

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

**Stephen Kafoury Interview**  
Friday 5/29/15

INTERVIEWER: Today is May 29, 2015. And it is my pleasure to be talking to talking this morning with Stephen Kafoury. Stephen was a state representative in the Oregon Legislature during the early 1970's when the program was adopted serving later as the Chair of the Joint Committee on Land Use. Stephen has also been a state senator, served as lobbyist for the Oregon Chapter of the American Planning Association, and as Board of -- Board Chair of the Oregon League of Conservation Voters. Stephen, my name is Dillon Mahmoudi and I'm a Ph.D. graduate student -- uh, candidate now in the --

STEPHEN KAFOURY: Great.

INTERVIEWER: -- Urban Studies and Planning Program. Most of my research is comparing different cities. So, I'm very interested in what you're going to have to say today. With that said, we're honored to have you here with us and willing to sit down. We are hoping to gather as much information as we can, especially from the people who are influential in forming and shaping Oregon's land use system. So, we're aiming to document the stories, anecdotes and experiences of people who were involved, as well as to get your thoughts on how the system has evolved and where you think it might be headed. So, we encourage you to share anything you feel that is relevant to this effort. So, let's jump in.

STEPHEN KAFOURY: Okay.

INTERVIEWER: I was hoping you could touch on your personal and professional relationship -- big question, personal and professional with Oregon's land use

system.

STEPHEN KAFOURY: Okay. My professional relationship is that I served on the committee, it was called and Environment, and land Use in the 1973 legislative session when Senate Bill 100 was written. Sen.Ted Hallock was a very close associate of mine and I followed what was happening in the senate very closely, but, as you know, all the decisions were made in the senate. My main role, in fact my only role, in Senate Bill 100 was when Ted Hallock came to see me after the bill had passed in the senate, and said it passed by one vote and Vic Atiyeh has changed his mind. He's going to vote no if the bill goes back for concurrence so your job is to make sure that no changes are made to the bill in the house. There was a request of the League of Oregon Cities, they wanted to have the same authority- have the same planning authority that counties do --

INTERVIEWER: Yeah. Yeah.

STEPHEN KAFOURY: -- and Rep. Mary Burroughs was a representative from Eugene, and member of the committee, who later became mayor of Eugene, was kind of intrigued by the idea, and I said, no, we can't change even one comma in that bill or it won't happen. So, I made sure nothing happened, it didn't, and the bill passed. And part of the deal was the establishment of a joint committee on land use and I chaired that. We held a lot of hearings and one thing that we looked at was Governor McCall's concept of some kind of capture of increased value for land use planning and then using that money to pay for takings. That turned out to be not practical and after we heard a lot of people talk about it and we just -- that idea was dropped and has never been taken up seriously. There was an attempt by Richard Liberty in Metro for awhile to put something together and I was on the committee that he put together to try to work something out for Metro to do that and it got to be so confused on what -- we just -- it's not

practical.

INTERVIEWER:           Yeah.

STEPHEN KAFOURY:       Then later I was hired, many years later, by the Oregon Chapter of the American Planning Association to be their lobbyist. I should say in the interim my second wife, Marjorie, my present wife, was elected to the Metro council, the first Metro council, and she served as its second chair.

INTERVIEWER:           Hmm.

STEPHEN KAFOURY:       And so I kept up with what was going on in land use during -- when the -- during those times a lot, but just as an observer, not as a participant. I did attend some of the hearings, work sessions were set up when the goals were written and found that process kind of interesting. So, that's kind of my -- it's all been as a lobbyist with the -- with the planning association. I've been very involved trying to pass, but mostly kill, a lot of bills over the last few years.

INTERVIEWER:           I'm really interested --

STEPHEN KAFOURY:       I just wanted to say that I was one of the very first members of 1000 Friends of Oregon.

INTERVIEWER:           Oh, really?

STEPHEN KAFOURY:       Yes. Henry said, I think, I -- I got several of my brothers to join and he said we had more Kafoury's than anybody else.

INTERVIEWER:           Ha.

STEPHEN KAFOURY:       1000 Friends was highly aspirational at that time. There may have been 50 friends or so -- maybe 25. (Chuckling)

INTERVIEWER:           (Chuckling) Yeah. I want to go back to this. I find this

real interesting, the -- you couldn't let anything happen. No -- no wording changes at all?

STEPHEN KAFOURY: Yeah. The way that the legislature works is that -- a piece of legislation has to pass in exactly the same words, even the punctuation marks, in both bodies.

INTERVIEWER: Uh huh.

STEPHEN KAFOURY: So, if one body makes -- passes a law, sends it over to second body, the second body amends it, then it has to go back to the first body for what's called concurrence, and they have to agree to that amendment. If they don't agree to it, then either it dies or a conference committee is set up to try to reconcile those two but pretty much here it would have died.

INTERVIEWER: So, how did you make sure that there were absolutely no changes because it sounded like there was a lot of pressure from different groups to either amend or alter, you know, the wording or how --

STEPHEN KAFOURY: I just told people it couldn't be done. Don't do it.

INTERVIEWER: (Chuckling)

STEPHEN KAFOURY: (Chuckling)

INTERVIEWER: That's great. Okay. Well, I want to get back to the APA bit a little bit later, but --

STEPHEN KAFOURY: Okay.

INTERVIEWER: -- let's go to the second question and I'll incorporate the APA piece in a --

STEPHEN KAFOURY: Sure.

INTERVIEWER: -- later question. So, the Senate Bill 100 created a framework for land use planning across the state. Based on this legislation the statewide

planning goals were drafted to express the state's policy interests in local land use planning. Do you believe LCDC, the Land Conservation and Development Commission, that was created from this legislation, acted correctly to ensure these objectives have been carried out?

STEPHEN KAFOURY: Overall, yes. I need to do a little caveat here. I'm certainly not an expert on land use planning. I'm an expert at legislative process and that's what I'm hired to do as a lobbyist but I bring in the experts when -- when details come down and one thing that's happened, I think there's a question later on about this, and I might as well just mention it now, one that's happened in the land use system is that we did not anticipate when it was passed it has become enormously complex and technical and lawyer driven.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: I mean the concept of -- one of the major concepts of the land use planning process was predictability. That you would zone a piece of property and then everyone would know that that was what it was going to be used for. And it's not that easy.

INTERVIEWER: Can you state more on that point of view? I mean, certainly, I have my own understanding of what that might look -- that predictability might look like.

STEPHEN KAFOURY: Yes.

INTERVIEWER: But that's because -- that's only because I'm a graduate student reading it in books and everything. I'm hoping you can elaborate just a little.

STEPHEN KAFOURY: Well, I think overall, there's no question that in broad strokes, you know, we have pretty much kept development in the cities and we've protected farm and forest land on these major goals, we have done, but when you try and expand the UGB, there -- there should a process that you -- you do A, you do B, you do C, and then you get your -- you

know, a decision's made, yeah, you met the standards, no, you didn't meet the standards. But in actuality, if there's controversy over it you're going to have, uh, a lot of litigation --

INTERVIEWER: Uh huh.

STEPHEN KAFOURY: -- and a lot of politics both.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And we see a lot in the legislature. People who try and go through the land use process, maybe even have hired a lawyer, and then found out they didn't get what they want, and they come to the legislature and try to change the statutes.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And that's one of the main things that we fight against at the OAPA --

INTERVIEWER: Yeah.

STEPHEN KAFOURY: -- is legislative one-offs.

INTERVIEWER: Any examples that come to mind?

STEPHEN KAFOURY: Oh, destination resorts, I guess, off the top of my head would be a good example of that.

INTERVIEWER: Yeah.

STEPHEN KAFOURY: And there's been some UGB things and then just recently what happened in the grand bargain in Washington County.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: Where they had to clean up what -- I had kind of agree too but not in -- in the detail.

INTERVIEWER: Yeah. That's great. I love these examples. So, I'm hoping

we can -- we can get some of those.

STEPHEN KAFOURY: Sure.

INTERVIEWER: Yeah. I'm going to -- I'm going to keep going through the questions and then we'll continue to come back to them.

STEPHEN KAFOURY: Okay.

INTERVIEWER: The LCDC adopted 19 statewide goals. Which goals do you believe have been the most important to the accomplishment of the State land use program and which ones do you feel have been the least important?

STEPHEN KAFOURY: Well, I think the most important ones have been the urbanization goals, and I think the citizen involvement goal, and that hasn't always been fulfilled, and its certainly attacked every legislative session, but that -- those are two pretty important ones. One that has not worked out so well is natural resource planning and two things that happened. One is that, in my view, the -- the gravel industry got in there and got themselves declared a natural resource and, you know, it started there, so, you -- you get the farmers versus the gravel pit people. And those issues go on and on and they come back every session. The other thing that we didn't get very well done and I don't know if this is a problem of goals, or enforcement, or local government, or not enough money, or too much controversy, but there's been very little other kinds of natural resource -- wildlife planning, for example, it's been really minimized, and to some extent that's a function of the focus of 1000 Friends of Oregon who have really narrowed what their goals are pretty much to protecting farmland.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And they don't get involved in protecting big game habitat, for example, or wetlands or things like that so much. They're pretty much focused on farmland

and there's no other organization that has the political strength and technical know how to fill that gap. So, you've got pretty much all the developer and city government people on one side and then you've got the animals on another side. One of my clients is wildlife biologists and it's called the Wildlife Society, and then there are, you know, Oregon Wild, and some of these other organizations, but they've -- they have not really taken on the land use system as a -- a target of activity.

INTERVIEWER: Um hmm. But do you think that the -- the way that wildlife has been perceived in Oregon has changed significantly so that land use could -- that wildlife and land use could be tied together? Is that -- I mean --

STEPHEN KAFOURY: Well, it actually should be and to some extent they are.

INTERVIEWER: Yeah.

STEPHEN KAFOURY: But there -- in -- ODF&W has mostly advisory authority and they don't really have the ability to say, no, you can't do that here.

INTERVIEWER: Yeah.

STEPHEN KAFOURY: And they don't -- you know, and there hasn't been the linkage inside state agencies --

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: -- so that ODF&W would go to LCDC and say, you know, we need to do something about this.

INTERVIEWER: Um hmm. So, who -- how would that -- what would that look like? I mean in terms from a --

STEPHEN KAFOURY: Well, like there's been -- there's been discussion, and I think every session, of a -- an agency, an overall agency, natural resources, and some states have

this, in that these other agencies would be subsets of that.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: There's no political will to do that but that would be one way. The ODF&W has a -- developed a plan called Oregon Conservation Strategy and if this were implemented the way it should be, there would be a lot more tied into LCDC --

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: -- but it's gotten -- pretty much went off.

INTERVIEWER: Yeah. So, we -- we -- you had mentioned this a little bit earlier and, uh, what land use policies, subjects or topics are missing from the LCDC that should have addressed in the goals -- that should have been addressed in the goals?

STEPHEN KAFOURY: Well, this goes back, in my view again, to the development of Senate Bill 100 in the first place and that was the original Areas of Statewide Concern that got left out and I would have liked to have seen the State have more involvement in the coastal region, the Willowa Lake area, those kinds of places. The Steens. I mean, you've got -- there should be some places that the state protects. And then Areas of Statewide Activity was the other things that didn't get in. You know, it -- interchanges on the freeways and those kinds of things. L.B. Day came in and saved the day, literally, when negotiations were falling apart, and he came back in and put together a plan that eventually passed and a couple of these fell by the wayside and I think, uh, that's a shame.

INTERVIEWER: So, what -- what did that negotiation kind of look like that -  
- I mean what did -- he had to cut? Yeah.

STEPHEN KAFOURY: He had to cut the Areas of Statewide Concern and the Activities of Statewide Concern.

INTERVIEWER: And that was the -- the only way that he could get this the significant yes?

STEPHEN KAFOURY: Yeah. I don't know how much -- it's interesting. I've never talked to him directly about this -- of course he's dead now. There are some people - like L.B. Day, who was a labor negotiator, I think Richard Whitman fits into this category too, who are facilitators and people who make things happen more than people with policy goals.

INTERVIEWER: Yeah.

STEPHEN KAFOURY: And I never asked L.B. Day, you know, what was your policy goal here? I think he -- his job was very singular and that was to get a bill through and he was going to do what needed to be done, negotiated and found out what -- what could pass and got that to happen. So, I -- I don't know whether he ever personally even thought about whether these things were good ideas or not.

INTERVIEWER: So, maybe you can -- maybe you can elaborate a little bit on kind of what the -- the negotiations or what the interests were that he was negotiating? Because it might seem actually counter-intuitive that -- that these kinds of things were dropped from the kind of final amendment.

STEPHEN KAFOURY: Well, the issue was how much should the State decide and how much should local government decide?

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And, uh -- back in those days, uh, before we had this huge move to the suburbs, there were a lot more rural representatives but were -- they were -- legislators there are a very small portion of the legislature, but in those days there were a lot of rural legislators, and another thing that was different in those days was there was a huge overlap

between conservative democrats and liberal republics. So, party identity was not as important as geographical identity.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And so you had a combination of rural people who wanted to protect local interests -- you know, that come from a local control background, a local control philosophy, and conservatives who also had a local control thing, didn't want a big state bureaucracy. So, those two groups together were fighting against -- essentially against the urban people in a society that -- if you looked at Hector MacPherson, who was a republican and a farmer, but his goal was more in line with, but the urban people wanted in Ted Hallock.

INTERVIEWER: Um hmm. So, that tension between local and -- and state is, you know, it comes up quite a bit actually.

STEPHEN KAFOURY: It's always going to be there. I mean the system was designed that way.

INTERVIEWER: Yeah. Yep.

STEPHEN KAFOURY: And I think it's healthy and I think either one too strong is going to be a problem. So, if you have an intention to try and keep things from going one way or the other way too hard.

INTERVIEWER: So, what kind of -- in what ways have you seen that tension come out as part of the APA, as your role with the APA?

STEPHEN KAFOURY: Well, it's interesting, because the APA has quite a bit of variety of interests within it.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: Uh huh. We have, you know, county planning

commissioners who are real strong on, you know, let me do my thing in my county.

INTERVIEWER:            Yep.

STEPHEN KAFOURY:        And people who work for them and then you have people like Ed Sullivan on the other side. Is he on your list?

INTERVIEWER:            Yes. We're going to -- he's not there yet but will be.

STEPHEN KAFOURY:        Okay. So, you know, philosophically and professionally, both very interested in tight central control and following the policies and the laws that have been sent down in the past. So, there's -- there's dissention inside. So, we often don't get involved in a lot of issues that come up. We do have some principles that we follow pretty closely that opposing laws and anything, I mean, that comes into the legislature then I'm directed to go put my feet on it. We don't get involved in annexation issues, which is interesting. I know that philosophically we feel pretty strongly about how we've got screwed up in the state with annexation policies is really bad and antithetical to land use planning but there's, you know, divisions on that. There's some, uh, economic development debates that go on internally and how much focusing basically on how you -- how you do with industrial lands.

INTERVIEWER:            Um hmm.

STEPHEN KAFOURY:        And that sometimes comes into conflict -- internal conflict and organization. And there are always industrial lands people that have this philosophy, you know, if we build it they will come. If I could just get more industrial land, some of them, we'll be rich. Agh. People are going to come to Prineville in droves. You know, they're going to come down to Lakeview, because there's more acreage.

INTERVIEWER:            Let's see. So, let's move on a little bit, but I'm going to -- I'm going to keep coming back to -- to the -- that tension because that's --

STEPHEN KAFOURY: Sure.

INTERVIEWER: I think that's pretty central. In -- in 1994, the LCDC, and the DLCD, undertook, uh, what was -- at the time unprecedented public outreach and involvement effort in adopting the first 14 goals. Was this worth doing and how, if at all, did it affect your thinking and views?

STEPHEN KAFOURY: Well, I think it was worth -- worth doing because it's something you can always go back to and say this was done by a bunch of citizens, it wasn't done by planners and politicians.

INTERVIEWER: Yeah.

STEPHEN KAFOURY: There's some methodology going on here. I -- I was present at some of those and most of the folks that showed up were planner types and, uh, they may have been architects, they may have been city government officials or people who worked for government, uh, and planners, but there were people who were very knowledgeable, you know, and I think that -- that's a good thing because you want people to have some background. On the other hand, I think it's been kind of romanticized that this was a bunch of citizens coming together expressing what they wanted.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: I think the output was good. I think we met with them, I like, and I think it gives it a mere authenticity to the whole plan.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And if you look back, we have had a couple of big statewide elections that asked the citizens about land use planning, and they always said, "Yeah, we like this."

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And right now, uh, in legislative debates, people will always start off by saying, “ I support Oregon’s land use system, but . . .,” Nobody says, “I don’t like Oregon’s land use system.”

INTERVIEWER: Yeah. Well, you know, the -- so, yeah, Goal 1, Citizen Involvement, which is what you were saying, is probably, you know, one of the more successful goals. It’s considered by many as critical to the development -- uh, development and execution of Oregon’s planning program. This seems like, uh, a no-brainer, based off of what you said, but is it still relevant today and --

STEPHEN KAFOURY: And all you have to do is go to a planning commission meeting some night to see.

INTERVIEWER: Yeah.

STEPHEN KAFOURY: Look what’s happened with 1000 Friends of Oregon. They started a lot of spin-offs around the state. And this is something that I think -- it’s real democracy. I think it’s a great thing to get people involved. There’s obviously a lot of newbeism but, you know, you come -- these people into the legislature and testify, which they do a lot, they’re educated.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: They understand how the system works. This has been a really significant opportunity to build a big constituency of knowledgeable people and I’m really impressed with -- with what has been produced in terms of a body of educated citizenry.

INTERVIEWER: So, how -- so tell me more about 1000 Friends of Oregon and how -- how they got it right to -- to kind of -- that model of, uh, you know, promoting

democracy and citizen involvement and -- and how that's kind of spread across the state?

STEPHEN KAFOURY: Well, 1000 Friends of Oregon was the brainchild of Tom McCall and Henry Richmond. Henry is one of my heroes. There are a number of people in different areas where a single individual has stood up and said I think I can do this, and has the capability and the ingenuity and the drive to make it happen, and he started the organization and then got a couple of lawyers to work for him for nothing, uh, almost, I mean, because I think they were making like \$10,000 a year at the time, which was -- would be equivalent to like \$40,000 now. And these are guys who could have made several hundred thousand dollars a year perhaps but were passionate and were driven and they did a couple things. One is to take a law - take -- very strategically take on some land use cases that set precedent and then built up a constituency to back up what they did.

INTERVIEWER: So, what -- what were the kind of landmark kind of moments in 1000 Friends of Oregon, I guess, in building up those constituents?

STEPHEN KAFOURY: Well, the Bagwan and Rashneespuram was obviously the big one.

INTERVIEWER: Right. Right.

STEPHEN KAFOURY: And they had -- they exploited that situation shamelessly.

INTERVIEWER: Um hmm. Say more. (Chuckling)

STEPHEN KAFOURY: Well, they took an issue, which was really political and fear-mongering in a lot of ways, and made it into a land use issue.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And they got a huge increase in their membership at that time by -- by fear mongering.

INTERVIEWER: Yeah. (Chuckling)

STEPHEN KAFOURY: And it worked.

INTERVIEWER: Yeah. Yeah. All right. So --

STEPHEN KAFOURY: And, you know, I'm not a good enough lawyer. People like, well, Henry would like to tell you and, I'm sure, Dick Benner has already told you the specific cases along the way that made key precedence. I'm really not -- don't know that. I'm not a land use lawyer.

INTERVIEWER: Yeah. Yep.

STEPHEN KAFOURY: So, we -- we keep going back to the -- the balance between state and local, uh, and in your opinion, have the statewide planning goals struck that balance between state and local control that the LCDC intended to originally?

INTERVIEWER: It's a continuing swinging back and forth. It's not static at all.

STEPHEN KAFOURY: Um hmm.

INTERVIEWER: And it depends on the issue and the time.

STEPHEN KAFOURY: But sometimes there could be more state, there could be more local, and -- I think a major problem in my view that's kept it from being what it should be is lack of funding.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: Planning is expensive. And I know this is Ed Sullivan is big on PR. Periodic review has almost disappeared and it's a real shame because, you know, there was this first plan acknowledgement that meant a lot. You had to step through hoops to show you'd done it right. And since then there really hasn't been the money or the will to get the

money to get back and see, well, what's happened since then.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: So, that has really swung the pendulum in two (unintelligible).

INTERVIEWER: Um hmm. That's not the only time. I mean, can you -- can you talk about how the pendulum has -- has gone back and forth from -- starting in 1974 and then kind of how -- how you've seen it go back and forth?

STEPHEN KAFOURY: Well, it was originally very heavily around the State. The State came down and said you are to develop these plans and here's what the rules and guidelines you have to meet in these plans. And, uh, so the cities and counties had to do what they were told at that point and then depending on, you know, what was happening politically in the state, cities were able to expand where they perhaps shouldn't have --

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: -- or that get stepped on later. That's gone back and forth.

INTERVIEWER: Is -- is the funding mechanism the primary --

STEPHEN KAFOURY: Right.

INTERVIEWER: Well, so -- so how -- you know, the -- what I really want to get at here is whether or not you think that that balance has -- has kind of -- or where that balance is today. It sounds like you -- you -- you -- you know, what you said, was that it's in the local side. So, what -- how -- I mean is funding the only mechanism or the only thing that we could -- that could be used to get it back to -- to be where it was intended to be?

STEPHEN KAFOURY: Well, I'm not sure it's not where it was intended to be.

INTERVIEWER: Okay. Do -- elaborate more because that's --

STEPHEN KAFOURY: Well, uh -- I still see cities having to meet state standards, and I see lots of times when cities try to do things, or counties try to do things, where LCDC says, no, you can't do that. There's some big issues right now going on with -- that's being tested, and non-farm uses on farmland is one of them that we've been engaged in recently, uh, and that's pretty much been determined at the local level.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: I mean, there's -- we tried to pass some legislation that put some uniformity in but it's -- what came out was pretty weak and counties still have pretty much authority to say -- you know, define activities and what kind of limitations are going to be on, you know, weddings, and parties, and sports activities and all these kind of things, uh, farmer's markets and all that kind of stuff is -- that happens out there in rural lands.

INTERVIEWER: Um hmm. So, actually, at the beginning of the -- when we first started talking you had said that your role, and I just -- I just think this just sounds sort of great. Your role was to make sure that nothing got changed in that bill but -- but it sounded like there were some -- we'll wait for the ambulance to go by. (Siren in Background)

STEPHEN KAFOURY: Um hmm.

INTERVIEWER: It sounds there were some interests, county interests, that you had to kind of say, no, we can't change anything.

STEPHEN KAFOURY: Only with the cities.

INTERVIEWER: With the cities?

STEPHEN KAFOURY: Yeah.

INTERVIEWER: Okay.

STEPHEN KAFOURY: The cities wanted to have the authorities that counties had.

INTERVIEWER: I see.

INTERVIEWER: And so if they did, how -- I mean what would that look like today?

STEPHEN KAFOURY: Oh. A mess.

INTERVIEWER: So, that sounds like a very important role. Right?

STEPHEN KAFOURY: Yeah. It was. I think it was -- well, but then it never would have happened because the bill would have had to go back to the senate, where it would have been killed.

INTERVIEWER: Right.

STEPHEN KAFOURY: So, that's -- it would be a hypothetical situations. And unlike, uh, Ted Cruz, I don't mind answering hypotheticals, but -- (Chuckling)

INTERVIEWER: (Chuckling) Well, so -- so but that would have radically changed the local --

STEPHEN KAFOURY: Yeah.

INTERVIEWER: -- state control. So, it's -- I mean it -- you know, how vital is that into -- or -- I should say how viable is -- is the system that was adopted into striking that balance of -- and is -- here's the question that I should -- I should have started with. Is it successful in striking the balance?

STEPHEN KAFOURY: It appears to be. If -- if you look, you know, overall, uh, how we've done urban growth boundaries, they've been pretty effective, and we have lost a whole lot less farmland and forestland than any other states around. It has not been totally successful, obviously, because one of the things that happened, and because we were not

operating on a clean slate. When land use planning came in you already had a lot of rural development, uh, and so you can't say, all right, everybody goes to the city, or if you've got people living here already, what are you going to do with them. So, it's been kind of building a car while the car is moving down the road.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: Sure. Okay.

INTERVIEWER: Because I think that's so fascinating but, uh, in what ways have prominent state and local elected officials, ballot measures, actions by the Oregon legislature, and key court rulings advanced or undercut the original purposes of Senate Bill 100 and the drafting and implementation of state planning goals?

STEPHEN KAFOURY: Well, of course, we had several ballot measures --

INTERVIEWER: Yes.

STEPHEN KAFOURY: -- to eliminate and the -- land use planning, those passed by pretty good majorities, and then the one -- I always get 37 and 49 mixed up, but the -- the final one that passed and the numbers I get confused with, uh, a little (unintelligible) I forget the numbers, but when the citizens said, no, this won't go on -- but -- was it 47?

INTERVIEWER: 49.

STEPHEN KAFOURY: 49. Yeah, 49. Well, it was passed by over 60 percent. It was huge. And it -- it shows, uh, overall, that the people of Oregon want land use planning. It also shows, if you look at Ballot Measure 36, that people can be manipulated in an -- you know, in an emotional appeal, you know, Lane and Washington County, uh, the spending is -- some people have enough money to put it on TV, over and over again, "Oh, I'm going to lose my

land," uh, can do it, you can appeal to an innate sense of fairness that if you don't have enough money to show how it was -- it wasn't really an unfairness, can get folks, but then they realize what was going on. I had, uh, someone -- and this is what I was going to talk about, after Ballot Measure 36 passed, and when they were drafting Ballot Measure 49 ( I give kudos to Greg MacPherson , who is another one of my heroes), Tim Nesbitt in the Governor's office was in charge of writing that, and I was involved in that, because I was representing OAPA, and I told him I said, you're negotiating against yourself and he kept writing, saying, "Well, we need to give them this, we should give them that, because we don't want to see an ad that says such and such, and these were on details and whether you're going to have three houses or five houses. And then I said, Tim, you're negotiating against yourself. This battle is not going to be fought on whether there's three houses or five houses, it's going to be fought on very broad general principles and you don't need to give away all that stuff. He was really angry with me, and he said, "Well, Kafoury, we'll see how the vote goes and it'll tell us who was right and who was wrong." After it won big, I went back and I said, Tim, "I was right and you were wrong. I've watched that battle of compensation for a long time and, uh, you know what, on one hand people would say, you know, if the government says I can't do what I want with my land, and I should be compensated for it, uh, but -- but that -- it takes in -- it doesn't take into account the fact that what you do with your land -- we're no longer pioneers where, you know, if you wanted to develop your land, and put some hogs over here in the corner, it didn't make any difference -- well, it might make a difference to the Native Americans you took the land from, but I mean, in terms of your neighbors. But now where we all live so close together, uh, everything you do has impact on other people. And the old thing about you can't swing your arm without hitting somebody in the face. You can swing your arm, it's okay, but if it hits them in the face, that's

not, but if you reach back to swing -- swing your arm, you're going to hit somebody back here, in -- in a way you didn't realize it and land use -- land use has implications on neighbors and there are a lot of them -- I remember Henry Richmond telling me early on about the economic advantages of having dense development because it costs so much to extend services out and everybody shares the cost of that. The guy out here says I want to live out here, I want to be on my land, I want to have service come out here and it sounds fair with me. But the people don't realize, yeah, but who's going to pay for it? I remember watching, uh, there was a bill in the legislature on telephone service in rural Clackamas County. I don't remember the details of it but I kept saying what's going on here? Who's paying for this and think about the -- the people who are going to live in rural Clackamas County, they're going to want -- back in those days, a telephone hookup for their computers, and, you know, they're going to want several lines and, uh, it's going to be expensive to do that, and we shouldn't allow people to live out there that demand they're going to get services, and that was a real insight to me and it's not been pushed enough. People don't mention that as an advantage of land use planning. That's one problem that, I think, has -- people talk about protecting farmland but they don't talk about protecting rate payers.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: They don't talk about protecting tax payers. Yeah. I had a thought but (unintelligible). Anyway, go ahead.

INTERVIEWER: Well, you talked about winning -- winning support, broad support, based on broader principles. If you could say, you know, which ones were the most important broad principles that were communicated that people kind of really rallied behind, you know, I'd be interested in -- in your thoughts on it.

STEPHEN KAFOURY: Well, I'm into saving farmland, saving forest land, protecting our cities.

INTERVIEWER: Um hmm. How -- how were those mobilized? I mean, you -- you --

STEPHEN KAFOURY: Well, Tom McCall did one of them.

INTERVIEWER: Yeah. (Chuckling)

STEPHEN KAFOURY: But he's dead now.

INTERVIEWER: Yeah.

STEPHEN KAFOURY: 1000 Friends of Oregon had a large outreach. They got involved -- got enlisted and there were people who were spent and -- what's his name that has the big foundation? Uh -- Eric Lemelson. You know, when you can reach in your back pocket and pull \$1 or \$2 million out to bankroll a ballot measure that helps a lot. Oh, I know what I was going to say. The one other thing that is a problem that I think we haven't realized solution, (not realize meaning to understand, but realize meaning to carry out) is we've done a lot of good work on what happens outside cities, we've done very -- very little on what happens inside cities.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: God, you drive through Beaverton and look at all those campuses and all that grass out there --

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: -- on those industrial campuses and you think and these people want more farmland to take out to build more Intel plants on? No. Well, maybe see a few high rises over there before we -- before we'll let you grow your urban growth boundary, and that's one thing, of course, obviously, happening in Bend right now with the homebuilders.

Oh, no, I need more land here. Oh, yeah? We've got lots of land. I live in -- in the Pearl District and they're building up as hard and as fast as they can out there trying to keep up with -- with demand but I don't see that happening anywhere else.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And I don't see any incentive or pressure, either carrot or sticks, to do that generally.

INTERVIEWER: Um hmm. Well, that --

STEPHEN KAFOURY: So, I think that -- I think that's a failure of the land use system.

INTERVIEWER: Okay. Well, that -- that's great. I mean this is -- I mean that's terrible but that's -- that's great, because, you know, I -- I think one of the -- one of the things that -- that we have really tried to understand is, you know, in your opinion, has the Oregon land use program today, is it what was envisioned four decades ago? You know?

STEPHEN KAFOURY: I think generally speaking very much so but, you know, I'm really frustrated by the Big Look process. I had really high hopes for that and then Karen Minnis just screwed it up terribly. She was the speaker of the house and she put bad people on the committee, and they went around in circles, they didn't have staff because the chair, Mike Thorne, didn't want any till the very end of the process?

INTERVIEWER: (Pause)

STEPHEN KAFOURY: Anyway, uh, he was in charge of it and he was tight fisted when he was a legislator and he was tight fisted there and didn't want to spend money on staff. So, they didn't have staff and they tried to -- they didn't have a good plan, they didn't know what they were going to do, it was just a really badly run organization, and they did -- they came up

with nothing at the end. You know, I thought it was really important to have some kind of official look to answer that question, you know?

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: Let's look -- this was 30 years after. Let's look back 30 years, what's happened, and, you know, have we met our goals? Well, where are we? What kind of things ought we to be doing? Really important questions. Nobody's ever taken a broad look at it. Not in an official capacity. Obviously, people -- individuals who have done that but nobody's seemed to have brought it up and asked the questions you are asking here.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And I think it's really vital that State government do that.

INTERVIEWER: Um hmm. But, you know, are -- an official assessment, fair enough, how -- how in -- in your personal opinion, how do you think it -- it has evolved or really less evolved? How -- how -- if we took exactly what we have today and we went -- and we went back four decades ago and said this is what's going on?

STEPHEN KAFOURY: I think people largely would say, yeah, look we're really -- I'm proud of myself for putting that together.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: I can drive around in Washington County and say one side of the road there's farm, and the other side of the road there's houses, uh, and it's been that way and it's going to stay that way. And then the -- the new urban rural reserve process. I think people would say, you know, that's something we didn't think of but that makes a lot of sense. It fits into what we're doing -- trying to do. The LUBA court developed. I think people would say that is really neat. On one hand, you know, to get people who are experts in the area that can

make decisions on a quick timeline turnaround, uh, they would -- I think they would say that's pretty -- I think they might say, my god, you didn't realize that you were going to have a whole industry of land use lawyers, uh --

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: -- and that some things that perhaps should not have been stopped, were stopped, but I think, overall, I can't think of a lot of problems that have arisen. I mean when you have legislation introduced that say let's cut citizens out of the process, you know, maybe citizen standing, cut that back so for example, that you have to be within 100 yards of -- of a development in order to object to it and that kind of thing.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And, you know, to bring up one or two things, my god, we could have had this plant in our neighborhood that would have provided 100 jobs, you could bring one or two of those up, but I don't think anybody can say -- or I shouldn't say they can't say, they will say, but nobody can say with evidence --

INTERVIEWER: Yeah.

STEPHEN KAFOURY: -- you know, Nyssa would have been a thriving community but for land use planning.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And then you look at the value of farmland that -- Dick Benner made the comment, as we talked the other day, and if you'd have put your money into farmland -- half your money in farmland, and half your money in the stock market in 1973, you'd come out even.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: The value of farmland has gone up tremendously. That's because of tax laws in the -- land use planning.

INTERVIEWER: So, are there any changes or additions you'd like to see in our planning laws and the statewide goals to enable Oregon's land use program to face future challenges?

STEPHEN KAFOURY: Yeah. I think we need to spend a whole lot more money. We're not doing any real planning for the future. -- nobody's looking 50 years down the road when we have 500,000 more folks, you know, , where are these folks going to live?

INTERVIEWER: Yes.

STEPHEN KAFOURY: Planners are not planning. Planning -- planners are, you know, getting permits, uh, and nobody's doing the long range of where we're going to be 50 years from now and the -- then the urban reserve -- the urban rural reserve thing was great but that's not done. It's only here. Nobody's doing that in Bend. Nobody's doing that in Medford. There needs to be more coordination of a -- of a regional coordination, and that takes money, but there's real interest in some places but they've done -- I forget what the name of it is but a regional problem-solving, uh -- there's a jargon term for that and --

INTERVIEWER: Regional solution?

STEPHEN KAFOURY: Yeah. Regional solutions.

INTERVIEWER: Yep.

STEPHEN KAFOURY: Yeah. Those kind of things work really, really, well and we've looked at -- and OAPA has been trying to push in expanding that concept and getting more subjects into those and setting up, you know, some regional transportation planning areas where people figure out how are we going to -- where are we going to be long-term from now.

How are we going to deal with climate change? How are we going to keep people living and working closely together? How are we going to cut down the need for building more highways? All those kind of questions that -- long-range planning that needs to happen, that isn't really happening right now. So, to some extent we're resting on our laurels.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And look what we've done, isn't that neat, and nobody's saying --

INTERVIEWER: Yeah.

STEPHEN KAFOURY: -- you know, what -- what's the future? You know, there's a really big question which I was concerned with in 1973, which has never really been answered at all, Carl Hosticka and some people at Metro got it, and that is do we come to a point in urban growth expansion where we say all right that's the end?

INTERVIEWER: Hmm.

STEPHEN KAFOURY: We're not going to grow any bigger? And he's talked about some lines for Metro like at the Tualatin River, or you know, Willamette River. Uh, are there some boundaries that say, here this is it, or are we going we going to say that -- the original bill envisioned big expansion -- expansion, expansion, it's controlled expansion. As you got a lot of people, and you need to expand, then you expanded, but not before that. I think sometime down the line we say do we want to have, you know, 100 years from now or 70 years from now, the Willamette Valley be sprawl all the way, just because Jon Chandler, lobbyist for the Homebuilders, passed a bill saying we need a 20-year supply of land for 20 years of housing? Nobody's asked that question.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And -- and I keep saying, "Where are we going to put all these people? Is it all going to be in Portland?" And -- and if it's not are we going to try and get more people in Bend and Pendleton? And then what are we going to do to make that happen? Nobody's asked that question except for him? And, obviously, nobody's working on that solution. So, that's what needs to happen.

INTERVIEWER: Um hmm. Can you say a little bit more about the -- the regional solutions, regional collaboration, and how that is a different dynamic than the state and local tension?

STEPHEN KAFOURY: Well, I -- I understand from people who have done this that the -- once people start doing it, people find themselves, uh, find that it really works.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: They can put people in the same building. And so you can end up putting the transportation director from one county to another county, look at each other and talk, and that they can have air quality people, and water quality people, you know, all in the same room and working on -- in a voluntary collaborative way, this is not -- not the LCDC model or the following standards and making an agreement, uh, but just communicating together in how can we do this planning cooperatively. There are certain goals that they need to meet in terms of, you know, reducing green house gases, for example, that this could be used for but it's -- it's bigger than that.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And there's a -- Richard Ross, do you have him on here?

INTERVIEWER: Yes.

STEPHEN KAFOURY: I would get Richard Ross in here to talk about that.

INTERVIEWER: Um hmm. Um hmm. Well --

STEPHEN KAFOURY: He's a big thinker -- a big picture thinker. And I'm just an observer. He's a guy who does this stuff, you know, for a living.

INTERVIEWER: Yeah. Well, you know, we've got five minutes left. What -- what other thoughts -- this is -- this says thoughts, anecdotes, experiences, but, you know this has been -- you've touched on a lot of different things and --

STEPHEN KAFOURY: Yeah.

INTERVIEWER: You know?

STEPHEN KAFOURY: Well, there's a lot of stuff here.

INTERVIEWER: Yeah. Absolutely. You know, the -- the 50-year planning question, what a vision process actually -- actually doing planning, you know, as you said, uh, it sounds like that -- that's what was going on in 1974 --

STEPHEN KAFOURY: Yeah.

INTERVIEWER: -- but no one's doing that now. Well, that -- that's a -- that's quite a charge for planners today, I think.

STEPHEN KAFOURY: You know, you look at things -- some of this is being done now but the issue of transmission lines.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: You've seen maps of it?

INTERVIEWER: Yeah.

STEPHEN KAFOURY: The whole state is overrun by transmission lines.

INTERVIEWER: Right.

STEPHEN KAFOURY: And there's no coordination here. You know, what are the -

- what -- what does the state want to be -- you know, when we did that -- that planning originally, the one with the Willamette Valley scenarios --

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: -- you know, let's do a scenario again with transmission lines and is this what we want our state to look like and if not what can we do about it and what - where -- what ought we be doing with the relentless demand for more energy, and with that (unintelligible) for green house gas emission reduction, which pushes it one direction, uh, and unless there's a big push the other way to say, well, that's fine but where are we going to site all this stuff, that has minim -- and minimizing the impacts of it, uh, there was some leg -- legislation to do that and it never -- it never came out and it needs to happen.

INTERVIEWER: Um hmm. Well, yeah. Huh.

STEPHEN KAFOURY: Lot's of work for you? (Chuckling)

INTERVIEWER: Lots of work. Right. Yeah. (Chuckling)

INTERVIEWER: But, you know, I -- so -- okay, you know, I've got -- I've got a charge moving forward, uh, but for -- you know, we talked a lot -- about a lot. What kind of anecdotes or experiences that -- did we jog that we -- we didn't get a chance to talk about?

STEPHEN KAFOURY: Well, this -- this has been a real fascinating battle watching, uh, the two basic interests, the homebuilders and the realtors together at one site, and essentially 1000 Friends, and sometimes we'll put government on the other side, and that's -- that's a major battle every session and there's been always -- not so much now but there were, when the republicans were running things in the legislature, a lot of attempts to cut back land use planning in the battle of 1000 cuts, and we used to have 1000 Friends and land use planners go down and there'd be like 90 bills, 90 bad bills that we had to work against.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And they were all little things. You know, can we site a designation resort here? Can we allow this county to have some industrial sites? You know, it went off on things that like, and -- and changing, uh -- you know, when we said -- made this stupid thing about requiring 20 years of building supply and then continue it. That's so inflexible.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And, you know, it was done because some people wanted to build houses because that's what they do for a living.

INTERVIEWER: Um hmm. I'm told that I have to wrap up.

STEPHEN KAFOURY: Okay.

INTERVIEWER: I'm going to ask one more question.

STEPHEN KAFOURY: Sure.

INTERVIEWER: But it's really -- I -- you know, it's legislative in nature.

STEPHEN KAFOURY: Yes.

INTERVIEWER: Have you been following what's going on with the data centers in - in -- all over Oregon and the kind of -- Oregon is the new hot spot for -- for data centers. Any - any thoughts and what this might mean for -- for land use and -- and/or transmission lines even, you know, like fiber -- different types of transmission lines?

STEPHEN KAFOURY: No. There was a long story in NPR today, it's one thing I get by going down to Salem, is I get to listen to NPR, I hear the whole story --

INTERVIEWER: Yeah. Yeah.

STEPHEN KAFOURY: -- about -- but the focus was on whether they should be

giving local tax breaks or not. There was no focus on the land use of it.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: I think basically, you know, it's a good thing to have employment opportunities in places like Prineville, The Dalles. Uh, the issue of transmission lines did not come up, but I think nobody's looking at the long-term implications of -- I don't know if those guys use -- they use a lot of electricity, I don't know if they're using water, some people use water, I guess that's more with wafers in the Silicon Valley stuff, they use a lot of water, uh, and housing. You know, is anybody saying or arguing do we have enough housing?

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: And the fact of housing people that are going to be coming here? Everybody looks -- everybody thinks that it's just going to be people from my neighborhood, all the local people are going to work there, and nobody thinks, well, actually, no, it's going to be people from outside of here, that are coming who are going to work there. There would be an interesting study that for you.

INTERVIEWER: Yeah. Yes.

STEPHEN KAFOURY: I remember talking to -- getting, uh, Mike Katz, who was an economist, who wrote a fascinating paper a few years ago saying that most cities do not actually increase employment when they incentivize companies to move there because as long as you have mobility of workers, more folks will come in from outside to take the new jobs.

INTERVIEWER: Um hmm.

STEPHEN KAFOURY: I'd like to see a study showing that. It would be fascinating to get that more widespread and to replicate his research.

INTERVIEWER: Absolutely. Yes. Well, thanks, again for your time.

STEPHEN KAFOURY: My pleasure. My -- it's been fun.

INTERVIEWER: Yes.

STEPHEN KAFOURY: I -- I enjoyed doing this.

INTERVIEWER: We've been speaking this morning with Stephen Kafoury, a state representative in the Oregon legislature during the 1970's when the state land use program was adopted. Again, thanks for joining us today.

STEPHEN KAFOURY: You're welcome.

(Concluded)