherent authority to zone or to regulate land use. They were given authority to regulate land use in the 50's and they sort of abused that authority and the legislature said we're going to have to make this a little clearer because we don't want this Willamette Valley to be subdivided. And so it created LCDC, it adopted Goal 3 and Goal 14 and, you know, the counties were supposed to comply and they had to be dragged kicking and screaming into compliance. There was a lot of --

INTERVIEWER: You know is that how a year stretched into 10 years?

HENRY RICHMOND: Huh. Twelve.

INTERVIEWER: Twelve?

HENRY RICHMOND: It took until '86 for the last, you know, plan to be acknowledged by LCDC and, you know, initiatives to repeal the program. It was a hard fought deal. There wasn't a lot of collaboration and yackity yack. It was a blood bath and -- and people very strongly were 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, and I think the roots of -- it's been a little rocky road for the last -- the roads been pretty rocky for the last 15 years but I think we've survived and I think the roots have -- the political roots of Senate Bill 100 are sinking deeper into the soil in this state and I'm really -- really confident that it's going to survive and succeed beyond what it's already succeeded.

INTERVIEWER: Would you -- where do you think the urban growth boundary stands in that regard? In terms of how deep its roots are in that?

HENRY RICHMOND: I don't have the numbers in mind but I believe that public polling done by Adam Davis' firm shows that there's really strong public support for urban growth boundaries and for farm zoning and as I mentioned earlier, with urban -- the concept of an urban growth boundary, this is rural, this is urban, you know, that's the core of all planning systems, you know, in the industrial world, whether it's Sweden or Germany or Italy or the UK or even in Chile they have an urban/rural designations. So, you really can't have a statewide planning system without something like urban growth boundaries as a starting place. They're changeable but this is going to be rural, until it absolutely needs to be changed to something else, and this is going to be urban, and we're going to make it easier for development to have an inside urban growth boundary. Those are the basic principles, you know.

INTERVIEWER: That came out very clearly, by the way, in the interview last week with Maggie Collins. She said that the twin goals were 14 and 2 -- and 3. The Ag Goal was --

HENRY RICHMOND: Twin goals? Is that what she said?

INTERVIEWER: Yes.

HENRY RICHMOND: Yeah. I -- I agree with that. Yeah.

INTERVIEWER: Yeah.

HENRY RICHMOND: I definitely agree with that. Where is Maggie now anyway?

INTERVIEWER: She lives in Southeast Portland and is retired.

HENRY RICHMOND: Oh, she's retired?

INTERVIEWER: Yeah.

HENRY RICHMOND: Well, good. Good.

INTERVIEWER: Enjoying the good life.

HENRY RICHMOND: Good for her. Good for her.

INTERVIEWER: (Chuckling) Yep. In the process of adopting the goals and implementing the -- administering the goals over time, there have been many interest groups, public, non-profit, and private organizations, state agencies, local governments, citizen activists who have pitched in on the -- on the program. You've kind of alluded a little bit to the county organizations but what are -- what are some of the organizations and -- array of types of organizations do you think have been most influential or perhaps have caused the most havoc for--

HENRY RICHMOND: In the goal adoption process?

INTERVIEWER: In the goal adoption process and the later implementation about that comprehensive plan?

HENRY RICHMOND: Yeah. Well, I think Senate Bill 100 itself did not create the land use program. It created a possibility for the land use program and the land use program is the goal and the goals are, you know, that's what gives it its muscle. I mean they could have adopted goals that were meaningless and -- and Senate Bill 100 would have been meaningless, but because they adopted goals that were strong and clear we had -- Senate Bill 100 is important because it's being implemented with strong clear goals. 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 or whatever, 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 and L.B. was -- understood agriculture, he was the chairman -- or was the head of a labor union that -- whose members were more than truck drivers, were cannery workers, and 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 wherever it was. He knew agriculture. He understood the economic importance of agriculture to his people, and Jim Smart is probably the -- is the main reason why we have a strong Goal 3, the agricultural lands goal, and his role on LCDC, he was picked by L.B. Day and Tom McCall to be on LCDC because they wanted a strong agricultural lands goal and because they knew 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, you know, labor laws and he was the head of the Salem Cherry Grower's Association. He was a respected farmer. He was a former chairman of the Polk County Planning Commission and it was these people, the members of the commission, that were picked by Governor McCall that are the reason we have strong statewide planning goals, not because of, you know, what the Sierra Club or 1000 Friends or, you know, Fred VanNatta or somebody said, and we had -- and we have a really good housing goal. I don't know where that came from. There's a very big court opinion out of New Jersey, the *Mt. Laurel* opinion, that came out in March or something like that, of 1975. The LCDC Goal 10 is the same policy as the *Mt. Laurel* opinion and it's by happenstance but it preceded the *Mt. Laurel* opinion by a few months in 1975, but it's the same least cost housing zoning can't drive up the cost of housing policy and I don't know who wrote that. Maybe one of your other -- maybe Arnold Cogan can shed some light on that but the Goal 3 -- Goal 4 were supported by the forest products industry and Goal 3 was supported by the Farm Bureau, in the person of Howard Fuji, but he took his lead from

Jim Smart, and if Jim Smart said it was okay, it was okay, and that's why we have the goals we have was because of L.B. Day and Jim Smart, and the other commissioners were -- you know, followed their lead. Steve Schell, Dorothy Anderson, Al Bullier, Dick Gervais, great people, but they didn't have the stature and the respect of the relevant communities. The other really useful thing was the fact that there was an urban growth boundary in existence in Salem. So, that when they adopted Goal 14 and have -- all the cities of Oregon had urban growth boundaries, they weren't starting from nothing, they were starting from an actual experience that had been supported locally by the mayor of Salem, people like Wally Carson who was a legislator, Norma Paulus was active in the -- what was it called, the -- the boundary commission that adopted the boundaries. So, it was personalities. It was strong personalities and people with conviction, people with courage, people who were willing to stare down lobbies, you know, and they had the insight to build a constituency by having that public -- all those public meetings, those public hearings, some 70 of them as I recall, in the course of '74 when they -- when they were in the process of adopting the goals. They went out and let the public talk, they heard what they had to say, they told them what they were trying to do, and they built a constituency for Senate Bill 100. Hundreds and hundreds of people came to those meetings all over Oregon, and they saw what LCD was -- LCDC was trying to do, they saw who was against them, and they built a little army of supporters.

INTERVIEWER: Very important. Who or what influenced your understanding at the time, beyond the ag issue, your understanding of the issues and conditions or problems which should be addressed in the goals?

HENRY RICHMOND: Well, beyond agriculture, I was concerned about the over-representation of interests that we're concerned with what would favor development of natural resources and when I was in law school at University of Oregon in Eugene, there was a lot of

discussion about coastal planning and there was an entity called the Oregon Coastal Conservation and Development Commission. And the Oregon Coast is a very narrow strip of land where only about, in the region, only about four percent of the state's population lives, four or five, something like that, but it's important to the whole state and the OCC&DC was supposed to come up with policies for coastal resources, beaches and dunes, estuaries, wetlands and so forth, and 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, and the chairman was a guy named Wilbur Ternyik from Florence, and I thought they were coming up with terrible policies. And so 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, and I thought that the -- the statewide planning goals should address the coastal issues, and fortunately one of the first meetings I'll always remember down in Florence, and L.B. -- L.B. Day was running the meeting and there was Arnold and -- and it was -- and Wilbur Turnick and some of the members of the OCC&DC were there and it was pretty clear within about 30 minutes, you know, that the game had changed. (Chuckling) That these people were not going to run these people, you know.

INTERVIEWER: (Chuckling)

HENRY RICHMOND: And Tom McCall was not a real fan of the OCC&DC and Dick Benner wrote a wonderful report about coastal planning, when he was an OSPIRG intern, and Governor McCall strongly supported his report and Wilbur Ternyik called in to complain about it and Governor McCall said, all right, let's have a meeting, you know, and so I went and Wilbur Ternyik came, and Tom sort of batted him down a little bit. (Chuckling) It was marvelous. But the coastal planning issue was the one that got my attention before it -- it had my interest, you

know, before -- while I was still in law school and while I was helping organize OSPIRG. I was the incorporator of OSPIRG and was staff attorney there after I got out of -- finished law school.

INTERVIEWER: Did the language and goals in Senate Bill 100 that established the relationship between the LCDC and the Coastal Commission did that language precede or follow what you were just describing?

HENRY RICHMOND: I've forgotten what Senate Bill 100 says about -- I mean, I think OCCDC legislation sunsetted and it -- and I've forgotten by what process the coastal functions were folded into LCDC but it had something to do with the relationship of the State of Oregon to the Coastal Zone Management Act and how those funds would be made available to the state and how they would be administered and I think that the -- there was a transfer of Office of Coastal Zone Management connection to the State of Oregon when LCDC came into being and I think there was some action by the Legislature, maybe just the termination -- the automatic termination of OCCDC brought that about.

INTERVIEWER: But there's still the language in here, if I recall, in simple form, is that it indicates LCDC's recognition of the authority and the rights of the Coastal Commission but subjects the actions of the -- that commission to LCDC's review and approval.

HENRY RICHMOND: I don't remember that at all one way or the other. I just remember that there -- there was some thank you's for all the good work and the -- that LCDC took on by some of the analysis that had been done by the OCCDC staff using, you know, CCMA money. We're supposed to come up with a court management plan under Section 701 of the Coastal Zone Management Act but how it was actually folded formally, how it was folded -- that process was folded into LCDC I don't remember but I do remember that meeting.

INTERVIEWER: Yeah. Events are sometimes more powerful than words.

HENRY RICHMOND: There were two public members on the OCCDC, in addition to the port and the city and the county.

INTERVIEWER: Right.

HENRY RICHMOND: One of them was Mike Forester who was the editor of the --

INTERVIEWER: Oregonian?

HENRY RICHMOND: -- of the Astorian, the Daily Astorian and, of course, the East Oregonian. And the other one was Maradel Gale who was an activist/environmentalist from Eugene with the Sierra Club. They mentally or -- mentally they gamely tried to, you know, move the OCDC (sic) in the right direction but they were on the short end of stick.

INTERVIEWER: Interested in getting a little more perspective on getting in the context of major problems, issues, influencing Senate Bill 100 and the goals. There's kind of a popular reminiscence about McCall, and some of the other movers and shakers at the beginning, pointing to places like Charbonneau and Portland Community College, Rock Creek campus --

HENRY RICHMOND: Um hmm.

INTERVIEWER: -- and I'm curious as to how much of those kinds of developments that have occurred were seen, in and of themselves, as uncoordinated land use that needed to -- well, how much they just saw that as an erosion of agricultural land, uh --

HENRY RICHMOND: I think that -- I mean I remember Governor McCall talking about Charbonneau. I think he talked more about the sort of the rampage of subdivisions in Eastern Oregon that were largely unregulated.

INTERVIEWER: Yeah.

HENRY RICHMOND: He was concerned about the --

INTERVIEWER: Sage brush?

HENRY RICHMOND: -- yeah, the sage brush, yeah, and condo-mania on the Oregon Coast and he was very unhappy about raw sewage lying on the beach in Lincoln City and so he was pointing to specific problems. I think I helped him a little bit by, you know, doing a study of the -- all the subdivisions in Eastern Oregon that hadn't bothered to register with the Office of Interstate Land Sale's registration, including Metolious Meadows over in the Metolious River area and some of the poor decisions by the Oregon Real Estate Commission allowing, you know, 120 acre subdivisions to be treated as six 20-acre, you know, partitions, even though they were being marketed under one name, and they were abutting each other, and because they could be treated as 20 acres partitions, instead of a subdivision, they didn't have to go through the registration process, and we said that was wrong and illegal and -- and Attorney General Johnson agreed with us and Tom McCall agreed with us and the guy resigned the next day, Fred Layman, but --

INTERVIEWER: Hmm.

HENRY RICHMOND: -- but Tom did -- was very skillful and I remember he referred to the Kraft mill down in Albany, which is now being torn down, as a -- as "a cancer on the green bosom of the Willamette Valley".

INTERVIEWER: (Chuckling)

HENRY RICHMOND: Something like that. (Chuckling) Because it was so -- you know, if anybody that drove down I-5 from Portland, anywhere south of Albany, they had to go past this big pulp mill and it was billowing out all this stuff and I mean, you know, it was easy to, you know, go after that and he did. It was owned by Ira Keller.

INTERVIEWER: So, here was -- so the uncoordinated use of land was really broader than just -- and to the issues that were problems that were pointed to rather than just saving

farmland, there was, again, sewage on the beach and some of the -- subdivisions in the sage brush and Charbonneau and --

HENRY RICHMOND: Yep.

INTERVIEWER: -- on the other side of the river from Wilsonville.

HENRY RICHMOND: Yep. Yep. Yep. That's right. It's complicated. It's broad.

INTERVIEWER: Yeah. Yeah. You mentioned the smoke stacks. It bring to mind another aspect of Senate Bill 100 that hasn't had the attention perhaps of much of the rest of the Bill, areas of a statewide significance.

HENRY RICHMOND: Um hmm.

INTERVIEWER: Do you know what happened to that portion of the --

HENRY RICHMOND: Yeah. Yeah. The areas of critical state concern was a feature of the law and land development code for state and land use planning and it was in the initial drafts of Senate Bill 100 and the areas of critical state concern were something that the counties objected to and there was a -- Tom McCall was interested in maybe having one in Jefferson County for the deer winter range that went on the east side of the Cascades and over near the Metolious River and the Crooked River, but it was the committee that when the bill sort of got stalled and L.B formed a committee, at the Governor McCall's request, and with the approval of Ted Hallock and Senator MacPherson, that was one of the things that the committee cut out of the bill, the areas of critical state concern, and when the bill that was passed by the legislature did not have a specific areas of critical state concern in the bill, like there was a coastal -- there was going to be a coastal critical area of concern that went in a certain 100 feet, you know, from the shoreline and it just got dropped out of the bill.

INTERVIEWER: What got dropped out was they were identifying specifics that exist.
Yes.

HENRY RICHMOND: Um hmm.

INTERVIEWER: But the bill does contain language granting the commission authority to designate activities that reach out in a statewide significance.

HENRY RICHMOND: Um hmm.

INTERVIEWER: But even that authority hasn't been actively pursued and that -- because part of the reason for raising that question is you -- do you have a prospective on what that -- why that has not happened or was there something specific in commission history that kind of put that on the back burner?

HENRY RICHMOND: Well, I would say that the -- the land use system has always been not a mainly technical issue or even mainly a technical -- a legal issue mainly, it's always been fundamentally a political issue and the 1000 Friends 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 --

INTERVIEWER: Yes.

HENRY RICHMOND: -- or the -- or the people can change the law, as interpreted by the courts, any time the people decide to, and there was the acknowledgement review process going on that, you know, and the county -- the 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, and there were some -- and it was -- there was always a risk of the LCDC budget being cut in the legislature or the -- an initiative, you know, maybe getting on the ballot or, you know, oh, it did get on the ballot and -- oh, my gosh, for the next year we're going to have an

initiative campaign. So, you know, the -- the legislature -- the LCDC, I think, quite sensibly, concluded they had their hands full and, you know, the last thing they needed was to, you know, give somebody more grease for the mill to complain about LCDC. If they could get the boundaries adopted and the 15 million acres of farmland rezoned to EFU, and 9 million acres to forestland, limited to forest use, that would be enough. If we can get that run and let's not, you know, tell Wasco County that we want to have an area of critical state concern to enhance the Gorge or do something about some other place, you know, so they had their hands full.

INTERVIEWER: Yeah. Okay. Survival and practicality are key.

HENRY RICHMOND: Yes. Well, and being sensitive to the fact that unless there's a majority in the state and in the legislature in favor of 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 not just administratively, but busy beavers, you know, busy overworked people. They had their hands full politically and they didn't want to overload the situation, or maybe they didn't think it was a good idea, but whatever -- for either of those reasons, you know, it didn't happen and I think it's fine.

INTERVIEWER: Let's just pipe dream for a moment on, I think, activities of a statewide significance.

HENRY RICHMOND: Um hmm.

INTERVIEWER: There's been a fair amount of concern expressed over how the State participates in regulating or controlling petroleum trains moving throughout the state.

HENRY RICHMOND: Um hmm.

INTERVIEWER: A lot of concern over the safety aspects of that, some of the environmental impact potential from that. Theoretically, is that an activity in statewide

significance that LCDC could initiate some review and evaluation and perhaps move, if warranted, to a designation?

HENRY RICHMOND: Well, it's conceivable. I mean, I haven't thought about it. I don't know if I were -- if I was a member of the commission I would want to know what is the existing body of regulation of these movements of flammable and toxic materials on rails in the state of Oregon and what could we do that would address the issue in any different way?

INTERVIEWER: Yeah.

HENRY RICHMOND: What would we do -- what if we wanted to do something that was within the same ambit or the same scope that DEQ or somebody else has already addressed? Well, probably -- wouldn't the legislature have to say who's in charge as for the DEQ? I mean it would be -- it would probably require, given the fact that there's already an existing body of regulation at the State level of these movements, that the legislature would have to make the call on that.

INTERVIEWER: And still it's one of those areas of dispute, and DOT has a fair amount of regulatory legislative responsibility, and that some of the critics you hear in the public that deal with, it hasn't been forthcoming enough with useful information to the public or adequate control and I'm not advocating for that --

HENRY RICHMOND: Um hmm.

INTERVIEWER: -- I'm just trying to get a sense of things that maybe are -- because this thing is -- this provision is included in the law but the organization is not addressing it at all. Is that an example of potentially useful actions on the part of LCDC that have been forego on this?

HENRY RICHMOND: Yeah.

INTERVIEWER: Yeah.

HENRY RICHMOND: It's possible. I really haven't thought about it, Jim. I don't --

INTERVIEWER: Well, think about that.

HENRY RICHMOND: Yeah.

INTERVIEWER: (Chuckling)

HENRY RICHMOND: Yeah. I'll give it a whirl. Either that or the coal trains.

Either one.

INTERVIEWER: You know, you've touched upon this somewhat already but give me a little more comment, if you would, please, on your sense about how successful or important the large scale public outreach effort that LCDC made in 1974 preceding the adoption of the goals? You know, a lot of people still perceive and have perceived that Goal 1 is kind of the lynch pin for meaningful successful implementation of the goals, that citizen involvement. Has that been -- in that adoption process was that a significant factor and is Goal 1 still important in that way in the administration of the program?

HENRY RICHMOND: I don't have the sense that it's very important or that it has been for a long time. I think that the outreach effort that the commission did in '74 was very important. I mean the commission, when Senate Bill 100 was passed, they didn't put an emergency clause on the bill and -- and it allowed the opponents time, for 90 days after sine die, to collect signatures, which was October 4th, I think, that year. And so they said, all right, I'll vote for the bill if you won't put an emergency clause on it and let them -- and so they had to wait until October or November for the first commission to be appointed but they got some votes to pass the bill in the '73 session. So, it was brand new. I mean the commission was formed mid to late -- I remember it was before Thanksgiving. And so here we're brand new, nobody ever really heard of LCDC, and they were going to change the zoning for the whole state? So, they had to get out there

and present themselves to the public, and let them know, yeah, we're here and we're going to do this and we want to know what you think how we should do this. This is what we think. These are our objectives. And so I think it was very valuable for the commission to go to that effort to go around the state and sit down in front of people and let people talk at them and let them answer questions, and then go to another city or county, and do the same thing. I mean it's sort of a -- it sort of said that LC -- here we are. I mean here we are. We're going to do this job and we're not going to do it all by ourselves. We're going to hear what you have to say about it. And so I think it was important that they -- and I've forgotten the guy's name, Ken somebody, he -- he maintained a mailing list. He put out a little newsletter back in '74 or '75, what the heck was his name? He gave me his mailing list to me when he shut that down. But they communicated with all the people that came to those hearings, from the sign-up sheets, and kept them posted and I think it was very valuable and I think they learned some stuff about what people were concerned about. So -- but I think L.B Day and Jim Smart knew what they wanted to do and they needed to have, you know, some -- they needed to have it appear that they had people behind them and there was public interest in this program because, you know, they were going to do something and they needed to have it look like people wanted them to do something, you know. I think it was very important and good. Beneficial.

INTERVIEWER: If Senate Bill 100 had not happened in the 70's, and we hadn't had 40 years of experience, could the creation of Bill 100 type legislation be passed today?

HENRY RICHMOND: There were certainly a lot of wonderful planets in alignment in the early 70's. We had a governor like Tom McCall who was committed to this. There were legislators who were knowledgeable about it, like Hector, knowledgeable about the issue. There was a progressive mayor in Portland, Neil Goldschmidt, who was, you know, could have been a

problem but he wasn't, I mean because he wasn't in the same party, but he supported it. He sort of got his little bite out of it, you know, the energy goal, but -- and he sort of, you know, stood up and talked about against that.

INTERVIEWER: Cities of 300,000 population --

HENRY RICHMOND: Yes. Right. (Chuckling)

INTERVIEWER: -- were basically excluded from certain activities.

HENRY RICHMOND: Yes. And it was just sort of a can do, you know, atmosphere at the time while other things happened. The bottle bill in the prior session, '71. But could it happen? It happened in other states. It happened in many other states. In Florida and New Jersey and Maryland and -- and all of those programs have come to nothing. You know, they've either been just interpreted into nothingness or they've been repealed, as in the case of Florida. And Florida had strong backing --

INTERVIEWER: Um hmm.

HENRY RICHMOND: -- strong backing from Governor Askew in '72, when it passed, uh, from Governor -- I've forgotten his name, Bob -- he was a U.S. Senator later after he was governor. He appointed John McGroth as the head of the Board of Department of Community -- there were a lot of these state programs and they've gone down the drain in about 12 states. The Hawaii program is still functioning but it preceded Oregon by 13 years but could it happen again today? I don't see the leadership for it.

INTERVIEWER: Yeah.

HENRY RICHMOND: And I don't see the support in the establishment in Portland the way you had it in the early 70's with people like Lynn Jackson who was the uncontested leader of the private sector, as the head of Pacific Power & Light from Southern Oregon.

INTERVIEWER: Right.

HENRY RICHMOND: And John Gray and many other leaders in the business community. So, people like Bill Lessinger (phonetic) who were active on many boards and the successful operation of his own company, Blitz Weinhardt, and who loved the state and was willing to pitch in and be on planning commissions, and he met with the Governor's Task Force. And then you'd have people like Vic Atiyeh, who voted for Senate Bill 100, carried Senate Bill 101 on the floor of the Senate, and made the pitch for it, and, you know, I don't -- we don't -- we don't have people like that anymore. I hate to say that. I don't mean to be a downer but I don't see the same bright stars --

INTERVIEWER: Yeah.

HENRY RICHMOND: -- leading Oregon today that there were -- there was in those days.

INTERVIEWER: That was kind of in the back of my mind in asking the question to see where you would come out at.

HENRY RICHMOND: Well, the other thing is, is that we had a newspaper that cared about this in the state of Oregon. I mean the Oregonian cared about this. Herb Lundee wrote about it. Bob Landaeur, who should be on your list, who ran the editorial page, and Larry Hildebrandt, uh, Mary Kitsch, who ran -- 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 was just fish wrap. The Oregonian is down the drain. It's a useless rag and it's opposed to the program and that hurts. So -- and the Capitol Press too, when it was run by Duey Rand, and now it's run by the foresters, who are a supportive of the program, and that's read by the farming community. So, that's important. The other papers around the state, I mean we used to

have wonderful people like Eric Allen down in Medford running the Medford Royal Tribune. Now it's part of a national chain. They could give a -- they could give a damn about Senate Bill 100. I mean Glen Jackson owned the Ashland -- the Albany Democrat Herald and, you know, they were not going to oppose Senate Bill 100. And you had terrific people at the -- at the Salem Statesman and the Capitol Journal, which doesn't exist anymore. Bend Bulletin was a little tough.

(Chuckling)

INTERVIEWER: The Bend Bulletin.

HENRY RICHMOND: Yeah. Bob -- I can't remember his name.

INTERVIEWER: So, isn't it something we should be concerned about?

HENRY RICHMOND: Yeah. Absolutely.

INTERVIEWER: And something we can do anything about?

HENRY RICHMOND: Well, there's not much about the newspapers but --

INTERVIEWER: Yeah.

HENRY RICHMOND: Because -- I mean --

INTERVIEWER: Just the whole leadership issue?

HENRY RICHMOND: Yeah. It's a -- I would be -- I'm concerned about it. Yes.

But I suppose every generation with 70-year old people, like you and me, you know --

INTERVIEWER: (Chuckling)

HENRY RICHMOND: -- they all think the world's going to hell, and people like this guy over here, who's 23 years old, or however old they are, how is he going to save the state of Oregon? Well, they all -- they'll come around. They'll take care of it. I know my kids are concerned about it. Maybe they'll step up and do something.

INTERVIEWER: It -- I think what you've pointed to there is -- is something we need to be concerned about, not only with regard to the land use program, but the state kind of suffers in many other ways in not having bold leadership, if you will.

HENRY RICHMOND: Well, the state is not as rich as it used to be. I mean, it --

INTERVIEWER: Hmm.

HENRY RICHMOND: -- uh, when the forest products industry was mechanized, both in mills and in terms of how forest lands are managed and timber is harvested, we still produce almost as much lumber and plywood as we -- as we did 30 or 40 years ago but the industry is throwing out much less benefit economically to the state of Oregon because it's only -- it took about -- it has about 30 percent less employees and these -- these small cut to dimension mills can be run -- can run the same board footage through where the big trees, that they used to run through these mills, they have like 10 guys running the whole mill, as opposed to 100.

INTERVIEWER: Yes.

HENRY RICHMOND: And at that time, when that transition happened, you know, Oregon was 10 states above the average in terms of per capita income in the state of Oregon. Now we're below the average and the -- the companies that have come in to replace timber, Weyerhaeuser used to be the biggest manufacturing employer, now Intel is. The wage -- the employment is not as good. The per capita income is down in the state and so there isn't the revenue that -- for the government to do the things that are needed for the public good, paving the roads, funding schools and so forth. So, we're not -- we're not as rich as we used to be and that's a big concern. You know, we have to have a state -- you know, a state that creates wealth and income for people.

INTERVIEWER: Right. Yeah.

HENRY RICHMOND: I mean people can't buy houses if they don't have money in their pocket.

INTERVIEWER: Your observations about the timber industry and, you know, brings up, again, the Goal 4, which often, for some people, is looked at in kind of a -- at the same level, among the goals, as Goal 3. But --

HENRY RICHMOND: I -- I agree with that.

INTERVIEWER: But there seems to be a much more popular and more extensive focus on 3 and 4 kind of -- forests kind of get second -- second level, is that -- how do you see that? Have the forestry issues for the state, back up to the time the goals were being formed and implemented, was that as critical an issue for these strong personalities that were promoting Senate Bill 100?

HENRY RICHMOND: I don't think it was at the forefront of people's thinking as much because the forestland, you know, you see it if you go from here to Bend or go over Mt. Hood but that's a lot of -- a lot of that is federal land but the land base, the industrial land base, is actually increasing, the industrial timber base, and there's -- there's about nine million acres of private forestland in Oregon and six of it is owned by 20 companies, six million of it, and three million of it is owned by 25,000 or so non-industrial forestland owners and the non-industrial owners are, you know, here's the farmlands, and then you start getting up into a little bit of an elevation gain and that's the non-industrial owners, and the rich, the Weyerhaeuser's, the guys that got there first, they have the really lower elevation, but the -- but the non-industrial owners are sort of a buffer between the farmers, and suburbans and the industrial ownerships. So, the -- the industrial owners welcome zoning -- limiting the forest use of the non-industrial owners.

INTERVIEWER: Hmm.

HENRY RICHMOND: They -- when Charlie or Mable died, who owned the 200 acres next to Weyerhaeuser, they could buy it, Charlie and Mable's land, for \$300 an acre, plus the value of the standing timber, as opposed to it being subdividable, and therefore not purchasable. So, there was some interest on the part of the industrial land owners in Goal 4, because we just want to grow trees and harvest them and we don't want people next to us complaining about our clear cuts and when Mable or Fred die we want to be able to buy their land at forest value. So, they were in support of -- of Goal 4 but the Oregon small wood lot owners, if you remember those guys, I've forgotten their name, they -- they didn't like it very well, and they -- and they generally were opponents of the program and there were more of them but they didn't have the clout that the -- that the Ward Armstrong's of the world had and Ward was pretty damn good. He was a damn good lobbyist.

INTERVIEWER: We alluded to kind of a --

HENRY RICHMOND: But the last -- could I just --

INTERVIEWER: Okay.

HENRY RICHMOND: I would just say that I think it's very important, Goal 4 is very important. Oregon has good farmland but our forestland is -- is the best in the world. The best forestland is on the coastal side of the coast range, you know, Clatsop County, Columbia County, that is the best land in the world, including some lands up in the coastal part of Washington and Southern British Columbia, for growing saw timber that can be made into dimension lumber. We don't have farmlands that are as good as those forestlands. Now, that's not the whole nine million acres of private forest land in Oregon. There's a lot of it, you know, average grade or lower, like in the Klamath Falls area that 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 -- for the state's ability to generate, you know, wood fiber.

INTERVIEWER: And generally, in the same vein, uh, and you're talking about the -- the differences in the value of forestland in different regions and sections of the --

HENRY RICHMOND: Um hmm. Um hmm.

INTERVIEWER: -- of the state, the same thing is true with the -- with ag and there have been the -- the valley advocates of growth and development, they will argue that we've got all this land, along the Columbia River in the east, why don't you take your agriculture over there, how do you view that?

HENRY RICHMOND: I wouldn't want to move my farm to Eastern Oregon.

INTERVIEWER: (Chuckling)

HENRY RICHMOND: Where would I plant hazelnuts and irrigate them. You know?

INTERVIEWER: Yeah.

HENRY RICHMOND: So -- so if somebody's advocating moving agriculture to Eastern Oregon and develop the Valley?

INTERVIEWER: Uh, yeah, let's -- I've heard that argument on the part of people. In fact, I was --

HENRY RICHMOND: Yeah? Well, just walk away from them.

INTERVIEWER: I'm sorry?

HENRY RICHMOND: Just walk away from them.

INTERVIEWER: Yeah. (Chuckling)

HENRY RICHMOND: You probably have something better to do.

INTERVIEWER: Well, I do, but --

HENRY RICHMOND: (Chuckling)

INTERVIEWER: I was telling Maggie the other day, which we got on this subject, that I had an experience once years ago in a meeting with Bruce Anderson --

HENRY RICHMOND: Wasn't he the --

INTERVIEWER: -- who was the Director of the Ag Department.

HENRY RICHMOND: Oh. Oh. Yes. That Bruce. I thought you meant the lawyer from Eugene.

INTERVIEWER: Yeah. No. And the mayor and some other officials -- the mayor of Hillsboro and some Washington County officials --

HENRY RICHMOND: Um hmm.

INTERVIEWER: -- had a meeting which was ostensibly for them to bear their burden on -- on Anderson and they were making this argument, uh, why -- why are you so protective of the ag land over here? You've got hundreds of thousands of acres in --

HENRY RICHMOND: Well, that was good.

INTERVIEWER: -- in the east and his simple answer was 253 crops, meaning that the combination of good soils and water available in the valley and Washington County makes it suitable over time for 200 -- over 250 crops and that -- that helps account in the industry for changes in the market factors, in rotation of crops, and --

HENRY RICHMOND: Yeah.

INTERVIEWER: -- the people in Hillsboro who wanted industrial stuff, you know.

HENRY RICHMOND: There's room for both. I mean the state when it -- when the plans were first acknowledged, you know, in the 70's and 80's, the amount of industrial land in the state increased by 69 percent in the 10 largest urban areas of the state and then it went from 17,000

acres to 27,000 acres. Big deal. You know? There's like 400,000 acres of -- or, no, that's Marion County, there's like 200,000 acres of farm ground in Washington County. There's 180,000 acres in Yamhill County. There's 400,000 -- there's one million and a half acres of farm ground in the Willamette Valley. It got zoned for EFU. There's plenty of room for the industrial needs to be met on the land base that we have without it being a problem. The idea that the mayor for Hillsboro should say shut down agriculture so we can do what we want to do is stupid. He doesn't need to do that to accomplish his goals and Washington County is the -- typically is the third most productive farm county in Oregon. Third or fourth. It varies between Clackamas and Marion and -- Marion's first, Clackamas and -- and then Umatilla, but then -- then there's Clackamas and Marion and they're always in the top 10. I mean there's other counties in the Willamette Valley that are in the top 10 but, you know, it's silly. There isn't a -- oh, there isn't a necessary conflict between industrial development and -- and agriculture, not even in California, you know, and -- and -- anyway, uh -- yack, yack, yack.

INTERVIEWER: Well, go for it.

HENRY RICHMOND: (Chuckling)

INTERVIEWER: (Chuckling) Yeah. The -- coming back to the nuts and bolts for a moment of the statute, Senate Bill 100, prominently names special districts and state agencies as kind of key elements in the planning program and I don't know if this does full justice or not, it seems the -- the commission kind of adopted the -- the approach of saying, well, you don't have, vis-à-vis the commission, you don't have, state agency, the responsibility to engage in a planning effort, vis-à-vis the goals, uh, but you're on notice when local jurisdictions are doing their comp plans you better have your "oar" in on matters that are relevant to you or you, uh -- you lose some

of your appeal of other rights. Was that an effective way of being sure that state and -- state agencies and special districts were, in their actions, were --

HENRY RICHMOND: I don't really have a -- you know, have a good sense of that.

INTERVIEWER: Okay.

HENRY RICHMOND: Dick Benner would have a much better, you know, comment on that, Jim, than I would. Yeah, I don't have any current take on that.

INTERVIEWER: Well, yeah --

HENRY RICHMOND: I know it came after forest practices questions and, uh, some other areas, and there was some bumping around, but I don't really have a take on that in mind.

INTERVIEWER: Yeah. Another question that we've noted here, but I'd like to get your thoughts on it a little bit, is that there was kind of a thread that runs from Senate Bill 100 through the goals and through comprehensive plans and for this -- the whole program to be effective --

HENRY RICHMOND: Um hmm.

INTERVIEWER: -- you know that thread needs to be pulled through and pretty consistent and I'd ask you what are some of the -- what are some of the elements of the program and people in practices that have been useful in pulling that thread from that statute to the goals in the comp plan?

HENRY RICHMOND: Um hmm. Well, as I was saying to Kevin earlier today, when I thought I was on the tape or whatever, I think one of the most important things that happened was the shift from Senate Bill 10 to Senate Bill 100 and Goal 3, from the -- having the focus of state agricultural land policies shift from prime farmland in Senate Bill 10 that was a -- that was the language in the interim goal under Senate Bill 10, to agricultural land, and it was

prompted by the policy that was adopted in Senate Bill 101, the companion bill with Senate Bill 100, and the focus of policy, in setting agricultural land policy, which is what Senate Bill 101 did, was to say that if the State's objective was to conserve the maximum amount of agricultural land and to conserve agricultural land in, "large blocks", ORS 215.243, so that when LCDC convened in 1974, to adopt the agricultural lands goal, they were acting pursuant to the direction, not some much in Senate Bill 100, which just said, you know, adopt some goals, but there was an established Senate Bill 101 state policy for agricultural lands, and it said preserve a maximum amount and do it in large blocks and to accomplish that goal, as opposed to protecting prime farmland, you had to do that e 1 through 4, not just the 1 and the 2, or the 1, the 2 and the 3, and Jim Smart understood that and L.B. Day understood that and so the thing that made the thread, as you put it, that's allowed, you know, effective policy and implementation to occur, you know, from 1969 through the goal adoption and through the plan implementation process, has been agricultural land goal being grounded in soil types that are understood by farmers, understood by county extension agents, understood by realtors and that the soil type information is mapped and it's objective, it's understandable, it's visible, it's available and it's grounded in credible science and I think that is the -- one -- one of the most important strengths of the Oregon Land Use Program.

INTERVIEWER: Yeah. That's -- that's an interesting observation about the -- how they inventory is an essential element in that continuity from one case and --

HENRY RICHMOND: Yes. The soil inventories, the soil survey.

INTERVIEWER: Yes.

HENRY RICHMOND: Yep. And every county has a soil survey and -- and you can, "Oh, this is farm? "Oh, you know, I'm sorry, it's 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. And there were people talking about soil types and land use policy before Senate Bill 10. Wally Carson, I'm glad to see him on this list. He was in the legislature. He carried a bill that talked about using soil types and L.B. Day was a state rep then too.

INTERVIEWER: Um hmm.

HENRY RICHMOND: He was democrat.

INTERVIEWER: Right.

HENRY RICHMOND: And he knew about the soil type thing and, of course, Jim Smart knew about it and Jim Smart is -- is as important as anyone for the success of Oregon's land use program and he was -- did I already talk to you about him or did I talk to Kevin?

INTERVIEWER: Well, yeah, you mentioned him a lot, you know, in the conversation already today.

HENRY RICHMOND: Okay. Sorry, I can't track my conversations anymore.

INTERVIEWER: (Chuckling)

HENRY RICHMOND: I mean, he was -- he had such standing in the agricultural community that --

INTERVIEWER: Yes.

HENRY RICHMOND: -- that when he said that's the definition of agricultural lands in Western Oregon, with soils 1 through 4, and in Eastern Oregon, 1 through 6, then the farm community said, okay, fine with us, we respect you, Jim.

INTERVIEWER: Hmm. Yes. In one sense this question is most pertinent for somebody like Arnold Cogan, we'll catch him in a few weeks here, but it seems like how the goals have been administrated through the department, uh, with the staff being assigned in roles of field reps and goal specialists, is probably -- has probably been an important factor in pulling this thread.

HENRY RICHMOND: Yes. That's true.

INTERVIEWER: And what are your comments on that?

HENRY RICHMOND: Yeah. I think that's true. I know that -- I know that Ron Eber's knowledge of the history and the case law development and this fight in that county and this fight in this county, you know, has been important. I think it's given the commission some confidence to proceed to have that kind of specialty, but I think Katherine Daniels is, you know, carrying out on that now. She used to be --

INTERVIEWER: And Claire Pucci--

HENRY RICHMOND: She used to be an intern at OSPIRG.

INTERVIEWER: Really?

HENRY RICHMOND: Or 1000 Friends.

INTERVIEWER: That's right. Yeah. She was.

HENRY RICHMOND: Bob and Dick were interns at -- at OSPIRG.

INTERVIEWER: Well, you know, I recall back in -- because I was on the field rep side of it and -- the state's program -- the state's experience with Eastern Oregon in getting goals adopted, I mean plans adopted, uh, was -- you know had its problems along the line but if it hadn't been for Brent Lake --

HENRY RICHMOND: Brent Lake? Yeah. I remember -- I'd forgotten about him.

INTERVIEWER: -- the field rep over there who --

HENRY RICHMOND: Yeah. Sure.

INTERVIEWER: -- who pulled that thread around from jurisdiction to jurisdiction and back to the commission endlessly, uh, and --

HENRY RICHMOND: Where is he now?

INTERVIEWER: I have no idea. The last I knew he was -- he had married and was in the Metolious area.

HENRY RICHMOND: Oh, really?

INTERVIEWER: Yeah.

HENRY RICHMOND: Jefferson County?

INTERVIEWER: Yeah.

HENRY RICHMOND: Hmm.

INTERVIEWER: Anyway, I guess two other things come to mind. One, your observations of the -- this is mostly for the Portland area, but the -- the contribution of regional agencies in giving some substance to the effort to implement the goals, you know, the regional agency thing started out with the A95 --

(PHONE CHIMING IN BACKGROUND)

HENRY RICHMOND: Let me get rid of this. Make sure this is not my wife. Yep. This is my wife. Sorry.

INTERVIEWER: Okay.

(SIDE PHONE CONVERSATION)

HENRY RICHMOND: Okay. I'm sorry, Jim. I lost track.

INTERVIEWER: Yeah. Sure. We were -- I was just questioning about the role of regional --

HENRY RICHMOND: Oh, yeah.

INTERVIEWER: The statute starts out actually by citing the -- the Federal A95 through transportation for, uh, you had to have a regional representative -- government representing local governments in order to get federal funds, but in Oregon we've evolved around to the metro--

HENRY RICHMOND: Yep. Let me -- it -- CRAG was, you know, drew up the first urban growth boundary, you know, we appealed it, you know, it was rejected, I mean, I don't -- I just don't have much to say about that.

INTERVIEWER: Yes. Okay.

HENRY RICHMOND: I'd ask somebody else about that. I think it is important but I don't think --

INTERVIEWER: Right.

HENRY RICHMOND: -- I have the intelligence to speak on it.

INTERVIEWER: I guess my last question is and it goes back to the beginning in our conversation --

HENRY RICHMOND: Um hmm.

INTERVIEWER: -- but make a comments, if you will, to your feelings about 1000 Friends of Oregon and their continuing legacy and how -- what their contribution has been to the state?

HENRY RICHMOND: Well, first of all, the -- 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 and -- and, you know, hoped they passed the bar and they'd been willing to work for what we could afford to pay them and they said that -- and they did pass the bar and they were willing to work for what we paid them and I just took my docket and just gave half of it to Dick and half of it to Bob, and they were so skillful and then Robert Liberty was very talented and Blair Batson and, you know, many other people, Anthony Mootard. There were so many terrific staff people there and they had credibility with the people that they spoke to, the commission or LUBA, or the Court of Appeals, or the county

commissioners or newspaper editors. They knew that -- people knew that they knew what they were talking about and that they were honest and that -- and so 1000 Friends was able to preserve the law by -- as a legal matter by identifying decisions made by counties and cities that were -- we thought were wrong and that disregarded the intent of the legislature or of the commissioners in adopting the goals and by identifying those cases and by representing people with no charge, the -- 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. Now that didn't protect it ultimately, because as we discussed, the legislature could change the law as it's been interpreted by the court. Oh, that's what you're thinking? We didn't mean that, we're in charge, we're the legislature, or the people can do that, and so 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 in the program, that -- that essentially eliminated the argument of local control from the anti, you know, rhetoric.

INTERVIEWER: Um hmm.

HENRY RICHMOND: If the homebuilders were saying local zoning is crappy and the environmentalists are saying it's crappy, you know, maybe we've got no -- no control and that's local control. And so it -- it basically -- 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 later the high tech people, uh, got on board of the land use program, that is to say the State setting the policies and assisting the local governments played them up or followed -- adopted and carried out the policies, nobody's set, you know, local control anymore, it's just evaporated. It's been a non-issue for 20 years at least. And I always remember when in the '82 campaign, I happened to come into contact with the head of the plant location for Hewlett Packard Company,

globally, he was out of San Francisco or Palo Alto, his name was Skip Law, James G. Law, (chuckling) --

INTERVIEWER: (Chuckling)

HENRY RICHMOND: -- and I enticed him to come up here and Norm Whitingstad had a fancy Italian jet helicopter and we flew him around the Portland metropolitan region and showed him all these sites that were available for HP plants and I got him to give a talk to the Rotary Club of Portland, which is the establishment business club, and he started talking about, you know, LCDC, and there was a campaign going on at the time, you know, it was -- it was in trouble in the polls, that was the one where McCall was dying, you know, and he died three months later, but ole Skip Law said, you know, you guys should not repeal this land use program. We've been trying to build a plant in Lake Stevens, Washington for three years and we're in the Washington Supreme Court trying to get our permit. We've been trying to build a plant in Santa Rosa, California and we're four years into the process. We're in the California Supreme Court and we still don't have our permit. We just built a plant in Corvallis, Oregon that is our major printer manufacturing facility and it employs 3,400 people, a lot more now, and he said we've got our permit in 67 days. You know, no lawsuits, you know, do not repeal this land use program. And, you know, 1000 Friends helped bring the homebuilders on board, we helped, you know, get the -- 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. It was inside the urban growth boundary, it was zoned industrial, bingo, you're home. You're home quickly. And so I think the other thing that 1000 Friends did was, in addition to defending the law in court, broadening the basis of support among influential credible interest groups that said that this law is

doing something for me, it's doing something good for our industry, and I think that is an important contribution that the organization made.

INTERVIEWER: You just brought to light for me the fact that 1000 Friends is one of those thread pullers that's been very important to the -- they provided legal continuity from beginning to end.

HENRY RICHMOND: Um hmm. Yep. I think that's true.

INTERVIEWER: All right. Very helpful.

HENRY RICHMOND: You have an exciting project and I want to wish you success in it.

INTERVIEWER: Do you have anything that we haven't covered so far that you'd like to be sure to get in this?

HENRY RICHMOND: Well, I mentioned earlier that I thought that, uh, again, on the political end, it was a fundamentally political character of the program is not being a legal program or a technical problem program. The whole thing has been political and are there enough people that think that this is a -- you know, is a good thing? When the program has been really in good shape politically, or at least it's been able to survive political challenges, was when it was led -- or the commission was led by a former republican legislature, like L.B. or John Mosser or Stafford Hansel, people that -- or whatever, everybody knew that Stafford Hansel could get Governor Atiyeh on the phone, and everybody knew John Mosser could call Bob Straub, and when -- when you had somebody like that who could go out over to Salem and go over to the Capitol and knew right where the subcommittee was, chewing on that LCDC budget, and could sit down in the back of the room and be invited up to the microphone immediately, when the commission had leadership like that, and I think it does now with Greg MacPherson, who is a former legislature and son of a

founder of the program, that that's been very important and when the program hasn't had a person of political stature chairing the commission it's tended to get in choppy waters and -- and drift a little bit. So, I hope that Governor Brown or whoever her successor is, is, you know, in making appointments that they find somebody of that caliber to be the leader.

INTERVIEWER: Yes. Very good.

HENRY RICHMOND: Thus end of the daily lesson. (Chuckling)

INTERVIEWER: (Chuckling) We've been speaking today with Henry Richmond, co-founder and first executive director of the land use watchdog organization 1000 Friends of Oregon. Henry, it's been a pleasure to get you on the record and we thank you, very much.

HENRY RICHMOND: My pleasure. Thank you, Jim.

INTERVIEWER: You're welcome.

HENRY RICHMOND: Nice to see you again.

(Concluded)