

*Note: This transcript was substantially edited for accuracy, clarity, and legibility by Fred Van Natta and Kevin Pozzi in August of 2015.*

**Fred VanNatta Interview**

Tuesday, 6/25/15

INTERVIEWER: All right then. Let's just get started. I'm Bob Rindy and you're Fred VanNatta -- and why don't we begin with that first question with you kind of telling us who you are and giving us kind of a brief personal background about your life in Oregon.

FRED VANNATTA: Well, I grew up in the backwoods of Columbia County. My father's family came here in the late 1800's and were loggers in Scappoose. They ran a chute down to the river and sold logs and pieces of wood to run the steam engines. On my mother's side, the family came to Salem in 1922, and ran a flower shop whose name disappeared from the community. Ultimately, Heath, the florist, disappeared in the community a few months ago when Doty remodeled the building downtown. In 1941, my father bought two thousand acres of burned over land in what is referred to as the Coast Range, about halfway between Rainier and Vernonia, where there were no neighbors then for five miles and there still aren't today, except my family lives there.

INTERVIEWER: Huh. And so sort of fast forwarding then, can you take a few minutes and give us some of the background of how you became involved with the Oregon statewide land use program?

FRED VANNATTA: I worked for the House Speaker as a Chief Assistant to Speaker of House in the 1965 and '67 legislative session. And I figured out that was no way to make a living. So, I did the next most logical thing and that was start a political consulting business, which after one election, I decided was no way to make a living so I became an Association Manager and

lobbyist and, uh --

INTERVIEWER: Now were you an attorney at that point? We didn't kind of talk about your professional background.

FRED VANNATTA: Well, I've had two degrees in political science, one from Willamette, and one from the University of Oregon, but I am not an attorney. I don't practice law. I don't give legal advice, as I am told not to, but I'll answer your questions. My initial client was the Oregon State Homebuilders Association, and we did some significant things with the association. Oregon is the only state in the country, according to our Building Codes Agency, that has a single statewide building code, instead of every city and every county having their own version of how you build a house and what's safe. Oregon has one standard, which saves a lot of money to the cost of housing.

INTERVIEWER: Now was that already the case when you began working there?

FRED VANNATTA: No. The builders in Portland came to me and said we have 29 versions of a safe house in the Portland metropolitan area. What can you do about it? It took me three sessions, because the cities and counties fought like it was going to be the end of western civilization if the State established a single standard for safe housing. So, I was successful, ultimately, but it took three sessions.

INTERVIEWER: And what year was it that they finally took effect?

FRED VANNATTA: That was the '73 session.

INTERVIEWER: So, you were by then a pretty well-established old hand at dealing with city codes in order to go through that?

FRED VANNATTA: Yeah.

INTERVIEWER: And so about then, the Oregon State Land Use Program started to come into effect. It was enacted in '73. Were you involved in that as well?

FRED VANNATTA: Yes. And if you looked at the history, the measure started in the Senate. It had a series of hearings in the Senate, and the committee chair appointed L.B. Day to the committee, and appointed certain lobbyists to meet with L.B., to work out the issues on the bill after the initial hearings. I was one of those appointees.

INTERVIEWER: So, it was essentially a formal committee? It wasn't made up entirely of legislators by any means?

FRED VANNATTA: Well, there were no legislators in the committee. There was a recorder. I'd never looked at the records, but I presume there were some. There was a staff person that was present. I did two things on the original bill, as it came to the L.B. Day committee, that I think made it possible. One of which, at least, made it possible; or I believe the bill would probably not have passed. The original bill had a 200-foot setback from every stream in Oregon and I made the arguments in the L.B. Day committee to remove the 200-foot setback. The other provision in the original bill, were areas of critical state concern.

INTERVIEWER: Um hmm.

FRED VANNATTA: One of the mandatory areas of critical state concern was around every freeway access. If you were going to build around the freeway access it was not a local issue, it was an issue to be determined by the State, and I took that up. I made the argument successfully to take that out of the bill.

INTERVIEWER: So, were you then acting on behalf of the state homebuilders?

FRED VANNATTA: Yes.

INTERVIEWER: And so in the instance of the setback issue, that's a new piece of information to me. I find it interesting. The proposal had been that nobody could build within 200 feet of a stream?

FRED VANNATTA: Well, the realtors were the most excited about that, but so were rural property owners.

INTERVIEWER: Sure.

FRED VANNATTA: And because, I think, it dramatically affected potential land values. On our home property, we started logging in '65, and the family still is manufacturing stumps on that property. And there are some setbacks from the rivers to remain shaded.

INTERVIEWER: Um hmm.

FRED VANNATTA: But that is different than the 200-foot setback that was in the bill.

INTERVIEWER: Sure. So, with those changes then, as the bill proceeded to passage --

FRED VANNATTA: The Homebuilders did not oppose it.

INTERVIEWER: You didn't oppose it? That was worked out as part of those committees and --

FRED VANNATTA: Yeah.

INTERVIEWER: -- those since that got out?

FRED VANNATTA: Yeah. Right. You know, maybe while we stay on that, there was one other issue that I had a lot of heartburn about, and that was the creation of the urban growth boundary concept.

INTERVIEWER: Right. Now that wasn't in the legislation. Right?

FRED VANNATTA: That was not in the legislation. There is no statutory --

INTERVIEWER: So, we're fast forwarding to then, which was really my next question, -- so then after it was enacted, the next really big thing was the determination of the statewide planning goals?

FRED VANNATTA: Yeah. I'm trying to remember the name of that first Director who

used to work for the counties.

INTERVIEWER: Arnold Cogan? Al Brauner?

FRED VANNATTA: Cogan.

INTERVIEWER: Arnold Cogan --

FRED VANNATTA: Yeah.

INTERVIEWER: -- I believe was the first director.

FRED VANNATTA: Yeah. He had worked for the League of Oregon Counties, prior to getting involved in that, and he had worked on an urban growth boundary around Salem prior to all this legislation happening. So, the people in the Salem area were sensitive, understood, and had thought that through some. The commission never had a direct hearing on urban growth boundaries, so we didn't have a lot of information on the record about why we believed urban growth boundaries wouldn't work well.

INTERVIEWER: Um hmm.

FRED VANNATTA: But after all the hearings, the commission got together and adopted the urban growth boundary, on which there was no testimony on the record.

INTERVIEWER: You mean the goal regarding urban growth boundary?

FRED VANNATTA: They put the goal in out of --

INTERVIEWER: Goal 14?

FRED VANNATTA: Out -- at the last minute out of the cold clear. I wanted to sue. I went to my board of directors and said we need to sue the commission over that because that's not the way public hearings are supposed to work. You don't adopt things that haven't gone to -- well, the commission's answer was, we had a whole bunch of public hearings and nobody objected. Nobody said we shouldn't have urban growth boundaries.

INTERVIEWER: And so their claim was that that concept had shown up maybe in written form but nobody had seen it or testified?

FRED VANNATTA: Right. Yeah. I had no idea that they were going to do that.

INTERVIEWER: Yeah.

FRED VANNATTA: It never occurred to me that they were going to come out of the night and do that. Our guys didn't want to spend any legal money. So, we did not file a lawsuit over it, but I was not a fan of urban growth boundaries then and I am still not a fan of urban growth boundaries.

INTERVIEWER: I see.

FRED VANNATTA: But -- well, so what? (Chuckling)

INTERVIEWER: Well, that's interesting then, and so there was 14 statewide planning goals initially and then the coastal ones. Were there other goals that you were particularly involved in and thought were important?

FRED VANNATTA: Well, I was not extensively involved with any of them. If I remember correctly, I testified against some of them, but the housing industry guy didn't give a damn about that.

INTERVIEWER: So, there was a housing industry guy there that you were working for the Homebuilders but there was another person involved in this sort of?

FRED VANNATTA: Well, the Portland Association had hired a professional planner, Bob.

INTERVIEWER: I see.

FRED VANNATTA: And he had some input with the Portland people and in terms of my bureaucracy, the Portland folks carried the most weight because they are the biggest association, and frankly had the most experience with planning. The fellah that hired me, who was president of

the association at the time and from Portland, built houses in The Dalles and Hood River, and had a deal there that the building permits would be stuck in an envelope and put out behind the fire station.

INTERVIEWER: Ha.

FRED VANNATTA: And he would get his building permits there and build the houses and be gone. That's all that he had to do was call the county and --

INTERVIEWER: Yeah?

FRED VANNATTA: -- had a deal where they would put the building permit, and that was all it took to build a house. You know all of this changed fairly dramatically.

INTERVIEWER: Well, Goal 10 was, of course, part of the whole mix, which was the Housing goal. Did that kind of come onto your radar screen, if any, at this point?

FRED VANNATTA: We thought that Housing Goal was a plus.

INTERVIEWER: Um hmm.

FRED VANNATTA: We believed the Housing Goal was an asset. I'm not sure it's been as much of an asset as we believed it would be, because people are not providing the land availability that we thought the system would provide.

INTERVIEWER: Yeah. And so sort of came up as well, moving forward a little bit in time, after those goals were adopted, then cities began the work of individually applying them and creating new comprehensive plans. Part of that was urban growth boundaries, but also provisions to address the Housing Goal and other things like that that sort of really came to a peak in the early 80's. Were you involved in those years and in that process?

FRED VANNATTA: I was involved, yeah, in the process. My memory doesn't produce anything specific relevant to that but --

INTERVIEWER: In that whole situation of all those plans being enacted, LCDC had to interpret a lot of those goals because, of course, they were pretty broad statements in the way that they were originally drafted and adopted. And so, certainly, the urban growth boundary goal, and especially Goal 10, became the subject of a lot of focus in the early 80's, and I believe the Homebuilders were involved in that. I wanted to ask this question too, but I'll just say that it was sort of a commonly accepted notion at the time that the land use program was primarily focused on preserving land outside urban growth boundaries, but that the understanding was that inside urban growth boundaries, and especially regarding housing, the land use program was supposed to work very hard at allowing development. This whole notion of clear and objective housing standards was developed in that era to make sure there was enough land for housing and urban growth boundaries. I'm calling it a myth because I don't think I've ever found anyone who's actually said, "Well, we sat down in a room and made this deal," but that was the way it was sort of played out in those years. A deal was outside UGB's protection, inside UGB's the state program was supposed to help it.

FRED VANNATTA: I agree with that. Well, you were obviously there at the time, but I share that understanding, particularly in the metropolitan area. The homebuilders were very supportive of this Senate Bill 100 process because we all believed that was going to happen. Philosophically, I've never become a convert to the urban growth boundary concept. I'm not a fan of it today. I believe it hasn't lived up to the standard that we were sold on at the time that it was adopted, because people are not providing the land supply that was held up as the candy, if you will, for the developers in its installation.

INTERVIEWER: Yes. And that's kind of where I was heading with this question. It was commonly understood then, and certainly amongst the homebuilders, that there was this sort of

understanding that we would have a program that not only conserved land but that promoted development of land that was inside the urban growth boundary parts.

FRED VANNATTA: But it has not lived up to that. I believe it has not lived up to that standard.

INTERVIEWER: Was that starting to become a concern even in the early 80's when the plans were being approved?

FRED VANNATTA: Well, I believed that would be the effect of it, I listened to the legislator who represents the City of Bend just 60 days ago, tell a Republican women's group here that we have no rental property in Bend. I think this was a smart mouth comment, and haven't gone back and checked with him, but he said the problem we have with our homeless area is the parking lots aren't big enough. In other words, the people come to Bend who want to rent an apartment, they wind up under the bridge with everybody else, and they don't have places to park their cars. But why? It's obviously because the urban growth boundary hasn't been adjusted to accommodate the construction of apartments in a growing city.

INTERVIEWER: Uh huh.

FRED VANNATTA: And it's the iron skirt around the city, because one of the things that nobody understand at the time, including myself even though I objected to the urban growth boundaries, is as soon as you draw that boundary, it creates expectations on both sides of the boundary. It makes it very difficult, politically, to change the urban growth boundary and most local politicians don't have the brass to go out and make the necessary changes to do what Senate Bill 100 expected people to do.

INTERVIEWER: So, there was a long period of time from when those goals were adopted up to today, but in that interim, I think we've probably seen the discussion that you just

described over and over again with urban growth boundaries and with cities. I think in the days of the acknowledgement up until about 1985, when all the plans were acknowledged, there were some pretty interesting, I don't know if "disputes" is the right word, but there was a lot of push back about cities providing enough land in their urban growth boundary for apartments, rentals, and affordable housing. It was a fairly live controversial discussion because there were cities that did not want to provide a large supply of land for other kinds of housing beyond single family housing. That was a discussion that I think not only took place in the early years but sort of over the next couple of decades. Where was your perspective in your organization on that whole topic?

FRED VANNATTA: Well, we were the creators of a lot of those discussions, through the Association or our members, who were trying to find a place to build a house. That fuss and a lot of swear words didn't change anything.

INTERVIEWER: So, some of that is local politics, of course, because it was the local governments who wanted to create their own plans, and had their own local control ideas. If a city decided it did not want to provide sufficient land to develop that kind of housing, then they often ended up in conflict with you. Is that right?

FRED VANNATTA: One of the reasons, that the strongest supporters of Senate Bill 100, with the Homebuilders Association, was the metropolitan area homebuilders, is that they saw Senate Bill 100 as a vehicle to drive exactly what we're talking about: an adequate supply of land. It was more so than the folks down around the state who hadn't had that experience yet. They thought that Senate Bill 100 would give the State backing to tell the local jurisdictions to provide some buildable land sites. Now that has not happened. The concept, which was fine in the 70's and 80's, has some legislation that I hatched up later in the process, talking about a 20-year supply of land. I haven't gone back and looked at that statute, but my recollection was that when the plans

came in to be checked, there was supposed to be a 20-year supply of land for commercial, residential, and multi-family -- and I don't know what's happened to that, and why the current commissions aren't trying to enforce that. That is one of the prices of the iron boundary. It was one of the answers to the iron boundary. You know, "It's not an iron boundary, it's a flexible boundary, and we will expand it as necessary." Well, the iron boundary is what it is.

INTERVIEWER: And I recall that in the early 80's, when most of those plans were coming in, that was a tension because it was the homebuilders, realtors, and others advocating for a larger supply of land than perhaps even some cities were proposing. And so you actually have the interesting occurrence of the State and LCDC sending back a number of plans. They said "You don't have enough supply here," and, of course, that created a huge tension with the community of farmers and others.

FRED VANNATTA: The no growther.

INTERVIEWER: It was either no growthers or farmland protection advocates who felt that in order to have that larger boundary, it was farmland that would have to be included. That was a tension in the program that was very apparent in the early part, and is still apparent today. It sounds like from what you're saying, there were a lot of trips to the legislature to try to modify the program. In fact, some of the research I've done has shown that the legislature undertook changing land use laws almost every time they met, which is once every two years, and sometimes they made big changes and sometimes they were small. Were you were involved in a lot of those sessions?

FRED VANNATTA: Well, up until '05. I've been out of the picture for the last 10 years.

INTERVIEWER: So, throughout the 80's and 90's, and up until '05, you were involved with legislative sessions. Can you talk about some of those legislative fights about land use? I

remember that a very long session ended, it might have been '99, like after 4<sup>th</sup> of July, and I went into the Capitol rotunda the day that it ended. There was a lot of celebration, as there always is, and you were in the rotunda and you were not happy. You had a big sheaf of paper, which might have been a bill, and you were throwing it up into the air as high as it would go and letting it land. I remember that image really well, and I think it had to do with annexation, and that that was a particularly controversial battle that you were a part of -- LCDC and the cities also. It had to do with voter annexations. Am I remembering that correctly, Fred, or can you correct my vivid memory about there being a particular session on that.

FRED VANNATTA: I do not remember. I am no help to you on that because I do not remember that incident.

INTERVIEWER: Okay. Well, time has erased a lot of my memories too, but I do know that there was a lot of concern about the fact that cities' voters annexation laws sometimes effect housing in detrimental ways.

FRED VANNATTA: Well, we have that in Salem that an annexation has got to be voted on. Memories are returning. The homebuilders were strongly opposed to having the entire city voting on annexation. You know, that invites the no growthers to say, "We can stop things; we can stop people from moving here by not allowing an annexation so they've got a house to live in." If Senate Bill 100 was functioning as it should, there would not be voting on annexation. I do still look at the annexation votes in the cities -- after an election, most annexations are approved -- interestingly enough, at least in the cities that I looked at. So it's not been as evil as we believed it was going to be, but maybe the people are smarter than we gave them credit for. Ha.

INTERVIEWER: Yes. That's my recollection, too, that there was a lot of concern at the end of the 90's, and LCDC, the League of Cities, and I think the Homebuilders, sort of teamed

up to try and make sure annexation voting couldn't spread. At the time I think there was only a few cities -- Corvallis had sort of started it -- but that legislation failed. And so the legislature, in the end, didn't block voter annexation and it did extend to many more cities after that. But the history, as you just recounted, has not quite proved as dire as had been predicted.

FRED VANNATTA: Um hmm.

INTERVIEWER: Do you recall any other kind of big legislative issues that involved land use that you were involved with in those years with the Legislature?

FRED VANNATTA: I don't think so.

INTERVIEWER: So, you were quite active in the 90's and the early part of it?

FRED VANNATTA: Well, the 20-year land supply was something that I was involved in and I am disappointed to see that it has not been functional.

INTERVIEWER: Yes. The urban growth boundary has been very controversial and long fought from all kind of directions, and I agree with you that the understanding was a 20-year land supply. That was sort of core, although the actual words "20 years" weren't put into Goal 14 until very much later.

FRED VANNATTA: Um hmm.

INTERVIEWER: It was generally understood that way, even though it wasn't written down as 20 years. It was written down in the 1980's through '90 up until, I think '04, as a "long-term" land supply. Perhaps that was one of the sources of some of this dispute about how much was in there. Eventually, LCDC actually put the words "20 years" in the goal but I think they did that because by that time, it was really generally accepted that that was what it was supposed to be.

FRED VANNATTA: The Bend issue is interesting. I got on the case of the Executive Director of the Homebuilders Association in Bend about how come Bend has no

apartment rentals -- and what about the 20-year land supply? And he said, "I delivered a check for \$245,000 to attorneys who sued over that and lost the case and that the City did not have to have 20 years." Now, that was all I know about it.

INTERVIEWER: So, that was recently?

FRED VANNATTA: Recently, some time in the last four or five years. Apparently they did sue over it and the case didn't carry. I've just haven't looked into it.

INTERVIEWER: Yeah. And that's still an active issue. Bend came to LCDC to try to expand the urban growth boundary, and I'm a little fuzzy on the dates here today, but I think it was around 2007 that they tried to expand the boundary and LCDC didn't approve that expansion. There were many reasons why they hadn't made the case, but at the time LCDC sent that back. I think the expectation would be that Bend, as many cities did when they didn't quite meet the mark for something they submitted to LCDC, would be that they would return a couple years later with an improved package.

FRED VANNATTA: Yes.

INTERVIEWER: But here we are today and Bend is still working on that urban growth boundary expansion, and I believe it's pretty close to done.

FRED VANNATTA: I believe we have a problem in Salem. Commercial property. There's at least a little piece of commercial property. It's interesting to look at the Fairview property in Salem, the area where the commercial buildings are was just abandoned. The buildings had a historic value before they were abandoned, and now, people stole everything that's metal in the commercial buildings, and there's nothing but brick out there now. The potential for the number of houses out there is -- I don't know, there hasn't been very many places built out there in the last several years.

INTERVIEWER: Yeah. So that's interesting. We didn't explore that, but there's another development aspect to the land use program that has to do with commercial property and industrial property. It's Goal 9, and some related goals about public facilities and such. Do you have some history on that and some things you worked on with those issues?

FRED VANNATTA: I don't. I don't have any examples of the successful use of that to expand urban growth boundaries and make land available for development. So, for the folks who wanted no development, Senate Bill 100 has been very helpful. For those of us who believed it was going to be a vehicle to assist the shelter industry, and maybe bring some uniformity and logic to land use planning generally, it has not been successful. I would be amiss if I didn't talk a little bit about Keizer Station. Keizer Station was around properties that were going to be for commercial development, outside of the shopping center, and that have been to LUBA five times. The proposed buildings were absolutely -- the zoning was correct for the proposed buildings. The city had signed off on the construction of the buildings. The neighborhoods went to 1000 Friends and sued to stop the construction. They lost all five suits.

INTERVIEWER: 1000 Friends lost those?

FRED VANNATTA: 1000 Friends lost all five suits.

INTERVIEWER: Um hmm.

FRED VANNATTA: But the developer lost thousands and thousands of dollars, not only for his attorney, but because of the delay that is built into the process. In that sense, Senate Bill 100 has been an absolute disaster. It has made jobs for lots of lawyers. It has delayed a lot of construction projects. It has not been, "Ah ha! We will zone it, develop a comprehensive plan, everybody has a chance to talk in the comprehensive plan. We will make decisions about what's commercial and what's residential, et cetera, and we will do it at the planning time, and after we've

planned it, and approved it, then we can go build it. “ That’s why we supported Senate Bill 100. It hasn’t worked that way at all. We can do that, but you can take it to LUBA five different times, and then you can lose the case, and all it costs you is your attorney. If you’ve got the right non-profit attorney, why it doesn’t cost the neighborhood anything to do that, and it’s run exactly counter to the comprehensive plan that had been approved.

INTERVIEWER: So, then you were involved in that Keizer Station conversation over those years? Were you by organization or were you just an observer?

FRED VANNATTA: No. No. I just happen to know a fair amount about Keizer Station because it is in the neighborhood. And while we’re on Keizer Station, there’s one other thing that I might put on the record, and that was the proposal to build a Wal-Mart on the property near Keizer Station. I was contracted to hire people to do a survey out there, and the survey showed that 89 percent of the people in Keizer drive to Salem at least once a month to go a discount grocery -- Winco, Wal-Mart, or Costco. Eighty-nine percent of the people drive to Salem. Wal-Mart wanted to build out there. They spent over \$1,400,000 on doing the planning. It was zoned for commercial. The system ultimately collapsed and they were not allowed to build it. My survey is several years old now, but the assumption is that 89 percent of the people are still driving to Salem and we talk all about how much grief driving cars is to the atmosphere? The application of Senate Bill 100, and the failure of the Land Conservation and Development Commission to step in and say that’s buildable and you don’t let the neighbors sue to kill it.

INTERVIEWER: Yeah.

FRED VANNATTA: Senate Bill 100 isn’t doing what we thought it was going to do when we supported it.

INTERVIEWER: Yes. My knowledge on that whole thing is somewhat sketchy, Fred.

I know that part of the dispute was when that land was originally zoned by Keizer, it was a mixed use development with industrial land, and the attempt was to preserve it for industrial, and somewhere along the way the city made a decision to change that to retail -- and I think that's what the argument was over. Why I know anything about it was that I remember an attempt to have LCDC step in one way or another about the argument. Our chair at the time was Randy Franke, and that was in the middle of a pretty contentious legislative session about land use. LCDC eventually decided to not pick a side in that argument.

FRED VANNATTA: Um hmm.

INTERVIEWER: Either 1000 Friends or those that wanted to change the industrial land to commercial. I think LCDC still receives a lot of criticism for not having been active enough in preserving land for raw industrial land that is sited well for transportation, and that's one of the sites that's usually brought up. And ultimately, a lot of that land changed to retail, rather than industrial. So, what I didn't know until today was that there had been five LUBA cases over it, and I certainly wasn't following it closely. Were there some other big kind of major land use issues or disputes in various cities or counties that you were involved in that you can recollect for us that were, in your mind, pivotal?

FRED VANNATTA: Well, think about housing construction in Salem. For whatever reason, the housing in Salem moves south into the hills. If you go east, that's not farmland on the other side of Cordon Road out there and it goes up to a rocky hillside. You've got to pump a lot of water -- the water comes right through that area to come into Salem. If you're building a house on a hillside, which always costs more than building it on a flatland, you've got to pump the water up 30, 40, 50 feet and maybe build a reservoir. It tends to come through a reservoir on that kind of a system, and we've got hundreds of acres of flatland on the east that is not full of

productive farms. We can't seem to be allowed to build houses out that way.

INTERVIEWER: And so you're talking about perhaps pushing the urban growth boundary to the east rather than the south? Is that the general sense of what you're saying?

FRED VANNATTA: Yes. And that's been a sore spot for the residential housing industry in the Salem area since we adopted a plan that was going to make sense and we were going to save money by doing things smart.

INTERVIEWER: So, in what I know about that, which is not a great deal, is that right now there are discussions about changing Salem's urban growth boundary. But for quite a long time what people said about the boundary was that it was originally approved with more like a 35-year land supply rather than 20 years. And that the city has therefore had a challenge throughout the 90's and later to try to add to the urban growth boundary, such as what you're talking about, because they already had such a large supply. I think that's changed today but for a long time.

FRED VANNATTA: Well, go to Keizer and try to find some buildable lots in the urban growth boundary.

INTERVIEWER: Right. It is constrained to the north and probably really very ample in some other areas, but your point is, is that's probably not the right area.

FRED VANNATTA: I don't know where it's ample in the Keizer area, but --

INTERVIEWER: It's not ample up there. It's certainly not and I hear that all the time. Can you talk about some of the individual Directors or LCDC Chairs or some of the main movers and shakers in the land use program in the years that you were active? There were, no doubt, a series of both directors and LCDC chairs and some other very important individuals in the program. Does any of that come to mind to you?

FRED VANNATTA: Well, L.B. Day remains my hero. It took me a while to figure

him out, but he was a tough union organizer, and the first three times you met with him on a subject, why you hear, “No, damit no.” And worse than that, “No.”

INTERVIEWER: (Chuckling)

FRED VANNATTA: And the next to the last time you met with him he’d say, “Tell me what you actually have to have.” And when you went back the last time to meet with him and said “Here’s what I’ve got to have.” And he’d say, “Fine, where do I sign?” And the fact that he slaps you to the floor the first four times you talk to him about it, uh, you came away shaking your head. That was not what I expected to hear from him, but I’m delighted. After you figured that out, you could do business with L.B., because he would give you all the reasons why you shouldn’t want what you want, and if you could come back and still want it, he would give it to you.

INTERVIEWER: Very interesting. And were there some other Chairs that you worked with over the years?

FRED VANNATTA: I don’t have any particular comments or thoughts about that.

INTERVIEWER: Well, I want to make sure that I give you a chance to talk a little bit about some of the other things. You had mentioned earlier that you had some problem with coastal goals. There’s, always been a coastal program, that even predated the program, and I wasn’t aware you’d been involved in that. Do you want to put some comments in on that?

FRED VANNATTA: Well, I didn’t like some of the coastal goals, but I had no dog in that fight and I didn’t testify on them. I have not followed them, and I don’t know whether the coastal goals have had any effect on anything or not, because haven’t followed it and I have not seen any real controversy. I would think if they were enforcing some of them, why, somebody would be squawking about it. So, my guess is nobody’s paying much attention to it.

INTERVIEWER: Well, I know you had some chance to think about some of the written

questions we had. Are there some that we haven't covered that you want to go into t?

FRED VANNATTA: Well, I'm alarmed to read in the headlines in the paper in Portland about no housing for the lower and moderate income families. That's not the Homebuilders fault that there are no housing for low and moderate income families. That lies somewhere else. I'm not sure the no growth sentiment is as strong now as it used to be. The nut that was trying to say a third of the people that lived in Oregon ought to move out, if you remember him? Well, you guys maybe never paid much attention to him, but, you know, he's disappeared from the scene. It took us awhile, and 1000 Friends initially viewed the Homebuilders as pretty evil, because we were trying to take farmland. But one of your questions was if I think that Senate Bill 100 has accomplished its purposes. If its purposes were to protect farmland, or farm and forestland, I think it has been very successful, and that's a mixed bag. I'm not sure that it should have been as successful with that as it has been, because I think one of the reasons that we don't have low and moderate income housing is the land use issue. We have preferred to drive down the freeway and look at beautiful farm fields. I remember a story from several years ago, probably in the 80's or 90's. Some Texas housing folks, who were expanding their residential construction business around the country, flew into Portland and were driving down to Salem looking at some of the farmland along the road. I guess they went all the way to Eugene, and particularly as you go from Salem to Eugene, they said, "Oh, those are wonderful subdivisions sites! And one of the homebuilders in the car says you can't build there. What do you mean we can't build there? That's perfect land for subdivisions? We have a law. You mean you Oregonians are a bunch of communists?" That was the result of the final observation.

INTERVIEWER: You remember kind of the year of that?

FRED VANNATTA: I don't remember. It could have been in the 90's.

INTERVIEWER: So, it wasn't really that long ago?

FRED VANNATTA: Yeah. It wasn't that long ago but they went home and did not start building houses in Oregon. I don't know if we have any big commercial residential builders in Oregon like they do in other states, and our inability to provide land for residential construction, I believe, is the cause. When I was active in the Homebuilders Association, they would come here for a little while, but they never stayed very long because of the nature of our process. If the goal of Senate Bill 100 was to protect farmland, it has helped very much. Their goal never was to provide shelter for people, but those of us who are concerned about shelter for people thought that we had some protections in this process. Well, I think the bad news is that they have failed to provide the certainty through the planning process that we thought we were going to have.

INTERVIEWER: And that's due to the inadequate land supply?

FRED VANNATTA: Yep.

INTERVIEWER: I think there still is sort of a loose alliance of 1000 Friends and homebuilders on one particular topic, and that is that it is exceedingly difficult to successfully encourage cities to zone a lot of raw land for multi-family housing. I'm not opining on whether the State has succeeded in that, but I have observed that that is a hard fight and it's not often very successful. So, Bend, who you brought up earlier, compared to the single family raw land supply, had almost no supply where a developer could go in and find land zoned for multi-family.

FRED VANNATTA: We made friends, and I'm trying to think of the chief of staff guy, the original one.

INTERVIEWER: Mark Green -- oh, Henry Richmond?

FRED VANNATTA: Yeah. Henry Richmond. Richmond understood that if we could find land in the city to build, then we weren't looking at farmland. The way to keep us from

tormenting the farmland was to keep the cities from being no growth. Richmond saluted and was a great friend of the homebuilders. Now, Liberty, who succeeded Richmond wasn't as alert as Richmond was on the value of trying to stop the no growth cities. I'm not sure that no growthers are as vocal in the cities today as they were for some period of time after the 80's and maybe early 90's, but 1000 Friends have been very helpful to the homebuilders, walked shoulder to shoulder with the homebuilders to deal with the issues that you so aptly described.

INTERVIEWER: Well, maybe this sort of leads to a question about where you think we're going. Do you have some thoughts about what we ought to do in the future with the land use program or what you'd like to see happen, or some steps?

FRED VANNATTA: Well, you know, my sense is that nobody's doing anything now. I don't believe the system is functioning very well and when was the last time the LCDC was in the news for doing something? Maybe that's not a fair question.

INTERVIEWER: I'm, of course, too close to some of this stuff in that I've worked with the legislature for the last few sessions, and I know that the topics you're raising have been pretty widely debated. The legislature in 2013 instructed LCDC to change the urban growth boundary system.

FRED VANNATTA: Hmm. I have not followed that.

INTERVIEWER: And that was a pretty major piece of legislation. It's not in effect yet. It won't be until January 1, 2016, so that is one piece. And, you're right, I don't think it got a lot of press. There wasn't a lot of news on that.

FRED VANNATTA: Um hmm.

INTERVIEWER: And there are some other things that cause news but I'm not calling to mind any that are particularly about the housing issues you've raised. No, I was trying to elicit

whether you had some ideas or thoughts that you believe should be pursued in the future.

FRED VANNATTA: Well, I would rather talk about fishing.

INTERVIEWER: (Chuckling) Okay. Well, I want to make sure that you feel like you've had a fair chance to bring up some other details that might be important for the history?

FRED VANNATTA: Well, the efforts to review the land use, The Big Look. I'm not sure that that materialized into anything. I'm not being critical of the Chair, and I don't think that necessarily the fault was there. My concern is just that the certainty which we thought the system was going to bring us in the 70's, when it came on the books, has not materialized, and in that sense, the system is a disappointment. I have not tried to draw a blue print of what we ought to go do now. The interesting question would be about what would happen if we repealed Senate Bill 100, eliminated the goals, and took some of the guidelines off the books? I don't know, I have not thought that through, but that is certainly an option. We'd go back to where the city makes its decisions in the city, and the county makes its decisions in the county -- about where you build and where you don't build, if farmland is for sale or it's fair game. Maybe having a reasonable shelter for a mid or low income family is more important than raising blue berries and marion berries, that we evaluate that issue again. I do not know what the public reaction to that is, and frankly, I don't know if people care very much about whether there's shelter for everybody. I don't know what effect adequate commercial property, if there were adequate commercial property, would make our economy better. Oregon's economy, I believe, has not been good over the last several years. We haven't gotten our share of new industry and new business in the state. Oregon does not have a reputation as being particularly business friendly, and how much of that is land use I don't know, because some of it is high personal income taxes, which discourages people from wanting to live here. We have one of the highest minimum wages in the country, although Seattle is going to help

us out in that picture, until we get to the same level with the \$15 an hour minimum wage. Those are factors that don't have anything to do with land use, and the extent to which the land use system is a discouragement I'm not able to judge. But I am sensitive to the fact that our business economy does not measure up well with what's going on around in other states.

INTERVIEWER: Okay. Yes. I think all of those things are issues still. If we wrap up, Fred, is there any sort of final things you might want to offer or thoughts for this oral history that you think we've maybe not explored enough or touched on?

FRED VANNATTA: Well, I alluded to it, but it would be fair to say that I think the system of litigation against development is too easy and too inexpensive for the neighborhood, and that is a negative that some things could be done with legislatively.

INTERVIEWER: This new process that LCDC is working on, based on the 2013 legislation that required a change to the urban growth boundary system, it did change the standards of review that the courts use for LUBA to evaluate something, so that's a future change.

FRED VANNATTA: How?

INTERVIEWER: But you're right, there's been a whole lot of discourse on that topic in the legislature. In fact, I think every session there's discussion about litigation and what should be addressed legislatively for litigation. I'm told, and I don't know whether you've heard this from your colleagues, that litigation against development is something that goes on all over the country and that it's interesting to compare the record of litigation against development in Oregon with other states. That's sometimes brought up, and I don't have the facts and the history on it. I hear that there's lots of other places where it's considerably worse.

FRED VANNATTA: Well, I have no reference ability to comment on that because I'm not up to date on what's going on around the country on that issue. So, the lack of industrial

property, the lack of commercial property, the lack of property for modest income housing and apartments is a serious condition in many communities. The people that supported Senate Bill 100 believed that it would assist in eliminating those problems. I think it has created those problems now, and I thought the statutes that we passed would instruct the Commission to be aggressive on those issues, and I don't think that's happened. I think that responsibility probably lies now more with the Commission than it does with the legislature, but that's one person's view of the system.

INTERVIEWER: In other words, LCDC should be much more aggressively asserting its authority.

FRED VANNATTA: And it doesn't have the authority. I think they might find legislative support to clarify if we failed in the 20-year supply legislation. If that's not a well-written statute, we should figure that out and fix it. I don't know that it's an issue that the commission would deal with, but the legislation about requiring a portion of your subdivision to be for low-income folks is just awful legislation.

INTERVIEWER: I don't know that it's happened yet.

FRED VANNATTA: Well, we have a prohibition on that, which they're trying to repeal, and I don't know what's going on with that.

INTERVIEWER: It seems to have stalled.

FRED VANNATTA: All right. The other thing that I have heard about is the potential for an initiative that would invalidate State laws that prohibited local jurisdictions from doing a whole variety of things. That if it passed, why, it would have a very negative effect on Senate Bill 100.

INTERVIEWER: A recent effort for a ballot initiative.

FRED VANNATTA: Yeah. As to the building code provision that I dreamed up in

1969, it took me three sessions to pass, that said there's only one building code in the state.

INTERVIEWER: Do you think the initiative would mean that a lot of local governments would adopt their own building codes instead?

FRED VANNATTA: Of course. You know, every building official had their own list of things, and that's what happened before. Every attic's got to have a light in it, and the others said that steps have got to be six inches high rather than eight inches high, everybody's got their favorite bug that they want to build into the code to some extent. I think the initiative that people are talking about is driven by the marijuana tax and some other tax issues, but if it happens, it'll be interesting to see how the land use issue fits in the picture.

INTERVIEWER: Yeah. I mean to the extent that I think you've been clear that you think that, we haven't been successful from a State perspective in trying to require local governments to provide more land. Would such an initiative work against that in the cities that want to no growth? It would be in their hand to do so.

FRED VANNATTA: It would. Yeah. I think the initiative, as it was described to me, would be stripped and probably be the reason it wouldn't be adopted. You know, I think Senate Bill 100 would have enough levers that it would kill the initiative at the ballot box.

INTERVIEWER: Hmm.

FRED VANNATTA: But that's all future speculative.

INTERVIEWER: Well, of course, we've had a number of initiatives effecting land use over the history, and we didn't touch on those in our discussion but certainly there have been some that didn't pass and some that have.

FRED VANNATTA: The LCDC won most of them.

INTERVIEWER: Or the supporters of the program, I guess. I don't think LCDC then

played a role in any of those.

FRED VANNATTA: (Chuckling) I note your innocence. (Chuckling)

INTERVIEWER: Uh -- yeah. Well, then, let's wrap up, Fred. I really appreciate that you talked about some of these matters, because they are, as you've pointed out, still alive today and go all the way back to the roots of the program. They've been controversial throughout, but I am very appreciative that we have a record of the role you played in all of this and your thoughts on the land use program. I think it's very important that we maintain that. So, I'll wrap it up here unless there's some parting thoughts you want to offer.

FRED VANNATTA: No. You've been very kind to me and you had no questions that proved to be embarrassing.

INTERVIEWER: (Chuckling)

FRED VANNATTA: And I appreciate the opportunity to share the opinions. I recognize that I speak for nobody, but I am responsible for everything I've told you.

INTERVIEWER: (Chuckling)

FRED VANNATTA: And anybody who wants to come argue with me about it, I'd be happy to talk to them about it. Okay?

INTERVIEWER: Well, thank you. Thank you, very much. I really appreciate that.

(Concluded)