

Note: This transcript was substantially edited for accuracy, clarity, and legibility by Dick Benner and Kevin Pozzi in July of 2015.

Dick Benner Interview

Thursday, 5/14/15

INTERVIEWER: Today is May 14, 2015. It is my pleasure to be talking this morning with Dick Benner, former Director at Oregon's Department of Land Conservation and Development. Dick has also served as Staff Attorney for 1000 Friends of Oregon, as the Executive Director of the Columbia River Gorge Commission, and most recently as the Senior Attorney at Metro. I'm Anthony Lavenda, a doctoral candidate in Urban Studies at Portland State University. Dick, 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 folks 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.

DICK BENNER: Sure.

INTERVIEWER: As we begin the interview, I was hoping you could touch on your personal and professional relationship with Oregon's land use system.

DICK BENNER: I was in law school between '72 and '75, and the law passed in '73. I knew vaguely about it. I was taking a course on municipal government and George Platt was teaching it at the law school, told us that this thing was happening, but I was not close to it. I was a law student, so I didn't have time to run up to the legislature and pitch in, but I was immediately interested in it. The relationship I had with OSPIRG, the Oregon Student Public Interest Research

Group focused me on planning first, and then resources management, and to some small extent, the way cities work. And with Bob Stacey, who was one of my law school buddies, we got involved with the Valley River Center, which was working its way through the City of Eugene government. It was a big regional shopping center, I guess a couple miles from downtown, and there were many people concerned about what that might do to downtown Eugene. There was a private lawyer involved, Bob and I worked with him a bit, and tried to develop some testimony related to what was happening in the state and the legislature. Not successful, of course. Valley River Center was built, and it had exactly the effects that we feared. It would change downtown, and much of the state planning program as it later evolved, was intended not to allow again, or at least to accommodate it in a much better fashion. While I was in law school, I was a coastal law intern for Professor John Jacobsen, who recently passed away, and I actually got paid a modest amount to go down to Florence and follow the meetings of the OCCDC [Oregon Coastal Conservation and Development Commission], as they struggled to do a plan for the Oregon coast under the state law. And that was really sort of bedrock information and an experience for me that I later used when I got into the overall land use program itself.

INTERVIEWER: Can you follow-up a little bit more about your experience with the Oregon Student Public Interest Group?

DICK BENNER: Yeah. I found law school to be a bit boring. So, I went over to the Erb Memorial Union, about six months into going to law school, and was thinking I can do something, you know, to peak some interest. I had never heard of OSPIRG, but I saw a little office or a table, I forget which, in the Erb Memorial Union, and talked to the folks there. They explained what OSPIRG did. At that time, principally student fees funded it and eventually that was terminated and the funding is now much more broad-based. But they listened to me talk and said,

well, you know, we're going to put you in touch with Henry Richmond, who is a staff attorney up at the Portland office. He comes down on occasion, and, you know, you two might be able to work out a project you could work on. That's really what got me started going over to the coast and observing the Coastal Conservation and Development Commission. And, you know, I ended up doing an internship one summer with OSPIRG here in Portland, and wrote a report during that internship summer, called Why Not Classify Estuaries. It was aimed at what the OCCDC was doing. One of the things they were supposed to focus on was protecting the health of estuaries, and oddly enough, when the OCCDC adopted the goal on estuaries that got incorporated into the statewide planning goal, it had a classification system for estuaries. They saw some good thinking in the work that Henry and I did on estuary planning. So, I had a lot of respect for the work that OSPIRG did back there. They were pretty broad-based. Some of it was consumer protection. Bob Stacey did a project on the State Land Board in protection of wetlands. It was really a great experience.

INTERVIEWER: Would you say that was instrumental or a pivotal point to your later involvement in the Oregon land use planning system?

DICK BENNER: Yeah. I would say so. You know, I was young, just out of law school, but it was the first time, obviously, that I had worked for a non-profit -- a mission-driven organization, where the people were intensely passionate about doing what the job was and how to become an advocate really; how to use the skills that I was developing as a lawyer, writing and reasoning, and all that. Yeah. It was very important.

INTERVIEWER: Okay. So, Senate Bill 100 created a framework for land use planning across the state, as you know. Based on this legislation, the state-wide planning goals were drafted to express the State policy interest in local land use planning. Do you believe LCDC, the Land

Conservation and Development Commission that was created from this legislation, acted correctly to ensure these objectives had been carried out?

DICK BENNER: Yes, I do. Overall, certainly. And I'm not sure I was aware that in the early days of 1000 Friends, as we were getting our feet wet in '75 to '77, that we understood the wisdom of the Department and the Commission to put its early attention and resources into ensuring that cities had their urban growth boundaries, got them into place and then protected farm lands outside the urban growth boundary. That was the thing that they saw as of utmost importance and devoted their meager resources to getting that rolling and in place as soon as possible. I realized it a bit later, that that was a very smart thing to do. So it could have gotten, not necessarily on a wrong track, but probably not the right track, by focusing on protection of natural resources first. They could have started that way, and, you know, when I think back upon what the program has accomplished, clearly the urban growth boundary and the protection of farmland outside urban growth boundaries is the linchpin of the Oregon planning program. So my hat's off to those people who made that decision to maybe let some of the other subjects, like natural resources and geological hazards and even housing, let go for a bit in order to get that urban boundary into place. A huge effort, ultimately quite successful.

INTERVIEWER: Can you recall some of the specific people or actors involved in getting that initial focus on the urban growth boundary of protecting farmland as the linchpin, as you called it?

DICK BENNER: Yeah. Well I would say, you know, the biggest struggle over an urban growth boundary was right here in metropolitan Portland -- and Bob Stacey got the assignment. So Bob and I got assignments from Henry when we went through the door in September of 1975. Bob will be able to help you out there better than I will, but Bob and I shared

an office and it was an amazing undertaking. First of all, Metro was relatively new as well, and DLCD and LCDC were new. So, these two bodies were eyeing each other and jousting a little bit about when to be assertive, when to accommodate and whatnot, and that was fun to watch. That experience became the blueprint for urban growth boundary expansion -- or, excuse me, establishment in many other parts of the state, especially for the larger places like Eugene-Springfield and Salem-Keizer, but it was also unique. So, it was clear that much of the experience was not going to be applicable to Boardman or Astoria or to a lot of smaller towns. Jim Sitzman was deeply involved in that. You know, the most amazing part of it was how do you know where you have rural lands? But there has been a commitment of urban services to those rural lands. You drive through them and they're being farmed, and they appear to be in large tracts, and yet there's a sewer line running along the highway or there's a community college that's been placed on the other side of that bunch of farmland. So, that became the battleground, you know. Metro's position was, well, if there's any public investment in public services in the ground, that's got to be inside the urban growth boundary. 1000 Friends argued, well now wait a minute, that's not urbanized, and if you're saying that everything that's got a sewer or water line to it is going to be inside the urban growth boundary, we're going to have these gigantic urban growth boundaries that go way beyond the need. Remember Goal 14 says you have to demonstrate the need for the supply of land inside the urban growth boundary. So, it's not as simple as just looking where the facilities are. It was a titanic struggle over that between 1000 Friends and others. Metro the agency was young and worried about its viability, not wanting necessarily to tweak the tail of the metro area, so it was a tremendous give and take, and Metro ended up with a boundary much too big. It eventually filled it up but that's one reason why there were no big boundary expansions for a long, long time of that boundary. And, unfortunately, you know, in hindsight, this goes to the evolution of this planning

program. There wasn't a very good understanding at that time, I think, about the importance of the way the land inside the urban growth boundary was going to be developed. Again, the focus in the early days was to get those darn boundaries in place. The reason for that was because we wanted to keep the farmland outside and, you know, it didn't take too long before people began to understand that if you let the stuff develop inside of the urban growth boundary any way anybody wanted it to, then guess what? You're going to use up the supply and you're going to have to expand the urban growth boundary. So, this was, I would say, one of the first great evolutions in thinking about the program as a whole. It's not just about doing this goal and that goal and that goal -- all of this is organic. These things work together. As just a little aside, to maybe fill out the picture, the program has been threatened from the beginning in the legislature, either trying to repeal it or hobble it one way or the other, or at the ballot box with an initiative. There was almost a certain promise that it was going to happen in the future, and the Homebuilders, with the realtors and some other who had interest in the development of land, either signed on to finance those efforts or were likely to in the future. Henry had the insight that the housing goal, Goal 10, said that every city, Metro included, has a responsibility to ensure that there are housing opportunities of all kinds -- the whole range, for people of incomes. Now, surely the Homebuilders would be interested in the implementation of Goal 10 if that meant that it was going to make more housing types available and more opportunities for them. Henry worked really hard on developing that relationship with the metropolitan and state Homebuilders. Our current Mayor Charlie Hales, had just a lobbyist for the Homebuilders at about that time, and a relationship was established between 1000 Friends and the Homebuilders. We did some cases together. We did some studies together. And the agency was not leading at that point but they were definitely responsive to it. It didn't take them long to see the importance of this relationship, politically, but this also began the evolution to pay more attention

to the way land was developing inside the urban growth boundary. When you looked at the land supply inside the Metro urban growth boundary that was designated for residential use, what was happening was that the average new parcel size was about 13,000 square feet. After the initial implementation by the local governments inside Metro to comply with Goal 10, this took awhile. It got down to about 5,000 square feet and, in fact, since the mid to late 80's, slowly but surely that number has been coming down pretty steadily. It pops up every once in a while when economic conditions change but when you think about that, how land inside the boundary is being developed, that was a revolution. No question. And once the law got into place about that, and LCDC said, yep, you've got to do that, yep, you've got to do that too; you can't have a charter provision that says no apartments in town, cities around the rest of the state had to comply with this. That was really a tremendous change in the late 70's, early 80's.

INTERVIEWER: Building on this discussion, LCDC adopted 19 statewide goals and you mentioned some of those that you thought were some of the most important accomplishments. Which goals do you believe have been the most important accomplishments, and which ones do you feel have been least important, and why would you say that is the case?

DICK BENNER: Yeah. Well, I told you that I thought Goal 14 on the establishment of urban growth boundaries, and Goal 3, protecting farmland, were the most important goals in the beginning. LCDC seems to have seen that, and so did DLCD, and so I would place those at the top. I think the fundamentals of the programs are the urban growth boundary. And not everybody -- excuse me, not every place in the state has great cropland just outside the urban growth boundaries, but the Willamette Valley does, and Hood River does. Those were the growth centers; those were where the threat of sprawl was the greatest, and that's where the program, has experienced its greatest success. Then I think Goal 4, the forestlands goal, became important -- not so much in the

metro area, but in other parts of the state, because some cities bump up against forestland. It's a tremendous state resource in getting it protected from what has happened in most forested areas around the state. You know, California is a classic example, where timber companies overcut in the 80's and 90's and began to sell land off in small parcels to suburbanize or exurbanize it, to create ranchettes or little subdivisions. Thank goodness that Goal 4 was in place and getting enforced in part as a result of the hard work by 1000 Friends and Robert Liberty in particular. That got staunch early on, and had that not happened, there would have been a tremendous loss to the state of Oregon. And, you know, if nothing else, I think about two things that we've seen since then. One: forest fire. If you have houses scattered in the forests, you're going to have a lot more fires, number one, and fighting the forest fires is much more expensive. And then you think about something as simple as developing like high speed rail. Think about putting a high speed rail corridor through California where there's no real adequate land use program and there are houses all over the woods, all over the countryside, how are you going to get a corridor through that? Instant "Friends of this" and "Friends of that," arguing against the high speed rail corridor. They don't have that problem in Europe because they don't allow the forests and the farmland to be divided into small parcels where people live. They can do that kind of thing, and I think Oregon could do it, if we ever got there. We could actually place a corridor through the forest, not that you'd want to lose the forestland, but at least you'd have the opportunity to make a public investment in a rail system. So, that was very important. Goal 12, the transportation goal, was asleep for many years. It took some very smart people, a part of the evolution in the program, to see it. It's not that people right at the beginning didn't know that development follows transportation infrastructure -- shipping lanes or ports and all that. It's pretty obvious, but I don't know, it didn't manifest itself in the early days of the land use program. I remember a discussion

that should have produced a better result than it did, which was freeway interchanges. If you put a freeway interchange between Portland and Salem, and you don't take care of it or protect that interchange from highway development, number one, you're going to blow out an area of farmland and sprawl, and number two, you're probably going to ruin that interchange, because it'll get over taxed and then you have to expand it and replace it. So, there was this area in Senate Bill 100 called 'Activities of Statewide Significance,' and it came from the ALI model land development code, a very well conceived planning construct that this state never really implemented fully. The first thing it should have done under that charge from the legislature was freeway interchanges, and didn't. To this day, it really hasn't done very much about it. It's taken some steps, but it's not been an adequate focus. The link between transportation decisions and planning decisions had been made, but it wasn't pursued appropriately. It took until the late 80's and the early 90's for the state agency and LCDC to start seeing that we've got to pay much closer attention to this relationship. And oddly, you know, if the stimulus was not so much a bad transportation decision being made, it was air quality. So in those days, this metro area had a lot of air quality problems. I can't remember, they had sometimes 50 to 100 days a year when they exceeded certain threshold particulates and certain chemicals in the air. So the region was facing, a mandate from the federal government to get a grip on this. The people who were thinking this through wisely said, "Well, you know, we're not going to be able to do it simply by controlling point sources. This is really auto emissions, a whole bunch of it is auto emissions." Well, why is this happening? What can we do to reduce auto emissions? Ah, maybe, link the land use and transportation decision. If you're going to invest millions of dollars in a transportation facility, such as a light rail line, let's do the land use planning to ensure that there's going to be high density and a mix of uses near the station so there are customers to put money in the fare box to help pay for it and so you get the use of your

investment. And on the flip side, let's not put a big transportation facility someplace where we're trying to protect it for agriculture, forestry, natural resources or something like that. These two decisions have to be put together. So just before I went to DLCD in late 1991, the agency by that time had a big effort underway to adopt a rule that would implement Goal 12, the transportation goal. That was a kick, a real boost in this direction by then Governor Neil Goldschmidt, and he deserves a large part of the credit for seeing that the state agency, number one, needed to pay attention to this land use/transportation/air quality connection, but that also it needed to pay more attention to what was happening inside urban growth boundaries. He essentially would say forget about the farmland, that's always protected, you know, make sure cities are livable. Make sure these cities work and, goll darn it you land use program, you've got to help us do that. So that was underway when I got to DLCD, and I was lucky to step into that position just as it was given the ground. And for me, personally, it was absolutely terrific because my background up to that point was with 1000 Friends and at the Gorge Commission, in resource protection. So, I did a lot of Goal 3 farmland protection, I did the coastal work at 1000 Friends and at the Gorge Commission, and you know, it was mostly outside the cities, so I walked into this and got an almost instant education. I had some from 1000 Friends and paying attention to what Bob was doing, but I got instantly educated at DLCD about this huge undertaking we had just started, and I became totally fascinated and absorbed by it. Particularly, I was trying to establish a good relationship, a productive relationship, between LCDC and the Oregon Transportation Commission, between our Department and the Department of Transportation. It had its ups and downs, but I must say, the relationship between the State's transportation agency and the State's land use agency is probably as strong in Oregon now as any relationship anywhere in the country -- if there happens to be one, which they're rather rare. But I would say the work that was done under the TPR from that point

on, say starting in 1992, when we were beginning to get funds from the legislature to make it all work through to today, have been absolutely critical to the success of the program. So, let's see, the coastal goals. I would maybe place them in the same order of importance. You know, something that was lost on me for a while -- and I'm not sure many people picked up on it, but we do certainly understand it now -- is that the basic construct of the program, the urban growth boundaries, protecting natural resources, and working landscapes outside, works really well in most parts of the state. It works particularly where there are threats on the agricultural land just outside the urban growth boundary from sprawl, because those areas are growing. Well, the coast is a different critter altogether. It's completely linear, really, and you've got the coastline, the mountains, a little bit that can be developed, and one highway. And that construct of urban growth boundaries, and protecting farmland outside, it helps a little bit on the coast, but isn't the best formulation for protecting the coast from sprawl, of livability, and all the rest. So, that's why the coastal goals became really critical. Estuaries, shore lands, beaches and dunes, the ocean -- those bodies of water where the ports are, in many respects are where the cities are. The fact that you've got these three goals working -- the estuary goal, the shore lands goal, and the beaches and dunes goal -- stopped much of the excessive development that was happening on the Oregon coast leading up to the adoption of the statewide planning goals. So, there's that. Then I would say the third tier, like Goal 2, which is a process goal and kind of boring, but it established a couple of very important principles that were important in the early days. You can't just do something and give it to LCDC and hope that LCDC was going to understand why you did it, and local governments find that, well, it's either good enough or it's not, so go back and do it again. You've got to go through this reasoning process, and you've got to demonstrate that you have considered the factors that led you to conclude that the urban growth boundary ought to be this big, or you're going to designate

this area for low intensity housing and this area for high density housing. You've got to explain it, and the mere burden of having to explain and connect your thinking, the facts and your thinking, to some requirement someplace, that was a revolution. I mean today they don't do things like that in other parts of the country. You know, it's like what does Councilor Jones want? And so this, together with the case law -- the *Fasano* decision -- and some early land use cases, posed that thinking and reasoning practice early on. Goal 5, the natural resources goal -- what a difficult time the State land use program has had implementing that goal! I was at 1000 Friends when its first crisis arose. This was in the early 80's when the state was in recession, and cities and counties were beginning to protect their natural resources with varying degrees of avidity. Some cities and counties were very serious about it and some couldn't give a rip, and then we had everything in between. But what led to the crisis is that some cities had their watersheds in the woods and the forestlands. The woods were often owned by private timber companies, which then were a powerful force in the state of Oregon and very influential. So what was unfolding is that some counties were developing ordinances to regulate forest practices in their watersheds, or in some occasions habitat, like eagle habitat for example, and the industry just went crazy about that. Their argument, which was not a bad argument really, is look, we have a system of managing forest practices in state law, the Forest Practices Act, and now we're struggling to do what the Forest Practices Act says to do to protect an eagle's nest or protect a water shed. Now, oh my goodness, we're going to have to deal with 36 county ordinances all different in regulating our practices, and we have land in 10 counties. It's going to be nightmare, it's just terrible, and plus you're taking our property rights. So, they went to the Governor's Office, where there was just a near explosion. A work group sponsored by the Governor's Office and the Legislature, of which I was on, was assigned the task to see if we can pull this together. The result was a set of compromises that

changed Goal 5 out of any regulation, authorizing any city or county to regular forest practices, and essentially an overhaul of the Forest Practices Act itself, leading to a different makeup so it wasn't so heavily weighted towards people from the industry on the Board making policies, to specifying the new rules in the Forest Practices regulations, would protect certain natural resources that would otherwise be protected maybe through Goal 5, and I think it was a very good set of compromises that probably saved at least part of Goal 5. And then slowly but surely, as the years went by, and there was greater emphasis on higher density and mix of uses inside urban growth boundaries, so we didn't sprawl and didn't go out on the farmland, somebody started thinking, Mike Houck, a personal hero of mine on this, started to say, "Whoa, well, wait a minute, wait a minute, wait a minute. We can't have high density everywhere. There are important natural resources right inside cities, starting with parks -- but what about all those stream corridors, what about those groves of trees, what about the wetlands inside cities? What are we going to develop those on with apartment and condos? We can't do that. And he may have coined the term, I would credit him with it, is green infrastructure. We've got to start thinking of this stuff the way we think of sewer lines and water lines and schools. We have to provide it and it's not just for the wildlife. It's for people. So, if you want people to live in the high density housing, give them some place to find relief, give them some places to take the kids, give them place to enjoy life, and essentially there was a mini revolution right there. Goal 5 suddenly was on people's radar. A little bit of money came down the pipe, the agency started paying more attention, there was litigation, and 1000 Friends went after them. Another very, very interesting thing about Goal 5, which I think in hindsight should have been handled differently, was that to some extent it had a philosophical problem. Here it was not just protecting habitat, but also protecting historic resources, structures, places that maybe had nothing to do with habitat. It had aggregate, mining, energy sites, all in the same goal, and it just

twisted and stretched that goal and made it more difficult for people to grasp -- and more difficult for the agency to implement. So along the way, I think it might have been wise to separate the two of them if they ended up being treated separately. There were a whole bunch of special Goal 5 regulations on aggregate that don't have any application in other dimensions of Goal 5. Historic resources became a real headache, you know. There was a time when it looked like everything that was 50 years old or older was going to have to be inventoried and analyzed at huge costs to cities, and so there was a mini explosion over that. The Legislature stepped in, and to put it mildly, weakened the protection from Goal 5 for historic resources. And now there's an awful large dose of voluntariness, if you will, in the protection of resources. I'm not really in a position to evaluate how well or poorly it's done, but my sense is that it's done fairly well -- and better than a lot of other states that don't do anything along these lines. But it's been a tough slog for Goal 5. Let's see. Then Goal 9.

INTERVIEWER: Hmm.

DICK BENNER: Economic Development. You know, it was a little bit late in the game. Pressures from economic development interests finally got LCDC and the Department to pay a little bit more attention to it. Once, again, 1000 Friends was probably on that game a little before the agency was in trying to build alliances with businesses -- in part, to have business leaders recognize that it may be in their interest to be inside a city as opposed to a green field out on the farmland, outside the urban growth boundary, or at some freeway interchange on urban growth. So, 1000 Friends, and I've got to credit Henry Richmond with building alliances with business leaders to see that it's going to be good for you. Those alliances were very, very helpful politically in the Legislature and fighting ballot measures. A lot of business leaders, like John Gray who would be the first champion who comes to my mind, but also Tom Walsh of Walsh

Construction, and a lot of others saw this, understood it, fought hard, and got some of the credit for defeating some of the ballot measures along the way. There was this debate between some businesses and community leaders, about the need to balance Goal 9 and Goal 14 -- you know, so it's okay that there be economic development and manufacturing facilities, for example, outside an urban growth boundary. You keep talking about this as a balanced program. Well, that's the balance! Ultimately, the agency came down right on that. No, no, no, no -- Goal 9 is about economic development inside urban growth boundaries, not to the exclusion of rural development, but it's also not about rural development no matter what. So, ever since that realization, there has remained this tension between old economic development sites, old logging facilities, mills that are not in a city and out there surrounded by forestland and surrounded by farmland. What happens to them? Freeway interchanges where the four quadrants are not inside the urban growth boundary, are we going to waste them? Goll, you've got the facility right there, we could have a warehouse distribution center there. Those trouble us more today, but to some extent, its more or less settled that the real efforts of state government to encourage and facilitate economic development are focused inside the urban growth boundary, as it should be. Goal 6 on air quality, as I mentioned, was critical in getting the state and the region's thinking about the relationship between land use planning, transportation, and the air we breath. It wasn't Goal 6. It was state and federal law that really moved that agenda along. So, you know, if somebody had said, "Benner, you've got to repeal one of those statewide planning goals if you want the program to survive, I would probably repeal Goal 6. It hasn't really added much. And Goal 13, the energy goal; I remember thinking in the early days that this was going to help protect important energy sites in rural areas -- not from farming, not from logging, but from sprawl, from rural development that didn't belong there. It didn't really happen. There's an Energy Facility Siting Council, so for big facilities like pipelines

or power lines, things like that, it's pretty highly regulated by state and federal government. I would say Goal 13 has been an almost insignificant factor in that, and I think it remains that way.

INTERVIEWER: I was wondering, you keep on mentioning 'inside the urban growth boundary' in some of the land use planning goals, like some of the issues that you might address in there. I was wondering if you could reflect on that a bit more, what you mean and what sort of issues inside the urban growth boundary that are either being addressed or were not being addressed and how we have progressed over time?

DICK BENNER: Yeah. If you read through Goal 14, there was a part of it that got ignored in the early days, and I excuse it to a certain extent because the emphasis was getting the boundary in place and not so much how things were happening inside the boundary. But as boundaries got set, and cities grew, and boundaries were expanded, a question arose about the land that newly came into the boundary. This was a huge issue in the metro area because we added more land to our urban growth boundary than other cities did. What happens to that? Your urban growth boundary is supposed to contain a 20-year supply. So, the development forces had the sense that new land has just come into the urban growth boundary. Let's go. Well, actually, what you're adding is to the 20-year supply. This supply we have now is supposed to last 20 years. So, which land do you develop? Do you go out to that neat new 300 acres. and boy, that would be easy to divide nicely. You could lay out the streets and everything, very convenient and very efficient, but where are the supporting services? Or should you be concentrating the density of your services and where you can most easily and most readily accommodate your housing needs? It wasn't particularly clear how to sort that out in the 80's or even into the 90's. This problem was one of the things that communicated to local governments and the agency that we need to pay attention on the land use/transportation connection. It serves as a placeholder for the conversation -- where are the

sewer lines, where are the water lines, where are we going to put them, when are we going to do it, how are we going to sequence it? And if we decide we're going to, it's now time to put the sewer line out to some of that land we've brought into the urban growth boundary, so what's the density going to be? Well, you probably know that there is this planning school thinking that says, this is how cities are, there's a central city and that's where your big tall buildings are, and that's where everything is really dense, and you have people walking on the street, and your buses are there and everything, and you have a radial bus system. And then there's the suburbs, and they're much lower density -- they're split levels on cul-de-sacs and singing birds and children playing in the streets on their tricycles. And then there's the next level out, and that's where the rich people live on their little urban estates, and that's the way it's going to be. So, that land that we brought into this urban growth boundary, that's what that's going to be. Let's put millions and millions of dollars into sewer and water out there for one acre and five acre parcels. That was happening big time in the late 80's and early 90's, and that was one of the reasons that lead to rethinking about how Goal 14 was being implemented. Again, the land use transportation connection, and it was a great struggle to get there, and it's not over. It's definitely not over. In a way, it has been a blessing that federal and state money to finance the extension and development of infrastructure began to dry up in those years. In the 70's, under the Clean Water Act, you know, every local and regional government was getting a check for five millions dollars to put that sewer line in -- and hurry up and do it because we're worried about water quality! The federal agencies weren't paying much attention to what effect it was going to have on development pattern. So, these critical years of the 80's and 90's were when people were starting to put the pieces together. I would say we finally began to get it in the second half of the 90's, and even more so in the 2000's, that if we need to accommodate another 50,000 people, the first thing we're going to think about is where we can

redevelop, if we can do infill and the network of services is already there. We might have to increase the capacity a little bit, we might have to replace a small line with a larger line, but we've got the corridor, we've got the right-of-way, and that makes so much more sense -- particularly for the yield that you're going to get in property tax generation from higher density and mix of uses, more so than going out into that territory that they added to the urban growth boundary three years ago. So, Damascus, that was added to the urban growth boundary in 2002, was supposed to accommodate 50,000 people, and that was really before the light bulb had gone on that funds for infrastructure we're drying up. It wasn't just the federal funds that were disappearing, state funds were also disappearing, there was no increase in the gas tax to pay for roads and upgrades of interchanges -- but the public finance tools that cities and counties had used to build infrastructure were slowly but surely being limited or taken away from them by the legislature or by initiatives, like limitations on property taxes. So, all of a sudden, you look at Damascus and you say, "Who's going to pay for the water line and the sewer line? How can Tri-Met afford to put a bus line out there? Light rail out there? Come on. There's no money for that." So, that has had as much influence on the growth pattern as the change in thinking in the state planning program and the change in policy. But it's a happy coincidence, because now, the thinking of city administrators and city councils now has changed about the relationship between where the growth goes and where the infrastructure is.

INTERVIEWER: Okay. Are there any land use policies, subjects or topics that are missing that the LCDC should have addressed in its goals?

DICK BENNER: Well, there's a difference between should have addressed and should address.

INTERVIEWER: Well, how do you feel?

DICK BENNER: You know, LCDC would have had been pressing ahead of the rest of us back in 1975, when they were adopting the goals, to say, "You know, we need a climate change goal." We need to build this land use transportation connection right now, and be doing it right as soon as we establish the urban growth boundaries. People were thinking about it 10 years ago even, not just in the state agency, but some other state agencies and the regional government, it's just been slow. Metro is working with the state agency now in implementing legislation that went through the Oregon Legislature in the second half of the 2000's. Kulongoski's climate change goals and the mandate to the metro area to incorporate climate change and reduce greenhouse gas emissions, through a combination of land use and transportation planning, we've got it now -- but it's only a beginning. Most of this doesn't apply to other parts of the state, you know, for reasons you can probably understand -- this region has more resources, it's more inclined to do it, it's got the database, it's got the data, it's got the facilities to do it, but we need to push harder on it obviously. So, there's that. I would strongly advocate for the Metro model to be replicated and adapted to other regions around the state for so many reasons. This experiment in regional government here, which is the only elected regional government in the country, has the power to overrule local governments on land use and transportation decisions, and it has done that regularly. It has the power to raise taxes. And it's been, in my estimation, a tremendous force for making this region -- it attracts people from all over the world to see, and so many people to live, and it's one of the reasons that way. It doesn't have to be completely replicated, and probably shouldn't be in other regions, but in this region, local governments work together and that is not the norm in this country. It's not the norm in other parts of the state. Although, because of the statewide planning goals and the fact that sometimes more than one city is inside the urban growth boundary, there has been an inducement for Eugene and Springfield to work together, for Keizer and Salem to work

together, and some of the communities in the Medford area. But in the Metro area, it's much more evolved and much more effective, and I believe the legislature and the state planning agency ought to figure out a way to bring that model to other regions of the State, like the Bend region -- all the metropolitan planning organizations should have it, and there's so many benefits from it that are procedural and administrative that are beyond just the impact on growth management. It just should happen.

INTERVIEWER: So, changing gears a little bit but still continuing. In 1974, LCDC and DLCD undertook an unprecedented public outreach and involvement effort in adopting the first 14 goals. Do you think this was worth doing? How, if at all, did it affect your thinking and views?

DICK BENNER: It was definitely worth doing.

INTERVIEWER: Yeah?

DICK BENNER: Yeah. You should talk to the people who went through it, who worked for the agency, and get them to say whether it was worth doing because they were brand new. You know, they were making it up as they went along. Didn't have models in other parts of the country to guide them, and I know it was very difficult and very taxing emotionally. But certainly in hindsight, we are able to say that in the beginning, this was ground up -- and I don't mean grinding things up.

INTERVIEWER: Um hmm.

DICK BENNER: I mean from the bottom up. So, this was before the statewide planning goals had been developed and adopted. There was a lot of opportunity to share thinking, share ideas; people were encouraged to come forward with ideas. I think the face that the new land use agency and program presented to people was one of openness, one of receptivity, one of

communication, and one of concern. They did hearings around the state, and I went to one of them when I was in law school at LCC. There were 100 people and there was a talk given about what this was all about, and then we broke up into small groups and brainstorming. There was somebody recording everything we said. You know, I got the sense that, wow, people are listening to me, this makes me want to think harder. I could contribute an idea, and I think it was just critical. It's a legacy of the program. You can always turn back to that as the touchstone when somebody says, "Oh, you know, this is some bureaucrat and LCDC dictating things from Salem." Well, you know, maybe there's an element of that, but in the beginning, this is about communities finding their way and, yeah, I think it was worth doing.

INTERVIEWER: Yeah. So, building on that, do you think Goal 1, Citizen Involvement, which is considered by many as critical for the development and execution of Oregon's planning program, is still relevant today and why?

DICK BENNER: Well, it's hard to answer that. I've thought about it. You know, I've spent many, many decades in the program and I've often found myself forgetting about Goal 1, and reminding myself that I forgot about Goal 1. If you go back to the acknowledgement period, when cities and counties were taking up this cudgel and working to do their own plans their way; as long as they complied with the statewide planning goals, there was just a change out there. It was not the only way of doing things. You had to have a Citizen Involvement Committee. And for a lot of cities, that wasn't the way they had done it. You know, they might have had a planning commission, and probably did, but that was it. It wasn't about the citizens, other than the citizens on the planning commission. Now there were neighborhood associations and all this and, wow, a new way of doing things. It certainly varied from city-to-city and county-to-county, about how effective it was and how those people felt about the involvement, but I know in many, many places

this became a training ground really. The citizen participants in the planning program later went on to become school board members, city council members, planning commission members, legislators, and governors with this introduction to government. I mean, what other realm of municipal activity went through this? What an exercise in democracy and self-governance, you know, and what a training ground for the elected officials who were observing this and having to absorb it. So, in those days, no question that Goal 1 set things on a good course. And then the plans got adopted and then the new story was, well, what happens over time? Should plans be updated? What if they're amended? How do you amend the plan? Well, suppose you amend it and it comes out of compliance? Who's watching? Who's checking? Are the citizens watching? Most of those committees, they got exhausted, they got turned off, because the plan was adopted -- we don't need it anymore. So, there were years, I think, when Goal 5 was almost irrelevant. Citizen activists would come to the commission and say, you wouldn't believe what's happening in my city! They just disbanded the Citizen Involvement Advisory Committee. And some of those things were corrected, as a result of Goal 1, but you know I don't feel like I'm in a position to evaluate what happened in those doldrums when citizens were struggling for a voice on relatively minor decisions, as opposed to adoption of the plan.

INTERVIEWER: Um hmm.

DICK BENNER: But it remains important today. If people struggle with how to revitalize it, can you just say, okay, we're going to do more citizen involvement without some objective in mind? I think not. So, when I get asked, "Well, what would you do, Dick, if you wanted to get citizens involved again in their planning decisions?" I would say, "Well, let's undertake something significant, something where they see a stake for themselves." How is this going to affect their lives in their own neighborhoods and get them involved that way? If it were

my job, that's where I would turn in order to make citizens more intimate again with the planning process.

INTERVIEWER: Was citizen involvement and some of the struggles that you mentioned, for example, over Goal 14, or some of those inside the urban growth boundary issues with expansion to include new 20 year land, maybe struggles over that development -- can you reflect or do you remember any particular issues with Goal 1 or citizen involvement?

DICK BENNER: Yeah. I'll use the example of the urban growth boundary expansions and the increasing density and mix of uses of development inside urban growth boundaries. So many people in neighborhoods fear change and don't see many positives that might come from it, and they see it touching them personally by having an apartment next door to their single family neighborhood -- and they would think Goal 1. Well, everybody's telling me that that is the most important goal. So I'm going to go to a hearing and voice my opposition to that zone change or that permit application for that 40-unit apartment there, and they're going to listen to me because Goal 1 is the voice of the citizen. And then they would find out that, no, that's not the way it works. Yes, you have a voice, and we are listening to you, and we're going to consider what you've told us, but the fact that you oppose this doesn't mean it's not going to happen. So, one of the great struggles in the planning program has been the infill and redevelopment of land, newly brought into the urban growth boundary, in a way that was different from the settlement patterns that had already happened there in the 40's, 50's, 60's, 70's and 80's. Goal 1 got kind of torqued in that process, you know, because people would show up and they would think that they were maybe going to stop the light rail line. You know, there's lots of opposition now with the light rail line, because they see it as a way of bringing in higher density and mix of uses into their single family neighborhoods. So, I distinctly remember a hearing that Metro had when it was considering the

2002, 2003, '04, '05, big UGB expansion process in Wilsonville. It was a big hearing because we were considering the addition of a fair amount of land at the south end of the urban growth boundary and, oh, scores, if not hundreds of people came to oppose it. Testimony would be something like this -- it would be a mother, and she would walk up to the microphone with a child in hand, and she would talk about their lovely development right on the inside of the urban growth boundary, but right on the edge. It'd be low density, maybe a 15,000 square foot lot on a cul-de-sac, and the urban growth boundary was going to be expanded on the other side of them, and it was going to be urbanized, and the first thing they would say was, "We moved out here to be away from the city!" And I remember sitting there in my seat thinking, agh, you know, if you don't want any change or significant change you probably should have bought a house in Irvington. If you move to the edge of the urban growth boundary you're moving into a very dynamic land use place, over a long period of time perhaps, but the tensions there were palpable, and that's still a part of the planning program. I'm not sure if I fully answered your question.

INTERVIEWER: No, I think you did definitely. Thank you.

DICK BENNER: Good.

INTERVIEWER: So, we talked a little bit earlier about the connection between state and local control, but how have the statewide planning goals struck the balance between state and local control that the LCDC intended in 1974, and can you explain that?

DICK BENNER: Yeah. Well, you know, when I was reading that question in preparation for this, I crossed out what 'LCDC intended' and wrote in what the 'legislature intended.'

INTERVIEWER: Um hmm.

DICK BENNER: Because the balance was not developed or established by LCDC, it was established by the legislature, and to understand it, you have to understand the beginning, where it came from, and it was Senate Bill 10 in the late 60's. Senate Bill 10 was the precursor to Senate Bill 100, and it required cities and counties to plan. It had a set of statements in the legislation that were the things your plans are supposed to accomplish, and it set some deadlines, it positioned the state to come in and take over the planning. If the city or county didn't do what it was supposed to do -- boy, talk about a draconian measure. Well, that did not work out very well. There were some cities and counties in the state that were already inclined to do the stuff on their own, and this was helpful to them to give a nudge. The prospect of Tom McCall moving into Bend, taking over planning, it was not going to happen. Plus, there was no agency to help local governments do this stuff and to figure out how to do it. There was no real budget. There was no planning fund to give Bend \$50,000 to get started. So, four years later, along comes Senate Bill 100, and that's the backdrop. Legislators knew that they hadn't struck the right balance between state responsibility and power, and local responsibility and power. So, it was recast. The recasting of it was very much in favor of the state, in a sense, because if you know how states work, they have the power, and local governments are creatures of the state. The state creates cities and counties. The state gives cities and counties power. Well, the tradition around the country is states give land use planning power and authority to cities and counties. The state doesn't have a role in it. Well, Senate Bill 100 said we're going to readdress that and it was big deal. So, this is where the balance was struck, and people would talk about it in ways that weren't really an accurate reflection of the actual balance that was drawn on the statute. They created this notion that the new statewide planning program has goals, we're working toward those goals and we're going to try to get there some day -- but these are not laws. But they *were* laws, and so there was a soft pitch

coming from state leaders about this new planning program. It created the sense, in local elected officials, that these were goals that we're going to work toward. And then along comes 1975, and they have force of law, and there's 1000 Friends of Oregon out here ready to sue you, and on a rare occasion the agency might too, coming to a circuit court and saying, "Your Honor, Marion County has just adopted an ordinance in the farmland up on the hills east and south of the city, and they're dividing it into five acres parcels, but this brand new agricultural lands goal says, no, it's got to be preserved in large blocks for agriculture. These two things are incompatible." LCDC was a little standoffish then because they were brand new, and politically, were they really viable? So, we won that case. Right?

INTERVIEWER: Um hmm.

DICK BENNER: And suddenly, there was this sense among local governments that, holy cow, we thought these were goals and these are laws! And, yeah, people came to Salem saying, well, this wasn't the balance that the legislature intended but, you know, it *is* the balance that the legislature intended. Now, the legislature didn't adopt the statewide planning goals, they adopted the law, but the law told LCDC what to do and that continues to be a controversy today. The other half of your question is if the agency handled it well in the legislature over time. And I would have to say yes, I think so. If nothing else, Oregon has a statewide planning program today. Other states that have tried it, theirs have either been repealed by the legislature, unenforced by the governor, voted out by the people, or collapsed because they couldn't get the balance right. Now this program has survived, and it's been supported by every Governor since its adoption. It's generally been supported by the legislature, except for a period of years when John Kitzhaber was vetoing land use bills. But the fact that it's survived tells me that it's struck a good balance and it's constantly readjusted. You know, every year there are 25 bills going through the Oregon

legislature to tweak them a little bit, and some of them pass, and some of them are good and they make good adjustments. So, yeah, I think it's well-struck.

INTERVIEWER: Um hmm. Can you reflect a little bit on the feeling of 1000 Friends of Oregon and their connections with DLCD, or with the local communities that they were now dealing, adding some of your own personal reflection on that?

DICK BENNER: Sure. In the early days, I remember the young staff attorneys, Henry included, were really full of enthusiasm and passion, thinking we knew the law better than anybody else. To some extent that was true, you know, because we were in court, and you had to read the thing really carefully and think about it and then make an argument about it. So if you think you're right, you better persuade the judge. So, we were pretty self-confident, won a lot of cases, most of them were easy in the early days, because the law said X and the county had done Y, and we were not terribly sympathetic to the cries from local governments about the struggle they were in. Local planners, for example, might have been just as highly motivated as the young staff attorneys at 1000 Friends, but they were working for a city council or a city administrator or a planning director whose perception was, yeah, yeah, yeah, we've got this new program but, you know, we have a city here to work with, and we have our citizens, and we have all these interest groups that don't want us to do this. So, cool your jets, man, we're going to take our time getting there. And here's 1000 Friends coming in and blowing the trumpet ready to sue you. So, there was tension there, for sure, despite a commonality of interest. And the same thing with the agency. I remember talking to the few early employees of the agency who, again, shared my view of what this was all about. They bridled under the reins they had, by the people leading the agency. I'm not saying this was necessarily wrong thinking, that "Look, this thing was just getting started. We have a very small budget. There are only six of us here. We've got this entire planning program. We have to

survive. We have to go back the legislature next year to get a budget approved. Okay? So, relax a little bit, we're not going to go where 1000 Friends is pushing us to go. All right? They may be right but maybe it's best that they sue the agency. Maybe it's best that they should sue Marion County and let the courts say this is the way it has to be and then we can go there." So, there was quite a bit of tension, but again, it was often a friendly tension between 1000 Friends and the planning community generally. It improved, of course. 1000 Friends got a little more politically savvy, in part, from going to the legislature and trying to prevent bad things and persuade them into good things. Seeing that there's an art of compromise here, everybody matured, including 1000 Friends and the planning community. It's in much better shape today.

INTERVIEWER: Um hmm. You mentioned others at the agency shared a view of what this is all about, reflecting on the land use planning program. I was wondering if you can clarify what you mean by that and what your feeling was at the time, what this was all about, and maybe how that changed over time a little bit?

DICK BENNER: Yeah. Well, there's an evolution all by itself, and I know that it's been fascinating to watch. So, in the early days, it was the farmers really, and you'll hear this from Henry. We wouldn't have a planning program today if the farmers, some of them, hadn't come to the legislature and said, "We need your help. We're losing farmland left and right in the Willamette Valley and other parts of the state. There has to be a planning program." Sprawl was going to wipe out our livelihood. So, it was about protecting farmland more than anything else. There was an element of containment of sprawl but not everybody saw it. Oddly enough, it was buried in an obscure statute, Senate Bill 101, that was part of Hector's and the movement's package of five bills. Senate Bill 100 got all the attention, but here's Senate Bill 101 that says this is about sprawl too, but it's mostly about farmland protection. And so where you get the urban growth

boundaries in place, the farmland seems to be fairly well-protected, at least it's in a farm zone, you know, and we can argue about how well it's protected in a farm zone, but we got that done. So, okay, what happens next? Well, then there's a new thing, what about housing affordability? You know, boom years in the late 70's, housing costs escalating, housing opportunities terribly limited by suburban zoning, so where are people going to live? How can they afford the split-level house on a 15,000 square foot lot? The school teachers and workers in town? This is also about affordable housing, and with the Goal 10 effort, we started getting compared around the country to other affordable housing programs. The one that was court-imposed in the State of New Jersey, for example -- well, how is that working versus what's happening with Goal 10? We thought maybe Goal 10 was better. So, that was another great motivation mission-driven thing, and the agency started to pick up on that. They did some hires and got people with expertise on how to help cities go through the agony of upzoning. And then transportation came along and this connection between air quality and transportation. Well, you know, one of the reasons we want growth patterns in cities to be denser and have mix of uses is so that we can cut down on auto emissions. That's, what, 32 percent of greenhouse gas emissions per day -- and probably even more back then. So, there's a public health motivation for growth management. There's an air quality and air purity visibility, an aesthetic connection, so that's what land use planning is about too. Suddenly, your list of why we are we doing this is, well, farmland protection, public health, and what about enjoying your neighborhood? It's about livability. It's about protecting neighborhoods. It's about redeveloping tired suburban neighborhoods and enlivening them up, adding some life to them. It's about all of that. Now it's about climate change. Are we going to have a planet left suitable for humans? You know, it's about that too. It's all of these things. It's about life really (chuckling) in varied ways, but it's all of those things. You don't have to argue, and somebody said, "Well, you

know, we don't need an urban growth boundary out in Central Oregon where we're surrounded by sage brush because that's not farmland. I know that there's an occasional cow that passes by, but it's not productive, we don't need an urban growth boundary." Well, wait a second. Do you people have neighborhoods? Do you want a transit system? Should people have a transit system if they can't afford a car or something? You know, what about livability? What about your ability to forge the infrastructure that's going out in every direction -- and it's usually expensive. So, advocates of planning and growth management got more arguments along the way and got better at it. Of course, the access to data has dramatically increased, as has the access to modeling to show a community gathering, the relationship between higher density mix of uses, and your ability to have green space nearby, or your ability to have a transit stop there. Or, you know, if you like to walk to the coffee shop and have a grocery store nearby. Well, you need rooftops, you need customers, and if you're all spread out and everything is zoned for 13,000 square foot lots, you're going to have to drive there. Are you tired of traffic? Well, we can help you there. You can help yourselves by planning a walkable community. Walkability is like the touchstone now, you know. So, a huge evolution. Yeah.

INTERVIEWER: Yeah. I think you touched on this question, but I'm going to phrase it anyway and maybe give you an opportunity to build more on what you were just talking about. How do you think Oregon's land use program in 2015 compares with what was envisioned four decades ago?

DICK BENNER: I would say, allowing for the tremendous education that people who are involved in it and experienced it for the last 40 years, I think it's remarkable how close what we see on the ground here is to the vision that people either expressed or is embedded in the statutes that were passed. Remarkable. I would just suggest for people who say this is all way too far,

where you've got Metro sticking its nose in the kinds of uses that are allowed in an industrial zone in Hillsboro. How did it come to that? But you go back to ORS 215.243, in the purpose statement there, and by golly, it's kind of generally stated. It's not very long and articulate, but it's there. You can see they're talking about urban growth boundaries. They're talking about continued sprawl. They're talking about livability there. They're talking about protecting public investments and infrastructures. It's there, and that's what this is all about. So, livability. The word livability is used.

INTERVIEWER: Um hmm. In what ways have prominent state and local elected officials, ballot measures, actions by the Oregon legislature, and key court rulings advanced or undercut these original purposes of Senate Bill 100 and the drafting and implementation of the state planning goals? So, thinking back a little bit on that.

DICK BENNER: Yeah.

INTERVIEWER: Yeah. I mean that's a lot, I know.

DICK BENNER: Yeah. There's been so much of it, you know, I often find myself defending the program; not from people who want to do away with it, but from people who don't think it's done well enough. And I do defend it, very much so. We've lost some ground in certain areas as a result of the ballot measures, particularly the property rights stuff. And we've gained ground, through legislative acts and amendment to the rules. I think farmland protection in place today is better than it was 15 years ago. So, it's part of the survivability, if you will, of the program that there have been steps forward, steps back, stumbles in the darkness, finding the light, and moving in that direction. It's an unending stream and, you know, I'm not an expert on what's happened in other states, but I don't think you can find an experience like this any where in the country. And so much of what the legislature did along the way has been positive in the sense that

we're getting complaints from people from local governments, about how we need to make an adjustment, but they want to make it better and make it work -- they want it to survive. And some place along the 45-year trajectory, that became the motivation. Okay, there's a lot of criticism of this program, but it is really important, and is a treasure, and we have to preserve it. Even many opponents of it say, "No, no, no, no. We don't want to destroy it. We have problems with these five points if we can just make a little progress there." And that's been one of the great stories of the program.

INTERVIEWER: So, kind of building on that, are there any changes or additions you'd like to see in the planning laws, or maybe some in those opposition rates or in the statewide goals, that would enable Oregon's land use programs to face the challenges of the future? You mentioned climate change is one of them.

DICK BENNER: Yeah. Well, I spoke a little bit earlier about how I would work with local governments around the state to use some of the Metro model. Again, there's resistance, of course, to direct replication of the Metro model anywhere, but there's so much in it that I think an impartial review would suggest is very positive and could be applied in my area, even though I'm in Southern Oregon or Eastern Oregon or something. That ought to be pursued. The way Metro has dealt with protection of industrial lands, with transportation decisions, doing them with intergovernmental cooperation, and making sure that there's something for all parts of the region and all parts of cities -- there's much more learning there that ought to be applied in other parts of the state. They would very much benefit from. The planning program has been in trouble before, like when it had difficulty getting money for its budget, the agency had been under attack, and wanted to figure out a way to adjust the program to save money. So, I have suggested to the agency in the past that maybe the relationship between the State and Metro ought to be adjusted

and the model, not necessarily the blueprint, but the model would be the relationship that the State has with the Columbia River Gorge National Scenic Area. So, the way that works is that inside the boundaries of the National Scenic Area, the statewide planning goals don't apply. Well, that's kind of interesting. Well, that's because the Columbia River Gorge National Scenic Area Act is essentially a parallel piece of legislation. It has the same directives about protecting farmland and forestland. So, if you have local government in a National Scenic Area, how much would you like the new regime where you have to comply with everything the Gorge Commission is telling you to do, and you have to comply with everything the state LCDC is telling you to do, and they're not exactly the same? It's kind of a nightmare and it's really expensive. So, the idea has repeated itself in the metro area. The local governments, the 25 cities and three counties, portions of which are inside our urban growth boundary, have to comply with all of the Metro regulations, then they have to comply with all the statewide planning goals. It's not very effective or efficient. So what I've recommended to the agency is recast the relationship to be similar to what the Gorge Commission has, and LCDC would retain responsibility with Metro on any urban growth boundary expansion. But there would be an evolution, so that Metro would stand in the place of the statewide planning goals, and then the cities and counties inside Metro would deal with Metro. They wouldn't have to deal with LCDC, and LCDC would be relieved of the largest burden they have, which is to make sure things work out well in Metro. Another model, you know, for this is what happened with Goal 5 and the timber industry in regulation of forest practices. You know, they figured out a way to recast it, and Goal 5 essentially retreated from Forest Practices Act regulations and became a state cudgel. So, there are precedents for it, and I know there is some concerns that people would have about the statewide planning program not applying in the metropolitan region. I think one way of addressing that -- the same thing happens with the Gorge Plan -- is that there's a review every so

many years by the state. Maybe it's five years, maybe it's 10 years, and then they would do an assessment. Well, how are things working out in the metro area? Is Metro doing it right? And you adjust the relationship then. Something like that. But, anyway, I think that would be a good change. I would also take up again what periodic review is all about. It's been a struggle to get it right. There have been several ways of changes when I was Director there, as well as the legislation to adjust it. I think they were helpful, but I don't think it's done yet, and I would argue that it ought to be a much heavier focus in a periodic review that might be voluntary and incentivized, as opposed to required. Leave the required stuff behind when you expand your urban growth boundary or amend your plan but the actual periodic review of the competency, of the appropriateness of your urban growth boundary, of your plan, ought to be community development oriented and the state should be the partner. The state agency should be the partner there. Money should come to the local governments, and any decisions they're making within that community should done with the city. That would be my focus with the periodic review and it has evolved that way, but it's not there yet.

INTERVIEWER: Thank you. Are there any other thoughts, anecdotes or experiences you'd like to share with us while you have this excellent opportunity to do so?

DICK BENNER: Oh, gosh.

INTERVIEWER: Another small question for you.

DICK BENNER: Yeah. Hmm. I didn't really think too much about anecdotes.

INTERVIEWER: Ha.

DICK BENNER: Well, I remember in the early years of 1000 Friends, when the Oregon Planning Program was the rage around the country among the planning community, and people were casting thoughts about whether this thing is going to work. Is it going to work? God, it

really looks good on paper. So the staff attorneys at 1000 Friends were getting speaking engagements all over the country to come and talk to LA or Baltimore about this amazing program. We were kind of puffed up about it. The requests for a speaker from a non-profit or a government would be, well, we're not going to bring the agency people in to talk about the program because, oh, they're bureaucrats, you know, and they don't talk very good. They have a certain view and we want to get a critical analysis. So, they bring people in from 1000 Friends. And I remember being asked to talk to a group of city leaders and John Mosser, who was the LCDC Chair at the time. He was on a panel, and I got up and did my impassionate thing, and was saying that "It really should be this way, and LCDC should be doing more of that." And John Mosser followed me and he said, "Well, Mr. Benner is quite the eager beaver."

INTERVIEWER: Ha.

DICK BENNER: And, you know, it changed my thinking of Mosser, himself, and the program a little bit. What we're trying to do here is essentially remake development pacts that were responding to the end of World War II, and the interstate highway system and in highway monies. It got into place over 50 years, and we're trying to change all that. And you've got to adopt your comprehensive plan after the statewide planning goals in one year? And it took nine years before the plans were done? Okay. It's good to remember that this is going to take awhile and you can only push it so far. You've got to think about how to be effective. Is it getting up there and doing a rant? Pointing the finger and saying you're terrible, you're not doing it well enough; you're not doing it fast enough? Or is it, I'm here to help you, and let's agree that this is a good place to go and we want to help you get there.

INTERVIEWER: Yes. Is there anything else you'd like to share?

DICK BENNER: Hmm. Oh, you've probably got enough wind out of me.

(Chuckling)

INTERVIEWER: (Chuckling) Okay. Thank you, so much.

DICK BENNER: Yes.

INTERVIEWER: So, I've been speaking with the former DLCD Director, Dick Benner today. Dick, thank you for your perspective on the evolution of Oregon's unique land use system. It's been a real pleasure.

(Concluded)