

Note: This transcript was substantially edited for accuracy, clarity, and legibility by Katherine Daniels in August of 2015.

Hal Brauner Interview
Wednesday, 07/01/15

INTERVIEWER: Good afternoon.

HAL BRAUNER: Good afternoon.

INTERVIEWER: My name's Katherine Daniels and I'm the Farm and Forest Lands Specialist for the Department of Land Conversation and Development. Today is Wednesday, July 1, 2015, and I'm here in DLCD's offices in Salem with Mr. Hal Brauner, former DLCD Director, who has graciously agreed to be interviewed as part of Portland State University's Oral History Project on Oregon's statewide land use planning program. Thank you.

HAL BRAUNER: Um hmm.

INTERVIEWER: Why don't we begin by having you share a brief personal background about you and your family's arrival, settlement and early life in Oregon.

HAL BRAUNER: You're going back that far?

INTERVIEWER: (Chuckling)

HAL BRAUNER: My family. Okay. My parents were early ones. My mom was born in Oregon in 1908 in Corvallis. My grandfather moved to Corvallis, with his brothers and sisters, in 1904. And my dad moved to Corvallis, Oregon, in 1921, and he brought his family out there. I was born and raised in Eugene, Oregon. And dad was transferred up to Portland for a job and I graduated from Roosevelt High School in Portland. I went to Clark Community College in Washington while I was living at home. Got married. I started working in a saw mill, DeSentis (phonetic) Saw Mill down in Eugene, decided that wasn't what I wanted to do in a career. Went

back to school at the University of Oregon and graduated there. I spent a brief time in San Francisco and came up and started working for the State of Oregon. So, then my history with the State of Oregon is what we'll be talking about, probably.

INTERVIEWER: Great. So, you have served the State of Oregon over your career in a number of capacities in the public sector.

HAL BRAUNER: Um hmm.

INTERVIEWER: What prompted you to pursue a career in public service?

HAL BRAUNER: Ha. That's an interesting story probably. When I was working at the saw mill there was personnel director that was on the board of forestry and his name, I think, was Ted Hughes, if I recall. I was majoring in political science and he says, why are you majoring in political science? I was working at the mill and going to school. I said, oh, because I want to probably run for the legislature or something. I want to really make a difference. And he says, well, he says you come from a poor family, you don't have a lot of money to run for office, and he says, unless you want to be beholden to a lot of people, and take their money to run for office, you can influence a lot more, if that's what you really want, by becoming a staff person and so that's what I did. That's what influenced me there, so --

INTERVIEWER: Interesting.

HAL BRAUNER: And it was good advice he gave me.

INTERVIEWER: Interesting. Well, I understand that you were involved in around 1972 on the Willamette Valley Project Foresight. I was wondering if you could tell me a little bit about that?

HAL BRAUNER: Yeah. I'll maybe give you a little bit of history leading up to that, too.

Because I was involved long before that. When I started work in '63, I was in the budget division and started working for the State of Oregon and my budget assignment was primarily the natural resource agencies and the transportation agencies.

INTERVIEWER: Um hmm.

HAL BRAUNER: So, I got interested in that and in those days the legislature -- the Governor's staff for budget carried three roles, unlike they do now. For about six months out of each biennial period we put the Governor's budget together and worked on that and six months while the legislature was in session there was no legislature fiscal office staff in those days, just one person, and so we staffed the Ways and Means Committee. So, we put the budget together, staffed the Ways and Means Committee, and then in the off season we did management studies.. So, after I was with the Department of Budget for probably the first four or five years doing that, most of the time in the off season I was working on special projects in the natural resource area, was on some task force that Governor McCall put together, to review a lot of different areas and -- and we had a young cadre of folks -- middle people in all the various natural resource agencies we put together and I chaired that committee and we went around problem-solving around the state on different things. Well, that led into working with the Executive Department, Local Government Division, and Kes Cannon, the Natural Resource Assistance for the Governor, on starting to build programs for the land use issues in the state, trying to see how we could do that. So, my first involvement was actually in staff work to try to get a land use bill through. I believe it was the 1969 legislature and we --

INTERVIEWER: Was that Senate Bill 10?

HAL BRAUNER: And we got Senate Bill 10 through there then.

INTERVIEWER: You were involved in that?

HAL BRAUNER: Yeah.

I was pretty well behind the scenes but I was involved in that. Yeah.

And so that was really the first foray, but then by the '71 legislature I was pretty much full time. I did a little bit of budget work still but I was pretty much full time working as Kes Cannon's assistant, in natural resources. And then in the interim, between '71 and '73, is when Project Foresight came about. And so I was representing the Governor's Office and the Executive Department on several aspects on that program. There was an overall steering committee, which you probably heard when you interviewed Justice Carson when he was a senator then, he was on that committee. It was chaired by Clay Meyers, who was Secretary of State then, and a bunch of notables on it and they had a local government or a local government subcommittee to work for and to work with them, a task force, like a steering -- it wasn't a steering committee, it was a -- like a technical committee and I was on that committee

along with other folks. And then there were set up various task forces that dealt with subject matter areas and I chaired the natural resource task force. I worked on that project then.

There were a bunch of representatives from agencies and local government and other places.

And, that project, the whole thing, those scenarios was interesting. That was in the years when we didn't have computers to do scenario planning like we do now.

And -- I believe the firm was Halpren & Associates out of San Francisco that they contracted with to do that through the local government section of the Executive Department.

So, that's -- that was my first involvement. Yep.

INTERVIEWER: Interesting.

HAL BRAUNER: The first more public -- more visible involvement, I guess, I'll have to say.

INTERVIEWER: So, how did you come to become Governor McCall's natural resources advisor?

HAL BRAUNER: Well, uh --

INTERVIEWER: A natural step for you?

HAL BRAUNER: Yeah. Well, it was in a policy area where I could get more involved in the policy issues and -- and so beings I had the background in the natural resource agencies, because of my budget work, and doing management studies for a bunch of years in the -- a long time, and I was already working as Kes Cannon's assistant, and then when he left to become Director of the Department of Environmental Quality, towards the end of McCall's term, then McCall appointed me as his natural resource advisor and that was fun.

INTERVIEWER: All right. Was that fun?

HAL BRAUNER: Yeah. It was.

It was right in the thick of things -- yeah.

INTERVIEWER: So, you staffed L.B. Day's drafting subcommittee for Senate Bill 100 during the 1973 session?

HAL BRAUNER: Um hmm.

INTERVIEWER: What do you remember about that process and the players in it?

HAL BRAUNER: Oh, boy. It was a long time ago. Yeah. I worked with L.B. on part of that. He chaired the subcommittee of Ways and Means when he was on the legislature that I was

a staff person for in natural resources. So, L.B. and I had a pretty good relationship. And then working on McCall's staff I was the natural one to work with him on that bill.

INTERVIEWER: Um hmm.

HAL BRAUNER: And it was -- we had a lot of pushing and pulling from -- because it was made up of various stakeholder groups that had an interest in it, including the League of Oregon Cities, the Association of Oregon Counties, and I believe the Associated General Contractors/HomeBuilders -- those types of both private sector business side, as well as environmental agencies, as well as state, local government, and, obviously, I think that a lot of their ideas and thoughts were not in mesh.

So, it was a lot of trying to find out the compromises without giving away the farm.

INTERVIEWER: Um hmm.

HAL BRAUNER: Literally. The land and the -- the farming land. So, it was -- I don't know how many negotiation sessions we had, how many meetings we had, a lot of them if I recall -- and I was working on detail language and -- and we had a staff person who worked in the local government division -- Bob Logan was the director. But the staff person probably has never been recognized as a back person on the land use bill, his name was Herb Riley, and -- and he worked for LCDC later, too, when I was there. He actually came here when Arnold Cogan was here, and he was a -- -- I would call the quiet brains behind the detail language.

INTERVIEWER: Oh.

HAL BRAUNER: And I would review with him. I was not an expert. I was knowledgeable but not the expert and he would go over the draft. He'd say, well, you know, we can usually get here without doing it and giving away things, and here you've got to really hold the line and here -- and he'd give us, you know, his advice and -- and he knew his stuff and,

unfortunately, he's passed away long ago now, so you won't be able to interview him, but -- but, anyway, so working with him to make sure that the compromises worked and there's some things we never came to compromise. L.B. says, well, this is what we're going to take, you know, we're going to --

INTERVIEWER: L.B. said that?

HAL BRAUNER: Yeah. Yeah.

INTERVIEWER: What sort of leadership style did L.B. Day have and how did he try to resolve these points of contention among people?

HAL BRAUNER: Well, L.B. had a leadership style that he knew where he wanted to go and he'd work to try to find a compromise, a very political animal, but when he was set to go he says we're going to go. We're going to do it this way and he had between being a legislator on the republican side of things, and a teamster official, he carried clout on all sides of issues. And so he had the behind the scenes political clout

to say, yeah, we can go this far but if you try to go further than that some of that clout will come back on you folks, and he pushed the buttons to do that thing.

INTERVIEWER: So, looking back, given the uniqueness of Oregon's land use planning program, nationally, then and still today

to what do you attribute the ability of Oregon's legislature then to pass such landmark legislation?

HAL BRAUNER: Well, we had a unique combination, I think, of people back then, unlike today's legislature, which I get frustrated with all along, which is conservative, more republican conservative in this camp, and then there's this camp, and never between meet, they never cross the aisle. In those days I think we had more people in the legislature on both sides of

the aisle that were statesmen that really cared about Oregon and worked on it. So, you ended up with players in the whole game, like that Governor McCall was republican, and like then Treasurer Straub, who was governor later, was a democrat. You had Ted Hallock and Senator MacPherson, farmer and rural Portland area. You had Governor Atiyeh who came on later but still was supportive in those days, a republican. So, you had people from both sides that were more middle of the road and were willing to try to find the compromise points to look toward, and you had the leadership of McCall. I mean McCall was -- he was my mentor and hero and he used the bully pulpit very well. He was well-spoken and he got people together and it wasn't easy. I mean it was not a slam dunk. I mean, to get it through it took good pressure in both house and senate, and it took a lot of pressure in the first several years when, during my term as director we survived at least one, it may have been two, statewide elections to repeal the agency.

INTERVIEWER: Oh. Oh, my goodness

HAL BRAUNER: And so -- yeah, so it wasn't clear that it was going to happen but it was a lot of people working hard making the case that, as Governor McCall would have said, do we want to be Californicated? Do we want to become like the Bay Area and Los Angeles area of California?

INTERVIEWER: It was a common cause.

HAL BRAUNER: Yeah. (Chuckling)

INTERVIEWER: Yeah. Yeah. So, you became director of DLCD from 1975 to 1977. What was it like to be head of an agency that was just getting off the ground?

HAL BRAUNER: In 1975. Yeah.

INTERVIEWER: Brand new agency.

HAL BRAUNER: Brand new agency. It was exciting. I mean we -- we were pretty much young folks. I was one of the oldest ones in the department and I was only 37 then. So, as director, 36, I guess, when I first took over, and I didn't even realize -- I mean the LCDC directorship would have been one of the places I would like to have been, because once the change of Governors occurred, then I was out of a job. I'd worked my way up to Governor appointee and Governor Straub had his own person in natural resources in Janet McLennan, who he wanted in that job and so Bob Davis, who was his assistant, called me into the office and he said, we're going to appoint somebody else to your job, but where do you want to go in government? We want you on the team still.

INTERVIEWER: Um hmm.

HAL BRAUNER: I said, well, I want to play an active role, wherever it's good, and he said, well, give me the list of the agencies you want to be director of. I said I don't know which ones are vacant. He said we don't know that yet either,

so just give me the list and -- and LCDC was on the top of that list and -- but it was not appointed by the Governor. So, I thought maybe it wouldn't be there, but L.B. was chair of the commission then and Arnold had just given his resignation, and wanted to go back into private practice in Portland, and L.B. called me and says come in and interview with the commission and I did. A day later I was hired as director.

INTERVIEWER: Wow. Uh huh.

HAL BRAUNER: So, what was it like? Well, I know I took over -- we had a building down the street from where your office is now and --

INTERVIEWER: I know that building. Yes.

HAL BRAUNER: -- and you were there before you moved there, too, in your earlier times, yeah. When we first moved in there, there were still, uh -- under privileged, I guess is the correct way to say it now, people living in the upstairs apartment. It was still

converted and we -- we hadn't done any remodeling to speak of and we had the basement with -- it was terrible. Anyway, the staff we had when I took over, was-- an administrative assistant, Ann Huroy (phonetic), and Roger Kirschner, who was the PR person, and three field reps, I think, was all we had at that time.

INTERVIEWER: Five staff people? Is that right?

HAL BRAUNER: I think it was five. I believe it was. Yeah. And then we grew from that once they adopted the first 10 goals. So, now we were trying to figure out, okay, now how are we going to implement those and how are we going to do the plan review and we're trying to set up field reps to go out and work with the local cities and counties on getting it set up. And so I had two -- I think it was only two, it might have been three, but I'm pretty sure it was two, Brent Lake and -- boy, it was a long time ago, anyway --

INTERVIEWER: Jim Kennedy?

HAL BRAUNER: Uh, he wasn't here yet. But, anyway, they were our field reps and shortly after that was when the Oregon Coastal Zone Commission was dismantled and moved into the LCDC.

And I inherited their staff from that. So, Jim Ross came over. He was director of that. He came over as my deputy and -- and their staff became -- most of them became field reps. Neil Coenan and Becky and some others. And then we hired a couple of interns. One of them you used to have working here part-time, Cortright -- Bob Cortright.

I hired Bob and his twin brother as interns and -- anyway, we started building the staff up to what was needed but they were hardworking staff, we all were, and we were all young and enthusiastic and going at it. And some of the cities and counties, uh -- were very resistant to us. Some of the cities and counties were willing to cooperate and go along and others felt they all knew it better than we did because they'd been planning longer than we have. And so we had that mix of people and so our field people had some interesting times in dealing with the various types of attitudes that the people had out there.

INTERVIEWER: Um hmm.

HAL BRAUNER: And it wasn't long, after we had spent the time to do that when we took on the Willamette Greenway, the whole issue, because that was in the first year, if I recall. We adopted the Greenway goal in December of '75. The previous legislature, when they set up the planning process for the Greenway, put in it that it had to be approved by LCDC to make sure it was compatible.

INTERVIEWER: Um hmm.

HAL BRAUNER: Well, they came in with a full state plan. And Governor Straub wanted to be exempted from the local plans. He said this is a state plan, it shouldn't be under the local plans, and L.B. Day and myself and the full commission then subsequently said, no, one of the basic tenets of our land use one is that we go through the local plans and state interest gets put into through goals, not through state mandated plans, and this is outside of the local plan. So, then we went out on the process to adopt the Greenway goal.

And from that took the elements of the plan they'd come up with and adopted the goal and that's how that one came about.

INTERVIEWER: All right.

HAL BRAUNER: And I think that -- well, yeah -- I think that Straub didn't like that very well. He wanted it to be a set one. So, we were kind of, as an agency, on the Governor's not nice list for a time.

INTERVIEWER: Wow. So, were the coastal goals adopted under your tenure as well?

HAL BRAUNER: Yes. Yes. Absolutely. And we brought the Coastal Zone management staff in and we said, okay, the federal adoption of the Coastal Zone Management Program, each state will do those. We said, well, again, this has to be done through the same type of process. We're not going to zone -- not going to lay a coastal zone program on top of the local plans, it's just going to be built into the local plans, and so we went through the process then of developing the coastal goals. So, based on the good -- very good work and a lot of research and stuff that the Coastal Commission had done prior to us inheriting them, --

documents you probably have here of the background studies from dunes and everything that fills a shelf up like this with all the scientific studies.

INTERVIEWER: Um hmm.

HAL BRAUNER: And so, Jim Ross and I probably -- I don't know how many times we flew back to Washington D.C., but a couple times we'd fly out in the morning and meet at a meeting in the afternoon, and fly back red-eye at night, and come back here for meetings the next day, and to convince the feds that our way of doing it through the goals could meet the program's rules.

INTERVIEWER: Um hmm.

HAL BRAUNER: And they were skeptical. I think everyone was skeptical at first, but we finally won them over and we adopted the coastal goals and then through that put a document

together with those as a background -- as the backbone of it, that is our Coastal Management Program, and we were, I believe, the first coastal zone program to be approved [by the feds].

And during that same time we got the first marine sanctuary under that program, too, in the south slough of Coos Bay.

INTERVIEWER: All right.

HAL BRAUNER: So, it was fun. It was hard, hard, work. I think we accomplished a lot.

INTERVIEWER: Was there a lot of media coverage of what the board was doing?

HAL BRAUNER: Oh, yeah. Yeah. We were in the press too much.

INTERVIEWER: Positive? Negative?

HAL BRAUNER: Yes.

Both. (Chuckling) It depends on which press it was and what the topic was.

When you adopt the goals, as you know, but maybe not everybody knows, that even though a Greenway goal is adopted or the coastal zone goals, you still have to hold hearings statewide under the law. It wasn't just in those areas.

So for the Greenway one we had to hold hearings -- we held hearings on the coast, obviously, several places on the coast, and then the valley, obviously, because that's where we had to start first. But also in Southern Oregon and Eastern Oregon. And likewise for the coastal zone ones, more on the coast but still hold hearings in the valley and -- and in the southern part. So, those hearings were pretty contentious. It's one of the few times in my public career that I've been shot at.

INTERVIEWER: Ah! Ohh.

HAL BRAUNER: We were going into a -- and I -- I assume we were being shot at -- we were going into a hearing in Roseburg at the fairgrounds and it's right off the freeway there, we were going down into the hearing, and we came out of our van's location, and the State Police always went with us on these -- covered our meetings, gave us protection, and they just grabbed us up and shoved us in the building and said, we got a threat called in and then the shots rang out across the way and we

didn't see any bullets hit or anything but, anyway, they said, yeah, there was some sniper that they thought was out to get some of us.

INTERVIEWER: And you continued?

HAL BRAUNER: And I continued.

Yeah.

INTERVIEWER: So, from the frying pan into the fire. Then you went on to the first local government acknowledgment reviews?

HAL BRAUNER: Oh, yeah.

INTERVIEWER: Which must also have been somewhat controversial.

HAL BRAUNER: Yeah.

INTERVIEWER: So, what are your recollections about that period?

HAL BRAUNER: Oh, boy. Well, uh --

INTERVIEWER: I think Medford was one of them...

HAL BRAUNER: Yeah. Medford. And some of the -- I forget exactly which ones were first but places like Lane County, and the Corvallis area that had a long history of land use planning before LCDC and did it locally felt they knew better and they argued with us a lot. They said what do you guys know? We've been doing it longer than you have, but they eventually,

when we put conditions on or said, subject to approval, you had these conditions to meet, they grudgingly accepted them. Some of the particularly smaller cities were really upset about having to do urban growth boundaries and that but we tried to be pretty flexible when we dealt with the smaller cities and that and we said, just draw your line and give us some rationale and give us some reason. You don't have to worry about it. Just make sure you're not on the main farmland around you if you can and

get behind that and most of them, after they got fairly encouraged by the field reps, came through.

INTERVIEWER: Um hmm.

HAL BRAUNER: A couple cities said no. One -- one at least, if not more, dis-incorporated.

INTERVIEWER: Oh. Interesting.

HAL BRAUNER: Juntura over in Eastern Oregon, outside of Burns, u -- between Vale and Burns. It's a little berg there -- a little restaurant and that's about it.

And they decided they didn't want to do it. They just dis-incorporated.

But let the county be their plan. So, we had that type of approach there. Yeah. Field reps had a lot of time in their cars going around, you know.

Well, 1000 Friends of Oregon had just been created when you became director.

HAL BRAUNER: Yeah.

INTERVIEWER: So, what are your views regarding their efforts to interpret legislation and the goals?

HAL BRAUNER: Uh, they were very supportive in concept. They always felt we didn't go far enough on many of the things. Sometimes I felt that if I had the 1000 Friends, the League of Oregon Cities, and the Associated Oregon Contractors, all equally mad at me, I was probably in the right place.

INTERVIEWER: (Chuckling)

HAL BRAUNER: But, yeah, they tried to push us to be more prescriptive, more state control, but they were very supportive of the efforts that we got through and they became good allies later on, too, as we went through it, I think.

INTERVIEWER: Do you think they were effective in shaping the direction of the program?

HAL BRAUNER: I think 1000 Friends actually came into play before LCDC was formed, before Senate Bill 100. Maybe I don't know when they were created but at least some of the major players were around because they had a lot of heavy influence, some of those people that were 1000 Friends.

INTERVIEWER: Right. The players were around, but I believe it was actually started in January of 1975.

HAL BRAUNER: That could very well be.

INTERVIEWER: Henry Richmond was active back then
with OSPIRG.

HAL BRAUNER: Yeah. OSPIRG was the one that had a heavy influence on Governor McCall.

INTERVIEWER: Hmm.

HAL BRAUNER: The backing that he wanted to do, what he wanted to do, but it gave him the place that he got ideas from. So, it helped shape it that way. I think they were very influential. Of course, we already adopted the first 10 goals. So, OSPIRG was pretty enthused about the farm goal and the timber goal, which was their two main ones and citizen involvement goal.

INTERVIEWER: Um hmm.

HAL BRAUNER: They were heavily pushing on those and then later on, they were helpful in taking their membership in the local communities to push the local officials to go ahead and don't fight us but join us in terms of getting the plans acknowledged and so forth.

INTERVIEWER: Oh. Interesting.

HAL BRAUNER: Because they wanted the plans acknowledged because that gave them the hammer to be able to have things happen.

INTERVIEWER: So, were there other organizations at that time that were also effective in helping to shape this new program?

HAL BRAUNER: Well, I think there was a lot of players in it. I think, to the benefit of the Associated General Contractors and the homebuilders and real estate people, they didn't like it but they worked hard at finding a way to make it work for them. If they're going to have to have it how can it work? And so it didn't become just an environmental thrust all by itself, which then could have really hurt some of the other areas. So, they played a hand in shaping the housing goal and some of the other things to make sure we have available lands and that type of things out there and --

INTERVIEWER: Was the Farm Bureau active at the time?

HAL BRAUNER: The Farm Bureau was too. Yes.

And the Farm Bureau was interesting because they had members who were very supportive in wanting to draw the line -- but they also had members that weren't very supportive because they were looking at their retirement or their family's legacy and developing their farmland just outside the cities and so that became one of the biggest issues. During the Senate Bill 100 discussion in the '73 session was, okay, you're taking away some of my rights and how are you going to compensate me for my loss of value and we punted on that in Senate Bill 100 because most of us that were trying to develop it felt there was no true loss -- it was loss of potential, not actual, but we couldn't convince them. So, we put a place holder in Senate Bill 100 that said we will study in the interim the compensatory zoning and and compensation for the loss of property rights, if there is any. Then there was a senate committee -- or I think it was a joint committee set up during the 73-75 interim, which gave their report at the end of '74, if I recall -- because it went to the '75 legislature -- which basically came back and said there is no loss of rights.

INTERVIEWER: Hmm.

HAL BRAUNER: Yeah. And so we don't need compensation -- there's no way you can compensate and it really is loss of speculative rights, not real [rights] and some of the zoning can give value to things, but that's just the luck of the draw.

And so that -- that was pretty controversial in the '75 session because they said, well, you didn't do your job, you were supposed to come up with something and that that's what happened and it's stayed that way since then.

INTERVIEWER: Interesting. Well, what do you believe have been the major accomplishments of the statewide land use planning program over the years?

HAL BRAUNER: What's the major accomplishments? We preserved a heck of a lot of farmland and we still have our beaches and coastal and stuff and we're protecting the natural resources, but we haven't stopped growth. You know, Oregon is still growing.

INTERVIEWER: What are our major -- what have been the major setbacks and challenges?

HAL BRAUNER: I think the -- the toughest thing that I've seen evolve, when the bill was first set up, if there was a dispute of whether a goal or plan was being met or whether a development met the plan -- the appeal process was to the commission.

INTERVIEWER: Right.

HAL BRAUNER: And that became a heavy workload for the commission, in addition to doing all the acknowledgments, and then you had that. So, we went to a hearings officer approach that did the basic hearing and then the commission ratified it or not on appeal. Jon Clough, C-l-o-u-g-h, was the first hearings officer. That lasted for a couple years.

And that worked pretty well. Then after I was gone, later on, then people felt that, no, it was too in-house and that's when the LUBA Board was set up, and then the process to appeal. Previously, the commission decisions, or the hearing officer decision, could be appealed to the Court of Appeals directly.

INTERVIEWER: I see.

HAL BRAUNER: LUBA replaced the commission and the hearings officer as the place to go and it's become, I think, a lot more litigious. I mean -- it's delayed a lot of things and it's been costly for both developers' side and for people trying to protect it.

INTERVIEWER: Having the LUBA function as an appeal agency?

HAL BRAUNER: Yeah. And just all the heavy appeals process. The easy way to appeal, it doesn't take much to appeal it, it doesn't take a lot of dollars for somebody that doesn't want -- wants to stop something or somebody that doesn't like having been stopped, and so I've seen that as being a city councilor now in Corvallis. We did a major update on the comprehensive plan right after I took office, uh, we did that in 2001 -- 2002 was when we developed the update. It was appealed to LUBA -- the comprehensive plan amendment was not appealed but the land development code was appealed under underneath it, and it took until 2006, it took five years, to get that resolved. So, we had that five years where we had a new comprehensive plan and the old development code

that didn't necessarily support that and then trying to work all our decisions in between that and then some of those decisions would be appealed.

INTERVIEWER: So, it took five years to go through LUBA?

HAL BRAUNER: LUBA. Yeah.

It was partly backlog and it went to Court of Appeals too. So, it went through LUBA and then Court of Appeals. It got remanded, part of it. We went through the remand, sent it back up. It got appealed again. -- And so during that interim, we had to make decisions on the -- we had to make amendments to the land use code that weren't comprehensive.

So, we weren't in conflict with particular projects when they came forward so they weren't in conflict with the comprehensive plan but you had to go through an exception process through those and some of those got appealed, too. Anyway, so when it came finally when you got the new code upheld, we had so many amendments to it we had to redo all the codes -- redo it again to bring it into compliance.

INTERVIEWER: Um hmm.

HAL BRAUNER: So, anyway, that's an extreme example but I think it's taken it away from local government being able to do as they see right as long as they're meeting the goals, but it does carry out the citizen involvement piece of it because citizens can appeal very easily now. So, it's a mixed blessing.

But it has become much more a full employment act for lawyers than what I would have liked but we envisioned that kind of thing.

But it's still working.

INTERVIEWER: Yeah. So, do you think there are any important land use topics or policies that LCDC overlooked in adopting the goals or any goals that have been underutilized?

HAL BRAUNER: Well, I don't think any of it's been underutilized as such. You had some significant changes on definition of farmlands since the original ones, which has improved the farmland one because basically whether it was Class 1, 2 or 3 or 4 farmland, it was all treated the same and now you've -- we've --

INTERVIEWER: Got high-value farmland.

HAL BRAUNER: High-value farmland gets protected better and that's been a good move. That was a weakness in the first one. We tried to protect too much, I think, but it was better to go that way and come back than to try to go the other way, I think.

INTERVIEWER: Um hmm. Um hmm.

HAL BRAUNER: I think if you go through the goals, the topics are covered pretty comprehensively. I think there's some issues that could have been, if there was local community's wish to use it more -- or local citizens, that could have been enhanced, like the Willamette Greenway goal enhanced the protection of the Willamette area. There's been an ongoing movement forever in the Rogue Valley, in the Bear Creek Valley, down in the Medford and

Ashland area, about protecting the Bear Creek Greenway and -- and I think they would have accomplished that better if they'd have gone through a goal process on that, too, instead of trying to do it all -- but it was not a state agency issue. It was more of a local one so it fit where it was. But was there something needed like the coastal one for mountain areas? We thought about that at times but so much of that is already in federal preserves and state reserves and state ownership that it's not so much needed there.

INTERVIEWER: There was at one time a proposal for a carrying capacity goal.

HAL BRAUNER: Carrying capacity. Yeah. That's always a -- that's a tough one to deal with. (Chuckling)

That would have been hard to define, I think.

INTERVIEWER: Farm and forestland protection has always been a core element of the program.

HAL BRAUNER: Absolutely.

INTERVIEWER: But also planning for development.

HAL BRAUNER: Absolutely. You don't want to stop development.

INTERVIEWER: How successful do you think the State has been in balancing these sometimes conflicting goals?

HAL BRAUNER: Well, I think the fact that you have the urban growth boundaries and the process to establish them in the first place and then that you've got plenty of room -- you have to have room within the urban growth boundaries to do your development, but yet it's not willy nilly spread out all over the place, it's concentrated, which then protects the farmland. And so if we hadn't had the concept of the urban growth boundary then I think it would have been very difficult to do it but having that concept, I think it gave the appropriate balance between

development and protecting the land. So, I mean, certainly the Portland area hasn't been stymied from development -- because of the goals, they've got major development there. I don't think Eugene and Salem have or Medford has either. There's been some communities that have tried to get an urban growth boundary expansion -- it's been more difficult to get through, but when they make the case they can expand it.

Yep. And I think it's done a remarkable job of making that balance between the two.

INTERVIEWER: Okay. Well, do you think legislative and court actions and LCDC actions have maintained an appropriate balance between state and local interests and rules?

HAL BRAUNER: Pretty much. Yep. I think some of the court actions and some of the legislature keeps trying to pull power -- pull "power" is the right word, to the state away from local governments -- which erodes somewhat that concept but it's pretty well been constrained. The whole issue with state and local has probably funding more than anything else but that's a whole other topic.

INTERVIEWER: Um hmm. Well, the Oregon legislature has continually readjusted the program over the years, almost every legislative session, in response to changing circumstance and public input.

Have you been tracking or been involved with any of this land use legislation and are there any laws that you opposed or supported in particular?

HAL BRAUNER: I really haven't been once I got out, other than working on the city council. After I left LCDC, worn out, one way to put it, I became county administrative officer for Marion County for a couple of years and then left that job when we had major budget problems, and I cut my own job out of the budget, and left there. That's a whole other story there.

INTERVIEWER: Huh.

HAL BRAUNER: And then I went to work for the Corvallis School District, as Director of Business Services, head of all the non-instructional side. So, I was pretty involved in all that. So, I wasn't dealing with land use issues too much then.

My interest was still there generally from following development. But I didn't follow the legislation that close, other than looked to see if there's any big red flags come up that - - and then I got back involved when I got elected to the city council to deal with it. But, no, I think it's still working. I think -- you know, they tweak it. It's got to be tweaked and whether I would 100 percent do it exactly but I think we've learned and -- there's none that I have come up with that says, gee, they've destroyed the system. The system is still working.

INTERVIEWER: So, as a city councilor, in what ways do you think the state land use planning program has influenced the way cities planned for the future for better/for worse?

HAL BRAUNER: It's been for better. And it's -- you know, some communities would have probably done most of the things we're doing, that we came under, anyway, whether we'd have Senate Bill 100, I think. I think cities like Corvallis would have -- cities like Lake Oswego, maybe. Some of the others, I'm not so sure about -- Eugene and Springfield. Salem probably. I don't know. Anyway -- depending on the makeup of those communities we were concerned about these issues before we even had the -- and continue to be concerned about encroachment on farmland and so forth but the majority wouldn't have. So, having the goals completely shaped, that all cities had to do, and all the counties had to work with, and all of them are on the same page and working. And the requirement to do planning, which came out even in Senate Bill 10 in '69, didn't really have teeth until we had the LCDC and the goals because then you could enforce that requirement more. And, so, so under the Senate Bill 10 scenarios it was more of those that wanted

to do it did a pretty good job and those that didn't want to do it, didn't do it, and that caused some of the impetus to get Senate Bill 100, and now it's caused everybody to have to do it, kicking and screaming or willingly, and so I think it's been a very positive effect on it. It consumes a lot of city councilors' time, and particularly for a community like Corvallis, which is -- still wants development, but has the university there, a very liberally-oriented community -- but some old timers don't like change -- and a very engaged and active community. So, every development that comes forward has people that support it and don't -- and if they **haven't** followed exactly the rules,

if there was any variance to the code it's going to be heavily involved with the planning commission. It'll be appealed to the council and may very well be appealed to LUBA. So, uh --

INTERVIEWER: And that's citizen involvement.

HAL BRAUNER: Because there's a lot of citizen involvement. Boy, we have a lot of it in Corvallis. Not all communities have the same, but it's -- yeah. I'm wandering here now a little bit.

INTERVIEWER: No. That's good. Do you think the DLCD or others need to do more to create greater equity or fairness in the system **as some** would ask for?

HAL BRAUNER: Uh, I don't know how you -- my question would be how do you get -- fairness? In whose eyes is probably what it is. It's kind of --

INTERVIEWER: Probably private property rights.

HAL BRAUNER: Yeah. Well, I think the whole concept of having land use planning goes against the very conservative view of property rights. I mean, you can do anything you want to do with your land. I mean that's not to the common good to do that. So, once you get past that

then the issue becomes the broader community has the right through public process to set constraints on it. They don't have the right to take your property but they have the right to set constraints and then the argument comes over, to my mind, to the taking of potential profit or potential value and to me that's a non-starter because that's only potential. I mean you're not guaranteed if you put money in the stock market you're going to gain money on the stock market. You shouldn't be guaranteed just because you put all the money in land that you're going to gain a profit. Your existing uses can't be taken away from you. That's the power -- if that needs to be done for a public purpose then you have the power of eminent domain and there's court cases giving you fair market value but just because you'd hoped some day to get inside an urban growth boundary and be able to put a subdivision in, instead of my farmland or my forestry, and now I don't have that right to do that, that never was a right, in my mind.

But there's a lot of people that disagree with that view.

But the courts have upheld that view in many cases over history. Long before even Senate Bill 100 came into place.

INTERVIEWER: Um hmm.

HAL BRAUNER: Oh, yeah. There's been a lot of court cases since.

INTERVIEWER: And I'll just add that a lot of record provisions in Senate Bill 37 and 49 were efforts to respond to that concern that some people have.

HAL BRAUNER: Yeah. And -- and I think we've whittled away at some of those edges a little bit that take some of the powers. It gives more power back, takes away some of the power of government to keep our environment good. But it's all part of the balancing and it's all part of the role of people on some of that stuff, too.

INTERVIEWER: So, looking back again, do you think Oregon's land use planning program has achieved what was originally envisioned in 1973?

HAL BRAUNER: Yes. One hundred percent? No, because none of us can see that well -- that far ahead, you know, but, no. In the Foresights Project, there were two scenarios -- what if you have land use planning and what if, if I recall, you know, it's been a long time ago, if we have no land use planning -- and one scenario painted, you know, basically urbanization up and down from Eugene to Portland, and we lose all the prime farmland. With the planning now you've clustered your development, you preserve the farmland, and that scenario, too, is what's happened, you know, by and large -- the scenario that had the land use planning. We do not have urbanization up and down. We have very, very reliable farmland up and down the valley.

You know, I think it has accomplished and has been a model for other places to look at. Very few people have done it the way we have.

INTERVIEWER: Well, looking ahead to the next 40 years, we can look back 40 years, we can look ahead 40 years -- what do you think we should be doing to address major challenges and issues that we face, such as population growth, the economy, climate change, the environment, affordable housing and so on?

HAL BRAUNER: (Chuckling) Those are big questions.

Uh, I can't say that I have a crystal ball that gets to all those. I think we've got to, as I state, and as communities in the state, I think we need to keep it at the forefront that we are just stewards of the land, not possessing the land, and as long as we keep that mentality, which I think overall we have, not everybody, but as a state I think we have, as long as we keep that, we will find ways to do our part on the broader issues, like climate control and climate change issues, that go, obviously, well beyond local communities and well beyond the state, and well beyond even the

nation. -- it's a world-wide issue. But each of us has to do our part. I forget -- I'm terrible on quoting people but there's a quote that goes, you know, what we can do locally is just a drop in the ocean but the ocean is made up of many, many drops. And so, our city council right now in Corvallis, for example, we have four major goals this year that we have adopted, and -- two of those -- possibly three of them directly relate to that issue. One is we're relooking at our vision for the community for the next 20 years.

INTERVIEWER: Um hmm.

HAL BRAUNER: Our last one was actually about 20 years ago, 15 years ago, it's up in 2020. 2020 vision, and now we're going to redo that, but we're going to go better to do benchmarks against it. We have a local goal on doing a local climate action plan.

We're going to do it. And we have a housing goal. We have a study to try to get more affordable housing in our community, which is a tough one, I think. Well, they're all tough ones, you know, in our community, and then we have a sustainable budget one, which is how are you going to pay for all that stuff and that's probably the hardest one.

INTERVIEWER: (Chuckling)

You're the budget guy.

HAL BRAUNER: Well, I'm chairing the task force that's doing the budget one, so , you know, there's not a lot of options at the state right now to do that but -- and that's a challenge too. You can have all the good ideas but sometimes it costs public funds to do those things and -- and how do you do it? I mean, your agency, LCDC's seen the brunt of that over the years of not having the funding adequately to do some things. And every state agency has -- remember we're seeing it. But, anyway, we'll do our part and we'll figure out how to do it and -- but I think if we don't -- you know, I could do it, envision it that way, I'd like to see the future in

40 years, but I think I'd like to see us all finding a way to get around without using gas-sucking vehicles. I'd like to see us cluster in communities that have jobs and shopping and the housing all together. That's the vision we had back then. We still have -- still a vision that I'd like to see us do better at than what we're doing, even though urban growth boundaries are still -- very few communities have within those boundaries, you know, where you can live -- even in our community, we have 27,000 jobs in Corvallis and we have 18,000 of those -- I think the numbers are right, 18,000 of those drive into town every day or get into town every day.

INTERVIEWER: Oh, wow.

HAL BRAUNER: Nine thousand live in Corvallis and work in Corvallis, and another 9,000 people live in Corvallis and work someplace else, and we're not unusual. So, a very mobile society. So, probably 90 percent or more of those people coming in and going out are in single occupancy cars and that's got to change. We don't have the funding to build the infrastructure to accommodate that kind of cars and even if we could we shouldn't, in my mind, and we've got to change people's attitudes on it. Either they've got to live where they work or they've got to find other -- they've got to start using more energy- efficient ways of getting back and forth, whether its mass transit or whether it's -- even car pooling would help.

INTERVIEWER: It sounds like a vision of the future.

HAL BRAUNER: That's where it -- yeah, it is kind of a vision of the future on that part of it and -- and I hope in our future we still have very productive farmland, we still have timber resources, that's important. We still have our rivers and streams clean. We still have beaches that are accessible.

INTERVIEWER: Um hmm.

HAL BRAUNER: And that was another part of my checkered career -- working on Governor McCall's beach bill when we did that.

That got me started really on all we had to do so -- that and the bottle bill. I got the opportunity to draft the bottle bill for Representative Hanneman.

INTERVIEWER: Oh, you did?

HAL BRAUNER: I was on that. And so -- I was on Governor's McCall's staff and we passed the beach bill for public access to the beaches and -- I'm losing track of sessions but probably the '67 session, I guess, was the first one and -- I don't remember for sure but the bill basically said everything west of the vegetation line was public access --

and it went to court. We lost the court case as being undefined. So, my interim job that way was to work with the Highway Department and surveyors. They surveyed, I didn't -- I'm not a surveyor -- but I was in charge of Governor McCall's representative with the Highway Department to get that done.

And we surveyed the metes and bounds all the way from Astoria to the California border and that's in the statute now and everything west of that is beach bill --

INTERVIEWER: Justice Carson mentioned the same thing.

About measuring the --

HAL BRAUNER: Metes and bounds all the way to the west. Yeah.

You know, the -- the first attempt was declared unenforceable -- because what is the vegetation line? It could change from winter to summer and so forth and so forth.

And so rather than giving up, McCall says, well, then if they need a specific line go get a specific line.

He told the Highway Department to spend some staff time to do it, just like before we got the bottle bill. We tried it in the session before and it didn't pass and he says, figure out a way that we can find out how many bottles are in the field. So, that was a special project I had again. Went to the Highway Department and we said set up the road crews and we started gathering litter up and down for a year, bringing it back to the --

INTERVIEWER: Oh, really?

HAL BRAUNER: -- and dumping it in and counting how much of it was bottles and how much of it was not.

And took that evidence to the legislature -- and the Highway Department was moaning -- you know, we don't want to use our staff to do that but -- but Governor McCall says we've got to have that information -- and we took that information in with Representative Hanneman and got the bill. So, that was the kind of leadership that we had back then that I don't see happening now. It's different times, too.

INTERVIEWER: Are there other ways in which public outreach efforts could better communicate to Oregonians the value of the program?

And why it's important?

HAL BRAUNER: Well, I think projects like this gets the information put together. So, you have information to talk about it. You know, I think there was a good -- you know, the recent PBS series, which I didn't get a chance to see at all yet, but I want to get it, on Governor McCall, that gets the information out. I've had more people say you used to work with Governor McCall. Yeah. Boy, it was amazing what happened there. Don't misunderstand now, they're like, yeah -- that type of thing, and I think that's probably more effective than a true PR campaign. I mean, you

know, just going out with a government agency trying to get information out. If we can get just more of the history known in a way that people will watch.

INTERVIEWER: Um hmm. Well, over half the people living in Oregon today weren't here when the program was adopted and --

HAL BRAUNER: Weren't even here. Yeah. Right.

INTERVIEWER: -- they may not have heard much of anything about it unless they happen to catch a controversial piece in the newspaper.

Well, before we wrap up, are there any other reflections or thoughts you have or anything I've forgotten to ask you?

HAL BRAUNER: I can't think of anything. You're very good on the questions.

INTERVIEWER: Have I covered everything?

HAL BRAUNER: But it's interesting to think back through all that time and I do have some [memories]Your questions you sent to me in the email, triggered them. My memory isn't so good that I could have remembered everything I said here just off the cuff, so I went back and I had actually forgotten that I was on the Foresight Project -- the two committees. I mean I knew I was involved in it but actually named on the committees?

INTERVIEWER: Um hmm.

HAL BRAUNER: I happened to have a copy of the study at home I inherited. And so went back and looked it up and, oh, wait a minute, I was there, you know, now I remember. I was really actually on the committee, you know. Sometimes, when you're this far away from it you -- [think] how much of this did I make up and how much did I embellish over time and how much of it was real. So, I said, well, if you're going to interview me here it's got to be real. One thing I

couldn't find, I couldn't remember when Senate Bill 10 was enacted, whether it was in '69 or '71, and so --

INTERVIEWER: 1969.

HAL BRAUNER: So, uh -- yeah. And so I went out on one of the new tools and they don't have the chapter laws back that far online --

so I couldn't look there. And, of course, it isn't codified in the other laws because it's been changed since then, so I didn't know until I walked in your building here and you have that little timeline and the matrix that says land use and it says '69 Senate Bill 10.

So -- (Chuckling) But, anyway, no, there's nothing. Nothing more that I want to cover, except I just feel that it was an honor and a privilege for me to be in the right place at the right time during that time to be involved in the things I was involved. To start working for a state government in '63, as a 24-year old and working through all that on up until I finally was booted out of State government in '77, and then being involved in Oregon and other aspects of public life, , on through that was the highlight of my career, but I mean I've done a lot of things since then I'm proud of, too. So, it wasn't that I just sat back and said doggone it, now I don't have to do it anymore or, gee, I wished I was still back there. In fact, in lot of ways I don't know if I would want to be back there. It was hectic times, all the pressure.

INTERVIEWER: Well, it's been a delight to talk with you here today. Thank you, so much, Hal Brauner, for taking the time to sit down with me and chat.

HAL BRAUNER: Well, thanks -- thanks for remembering me.

INTERVIEWER: All right.

(Concluded)