

An Analysis of Urban-Suburban vs. Rural Voting on Two Land
Use Issues in Clackamas County, Oregon

by

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ABSTRACT

When land use issues are voted upon directly by the people, or by the legislators who represent them, the outcome often reveals a discrepancy based on population density. Urban-suburban areas tend to support regulation, while rural areas tend to oppose it. The residents of Clackamas County have voted on two land use issues which could help to determine if this density related discrepancy is present in that county. Precinct level results on these two issues are correlated with density related factors. It is concluded that these factors do exert a significant influence on Clackamas Countys' approval of land use regulation in both of these votes.

INTRODUCTION

As our population becomes increasingly affluent and urbanized, ever increasing importance is placed on the non-utilitarian uses of time, income, and property. Long held commitments to growth and the cornucopian nature of the environment are being replaced by a critical appraisal of new development in terms of its impact on man and nature. One expression of this "new conservation"¹ is that rural land, particularly that surrounding urban areas, has come to be valued by urban residents not so much for its actual or potential commercial value, as for the aesthetic, recreational, and even spiritual opportunities which it provides.² Such lands are considered to be deserving of protection in the public interest.

This concept has come to stir heated controversy when applied to lands already in public ownership, as in the recent debate over increased Wilderness in Oregon's National Forests. When protection in the "public interest" moves from publically owned to privately owned land, the controversy becomes understandably more intense.³

These disputes often develop between the urban-suburban and rural sectors.⁴ Inhabitants of the more densely settled area attempt to regulate land use in the surrounding rural area to provide themselves with a green belt or open space zone. Affected rural land owners often charge that actions of this type constitute a taking by the government for which they deserve compensation.⁵ The urban-suburban majority

is, however, through vastly greater access to the political arena, usually able to preserve its rural open space without compensation.

In a study of Oregonians' perceptions of environmental problems, Louis Harris and Associates found that people who live in areas of low population density were markedly less concerned about environmental problems than were residents of high density areas. They were also much less tolerant of a strong state role in land use planning. Among the factors suggested by Harris as contributing to this density related disparity was that rural residents have a greater concern for private property rights.⁶ Other studies have also found evidence of this urban-rural dichotomy.

Muckleston, Maresh, and Mukerrji studied voting records of Oregon state representatives in 1973 on 25 environmentally related bills, including SB 100 (state mandated land use planning). In brief, they found that eastern, southern, and coastal district representatives were almost exclusively below 60% environmentally oriented on the bills. In contrast, "representatives from the more densely populated areas of northwest Oregon were far more sympathetic. There, in 44 districts representing one-fifth of the state's area, half the legislators voted environmentally on 80 percent or more bills."⁷

Greaves conducted a regional analysis of the outcome of the attempt to repeal SB 100. In a discussion of the results, she stated that the conflict in the Willamette Valley was between urban and rural

interests, with urban interests dominating the regional outcome which favored state directed land use planning.⁸ It was noted that highly urbanized Multnomah County was strongly favorable to statewide planning, and that surrounding, more rural counties including Clackamas, had a markedly less favorable response to the concept.

Evidence is strong for the existence of a statewide distinction between urban-suburban and rural areas based on perception of environmental and land use issues. This study, then, will analyze voting patterns on two land use issues in Clackamas County to test whether this local area exhibits the same urban-suburban versus rural pattern found in the state as a whole by the earlier studies.

The transferability of the urban-suburban-rural pattern to Clackamas County is suggested by two factors. First, the county's population is highly stratified. The northwest corner contains approximately 70 percent (116,200) of the county's residents, and occupies approximately 60 square miles. The rural population of 49,286 occupies the remaining 1,842 square miles. This large density stratification would seem to foster an urban-suburban versus rural voting pattern, and contribute to its detection. Second, the placement and voting records of the state representative districts within the county tend to divide it into urban-suburban and rural areas.⁹

THE TWO ISSUES

Clackamas Natural River

The approximately 70 mile long Clackamas River bisects Clackamas County from southeast to northwest. It flows into the Willamette River just below the falls at Oregon City (Figure 1). The river flows through three rather distinct geographic areas as it crosses the county. In its lower three miles, it flows through the urban and industrial area of Oregon City. The next 20 miles of its route is through a generally rural mix of low density residential development and agricultural land. In general, riparian settlement in this section is not highly visible from the river, being hidden by high banks and vegetation. There is also some commercial gravel extraction in this section which is quite visible from the river. The remainder of the river, above Estacada, flows through timber lands of Mt. Hood National Forest.

In early 1970, a small group of Clackamas County residents assembled with two things in common. First, they valued the Clackamas River for a full array of aesthetic, recreational, and economic purposes. Second, they were convinced that continued commercial and residential development along the river, without regard for the character of the resource, presented a threat to the quality of the river, and to the county as a whole.¹⁰ This group, headed by Mr. Wade Newbegin, Jr., formulated the idea for a county administered zone which would

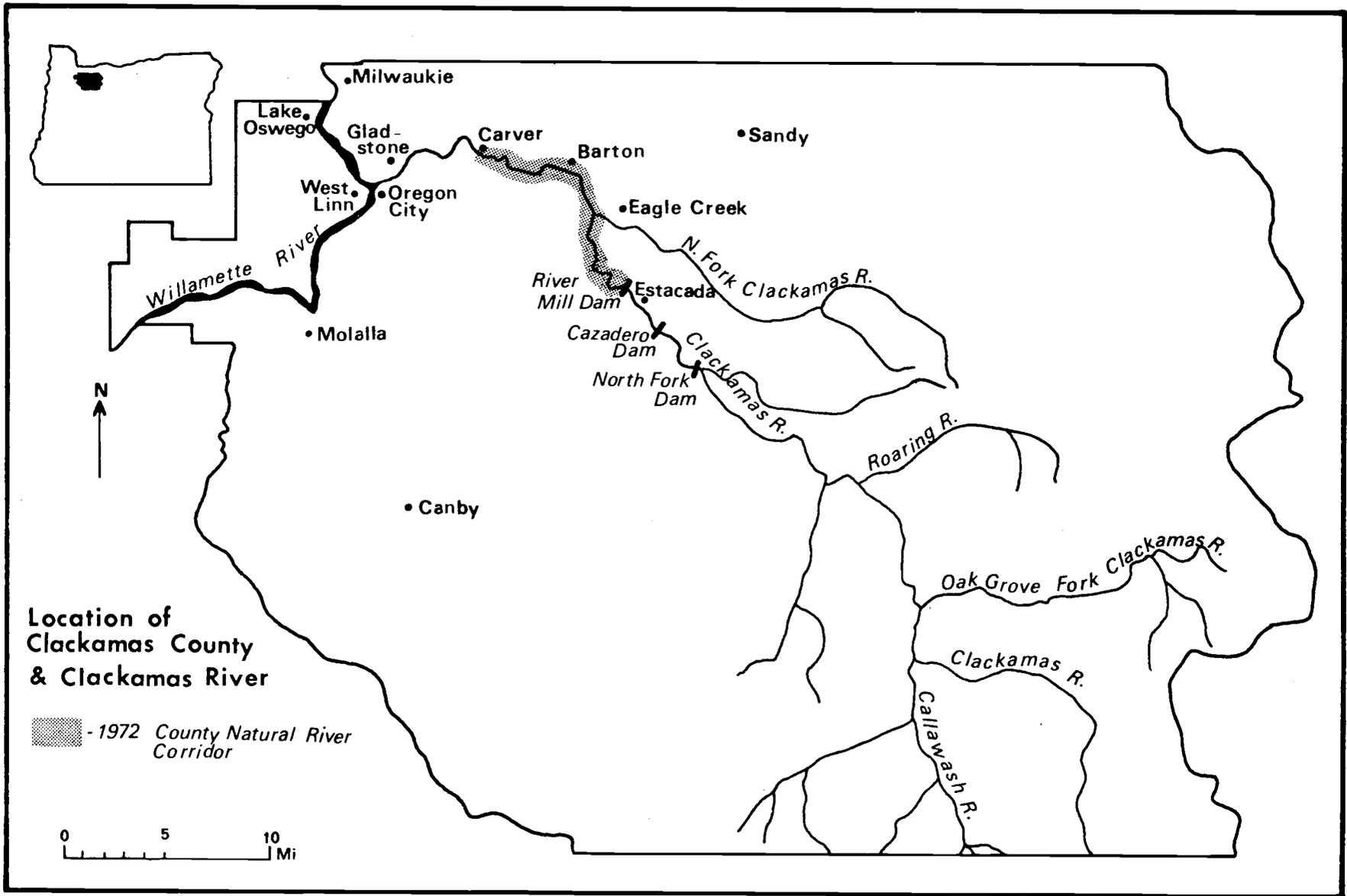


FIGURE 1.

protect the natural character of the river. The group decided to present the basic concept to as many individuals and groups as possible, and to request their suggestions and support for the idea. Of particular importance to the effort was quick acceptance by many of the people living within the area which would be affected by the proposal. They apparently valued the opportunity to have a voice in determining their own life style.¹¹ As more and more local people found that their ideas were being listened to, suggestions and compromise began to give form and support to the idea.

An issue on which the growing group of supporters was unwilling to compromise involved the gravel extraction industry along the river. This industrial activity was, in their view, incompatible with surrounding uses, and represented a threat to water quality.¹² The down-river cities of Gladstone, Milwaukie, and Oregon City were particularly favorable to restriction of this activity since it threatened their ability to draw municipal water from the Clackamas without costly filtration.¹³ Opposition from the gravel operators and the Associated Oregon Industries was unable to modify support for restriction of this industry within the river corridor.

When it appeared that the idea had enough support to warrant further action, it was drawn in the form of an ordinance (Appendix I), and circulated with a petition to place it on the 1972 general election ballot.¹⁴ At issue was the establishment of a "Natural River Corridor"

on 15.4 miles of the Clackamas River between Carver and Estacada (Figure 1). The purpose of the measure, as it appeared on the petition, was to:

enact a Clackamas County Ordinance Creating land use restrictions to an area of land lying generally adjacent to both sides of the Clackamas River between Carver, Oregon and Estacada, Oregon: restricts land uses to residential, farm, outdoor-recreational; restricts roads, railroads, utilities, logging, water impoundment; prohibits condominiums, apartments, trailer parks, gravel pit operations, water pollution; gives Clackamas County limited condemnation authority; protects birds and animals considered "Endangered Species"; provides for procedural enforcement.¹⁵ (emphasis added)

While signatures were being gathered, the Assistant Secretary of State, Jack Thompson, requested an opinion from the State Attorney General regarding the legal basis for this type of popular initiative in Clackamas County.¹⁶ Attorney General Lee Johnson responded that:

After careful review of the measure, we conclude that it would probably be held beyond the power of the voters of Clackamas County to adopt, and if adopted, would be void. Clackamas County is not a "home rule" county, and it was held in 88 Op. Att'y Gen. 481 (1968) that the voters of a non-home rule county have no authority to enact an initiative measure in the absence of an express grant to the county governing body, or the voters of the county to legislate on the particular subject.¹⁷

The opinion concluded that the measure should nevertheless be allowed to appear on the ballot, since the legality of the measure should not prevent giving the voters an opportunity to express their views on the issue. The necessary 3295 signatures (6% of the county vote for governor in the previous election) were collected, and the initiative became County Ballot Measure #10, the Natural Rivers Measure.

Due to the legal technicalities mentioned by the Attorney General, the Natural Rivers Measure was nullified in 1975. The same stretch of the Clackamas is now managed by the State Parks Branch as a State Scenic River under ORS. 390.805 to 390.925.

Repeal of Senate Bill 100

SB 100, enacted in 1973, established the Land Conservation and Development Commission. The Commission was given authority to develop a series of statewide land use planning goals, and to administer county and city compliance with the program.

Legislative support for the program varied regionally on the vote to pass SB 100, as well as on SB 5536, the budget bill for the LCDC approved in 1975. Legislators from the densely populated Willamette Valley strongly supported both bills, while those from all other regions of the state either generally or strongly opposed them.¹⁸

In 1976, a petition drive was successful in bringing the question of state mandated land use planning to a vote of the people. Results of this election corresponded roughly to the regional patterns of legislative voting described above. The Willamette Valley counties approved of SB 100 by a 62 to 38 percent margin. Coastal counties were 60 percent against SB 100, while Southern Oregon was 56 percent against. Eastern Oregon approved of the state program by a 52 to 48 margin. Statewide,

the repeal effort was unsuccessful, with voters approving of SB 100 by 526,680 to 393,996.¹⁹

It is worth noting that Clackamas County had the lowest approval margin of all Willamette Valley counties with a vote of 54 percent in favor of SB 100 to 46 percent opposed.²⁰

METHODOLOGY

Purpose

The purpose of this study is to test the hypothesis that: The state-wide pattern of urban-suburban support for, and rural opposition to land use regulation issues is operative at the local level in Clackamas County.

Study objectives related to this purpose are to determine if results of a) the 1972 County Natural Rivers Measure vote, or b) the 1976 vote to repeal SB 100 (state mandated land use planning) support the hypothesis.

Information Acquisition

Precinct level voting statistics were obtained from the Clackamas County Elections Division for the 1972 Natural Rivers Measure, and for the 1976 vote to repeal SB 100. The data consisted of: a) number of registered voters, b) number of registered republicans and democrats, c) number of votes favorable to land use regulation, d) precinct maps for the 1976 vote (precinct maps for the 1972 vote were not available).

Additional information obtained directly from the raw data for each precinct was: a) percent favorable vote based on total votes cast on the measure, b) percent of republicans and democrats in excess of the county averages for republicans and democrats, i. e., a precinct with

51 percent republicans would receive a +11 because the county average is 40 percent republicans, c) reconstruction of the 1972 precinct boundaries, d) density of registered voters by precinct (registered voters divided by square miles in the precinct) as an indicator of population density.

Finally, precincts were classified into urban-suburban, transitional, and rural categories which corresponded to the population pattern of the county. The great preponderance of urban population density precincts are clustered in the northwest corner of the county (Figure 2). Moving away from this concentration, the registered voter density falls rapidly from greater than 1,000 to less than 100 per square mile. The exceptions to this are the small towns located outside of the Oregon City-Milwaukie area. These towns, Estacada, Sandy, Molalla, and Canby, while having relatively high registered voter densities, have a definitely small town "rural" atmosphere when compared to the cities in the northwest corner of the county. Hence, their perceptions of environmental issues would be expected to conform closely to those of the rural areas surrounding them. Any urban-suburban versus rural voting pattern would, therefore, be less correlated to density alone than to a combination of density and location.

These location classifications were made by delimiting contiguous precincts with voter density in excess of 1,000 per square mile. Precincts which had densities greater than 1,000, but which were outside of

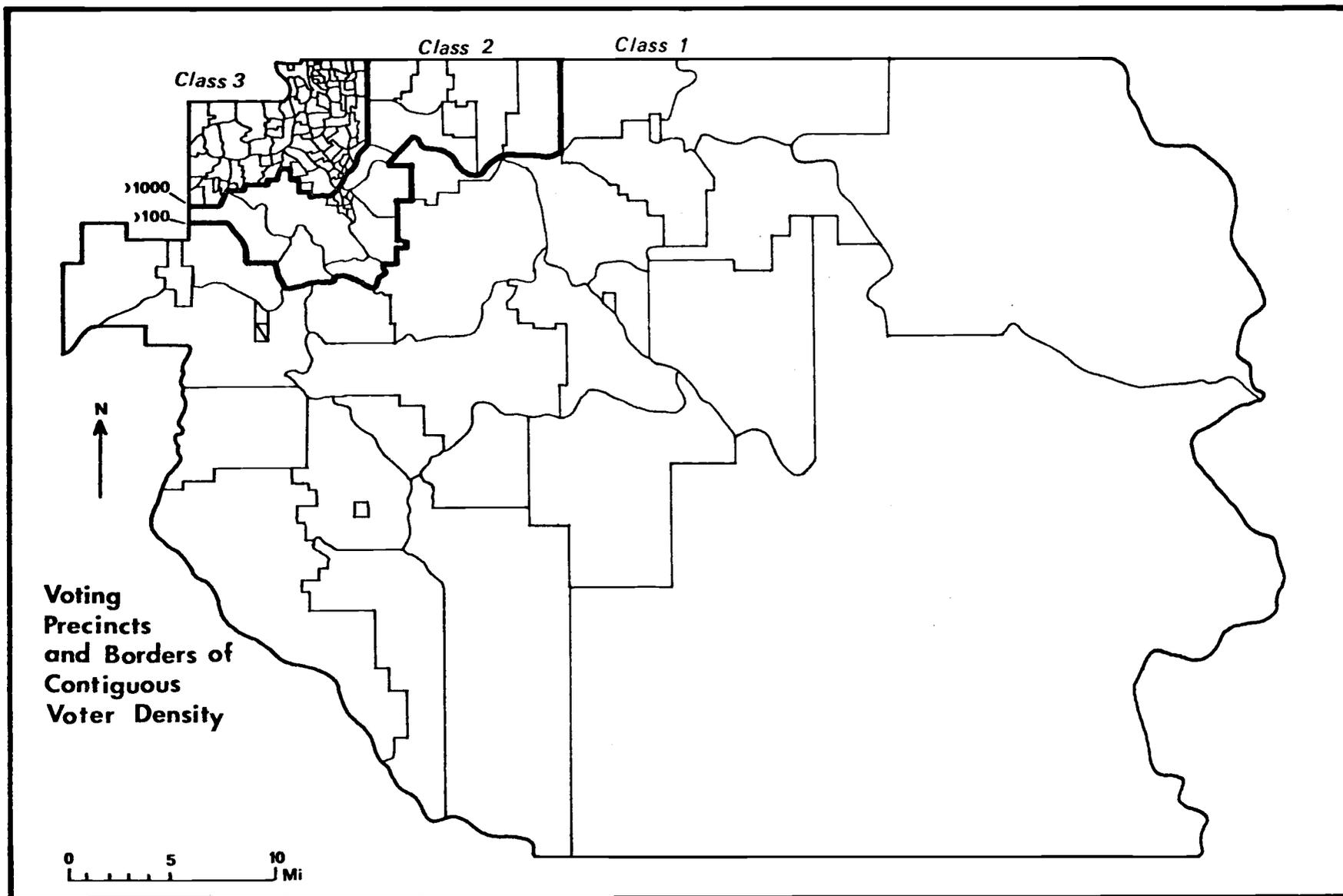


FIGURE 2.

the line bounding contiguous precincts with this density were thus placed in one of the other Location Classes. This area of highest density became Location Class 3, urban-suburban. The name urban-suburban is used to indicate that this area is an urban area in its own right, with cities like Oregon City and Milwaukie, and also contains suburbs of Portland with a large array of suburban residential sections. The entire area can, however be distinguished from the rest of the county by its overall high population density.

Precincts which fell outside of the Location Class 3 area, but which were inside of the line delimiting contiguous precincts with voter density in excess of 100 per square mile became Location Class 2, transitional. This generally suburban area contains low or medium density residential developments with occasional concentrations of settlement or commercial activity. Due to the presence of two precincts with densities under 1,000 in the northern section of Oregon City, several high density precincts in the southern section of the city were also included in Location Class 2.

All precincts outside of the line bounding Location Class 2 were placed in Location Class 1, rural. Thus, for purposes of analysis, the small towns of high density were associated with the surrounding area of very low density. These boundaries were drawn for both 1972 and 1976 precincts. Figure 2 shows the Location Class boundaries for the 1976 vote. There was only minimal variation between this pattern

and the one developed for the 1972 vote.

To provide a basis for interpretation of the above data, information regarding the social and economic characteristics of the county, and the political and administrative events leading to the 1972 Natural Rivers Measure was investigated. Major sources of such information included newspapers, census statistics, and interviews with Clackamas County Planners, and with Wade Newbegin Jr., chief sponsor of the Natural Rivers Measure.

Data Analysis

Analysis consisted of a series of statistical treatments available in the Statistical Package for the Social Science, SPSS,²¹ available through the Oregon State University Computer Center. The analysis effort was directed at determining the influence of a series of independent variables on the dependent variable: percent of vote favorable to land use regulation.

The independent variables chosen were; a) registered voter density per square mile, b) locational class, 1 = rural, 2 = transitional, 3 = urban, c) percent registered republicans in excess of county average for republicans, d) percent registered democrats in excess of county average for democrats. This information was filed for each of the 136 precincts in 1972 and the 175 precincts in 1976. The increased number of precincts resulted from population growth, and subsequent

divisions of precincts to keep their populations at desired levels.

Preliminary analysis consisted of an F test for overall significance of the independent variables, and an R^2 statistic for determination of the percent of variability resulting from all independent variables. These statistics were computed for each of the ballot measures independently.

If the obtained overall F was below the requisite tabular value, or the combined R^2 was less than 0.4, it would indicate that the combined effect of voter density, locational class, and party affiliation did not exert a significant influence on the percent of vote favorable to environmental regulation. If this were the case, the hypothesized distinction between urban-suburban and rural perception of environmental issues could not be accepted.

Secondary analysis involved the separation of the four independent variables to determine which, if any, did not exert a significant influence on the dependent variable. The purpose of this process was to develop the simplest model which would account for the greatest amount of variability. Correlation coefficients were computed for all pairings of the dependent variable with the independent variables. Those pairings resulting in the highest correlation coefficients were selected for further analysis.

For any variables selected for further analysis on the basis of their coefficients, R^2 values would be computed for the individual relationships between those variables and the independent variable.

Additional statistical procedures involving computation of secondary relationships such as that between locational class and party affiliation were run to aid in interpretation of the primary relationships.

RESULTS

As shown in Figure 3, the 1972 Natural Rivers measure received a much higher level of support than did SB 100 in 1976. County wide, 79.4 percent of those voting favored the rivers measure, while 54.2 percent favored SB 100. However, this 25 percent drop in support was not divided evenly among the three locational classes (Figure 4). Class 3, the northwest urban area had a drop of 21.2 percent (83.5% to 62.3%). Class 2, the transitional band, had a 25.9 percent drop, (79.2% to 53.3%). Class 1, the rural area, had a 31.4 percent drop from 71.8 percent to 40.4 percent. Only four of these rural precincts gave greater than 50 percent approval to SB 100, while all of them approved the rivers measure (Figure 4).

Variables in Combination

An F test was used to determine if the selected variables of voter density, locational class, and party affiliation exerted a significant influence on the percent of favorable vote in each election. For 1972, the tabular F required for significance at Alpha = .01 was 3.44. The experimental F obtained in this test was 67.25. For the 1976 vote, the tabular F required at Alpha = .01 was 3.42. The experimental F obtained in this test was 117.25. The conclusion in both cases was that there was less than .0006 percent chance that the four independent

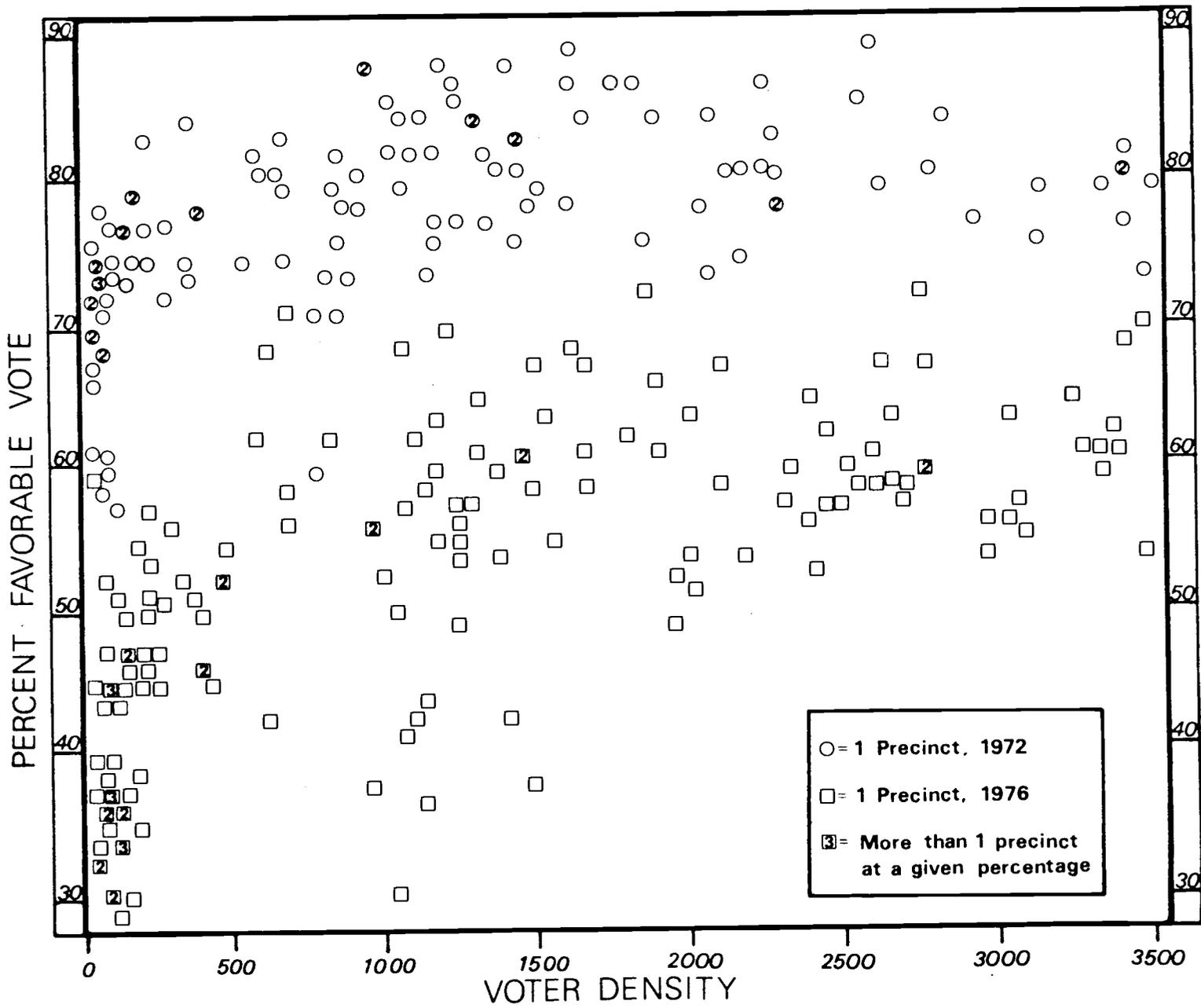


FIGURE 3. Percent Favorable Vote by Precinct Plotted Against Voter Density.

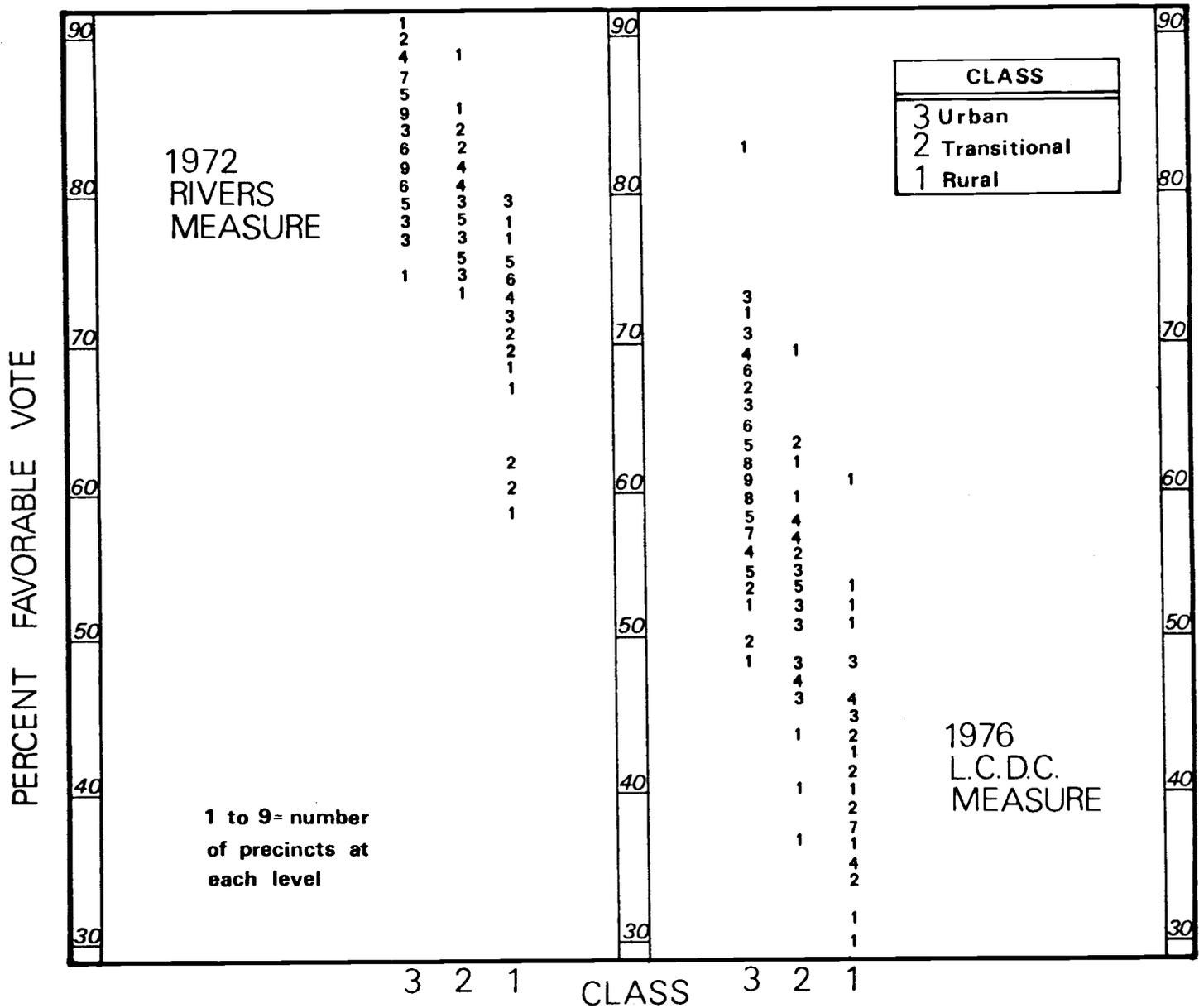


FIGURE 4. Percent Favorable Vote by Precinct Plotted Against Location Class.

variables had no significant influence on the dependent variable.

It was then necessary to determine how much of the variability in the dependent variables was attributable to the chosen independent variables. R^2 was computed for the combined effects of the independent variables. In 1972, the combined R^2 value was .672. This indicates that 67.2 percent of the total variation in the 1972 vote was accounted for by the chosen variables. In 1976, an R^2 of .733 was obtained, indicating that the independent variables accounted for 73.3 percent of the variability in the vote on SB 100.

Separation of Variables

Having established that the selected variables did indeed play an important role in determining the variability of the dependent variable, it was then necessary to select the most important variable or variables from among those tested in the preliminary analysis. Correlation coefficients were computed for all pairings of percent favorable vote with the independent variables. Table I lists the coefficients for each of these combinations for each election. A correlation coefficient of greater than .70 is considered to be a high correlation, a marked relationship. A coefficient between .40 and .69 is considered to be a moderate correlation with substantial relationship.²²

To confirm indications that location class was the strongest determinant of favorable vote, voter density and location class were

placed in separate regressions with percent favorable vote. As predicted by the correlation coefficients, location class accounted for a greater share of the variability. In 1972, location class had an R^2 of .553 (55.3% of all variability). Voter density had an R^2 of .186. In 1976, location class accounted for 66.7 percent of the variability ($R^2 = .667$), while voter density accounted for 34.6 percent ($R^2 = .346$).

TABLE I. CORRELATION COEFFICIENTS FOR PERCENT FAVORABLE VOTE v. ALL INDEPENDENT VARIABLES.

	1972	1976
Voter Density	.432	.588
Location Class	.744	.816
+ % Republican	.483	.434
+ % Democrat	-.492	-.376

DISCUSSION

Muckleston, Maresh, and Mukerrji allude to the commonly held belief that republicans tend to be more committed to individual freedom than do democrats, and therefore tend to more frequently oppose governmental interference in private affairs than do their democratic counterparts.²³ In Clackamas County, however, moderate strength correlation coefficients of .483 and .434 were obtained for 1972 and 1976 respectively when percent favorable vote was correlated with percent republican affiliation in excess of the county average for republican registration (Table I). Moderate strength negative correlations were obtained in the same test with democratic affiliation. Stated simply, republicans tended to support these land use measures, and democrats tended to oppose them.

Further investigation of party affiliation disclosed that Location Class 3, the urban-suburban area contained 2.8 percent more republicans than the county average for 1972 and 1976. The largely suburban Class 2, and the rural Class 3 averaged 2.2 and 2.4 percent more democrats respectively (Table II). This appears to contradict another common belief that urban areas tend to be democratic, and rural areas tend toward republicanism.²⁴

Voter density per square mile in each precinct also yielded moderate strength positive correlation coefficients of .432 for 1972, and .388 for 1976 (Table I). These results support the findings by Harris,

TABLE II. ANALYSIS OF FOUR VARIABLES BY LOCATION CLASS.

RIVERS MEASURE					SB 100				
	% IN FAVOR	% AGAINST	% REPUBLICAN	% DEMOCRAT		% IN FAVOR	% AGAINST	% REPUBLICAN	% DEMOCRAT
CLASS 3, URBAN					CLASS 3, URBAN				
Mean	83.5	16.5	+2.8	-3.0	Mean	62.3	37.7	+2.7	-1.8
St. Dev.	3.8	3.8	12.2	12.4	St. Dev.	6.0	6.0	11.5	12.0
CLASS 2, TRANSITION					CLASS 2, TRANSITION				
Mean	79.2	20.8	-1.9	+2.0	Mean	53.3	46.7	-2.5	+3.4
St. Dev.	3.5	3.6	8.1	8.3	St. Dev.	6.3	6.5	7.5	7.6
CLASS 1, RURAL					CLASS 1, RURAL				
Mean	71.8	28.2	-2.2	+2.0	Mean	40.4	59.6	-2.6	+1.9
St. Dev.	5.7	5.7	6.4	6.6	St. Dev.	7.2	7.2	6.3	5.9
COUNTY TOTAL					COUNTY TOTAL				
Mean	79.4	20.6	+0.4	-0.5	Mean	54.2	45.8	0.0	+0.4
St. Dev.	6.5	6.5	10.3	20.3	St. Dev.	11.2	11.2	9.7	9.9

Muckleston, and Greaves, that residents in areas of high population density tend to favor environmental regulation, while the opposite is true for residents in areas of low population density.

The higher correlation coefficients of .714 and .816 do, however, demonstrate that in this case, location in the gradient from urban to rural as expressed by Location Class assignment was the variable most highly correlated with support for land use regulation.

If one assumes that elected representatives tend to reflect the views of their constituents, the urban-suburban versus rural pattern is supported by voting records of legislators representing various parts of Clackamas County. There are seven state representative districts contained totally or partially in the county (Figure 5). Districts 24, 25, 26, 27, correspond roughly to the areas included in Location Classes 2 and 3. Representatives from these districts, during the 1973, 1975, and 1977 sessions of the Oregon Legislature, averaged 63 percent in favor of all environmentally oriented bills.²⁵

Although Clackamas County constitutes only portions of districts 28, 55, and 56, some assumptions concerning popular opinion and legislative representation would seem warranted. Representatives from these districts, which correspond roughly to Location Class 1, averaged only 29 percent in favor of the environmentally oriented bills in the last three sessions of the Oregon Legislature (Table III).²⁶

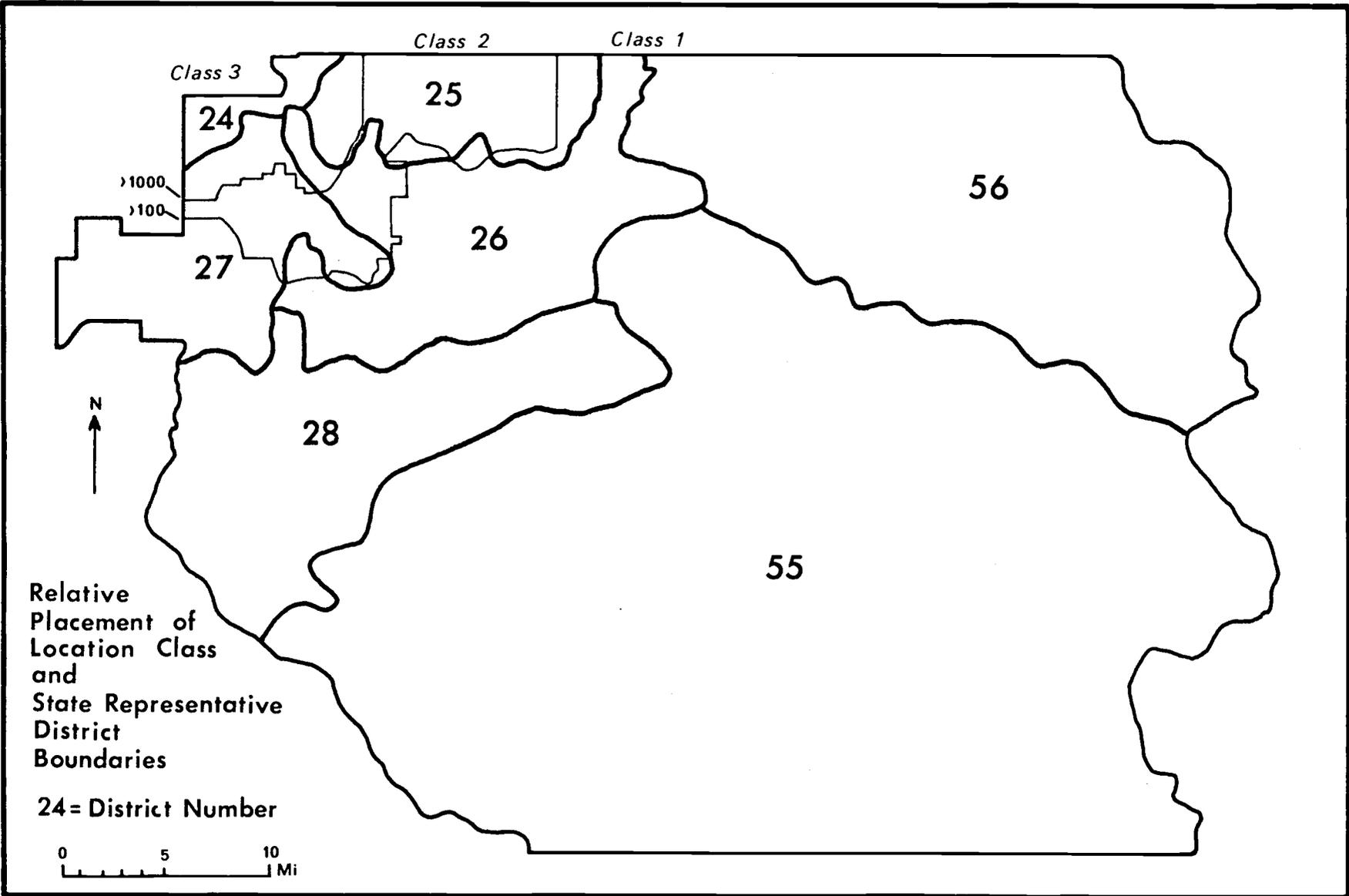


FIGURE 5.

TABLE III. PERCENT "ENVIRONMENTAL" VOTE BY STATE REPRESENTATIVES.

General Location Class	DISTRICT NUMBER	1973 SESSION	1975 SESSION	1977 SESSION	3 YEAR AVERAGE
2 & 3	24	52	20	69	47
	25	43	33	60	45
	26	88	57	84	76
	27	92	83	76	83
1	28	14	18	43	25
	55	24	4	44	24
	56	9	17	90	38

CONCLUSION

It is concluded that there is sufficient evidence to allow acceptance of the hypothesized distinction between urban-suburban and rural perceptions of land use regulation issues in Clackamas County. This acceptance is based on several factors discussed below.

The urban-suburban area, Location Class 3, averaged 72.9 percent in favor of both land use related issues. Class 2 was 6.6 percent below Class 3 at 66.3 percent favorable. Class 1, rural, was 16.8 percent below Class 3 at 56.0 percent favorable. The percent change for Class 1 between 1972 and 1976 is also noteworthy. The rural area had a 31.4 percent drop to an average of only 40.4 percent in favor of SB 100 and state wide land use planning (Table II). The result of this drop was that only four rural precincts voted to retain SB 100 (Figure 4).

Acceptance of the hypothesis must, however, account for the fact that while the rural sector was less favorable to the Rivers Measure than were Classes 2 and 3, their vote did constitute an overwhelming show of support for the measure. To understand this seeming contradiction, social and economic characteristics of Clackamas County must be considered.

Clackamas County is second only to Washington County in terms of social and economic affluence. The importance of this situation to approval of the Natural Rivers Measure is most aptly portrayed through references to the agricultural sector of the county's economic and social

activity. Fifty percent of the county's 2,440 farms²⁷ are operated by "gentlemen farmers". On the average, these people own approximately 15 acres of land, do less than \$1,500 worth of farm related business annually, and spend more than 200 days per year at a job other than farming.²⁸ Since the "farm" brings in only the amount of money needed to pay taxes on the land (a 15 acre farm in most areas of the county pays approximately \$1,100 taxes per year on the farm land alone),²⁹ it is reasonable to assume that these people have another source of income to support their "rural" life style. These incomes are provided by job opportunities in Multnomah County, northeast Washington County, and northwest Clackamas County, which make up the greater Portland Metropolitan area. It is noteworthy that 49.9 percent of the county's wage earners derive incomes from jobs outside the county.³⁰

All of this relates to acceptance of the Natural Rivers Measure by the rural area in that virtually all of the Measure's provisions were intended to produce or preserve the life style which these people came to enjoy. In its "natural" state, the Clackamas River provides an invaluable portion of the aesthetic and recreational opportunities valued by the wealthy as well as the not-so-wealthy residents of the county.

Another factor relating to approval of the Rivers Measure, while still allowing for acceptance of the urban-suburban versus rural pattern, is that a great share of the privately owned land within the corridor to be affected by the measure was single family residential. It has often

been noted that the most popular use of zoning is to protect property values in, and the character of, the single family residential neighborhood.³¹ Pages 38 and 39 of Appendix I, the text of the Natural Rivers Ordinance, reveal that this was the result, if not the stated purpose, of almost all of the land use restrictions contained in the proposal. Stated another way, the land use restrictions in the Natural Rivers Measure constituted a classic property value protection measure, which has traditionally been supported by the neighborhood being protected.³²

A factor leading to acceptance by affected commercial farmers, as distinguished from the gentlemen farmers, is that the measure did not prohibit sale of agricultural land for residential development provided the development was compatible with the "natural character" of the river. This allowed controls on development without severely restricting the farmers' financial options.

For these reasons, many of the land owners within the proposed corridor became vocal supporters of the measure. This led to the view in other rural areas that if the affected rural land owners supported the proposal, then they would also.³³

This leads to a final, and very important consideration. The Natural Rivers Measure was a local effort, it was conceived, developed, and supported by affected land owners and other county residents. They did not develop a completed plan, and use covert political string pulling to get it enacted. Instead, they formulated a basic idea and worked

with their fellow citizens to develop it into a socially acceptable program. When controversy arose, as it did with a group of power boaters and motor launch guides, compromise and not obstinance ruled the discussions. In the case of the power boating interests, a new group called the White Water Boaters was formed. Its objective was to provide an agent for self-policing to protect the river and maintain good will. This open approach by the original sponsors of the Rivers Measure undoubtedly aided the cause of its passage.

SUMMARY

Based on analysis of voting patterns on two land use measures, the hypothesized distinction between urban-suburban and rural perceptions of land use restriction in Clackamas County is supported. Acceptance of the 1972 County Natural Rivers Measure is taken to be an exception to the general opposition of rural Clackamas County to land use regulation, particularly that instigated and controlled at higher levels of government. It is concluded that this exception is due to three main factors. First, Clackamas County is extremely high on the socio-economic scale of Oregon counties. This results in elite rural "neighborhoods" which supported the Clackamas Natural River because of its property value protection, as well as for its aesthetic and recreational aspects.

Second, support from many affected land owners created an atmosphere in which a large majority of other rural land owners felt comfortable about voting for the measure. These other rural land owners also valued the aesthetic and recreational values of the river, and supported the measure on these grounds as well.

Third, this measure was conceived, developed, and implemented at the local level. Criticisms of more government, or of loss of local control were out of place. It is suggested that this type of action would have had much less support had it been put into law in Salem, and handed down to the people of rural Clackamas County.

FOOTNOTES

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APPENDIX I

AN ORDINANCE

Be It Enacted By The People Of The County Of Clackamas, State Of Oregon.

SECTION 1: The people of Clackamas County find the Clackamas River and lands adjacent thereto possess outstanding scenic, fish, wildlife, geological, botanical, historic, archaeologic and outdoor recreational values of present and future benefit to the public. It is the policy of the people of Clackamas County and the purpose of this Ordinance to preserve, maintain and protect the following areas for the benefit of the public.

BOUNDARY DESCRIPTION

Beginning at a point 300 yards easterly from settlement of Carver, being within the Carver to Estacada Highway; thence due south crossing Clackamas River to Carver to Springwater Rd. , Market Rd. 28; thence easterly to said road to 1.2 miles to "Y" junction with Bakers Ferry Rd. 514; thence easterly and southerly along road 514 about 2.7 miles to the junction with County Road 750, being about 0.7 miles southwest of the Barton Bridge; thence easterly and southerly along road 750, the Eadon Rd. about 2 miles, to the southeast corner of the Isaac M. Foster D. L. C. ; thence south and southwesterly along said Eadon Rd. about 1.8 miles to the junction with the Springwater Rd. near the Harding Grange; thence southeast along said Springwater Rd. "Market Rd. 28" about 5 miles to the junction with County Road 1102 "Hayden Rd. "; thence northeasterly along a direct line crossing the Clackamas River at the River Mill Dam and continuing along the projection of said line to the

Portland Railway Light & Power Co. railroad right-of-way, thence northerly along said right-of-way to the crossing with Heiple Rd. 363; thence easterly to the Carver to Estacada Highway; thence northwesterly along said highway to junction of County Road 1578 being about 0.5 miles southerly from the settlement of Eagle Creek; thence southwesterly along Road 1578 to the Portland Railway Light & Power Co. Railroad right-of-way previously mentioned; then northwesterly along said right-of-way about 2.2 miles to lane known as Sewell Rd.; thence northeasterly along O'Dell Rd. to the Carver to Estacada Highway; thence northwesterly along said highway about 0.6 miles to intersection of northwesterly with the Thomas H. Forrester D. L. C.; thence southwest along D. L. C. line to the previously mentioned railroad right-of-way; thence northwesterly along said right-of-way to the Carver to Estacada Highway at settlement of Barton; thence northwest along said highway about 5 miles to the place of beginning.

SECTION 2: As used in this ordinance, unless the context requires otherwise:

- (1) "Board" means the Board of County Commissioners of Clackamas County,
- (2) "Natural River Area" means that portion of the Clackamas River and related adjacent land upstream and commencing from a point 300 yards above the bridge at Carver,
- (3) "Related adjacent land" means all land within:

Beginning at a point 300 yards easterly from settlement of Carver, being within the Carver to Estacada Highway, thence due south crossing Clackamas River to Carver to Springwater Rd., Market Rd. 28; thence easterly to said road to 1.2 miles to "Y" junction with Bakers Ferry Rd. 514; thence easterly and southerly along Road 514 about 2.7 miles to the junction with County Road 750, being about 0.7 miles southwest of the Barton Bridge; thence easterly and southerly along Road 750, the

Eadon Rd. , about 2 miles, to the southeast corner of the Isaac M. Foster D. L. C. ; thence south and southwesterly along said Eadon Rd. about 1.8 miles to the junction with the Springwater Rd. near the Harding Grange; thence southeast along said Springwater Rd. "Market Rd. 28" about 5 miles to the junction with County Road 1102 "Hayden Rd. "; thence northeasterly along a direct line crossing the Clackamas River at the River Mill Dam and continuing along the projection of said line to the Portland Railway Light & Power Co. railroad right-of-way; thence northerly along said right-of-way to the crossing with Heiple Rd. 363; thence easterly to the Carver to Estacada Highway; thence northwesterly along said highway to junction of County Road 1578 being about 0.5 miles southerly from the settlement of Eagle Creek; thence southwesterly along Road 1578 to the Portland Railway Light & Power Co. railroad right-of-way previously mentioned; thence northwesterly along said right-of-way about 2.2 miles to land known as O'Dell Rd. ; thence northeasterly along O'Dell Rd. to the Carver to Estacada Highway; thence northwesterly along said highway about 0.6 miles to intersection of northwesterly with the Thomas H. Forrester D. L. C. ; thence southwest along D. L. C. line to the previously mentioned railroad right-of-way; thence northwesterly along said right-of-way to the Carver to Estacada Highway at settlement of Barton; thence northwest along said highway about 5 miles to the place of beginning.

(4) "Scenic Easement" means the right to control the use of related adjacent land, including air space above such land, for the purpose of protecting the scenic view from waters within the Natural River Area; but such control does not affect, without the owner's consent, any established use exercised prior to the acquisition of the easement, and the landowner retains the right to uses of the land not specifically restricted by the easement. ORS 271.750 does not apply to any acquisition of such a scenic easement under the ordinance.

(5) "Endangered Species" means any type or species of bird or animal which is in peril or under threat of extinction.

SECTION 3: (1) Subject to subsection (12) of ORS 536.310, it is declared that the highest and best uses of the waters within the Natural River Area are recreation, fish and wildlife uses. No dam, reservoir, revetment or other water impoundment facility shall be constructed in waters within the Natural River Area except that present revetments existing for purposes of flood control may be maintained and expanded as deemed necessary for that purpose by the U. S. Corps of Engineers and approved by the Board. No water diversion facility shall be constructed on such waters except as necessary to uses designated in subsection (12) of ORS 536.310 submerged and submersible lands, including annual flood land and gravel bars within the average annual high water mark, and islands within the Natural River Area shall not be modified by placering, diking, dredging or any other means.

(2) Nothing in this ordinance affects the authority of the Fish Commission of the State of Oregon and the State Game Commission to construct facilities or make improvements to facilitate the passage or propagation of fish or to exercise other responsibilities in managing fish and wildlife resources. Nothing in this ordinance affects the authority of the State Engineer to construct and maintain stream gauge stations and other facilities related to his duties in administration of the water laws.

--County authority: Usurping or overlapping functions--

(3) The Board shall enforce and administer the provisions of this section in the manner outlined in section 4 (2) of this ordinance.

SECTION 4: It is the purpose of this ordinance that primary emphasis shall be given to protecting the aesthetic, scenic, fish and wildlife, and recreational features of the Natural River Area. In furtherance of this purpose, it is declared that development and uses of related adjacent land within the Scenic River Area shall be restricted to those uses

which are residential, farm - use or outdoor - recreational in nature only. It is further provided that:

(a) No roads, railroads or utilities shall be constructed within the Natural River Area or commercial logging conducted except where necessary to serve the permissible uses. (Reforestation projects and tree farms are permissible uses but must conform to the Timber Practices Act (revised 1972) and the Clackamas County Flood Plain Ordinance) as defined in this section, of the related adjacent land or unless the Board's approval of such use is obtained as provided in subsection (2) of this section. All permissible roads and utilities shall be located in such a manner as to minimize the disturbance of the natural beauty of the Natural River Area;

(b) No condominiums, apartments, trailer parks, or mobile home parks shall be erected or placed within the Natural River Area;

(c) Gravel pit and related operations which exist and operate within the Natural River Area at the time of this enactment shall cease such operations within three years of the effective date of this enactment;

(d) Occupants of related adjacent land shall not pollute the waters within the Natural River Area, consistent with DEQ standards;

(e) No commercial or industrial structures or buildings (other than structures or building erected in conformity with prior existing use) shall be erected or placed on related adjacent land. All structures and buildings erected or placed on such land shall be in harmony with the natural beauty of the Natural River Area and shall be placed a sufficient distance from other structures or buildings so as not to impair substantially such natural beauty. No signs or other forms of outdoor advertising that are visible from waters within the Natural River Area shall be constructed or maintained;

(f) No person shall use related adjacent land that violates this ordinance or to uses which the land was not being used before the effective date of this ordinance. The owner may, however, act in

emergencies without the notice required by this ordinance when necessary in the interests of public safety.

(2) The Board shall be charged with the administration of the Natural River Area and shall adopt such rules and regulations as are necessary for the protection or enhancement of the values listed in subsection (1) of this section. The Board shall authorize developments and uses of the Natural River Area and adjacent land not inconsistent with section 4 (1) (under the terms of this ordinance) in the following manner:

(a) Upon receipt of written notice provided in subsection (1) (e), the Board shall publish and display in a public place, copies of both said notice and said description:

(b) The Board shall require an environmental impact statement.

(c) The Board shall arrange to be held and shall hold, not less than 30 days after its publication of the documents described in subsection (2) (a) of this section, public hearings in which the board shall determine whether in its judgment the proposed use would impair substantially the natural beauty or ecological balance of any segment of the Natural River Area;

(d) If the Board determines in such hearings that the proposal, if put into effect, would not impair substantially the natural beauty or ecological balance of the Natural River Area, the Board shall notify in writing the owner of the related adjacent land that he may immediately proceed with the proposed use as described to the Board. If the Board determines in such hearings that the proposal, if put into effect, would impair substantially the scenic/natural beauty of ecological balances of the Natural River Area, the Board shall notify in writing the owner of the related adjacent land of such determination and no steps shall be taken to carry out such proposal.

(3) (a) The Board may institute condemnation proceedings and by condemnation acquire such related adjacent land;

(i) At any time subsequent to 1 year after the receipt of notice of a proposal for the use of such land that the Board determines would, if carried out, impair substantially the (scenic/natural) beauty or ecological balance of a Natural River Area unless the owner shall have notified the Board of the abandonment of such proposal; or

(ii) At any time related adjacent land is used in a manner violating this ordinance or the rules and regulations of the Board pursuant to subsection (2) of this section; or

(iii) At any time related adjacent land is used in a manner which, in the judgment of the Board, impairs substantially the (scenic/natural) beauty of the Natural River Area, if there is not in effect Board approval of such use pursuant to subsection (2) of this section.

(b) In such condemnation the owner of the land shall not receive any award for the value of any structure, utility, road or other improvement constructed or erected upon the land after the effective date of this ordinance unless the Board has received written notice of such proposed structure, utility, road or other improvement at least 60 days prior to commencement of construction or erection of such structure, utility, road or other improvement (or/and) unless the Board has given approval for such improvement under subsection (2) of this section. When the Board acquires any related adjacent land that is located between a river and other land that is owned by a person having the right to the beneficial use of waters in the river by virtue of his ownership of the other land;

(i) The right to the beneficial use of such waters shall not be affected by such condemnation; and

(ii) The owner of the other land shall retain the right of access to the river necessary to use, store or divert such waters as he has a right to use under applicable Oregon law, consistent with concurrent use of the land so condemned as a part of the Natural River Area.

(c) Any owner of related adjacent land, upon written request to the

Board shall be provided copies of rules and regulations adopted by the Board pursuant to this ordinance.

(d) The Board shall furnish to any member of the public upon his written request and at his expense a copy of any notice and description filed pursuant to subsection (1) of this section.

SECTION 5: (1) It is declared that in accordance with the purposes enumerated in section 4, subsection (1), certain types of animals and birds shall be protected. The following species of birds and animals shall not be hunted, killed, trapped or otherwise endangered;

(a) Osprey, eagles and hawks.

(b) All animals and birds which are considered to be "endangered species".

(2) The birds and animals included above shall be protected until a determination is made by the Board, at the request of any interested party, member of the public, or upon its own initiative, that one or several species of bird or animal or any of them substantially threaten the public health or safety, the ecological balance of the Scenic River Area, or constitute a public or private nuisance. In the event that the Board makes such determination, it shall after consultation with the State Game Commission . . . (et al.), provide for such correctional measures as it considers to be proper.

(3) The Board shall adopt and enforce such regulations as are necessary to achieve the purpose of this section.

SECTION 6: The Board is vested with the power to obtain injunctions and other appropriate relief against violations of any provisions of this ordinance and any rules, regulations and fines adopted under this ordinance.

If any provision or paragraph is found to be unconstitutional by court of common jurisdiction it shall not affect the remainder of the document.