


AN ABSTRACT OF THE THESIS OF

Webb Sterling Bauer for the degree of Doctor of Philosophy  
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Title: A Case Analysis of Oregon's Willamette River Greenway  
Program

Abstract approved: \_\_\_\_\_

  
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The Willamette River Greenway Program was created by an act of the Oregon Legislature in 1968 and modified by a second act in 1973. The purpose of the program was to protect the natural environment of the river from approximately the foot of the Cascade Range near Eugene, north to the Columbia River confluence, a river distance of 204 miles; while opening up additional parts of the river environment for outdoor recreation use.

From its inception the Willamette River Greenway Program was immersed in controversy. Rural property owners along the river objected to the program chiefly on account of its provision for public outdoor recreation. Urban dwellers tended to support the goals of the program. However, even in their case objections were raised regarding limitations on industrial development and urban expansion along the river.

This thesis examines the Willamette River Greenway Program from the middle 1960s, when the idea for a greenway was first proposed, through December 31, 1978.

Specific questions addressed by this thesis are (1) How and why did the program develop as it did? (2) What were the major issues? How were these issues resolved? (3) Who were the principal actors? What were their roles? (4) How might the program have been (and still be) improved to bring about a greater realization of greenway objectives? (5) What can be learned about this program that would aid in implementation of similar programs in other areas? and (5) How do these findings relate to some commonly held theories in the social, political, and environmental fields?

The analysis divides the program into three broad phases: (1) State and federal grants-in-aid to local government for land acquisition along the river (1967-1972); (2) State-local partnership in Willamette River Greenway planning (1973-1975); and (3) joint State administration of the greenway program and integration with local comprehensive planning (1975-1978). Each phase is introduced by a major legislative or administrative action affecting the direction of the greenway program.

The analysis concludes that the Willamette River Greenway Program has been a limited success at best. The reasons for this are complex, but in general they stem from conflicts inherent in the patterns of land ownership and land use along the Willamette River at the time the program was created; from a failure on the part of policy makers early in the program to look objectively at conditions along the river and to examine the requirements for a successful program in light of the methods advanced to satisfy the program's objectives; from neglect of the political element in the program's formative stages; from mistakes on the part of the program's principal administrative agency, the Oregon

Department of Transportation; and from deficiencies in the greenway legislation and in other related legislation that might have been of assistance in furthering the objectives of the greenway program.

The relationship of events in the Willamette River Greenway Program to general systems theory and dialectical theory is discussed in detail. The analysis suggests that, while each of these theories by itself is able to provide no more than a partial explanation of events in the greenway program, a synthesis of these two theories might provide a more complete explanation.

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A Case Analysis  
of Oregon's  
Willamette River Greenway Program

by

Webb Sterling Bauer

A THESIS

submitted to

Oregon State University

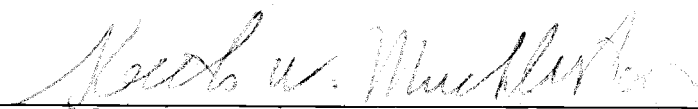
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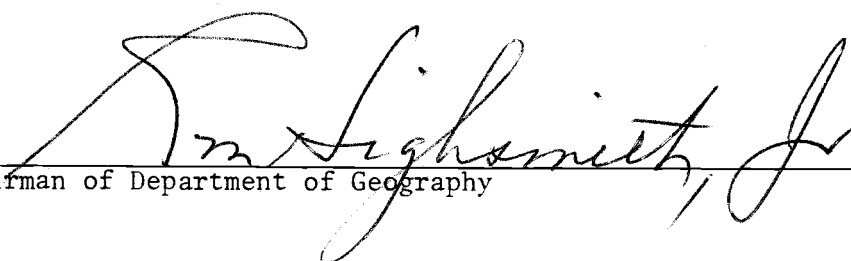
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A CASE ANALYSIS  
OF OREGON'S  
WILLAMETTE RIVER GREENWAY PROGRAM

I. INTRODUCTION

A. Need for Research

The 1960s witnessed the beginning of large-scale interest in the natural environment. This interest had its source in the universities and laboratories and particularly in the writings of such scholar-scientists as Rachel Carson, Paul Sears, and Aldo Leopold. While originating with specialists, this interest quickly spread to society at large and became the subject of numerous books, articles, documentaries, editorials, and the like. It may be said in sum to have become political. And being political and supported by many persons including a number in high places, it eventually became manifested in a spate of public laws and programs designed to preserve the environment or at least to prevent others from spoiling it very much.

The point where the idea of preserving the natural environment became manifested in laws and programs to accomplish that very thing, is the point where scholarly interest in the subject tended to fade away. The notion seemed to be prevalent that once these laws and programs were in place the work of scholarship was essentially done; that scholarly efforts were best turned to other, less prosaic pursuits. One consequence was that as our understanding of the natural

environment increased during this period, our knowledge of the impacts of programs to protect the environment grew barely if at all. We scarcely knew, for example, whether a given environmental program was a success, a failure, or something in between; much less what the problems were. This could not help but affect our success in later programs. Such a gap in our knowledge could be filled, of course, only by not cutting off inquiry at the inception of a law or program, but rather by continuing it well into implementation, to the point at least where matters had stabilized and distinct patterns and relationships had tended to form.

Aside from the practical goal leading to better laws and programs, there are reasons why continuation of scholarly inquiry into the implementation phase of an environmental law or program is both necessary and desirable. One is the insight into human society such inquiry can provide. Environmental laws and programs are at their core political. This is because they involve resources which do not occur in sufficient quantities or in the right locations for everyone to have all they want or need. The resulting disparity between supply and demand creates conflicts between groups dependent upon or desirous of these resources, conflicts which must be resolved in some mutually beneficial way if the issue is to pass away; hence the introduction of politics into the environmental sphere. Politics is, to use Harold Lasswell's excellent definition, the determination of who gets what, when, and how.<sup>1</sup> Environmental politics is the politics of how environmental resources get allocated among people and other living things.

A second reason for extending scholarly inquiry into the

implementation phase of an environmental law or program is to more accurately assess the relationship between natural resources (the subject of most environmental legislation) and people. That this relationship is often complex goes without saying. Rarely, for example, are conflicts involving resources simple matters of economics versus the quality of life, as much of our popular literature would have us believe. Such conflicts frequently involve attachments of the deepest sort, regardless of which type of group we are dealing with. A scientifically based analysis of the implementation phase of an environmental law or program can show us how closely the concept of resource is tied to the values and perceptions of people. It can also bring out problems, issues, and interrelationships which were unknown or at best only partially understood at the time the law or program was implemented.

Whether we are talking about groups in competition for a resource or linkages between a resource and a people, a spatial component usually exists, and this is what makes the analysis of environmental laws and programs of interest to geographers. This component identifies the analysis as being within the geographer's legitimate sphere of interest. Though the analysis may focus only in part on the spatial component, the existence of such a component with its many and varied connections to things which are not spatial (though they may well affect spatial phenomena) provides a nexus from which geographic inquiry can proceed.

#### B. Objectives of Research

The objective of this research is to examine a major program for protecting the natural environment--Oregon's Willamette River Greenway

Program--and thereby gain substantial insight into

- (1) How and why the program developed as it did;
- (2) Who the principal actors were;
- (3) What the major issues were;
- (4) How these issues came to be resolved;
- (5) How program decisions and actions came to be translated into spatial events.

Other objectives are

- (1) To determine how the program might have been (and still might be) improved to bring about a greater realization of greenway objectives;
- (2) To identify factors that could affect the success of similar programs in other areas;
- (3) To relate the findings of this research to some commonly held theories in the social, political, and environmental fields, and thereby identify potential topics for future research.

#### C. Scope of Research

This research covers events in the Willamette River Greenway Program through December 31, 1978. Emphasis is on developments at the State rather than the local level. Some historical information is provided concerning use of the Willamette River and its banks since the 1820s (the time of initial white settlement along the river).

#### D. Method of Research

The method of research is the case analysis or case study. This method has the purpose of organizing information about a subject in a manner that preserves its unitary character.<sup>2</sup> The case analysis or case study has an advantage over other research methods in that it allows a

subject to be investigated in its totality, thereby reducing the possibility that important questions will be left unanswered or important details will be overlooked.

This research has been carried out according to procedures outlined by Simon<sup>3</sup> and Goode and Hatt,<sup>4</sup> among others. In general this has involved establishing an intellectual construct (the Willamette River Greenway Program) and a purpose (how and why the program developed as it did, and so on), followed by procedures to guide the collection of data.

Simon's advice has been generally followed:

The specific method of the case study depends upon the mother wit, common sense, and imagination of the person doing the case study. The investigator makes up his procedure as he goes along, because he purposely refused to work within any set categories or classifications; if he did so, he would not be obtaining the benefits of the case study. These admonitions may be useful: First, work objectively. Describe what is really out in the world and what could be seen by another observer. Avoid filtering what you see through the subjective lenses of your own personality. Second, constantly reassess what is important and what is unimportant. Follow up and record what seems most important. Constantly exercise your judgment on this issue. Third, work long and hard. Saturate yourself in the situation, and keep at it.<sup>5</sup>

Three information gathering techniques have been employed: (1) a search and review of existing literature (non-scholarly as well as scholarly); (2) a search and review of government greenway files (Here three files were of particular importance: the greenway file at the Parks and Recreation Branch, Oregon Department of Transportation; the greenway file at the Oregon Department of Land Conservation and Development; and the greenway file at the Office of the Governor of the State of Oregon); and (3) interviews with key greenway figures. Work using



all three techniques went on more or less simultaneously.

The writer examined more than 5000 documents (letters, reports, memoranda, notes) during the course of research. Only a fraction of these are reported in this thesis. In addition he interviewed or otherwise obtained information from eighteen persons whose involvement in the greenway program covered all the major public and non-public sectors. Most of the interviews took place during the period March through July 1978. File searches were conducted between March 1978 and March 1979. The writer found just about everyone he contacted in regard to the greenway program to be cooperative and anxious to lend a hand.

In forming conclusions in the all-important area of motivation, the writer relied to a limited extent on his own personal observations as a planner with the Parks and Recreation Branch<sup>6</sup> at a time when the greenway program (administered by that agency) was in a very difficult phase. Most of the views expressed, however, are those of key greenway figures themselves.

#### E. Previous Research Concerning the Willamette River Greenway Program

The Willamette River Greenway Program has not been studied extensively before. The only scholarly studies to issue from the greenway program to date have been Brent LaGrand Lake's The Reaction of Agricultural Landowners to the Willamette River Park and Recreation System<sup>7</sup> and William D. Honey, Jr.'s The Willamette River Greenway: Environmental and Attitudinal Considerations<sup>8</sup> and The Willamette River Greenway: Cultural and Environmental Interplay.<sup>9</sup>

None of these studies has looked at the full inner workings of the greenway program. Lake's study is concerned with the attitudes of farmers in two Willamette Valley counties toward the program in its initial version. Honey's two studies (actually a single study, as the second is but a slightly revised version of the first) are concerned with the larger cultural setting in which the greenway program has operated. All are master's theses or outgrowths of theses, and thus are abbreviated in scope. Each suffers from the disadvantage of having been done before some of the critical developments in the greenway program had yet taken place or were fully revealed.

F. Why an Analysis  
of the Willamette River Greenway Program  
is Appropriate at this Time

The Willamette River Greenway Program is more than twelve years old. During the time the program has been in existence, many changes have taken place, some of which have drastically altered the course of the program. For the past three years, however, the program has been in a relatively quiescent phase. The controversy that surrounded the program in earlier years seems largely to have subsided. While the possibility of future change, even major change, is certainly not absent, the program appears to have stabilized to a point where meaningful analysis can be undertaken. The opportunity for meaningful analysis is enhanced by the fact that the program contains a wealth of diverse elements, institutional and otherwise, which reflect the program's ambitious scope and the region in which the Willamette River resource is located. The Willamette River Greenway Program can be

looked upon as a classic example of the difficulties encountered in attempting to preserve a significant natural resource in an area where private ownership of land is predominant.

#### G. Relationship of Research to Deductive Geographic Inquiry

Most geographic studies are deductive in their orientation. That is to say, their purpose is to advance one or more hypotheses to explain a given natural event. Once a methodology has been developed to test these hypotheses, then the appropriate tests are conducted and, depending on the results, the hypotheses are either accepted as possible explanations of the event in question, or they are dismissed from further consideration.

This study follows an inductive approach (though deductive elements are not absent from it). This is a consequence of the nature of the subject being investigated and the objectives the study is intended to satisfy. Inductive studies are in one respect the opposite of deductive studies. This is because they proceed from specific cases to generalizations about those cases. With deductive studies it is the other way around: they proceed from the general to the specific.

Inductive studies are often viewed as having little in common with deductive studies except that they both involve specific outer world events and generalizations about those events. This is to a certain extent a misconception, however. Even the most broadly based inductive study will normally contain a deductive element or two (A competent researcher undertaking such a study, for example, would never begin his work without some notion of what he expected to find). By the same

token, ideas for deductive research do not simply well up in a vacuum; the researcher will usually have gone through some inductive analytical process whereby the idea for deductive research first presented itself.<sup>10</sup>

This study should be viewed as the inductive or idea-generating leg of a research effort which hopefully will culminate in deductive geographic research later on. It should be seen as aiding in the development of new research ideas and not in testing such ideas once they are developed. The writer will be satisfied if the analysis which follows is thorough, balanced, concise, accurate in its facts, sensible in its conclusions, and if at least a few ideas for deductive geographic research emerge from its pages.

## II. CONCEPTUAL CONSIDERATIONS

Though this is not a deductive study, it is nevertheless useful to describe three theories and concepts which at the outset would appear to bear on this analysis. There are two reasons for this: (1) such a description will help to orient the reader to the subject itself and, perhaps as important, to the thinking of the writer, which will have a bearing on the manner in which the subject is approached and the nature of the conclusions which are drawn; and (2) it will be of value at the end of this analysis when new ideas for research are presented. This chapter is concerned with selected theories and concepts as they relate to Oregon's Willamette River Greenway Program.

### A. Overview of Willamette River Greenway Program

The Willamette River Greenway Program<sup>11</sup> was created by an act of the Oregon Legislature in 1967 and modified by a second act in 1973. The program has the purpose of conserving the natural environment along the Willamette River's lower course (from near Eugene north to the Columbia River confluence) while opening up additional parts of the river environment for outdoor recreation use.

The Willamette River Greenway Program encountered difficulty from the beginning, before in fact it even became a program. The reasons for this are complex, but in general they stem from the patterns of land ownership and use along that portion of river over which the greenway program has jurisdiction.

The Willamette River flows through the heart of Oregon's Willamette Valley. Oregon's first, second, third, fourth, fifth, seventh, and eighth largest cities are located here, as is much of Oregon's most productive agricultural land. The Willamette Valley may be pictured as one vast patchwork quilt of farms interrupted by occasional cities, towns, highways, and other manifestations of urban life. Approximately 85 percent of the valley floor is devoted to some form of agricultural use.

And herein lies a source of the greenway program's difficulty. Although agriculture is perhaps the most enduring feature of the Willamette Valley scene, including most of the land adjoining the Willamette River, the predominant new use of land is involved with urbanization. Indeed, the Willamette Valley is the fastest growing region of the State, accounting for 75 percent of the State's population growth between 1960 and 1978.

The Willamette River Greenway Program came into existence in response to fears of what might happen to the natural environment of the river (still largely in a natural state) in the face of large-scale urbanization. The program's supporters felt that such urbanization would degrade a significant natural resource--the riverbanks and accompanying natural vegetation--or, at the very least, result in the resource becoming accessible to only a handful of people. The program's detractors (mostly farmers with land holdings along the river) were obsessed with some of these same fears. But in their case the program was viewed not so much as a means of protecting the river environment, as it was a means of providing urban dwellers with access to land

which fronted upon or included the farmers' own property; land which up to that time had been used lightly if at all. This was viewed as undesirable by these farmers, partly for personal reasons stemming from the farmers' strong desire for privacy, and partly for economic reasons related to possible vandalism of farm property, theft of crops, and restrictions on farm activities.

These farmers banded together and working with their legislative representatives managed to have the initial greenway proposal for a recreation corridor extending the full length of the lower course Willamette River reduced to a State program of grants-in-aid to local government for acquiring park and recreation land at selected river-front locations. Later, when the initial program had run into difficulty caused chiefly by State efforts to circumvent some of its provisions, these farmers succeeded in creating new greenway legislation which changed the emphasis of the program while placing added restrictions on the State.

The conflict between farmers with holdings on the river and supporters of the program inside and outside of State government was not the only source of difficulty, but it was a major source. At one time or another it engaged the energies of persons at all levels of government--city, county, State, and federal--and, within the State structure, in the legislative, executive, and judicial branches. Considering that more than two dozen local political jurisdictions are involved in the stretch from Eugene north to the Columbia River confluence (a river distance of 180 miles), and that property along the river is owned or regulated not only by these jurisdictions but by

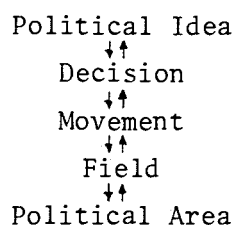
many State and federal agencies as well, the number of persons involved during implementation of the program must have run into the hundreds. And this does not include persons who became involved for reasons other than those described.

Any theory purporting to explain some or all of the workings of the Willamette River Greenway Program must address this complex interplay of people, institutions, and resources which has given the program its distinctive form. This is the case whether we are dealing with the spatial components of the program or with the process by which the program developed. With this elementary notion in mind, let us turn to those theories which offer the promise of at least a partial explanation of what has taken place in the Willamette River Greenway Program.

### B. Unified Field Theory

The first theory to be discussed is unified field theory, first put forward by Stephen B. Jones of Yale University in the 1950s.<sup>12</sup>

Unified field theory is concerned with the relationship of political ideas and the spatial expression of those ideas, whether that expression be a state, an administrative district or region, or an informal political area. In its essence, unified field theory envisions a five-step process or "chain" for translating political ideas into political areas:





The first stage of this process, political idea, involves not just a formal political idea such as a municipality or a state, but any idea having its basis in politics including "the idea of a speed limit on a county road."<sup>13</sup> Once a favorable decision is reached on this idea (a necessary prerequisite for later stages), then movement occurs of men, material, or force over a given field (the space within which this movement operates), defining a political area. This political area is the spatial expression of the political idea. It need not have boundaries that are linear or permanent. However, the boundaries it does have must have some political status.

Jones conceived of this process as being to a certain extent reversible like "a chain of lakes or basins [which]...interconnect at one level, so that whatever enters one will spread to the others."<sup>14</sup> Thus, one need not begin with a political idea nor progress in mechanical fashion through the five steps of the chain. Action, for example, may be initiated at the third step (movement), followed by development of a political idea and establishment of a political area.

The Willamette River Greenway Program began as a political idea, and in its broadest outline appears to have followed a process similar to the one Jones has described. However, as will be apparent later on, as a theory to explain the workings of the greenway program, unified field theory is deficient. Unified field theory is restricted to identifying the stages through which the program has progressed; it does not, and cannot, identify the causal factors which produce the characteristics of a given stage. Since it is the causal factors alone which have given the greenway program its distinctive spatial and

temporal form, unified field theory can be said at the outset not to provide an explanation of the workings of the Willamette River Greenway Program.

Unified field theory is thus not a theory in the formal sense of the term, as it does not identify the variables which, taken together, produce a given effect. Unified field theory simply describes the stages through which such an effect is produced. It is left to theories of a different order to explain the workings of a complex political program like the Willamette River Greenway.

### C. Dialectical Theory

As a theory to explain human behavior, dialectical theory has been out of fashion among liberal Western thinkers for almost a century. To this writer's knowledge the only contemporary writer to treat dialectical theory with any seriousness is Kenneth E. Boulding.<sup>15</sup> In his case this appears to have been prompted not so much by an appreciation for the insights into social processes dialectical theory is able to provide, as by a dislike of dialectical philosophy and its implications for human welfare.

According to Boulding, the term dialectical as a pattern of social processes is most generally associated with Georg W. F. Hegel, though the idea itself can be traced in one form or another to Plato.

Dialectical theory is a way of accounting for change. One begins with a thesis, which is to say an act or idea which contains its own contradiction. This contradiction eventually "negates" the thesis and brings into being its opposite, termed the antithesis. This second

element in turn contains its contradiction, which after a time produces yet another element, the synthesis, by a similar process of negation. The negation being negated, the synthesis is much like the original thesis.

The dialectical process does not stop here but continues into a fresh antithesis and a fresh synthesis. The process goes on indefinitely or reaches a kind of equilibrium, at which point dialectical movement ceases until such time as this equilibrium is disturbed.

The dialectical process may be represented diagrammatically as follows:

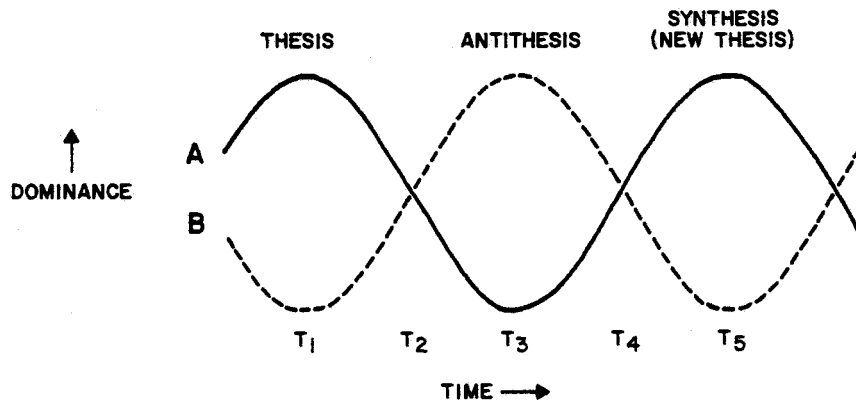


Figure 1. The dialectical process (After Boulding, A Primer on Social Dynamics, p. 39).

In this diagram the solid line represents the status of one variable, A, the dashed line the status of its contradiction, B. At time

$T_1$  A is in an ascendant phase and dominant, while B is in a trough. The workings of the dialectical process, however, call for A to decline and B to rise. At time  $T_2$ , where the two lines intersect, there is a reversal of dominance as B climbs higher than A, reaching a maximum at  $T_3$ . Thus we pass from the thesis at time  $T_1$  to the antithesis at time  $T_3$ , where the relative positions of the variables are reversed. The process continues beyond  $T_3$ , however, with B declining and A advancing. There is another reversal at  $T_4$  and eventually we have a synthesis (new thesis) at  $T_5$  which tends to repeat the relationship of  $T_1$ . From this point the process repeats itself more or less indefinitely.

The dialectical process would appear from this diagram to be cyclical, like the swing of a pendulum. This is not quite the case, however. For Hegel and most other dialecticians, the process is regarded as containing a cumulative element. It might therefore be described as a spiral rather than a cycle, for the synthesis is not supposed merely to indicate a return to the position of the thesis but an advance to a superior position.

It is not clear how this cumulative element is derived, but according to Boulding it may develop through some kind of learning process. That is to say, the experience of conflict and succession of thesis and antithesis may exercise a teaching function which prevents the system from falling back into a condition identical with that of the thesis.

Boulding conceived of the dialectical process as applying to social systems on a somewhat limited basis--chiefly through what he termed a threat system. A threat system begins when one person says to another, "You do something nice to me or I'll do something nasty to you." The

subsequent course of this system depends on the response of the threatened party. First, he may submit to the threat, in which case an exploitative relationship is set up. Second, he may show defiance, which may succeed in nullifying the threat and returning the system to something like the prethreat state. Third, he may avoid the threat and run away. Fourth, he may issue a counterthreat; that is, he may say, "If you do something nasty to me I'll do something nasty to you." This last response is also known as deterrence. Under certain conditions it can greatly limit the power of the threat system.

A threat system is possible only when the threatened party is in a position to do something "nice" for the threatener, which implies a surplus of resources in the threatened party's possession. The dialectical process comes into play when the threatened party is capable of mounting an effective response, and indeed does so. Thus, its application is limited mainly to the examples of threat-defiance and threat-counterthreat. Wars and revolutions are examples of the dialectical process acting within a threat system.

It is Boulding's contention that to have a true dialectical process emerge out of threat-response dynamics, the response must succeed in defeating or overturning the source of the threat. In other words it is not enough to mount a response; one must also be successful at it, with the criterion for success being defeat of the initially dominant party. This is possible only when the threatening party becomes strong relative to the dominant party. As a general rule, the odds of success of a threatening party routing a dominant party (moving to the next phase of the dialectical process) increase with

distance from the center of the dominant party's power and with time from the point of the party becoming dominant.

Now what does this have to do with a program like the Willamette River Greenway?

It is clear, even from the brief description at the beginning of this chapter, that the greenway program contained elements that can best be described as dialectical. For example, the initial proposal for a Willamette River Greenway had many of the attributes of a thesis, in that it proposed something new which led to the formation of opposition. By the same token, the response of farmers to this thesis and their efforts, largely successful, to narrow the scope of the program, had many of the marks of an antithesis.

However, the conflict between farmers and supporters did not result in open warfare between these groups, with the former displacing the latter. On the contrary, both groups continued to function more or less as before. The principal difference throughout the program--and this is a critical point--was not that one group displaced the other from a position of power but that the power balance between these groups shifted in such a way as to alter the characteristics of the program including the characteristics in the spatial area--location of a boundary, locations of public recreation facilities, uses permitted on greenway property, and so forth. Thus, dialectical theory in the form described by Boulding can be said not to apply to the workings of the Willamette River Greenway Program.

The question remains, Can dialectical theory in some other form be made to apply? An answer to this question is presented in the

final chapter of this thesis.

#### D. General Systems Theory

The third and final theory to be discussed in this chapter is general systems theory.

The term "general systems theory" was coined in 1937 by Ludwig von Bertalanffy, a biologist. The idea behind general systems theory, however--that is, the notion that elements do not exist in isolation but always, or almost always, in relation to something else--is much older. It was Aristotle who said the whole is more than the sum of its parts. In a sense, then, general systems theory is not a new idea but the twentieth century expression of a concept which has been rooted in Western thought since antiquity.

In its immediate development, however, general systems theory dates from the 1920s. The situation which gave rise to general systems theory was a controversy in the life sciences (notably biology) having to do with the ability of then-existing theory to explain natural events.

Two theories common at that time were mechanism and vitalism. The mechanistic procedure was essentially to resolve a living organism into parts and partial processes, the organism being an aggregate of cells, the cells one of colloids and organic molecules, behavior being a sum of unconditional and conditioned reflexes, and so on. The problems of organization of these parts for maintenance of the organism, of regulation after disturbances, and the like, were either bypassed by mechanistic theory or, according to the theory of vitalism, were explained by the action of soul-like forces in the cell or organism. To researchers

like von Bertalanffy, who began his career in the twenties, mechanistic theory was inadequate and vitalism was a declaration of bankruptcy for science.

In the late twenties von Bertalanffy wrote:

Since the fundamental character of the living thing is its organization, the customary investigation of the single parts and processes cannot provide a complete explanation of the vital phenomena. This investigation gives us no information about the coordination of parts and processes. Thus the chief task of biology must be to discover the laws of biological systems (at all levels of organization). We believe that the attempts to find a foundation for theoretical biology point at a fundamental change in the world picture. This view, considered as a method of investigation, we shall call "organismic biology" and, as an attempt at an explanation, "the system theory of the organism."<sup>16</sup>

A decade later von Bertalanffy introduced the general systems concept into a seminar he was teaching at the University of Chicago. It was not until after World War II, however, when the intellectual climate had changed and biology had become more receptive to new ideas, that his first publications on the subject appeared. By then the field had been entered by persons whose interests ranged considerably beyond biology.

At its core general systems theory is a paradigm, to use Thomas Kuhn's excellent phrase: a way of orienting scientific thought. Applications of general systems theory to specific disciplines and specific problems are important; scientific research could hardly proceed without them. But the thought-orienting nature of general systems theory means that these applications must be developed subsequent to an understanding of that theory and not looked for within the theory itself. Thus, general systems theory is a place to begin one's thinking and not to end it. Specific applications must be developed in light of the constraints



of one's discipline and the nature of the subject under investigation.

von Bertalanffy defined a system as "a set of elements standing in interrelation among themselves and with the environment."<sup>17</sup> The word "set" is important here, as it implies an organic unity or wholeness to the elements taken in their sum; while the words "and with the environment" imply that despite this wholeness the set is still influenced by the larger environment of which it is a part.

Being a biologist, von Bertalanffy was concerned with living systems, which he classed as "open", that is, as exchanging matter or energy with their environment. The selection of open systems as a model for general systems theory was intuitively correct in von Bertalanffy's judgment, as its alternative, "closed" systems, could be treated as a specific example of an open system where the transport variable between the system and its environment is zero.

To these open systems von Bertalanffy ascribed certain principles based on his observations as a biologist. One such principle was equifinality. In a closed system the process through which the system functions is fixed, and the end state is a product solely of initial conditions; change the initial conditions and you change the end state. In open systems this is not necessarily the case. Here, a given end state may be reached from a variety of initial conditions, implying that the process itself is subject to variation. This ability of open systems to achieve a given end state from a variety of initial conditions von Bertalanffy termed equifinality, and the equifinality principle gave significant meaning to the phenomenon of biological regulation.

A second principle dealt with the entropy level (degree of disorder) of open as opposed to closed systems. According to the second law of thermodynamics the trend of events in the physical world is toward maximum entropy (maximum disorder). With open systems this trend is reversed with systems as a whole either maintaining their existing order or evolving toward states of higher order and organization (negative entropy).

A third principle was steady-state. Related to the principle of equifinality, this principle stated that, whereas closed systems must attain a time-independent state of chemical and thermodynamic equilibrium after a certain time, open systems may under some conditions reach a time-independent steady-state where the integrity of the system remains constant despite a continuous changeover of components.

Other principles introduced or incorporated by von Bertalanffy included degeneration, regeneration, growth development, differentiation, allometry, and hierarchical order. The point to be made is that von Bertalanffy's theory focused on open, living systems as opposed to closed, and it pointed toward the scientific explanation of events which up to von Bertalanffy's time had either been ignored or ascribed to metaphysical causes.

Following von Bertalanffy's pioneering work, developments in general systems theory proceeded in two directions: (1) toward incorporation of general systems principles in a wide range of disciplines (with attendant elaboration of these principles and expansion of systems terminology); and (2) toward application of these principles in a number of practical fields.

It is significant that in many instances where general systems principles were applied, terms and concepts were borrowed not from general systems theory but from cybernetics, with which general systems theory enjoys a close relationship but which nevertheless constitutes a discrete field of study. Cybernetics is concerned with information, feedback, and self-regulation. It thus has a narrower application than does general systems theory, which admits of these properties but treats them as but a few of many possessed by open, living systems. By an irony which von Bertalanffy himself was apparently aware of,<sup>18</sup> the application of cybernetic principles to living systems in many cases stripped such systems of many of their most important life-investing properties and made them wooden and mechanical--in other words, accomplished just the opposite of what von Bertalanffy set out to do when he introduced the general systems concept.

The many applications of general systems theory are beyond the scope of this thesis. Suffice it to say they are numerous and embrace both living and nonliving systems.

Our concern at this point is with living systems and in particular with human social systems, as these are the type that would be a factor in the Willamette River Greenway Program.

Human social systems have received attention in recent years. It is acknowledged, for example, that human organizations of many types exhibit systems properties, and that society as a whole may be viewed as one vast, open system. As a rule, however, development of general systems theory in the social sciences has lagged behind that in the

physical and biological sciences.<sup>19</sup> This may be due to the complexity of human social systems in relation to other system types. It may also be a reflection of a lack of empirical data on which to base new systems concepts.

Walter Buckley has defined human society as a complex adaptive system.<sup>20</sup> By this he means the main characteristic of the system is its ability to respond to changes that are internal as well as external in their origin. Moreover, exchanges among system parts may result in changes to the parts themselves with important consequences for the system as a whole. The energy level which may be utilized by a human social system is subject to rather wide fluctuation. Internal and external exchanges are mediated by information flows, although pure energy exchanges may occur as well. True feedback loops make it possible for the system not only to regulate (maintain) itself but to change or elaborate its structure as a condition of survival.

This is another way of saying human social systems are open internally as well as externally. This openness gives them great ability to respond to change.

Another theorist from the social sciences, Herbert Simon, has stated:

Complex systems will evolve from simple systems much more rapidly if there are stable intermediate forms than if there are not. The resulting complex forms in the former case will be hierarchic. We have only to turn the argument around to explain the observed predominance of hierarchies among the complex systems Nature presents to us. Among possible complex forms, hierarchies are the ones that have the time to evolve.<sup>21</sup>

Thus, hierarchic structure is a further attribute of human social systems.

Arthus Koestler has elaborated on the hierarchy idea.<sup>22</sup> According to Koestler, all forms of human social organization with some degree of coherence and stability are hierarchically organized. One characteristic of social hierarchies is the relativity, and indeed the ambiguity, of the terms "part" and "whole". Parts and wholes, Koestler tells us, do not exist anywhere in an absolute sense. What we find are intermediary structures on a series of levels of ascending order of complexity, which display, according to the way we look at them, some of the characteristics of parts and some of the characteristics of wholes. The members of this hierarchy, like the Roman god Janus, all have two faces facing in opposite directions. One is the face of the master, the other the face of the servant. Koestler termed this characteristic of sub-wholes of complex hierarchies the Janus effect. The parts themselves he named holons, from the Greek holos, meaning whole, with the suffix on suggesting a particle or part.

According to Koestler, constituent holons are defined by fixed rules and flexible strategies regardless of organization. This is necessary to ensure the survival of the larger unit of which the holons are a part. One can turn this around and say that whenever fixed rules are violated or flexible strategies are not employed, the viability of this larger unit becomes suspect.

Koestler tells us that the rules or codes which govern a social holon act not merely as negative constraints upon its actions, but also as positive precepts, maxims of conduct, or moral imperatives. Thus,

every social holon will tend to persist in and to assert its particular pattern of activity. This self-assertive tendency is a fundamental and universal characteristic of holons, which manifests itself on every level of the social hierarchy. At the same time, the holon is dependent upon, and must be integrated into, the larger social unit. If the holon has made a satisfactory adjustment to its environment, the self-assertive tendency and its opposite, the integrative tendency, are more or less in balance, and the holon exists in a kind of dynamic equilibrium with its environment. When this balance is upset (such as, for example, under conditions of stress), one or the other tendencies becomes dominant, leading to disruptive behavior and a possible alteration of structure.

Koestler's holon concept is depicted in the following diagram:

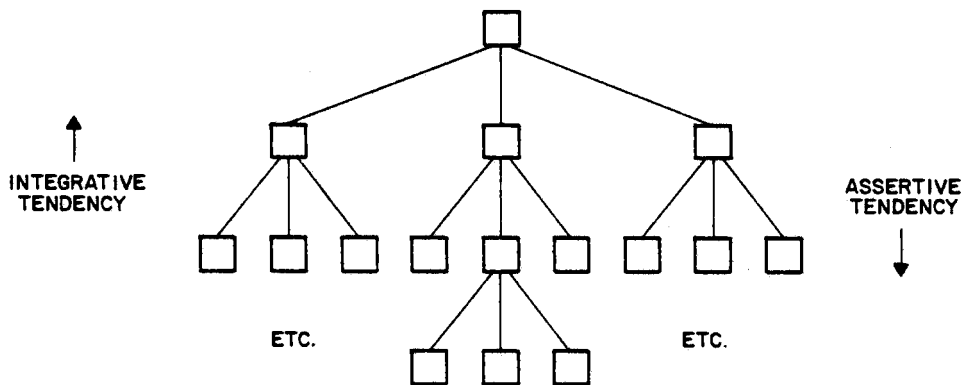


Figure 2. A multi-leveled, hierarchically ordered set of systems (after Koestler, The Ghost in the Machine, p. 52).

Here, a multi-leveled, hierarchically ordered set of systems resembles an inverted tree branching downward. Each box represents a component of a system or subsystem (a holon). The lines connecting the boxes depict information exchanges and should be looked upon as being two-way rather than one-way. That the diagram resembles an organization chart for a corporation or government agency is obvious. However, it should be remembered that what defines each box is the function or task assigned to it, and this function or task is not always apparent.

Thus, the diagram may represent a family, clan, or tribe, where the functions are not easily spelled out; or it may represent a formal organization such as a business. The important thing is that the members of each holon group function together, cohere, interact, much more with each other than with members of other groups. This cohesion and accompanying separation from other groups define each group and give it identity.

If Buckley's, Simon's, and Koestler's ideas are representative, then what we have in the social sciences with regard to general systems theory is not a theory per se ( $B = f(A)$ ) but a number of concepts (A, B, C, and so on), each describing an attribute of human social systems. Briefly stated, these concepts are

- (1) Complex organization,
- (2) Adaptiveness,
- (3) Goal-directedness,
- (4) Openness internally as well as externally,
- (5) Hierarchical structure (at least in many instances),
- (6) Possession of dualistic (Janus-like) qualities.

It would appear that general systems theory (even admitting its questionable status as theory) would explain at least some of the developments in the Willamette River Greenway Program. Certainly a system as defined above did form around the program in its early stages and worked to maintain itself despite a great many pressures for change.

Where general systems theory does not appear to provide an adequate explanation is in accounting for change. For example, it does not explain how a greenway system might have come into existence or how it might expire once the greenway program ceases to exist. Nor does it explain, at least completely, the rather radical transformations undergone by the system between 1967 and 1978. Indeed, general systems theory seems to presuppose the existence of systems components in interrelation. Given the existence of these components, it then provides an explanation of how the system maintains itself in a competitive environment. It is not able to account, or so it seems to this writer, for the genesis or demise of systems themselves or for radical changes in components or their relationships. That changes of a drastic sort occurred in the greenway program is apparent from even a casual examination. Such being the case, general systems theory can be said to be of limited usefulness in explaining developments in the greenway program.

The notion of change is central to the Willamette River Greenway Program. No understanding of the program is possible without change being a major part. Any theory purporting to explain the program must account for change. An outline of the form such a theory might take is presented in Chapter 7 of this thesis, where it is suggested that



elements of dialectical and general systems theory might be combined into an hypothesis regarding development of the greenway and similar environmental programs.

### III. EMERGENCE OF THE GREENWAY CONCEPT

How did the Willamette River Greenway Program develop? Was the inspiration primarily local or did events on the national scene play a part? What was the role of the Willamette River in the evolution of the greenway program? These are all important questions. Before turning to the program itself we need to examine the various factors that led to the program's creation. This chapter is concerned with those factors that culminated in the 1960s with what came to be known as the Willamette River Greenway Concept.

#### A. The River Resource

The Willamette River is the twelfth largest river in the United States from the standpoint of discharge. The river lies wholly within the boundaries of a single state, Oregon, and is tributary to the Columbia River which enters the Pacific Ocean 100 miles downstream from the Willamette confluence.

The Willamette River occupies a basin measuring 75 miles wide by 150 miles long (See Figure 3). Elliptical in shape, this basin is rimmed on the east by the Cascade Range whose crest elevations average 5000 feet, with five snow-capped cones rising to more than 10,000 feet. On the west, mountains of the Coast Range rise to between 2000 and 4000 feet. The Calapooya Mountains form the boundary on the south, dividing the Willamette Basin from the basin of the Umpqua River which flows westward into the Pacific.

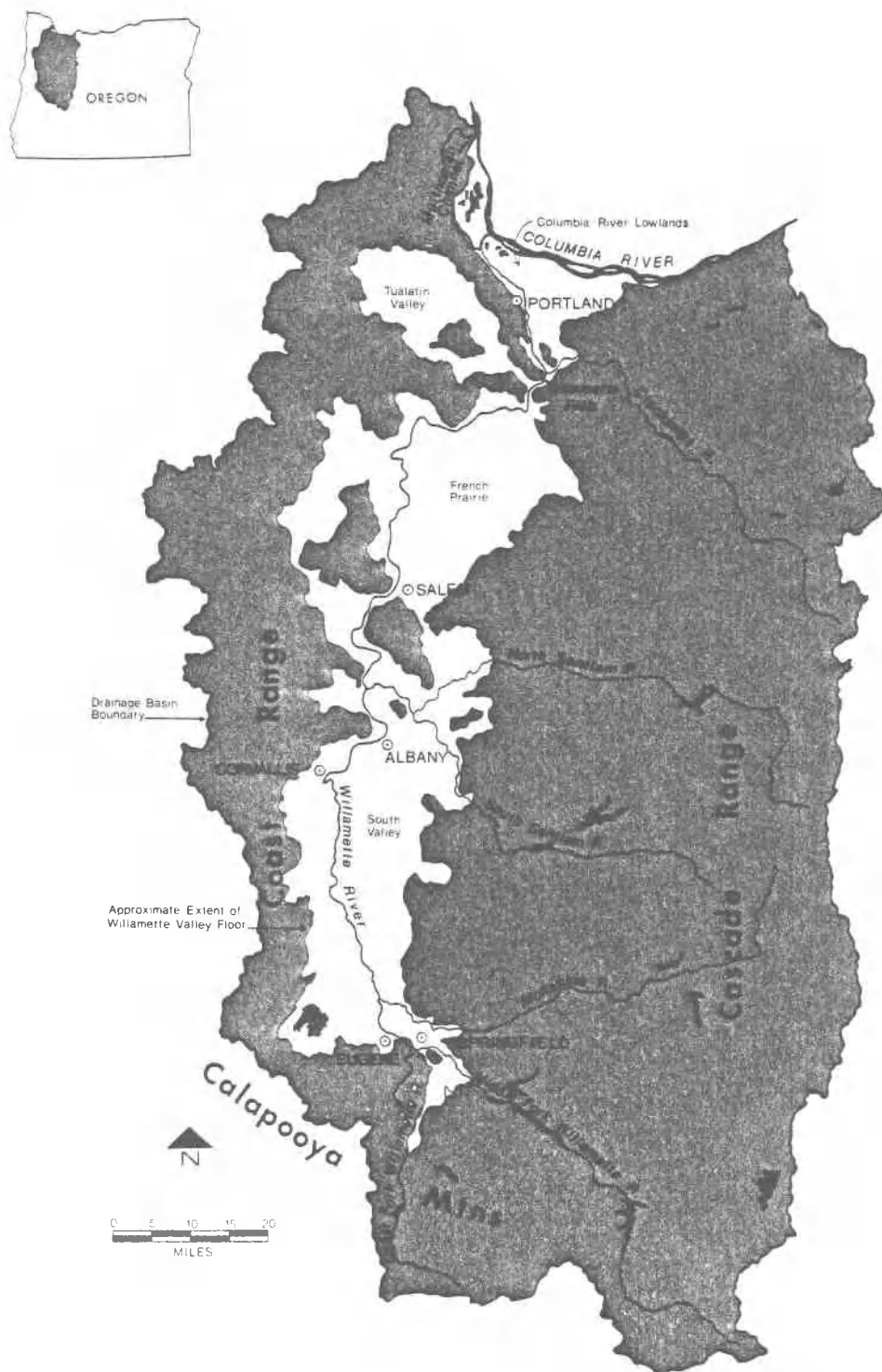


Figure 3. Willamette River drainage basin.

Approximately two-thirds of the Willamette Basin is mountainous. The remaining one-third--the Willamette Valley, containing 70 percent of Oregon's population--occupies the west central part of the basin. The Willamette Valley is not one valley but three (four if the Columbia River lowlands are included) aligned more or less along a north-south axis. The valleys are separated by low hills. The Willamette River leaves the Cascade Range in vicinity of Eugene and passes through the southernmost two of these valleys staying generally to the western side. Near Newberg it makes a sharp bend east and crosses the third valley, the Tualatin, at the extreme eastern margin. Flowing north again the river passes through Portland and near the northern city limits divides into two channels which enter the Columbia River approximately fifteen miles apart. The easternmost (main) channel contains the larger volume of flow.

Each of the major Willamette tributaries--the McKenzie, the Santiam, the Clackamas--drains the western slope of the Cascade Range and enters the Willamette River from the eastern side. The western tributaries are almost inconsequential from the standpoint of flow. Great variation in winter to summer precipitation throughout the Willamette Basin causes flow in the river to vary widely throughout the year.

The Willamette River may be divided into five physiographic zones.<sup>23</sup> The uppermost or upland zone extends from the Cascade crest near Diamond Peak, northwest to the confluence with the Coast Fork Willamette River.<sup>24</sup> The river in this zone descends 4800 feet in 80 miles. Its course is generally linear. Dense groves of trees line the river for many miles. Pools, rapids and riffles are quite common. The river is freeflowing

for most of this distance. At three locations the flow is interrupted by dams. Below the lowermost dam (Dexter: pool elevation 697 feet) the river slows, the course becomes more sinusoidal, and the river begins to assume the appearance of a mature lowland waterway.

The four remaining zones lie within either the Willamette Valley proper or the Columbia River lowlands near the valley's northern terminus. All are below the elevation of 500 feet. The river is free-flowing in these zones, although above Willamette Falls the flow is slowed by the impoundment effect of bedrock above the falls.

The southernmost lowland zone extends from the Coast Fork confluence to Corvallis, a river distance of 55 miles. Here the course is sinusoidal and the flow of the river is generally rapid, producing riffles and eddies at many locations. The water surface is close to the level of the surrounding plain in this zone. As a consequence, the flood plain is quite broad and the river and its flood plain are laced with numerous channels, islands, bars, sloughs, and oxbow lakes. One island near Corvallis, Kiger Island, is almost four square miles in extent. Other islands are almost as large. The flood plain is heavily vegetated, particularly along the river fringe. Cottonwood, willow, and ash are the most common tree species near the water's edge; oak, maple, and Douglas fir are found higher up. Land uses on the adjoining plains are almost exclusively agricultural. Even along the developed stretches in Eugene, Springfield and Corvallis, the denseness of river vegetation screens all but the most obtrusive developments from view.

The second lowland zone extends from Corvallis north to Newberg, a river distance of 81 miles. The river in this zone sits lower in

relation to the surrounding plain than it does south of Corvallis. The surrounding land contains more hills. Near Salem the river passes through a gap in the hills and enters the second of three valleys (French Prairie) that together make up the Willamette Valley. The course of the river in this zone is sinusoidal as before. However, the loops of the river generally have a larger diameter, and the number of islands, channels, bars, and related features is correspondingly less. For much of its length the river is contained within low alluvial bluffs. At some locations these bluffs adjoin the river directly, creating a dramatic visual contrast to the dark, smooth-gliding current. Riverfront vegetation is heavy with the same species predominating. Oregon's third and ninth largest cities, Salem and Albany, line the river along this stretch. Agriculture is the predominant use of land. Approaching Newberg the river slows and begins to assume an altogether different character.

The third lowland zone extends from Newberg north to Willamette Falls, a river distance of 23 miles. The river in this zone is even more entrenched into the surrounding plain than it is south of Newberg. It is also slower moving, resembling a lake more than a flowing stream. This stretch of river is known as Newberg pool. It is formed behind a resistant layer of igneous rock at Willamette Falls. The course of the river is fairly straight here; islands, channels, and sloughs are relatively few in number. Flowing east from Newberg, the river makes an abrupt bend north near Canby and moves through a V-shaped valley toward the falls. Upriver from Canby the predominant land use is agriculture; downriver it is increasingly urban. The narrowness of the

valley leaves little room for adjoining developments such as homes, railroad tracks, and highways; these developments crowd the river's edge. The lower slopes around Willamette Falls are occupied almost exclusively with industrial development.

Willamette Falls is 45 feet high. The fourth lowland zone extends from the base of Willamette Falls north to the Columbia River confluence. By the main channel the river distance is 27 miles; by the westernmost (Multnomah) channel, 45 miles. The river in this zone, being very near to sea level, is affected by ocean tides. During spring and summer it is also influenced by backwater from the Columbia River. Because of this influence, net downstream movement in the Willamette River during the summer months is low. But tidal effects in combination with Columbia River discharge cause the river to reverse its flow from time to time, with water moving upstream toward the falls. This effect is most pronounced in the lower ten miles of river. Owing to morphological conditions and the peculiarities of Willamette River hydraulics, the lower ten miles is the principal depositional reach of the entire Willamette system.<sup>25</sup> The main channel must be dredged periodically to keep it open for shipping.

Land uses in this zone are predominantly urban. Downstream from Willamette Falls the land opens out to the north and east; the west is bordered by hills. The city of Portland, with one-sixth the State's population, lines the river on both sides for 14 miles beginning nine miles below the falls. Most of the tall buildings and port facilities are located on the river's western side. Below where Multnomah Channel splits away from the main channel, urban developments tend to drop away,

and the river once again assumes that pastoral quality characteristic of upstream reaches. This quality is to some extent continued along the Columbia River below the Willamette confluence, although the scale of that river tends to dwarf the features along its banks.

This study is concerned with the four lowland zones. It is within these zones that the most distinctive parts of the river environment are found. The upland zone, despite its attractiveness, contains little to distinguish it from other waterways which drain the Western Cascades. The four lowland zones are located in the most populous and fastest growing region of the state: the Willamette Valley. They also mark the approximate extent of the Willamette River Greenway.

#### B. Early History of the Willamette River

Modern use of the Willamette River dates from 1829, the time of the first permanent white settlement in the Willamette Valley.

The river at that time for much of its length looked much as it does today.<sup>26</sup> It was lined with dense groves of predominantly deciduous vegetation. The level prairies above the flood plain were for the most part bare, grassy, and open (These prairies were burned over each year by Indians). Prairies at the south end of the valley were the most expansive and open. As one moved north, however, forested areas tended to become more numerous. By the time one had passed Willamette Falls the open, annually burned over prairies lay entirely to the south and west, and one had entered a region of dense coniferous forest which extended almost to the river's edge.

Water in the river tended to be clearer and purer than today. The



river itself, lacking present-day controls over discharge, had a much higher ratio of maximum to minimum streamflow throughout the year. This probably affected the appearance of the river to some extent. The low summer flows certainly left bars, islands, and mid-channel obstructions more exposed than is the case today. The river at such times was probably very difficult to navigate. By the same token, the high winter flows most likely resulted in frequent and extensive flooding. The line of permanent vegetation was probably set back farther from the river than at the present time.<sup>27</sup>

The first settlements in the valley were river settlements in vicinity of Willamette Falls. Gradually these spread to the south to what is now known as French Prairie, and later to the north to the site of present-day Portland. Migration into the valley was sparse and sporadic until the 1840s and the first great wagon trains along the Oregon Trail. By 1850, the time of the first U. S. Census of the then Oregon Territory, the seven counties of the Willamette Valley had a population of 11,631. This was 87 percent of the Territory's total population.

The river in those days served as the primary north-south transportation route through the Willamette Valley. The first craft to ply the river were the canoes of the Indians and the rafts of the pioneers. With the coming of settlement these were replaced by the batteau of the trader and later by the noisy but more efficient steamboat. Twenty years after the first white settlers had reached the Willamette Valley half a dozen steamboats moved up and down the river carrying passengers and goods and transporting farm products to market. The steamboat

TABLE I. POPULATION OF WILLAMETTE VALLEY COUNTIES  
1850-1977

County	Population <sup>a</sup>					
	1850	1880	1910	1940	1970	1977 (est.)
Benton	814	6,403	10,663	18,629	53,776	67,400
Clackamas	1,859	9,260	29,931	57,130	166,088	211,000
Columbia	---	2,042	10,580	20,971	28,790	33,300
Lane	---	9,411	33,783	69,096	213,358	252,500
Linn	994	12,676	22,662	30,485	71,914	85,000
Marion	2,749	14,576	39,780	75,246	151,309	177,700
Multnomah	---	25,203	226,261	355,099	556,667	556,400
Polk	1,051	6,601	13,469	19,989	35,349	42,000
Washington	2,652	7,082	21,522	39,194	157,920	200,800
Yamhill	1,512	7,945	18,285	26,336	40,213	47,200
Total	11,631	101,199	426,936	712,175	1,475,384	1,673,300
% of State Population	87.5	57.9	63.5	65.3	70.5	70.0

Note: <sup>a</sup>Figures for 1850 through 1970 are from the U. S. Census of Population. Figures for 1977 are from the Center for Population Research and Census, Population Estimates of Cities in Oregon, July 1, 1977 (Portland, Or.: Portland State University, 1977).

TABLE II. POPULATION OF WILLAMETTE RIVER CITIES AND TOWNS  
1850-1977

City or Town <sup>a</sup>	Population <sup>b</sup>					
	1850	1880	1910	1940	1970	1977 (est.)
Albany	---	1,867	4,275	5,654	18,181	24,030
Corvallis	---	1,128	4,552	8,392	35,056	38,538
Cottage Grove	---	---	1,834	2,626	6,004	7,200
Eugene	---	1,117	9,009	20,838	79,028	100,450
Gladstone	---	---	---	1,629	6,254	8,985
Harrisburg	---	422	453	622	1,311	1,700
Independence	---	691	1,160 <sup>c</sup>	1,372	2,594	4,000
Lake Oswego	---	---	---	1,726	14,615	21,100
Milwaukie	---	125	860	1,871	16,444	17,715
Newberg	---	---	2,260	2,960	6,507	8,875
Oregon City	---	1,263	4,287	6,124	9,176	14,100
Portland	---	17,577	207,214	305,394	379,967	384,500
Salem	---	2,538	14,094	30,908	68,480	83,170
Springfield	---	160	1,838	3,805	26,874	37,500
St. Helens	---	209	742	4,304	6,212	7,500
West Linn	---	---	---	2,165	7,091 <sup>d</sup>	10,355 <sup>d</sup>
West Salem	---	---	---	1,490	---	---
Wilsonville	---	---	---	---	1,001	2,040
Total	---	27,097	252,578	401,880	684,775	771,758
% of Willamette Valley County Population	---	15.5	37.5	36.9	32.7	32.3

<sup>a</sup>Incorporated only.

<sup>b</sup>Figures for 1850 through 1970 are from the U. S. Census of Population. Figures for 1977 are from the Center for Population Research and Census, Population Estimates of Counties and Incorporated Cities in Oregon, July 1, 1977.

<sup>c</sup>Population data not available. The 1900 population for Lake Oswego (then called Oswego) was 920.

<sup>d</sup>Following 1940 the City of West Salem was annexed to the City of Salem.

route eventually reached as far south as Eugene. Willamette Falls was for a time a barrier to river transport. In 1862 a railway was built around the falls to carry passengers and goods. This was replaced in 1873 by a system of canals and locks. Commerce on the river by 1860 was booming. By the time the canals and locks were completed, however, the importance of the river as a transportation corridor was already beginning to decline.<sup>28</sup>

The coming of the railroad in the 1870s and 1880s was a singularly important event in Willamette River history. Prior to the railroad the river was the main avenue of commerce, and most valley settlements tended to be located on the river at points where boats could dock. The railroad in time replaced the steamboat as the primary carrier of passengers and goods throughout the valley. This led to a decline in river traffic and the eventual disappearance of the steamboat from Willamette River waters in the early years of this century.

The impact of the railroad on the settlement pattern in the valley was even more pronounced.<sup>29</sup> Whereas the dominant communities in the past had been those with river frontage and good docking facilities, the dominant ones now were those with access to the railroad. As it turned out, many of the river communities continued to grow and prosper because railroad lines had been routed through them. But other communities, places like Eola, Peoria, Buena Vista, and Orleans, lacking such lines, tended to fall into decay. Their neglected streets and aged buildings can be seen even today.

The railroad succeeded in pulling the locus of settlement away from the river and placing it on the level plain some distance from

the river's edge. This process was continued in the early years of the twentieth century with construction of the nucleus of today's highway system along routes essentially paralleling the railroad lines. One consequence of this upland movement of transportation facilities was that valley communities tended to "turn their backs" on the Willamette River. The river lost its importance as a major aesthetic component in people's lives. It did not entirely lose its usefulness, however, for a need was developing for getting rid of the waste of an increasingly urbanized and industrialized population.

Although expansion and change were bringing about major alterations to the valley environment, the river itself near the turn of the century continued to exhibit a great deal of its former beauty. Rudyard Kipling, visiting the Willamette Valley in 1889, heaped praise on one of the Willamette's tributaries, the Clackamas River. He might just as well have been speaking of the Willamette River itself:

Imagine a stream seventy yards broad divided by a pebbly island, running over seductive ripples, and swirling into deep, quiet pools where the good salmon goes to smoke his pipe after meals. Set such a stream amid fields of breast-high crops surrounded by hills of pine, throw in where you please quiet water, log-fenced meadows, and a hundred-foot bluff just to keep the scenery from growing too monotonous, and you will get some faint notion of the Clackamas.<sup>30</sup>

### C. River Pollution and Its Remedies

By 1920 the population of Willamette Valley counties, now ten in number, had reached 510,289. This increase in population and the industrial expansion which accompanied it had seriously polluted the

Willamette River.

The water was polluted, first of all, because municipalities disposed of their waste by dumping it into the river without treatment. Although the river was able to absorb the discharges of most small communities, it could not handle the loads from large ones such as Eugene, Springfield and Salem. Of even greater importance were the five pulp and paper mills in operation in the valley by the late 1920s. Two mills--one at Lebanon on the South Santiam tributary and one at Willamette Falls--had been constructed in the 1890s. A second mill had been built at the Falls across the river from the first in 1908. Two other mills, one at Salem and one at Newberg, were constructed in the 1920s. Each of these plants produced pulp using the sulfite process.<sup>31</sup> The residue, mostly wood sugars and small wood fibers, was discharged into the river. In decomposing, the wood sugars lowered the quantity of dissolved oxygen almost immediately. The wood fibers exerted their demand over a longer period of time. The residue tended to form sludge deposits on the bottom which during low-flow periods would rise to the surface as unsightly, foul smelling rafts. As much as 80 percent of the total demand for dissolved oxygen came from the outfall of these pulp and paper mills.<sup>32</sup>

When these waste flows reached Portland Harbor, the water quality situation became serious. The municipal wastes of the city, which by 1930 had 301,815 inhabitants, flowed untreated into the harbor through 65 separate discharge sewers. Tidal action and backflow from the Columbia kept the wastes generally inside the harbor during the summer low-flow period. The result was a near total absence of dissolved

oxygen in parts of the harbor during the summer. The effect on aquatic life was catastrophic.

The water quality problem did not go unnoticed. In 1926 the Oregon State Board of Health organized an Anti-Pollution League to prepare a report listing steps for reducing pollution. In 1927 the Portland City Club studied pollution of the Willamette. The Club's report described the river as "ugly and filthy" and concluded that conditions were "intolerable." The Club conducted a public opinion survey in which 49 percent were found to favor legislation to control pollution, 18 percent were opposed, and 27 percent gave no opinion.<sup>33</sup>

The first comprehensive water quality survey of the Willamette River was undertaken by Oregon Agricultural College (now Oregon State University) in 1929. The dissolved oxygen level during summer low-flow was measured at more than eight parts per million for the upper 130 miles of river. At Salem it dropped to seven parts per million and remained there as far as Newberg. Below Newberg the water quality deteriorated rapidly. Above Willamette Falls it fell to five parts per million and reached four parts per million at Portland Harbor. The survey concluded that dissolved oxygen was less than 0.5 part per million where the Willamette reached the Columbia. The 1929 study also measured total bacterial count for the full length of river. Downstream from each large municipality the water had high bacterial counts due to discharge of raw sewage.<sup>34</sup>

Public concern heightened in the 1930s. In 1933 Governor Julius Meier called the mayors of Willamette Valley cities to a conference "responsive to the state-wide demand for abatement of stream



Figure 4. Political jurisdictions along lower course Willamette River.



pollution."<sup>35</sup> The first technical study of pulp and paper industry pollution followed that meeting. In 1935 a subgroup of the Oregon State Planning Board made a study of water pollution laws. The subgroup determined that existing statutes fostered administrative duplication and ineffectiveness, made it difficult to undertake amelioratory regulation, and provided for unacceptably severe, and therefore unenforceable, penalties. The subgroup concluded that "promiscuous adoption of unrelated and uncoordinated nuisance and penal statutes... cannot form the basis of a concerted and direct effort to prohibit pollution of streams."<sup>36</sup>

The first law designed to reduce pollution on the Willamette River was an initiative measure put forward by the Izaak Walton League and other citizens groups in 1938. Passing by a 3 to 1 margin, the measure made it public policy to restore and maintain the natural purity of public waters, authorized the establishment of water quality standards, and created a six-member State Sanitary Authority to develop a pollution control program and enforce water quality standards.

The Sanitary Authority, organized in 1939, set as its first priority that cities clean up their wastes. The Authority determined that primary treatment and effluent chlorination would be sufficient to restore acceptable water quality in most cases. An important consideration in selecting this strategy was that several large multipurpose storage dams were scheduled for construction on the Willamette's upper tributaries by the Corps of Engineers. These dams would provide increased stream flows during the critical summer and fall months, increasing the capacity of the river to absorb municipal wastes.

Following World War II construction of primary treatment facilities in the Willamette Valley moved forward. The first two plants--Newberg and Junction City--were completed in 1949. Portland's was in operation in 1951, Salem's in 1952, Eugene's in 1954. With completion of the Harrisburg plant in 1957, all cities on the Willamette River had at least primary sewage treatment.

In 1950 the Sanitary Authority through a series of public hearings turned its attention to pollution generated by the mills. The Authority faced a problem. On the one hand significant improvement in water quality depended on some form of abatement by the mills. On the other hand, technology did not seem to exist for the mills to reasonably reduce the oxygen demand of their wastes. Further, the pulp and paper industry hinted that stringent regulation by the State might force relocation of their plants.

The Authority adopted a stopgap solution. It ordered the five mills beginning in 1952 to halt all discharges of concentrated sulfite wastes between June and October. These wastes were to be conveyed to storage lagoons for release during the high-water period when the threat of pollution was low, or they were to be otherwise disposed of.<sup>37</sup> All five mills complied with the order. One mill at Willamette Falls was given permission to barge its wastes to the Columbia, a suitable disposal site not existing at the Falls location. A second mill changed from a calcium-base to an ammonia-base sulfite process, which allowed wastes to be concentrated for recovery as saleable byproducts.

Despite these efforts the pollution problem persisted. Dissolved oxygen in Portland Harbor during summer 1957 was still a low one part

per million. Because of an increase in the sources of pollution since 1939--a 73 percent growth in pollution served by municipal sewerage systems, a 93 percent increase in industrial waste loads--water quality in the river had not sufficiently improved.<sup>38</sup> Clearly higher degrees of wastewater treatment were needed if the Willamette was once again to become clean.

In 1958 the Sanitary Authority adopted new pollution requirements. First, the cities of Eugene, Salem, and Newberg were directed to install secondary treatment facilities. This was done partly to offset high influent loads during low-flow summer months from fruit and vegetable processing plants. Second, the city of Portland was instructed to speed up its program of intercepting discharges from its 65 outfalls. Third, the pulp and paper mills were directed to reduce their discharges sufficiently to eliminate slime growths and sludge deposits and to maintain a minimum dissolved oxygen concentration of five parts per million in receiving waters. Fourth, all municipalities from Salem downriver were directed to adopt secondary wastewater treatment.<sup>39</sup>

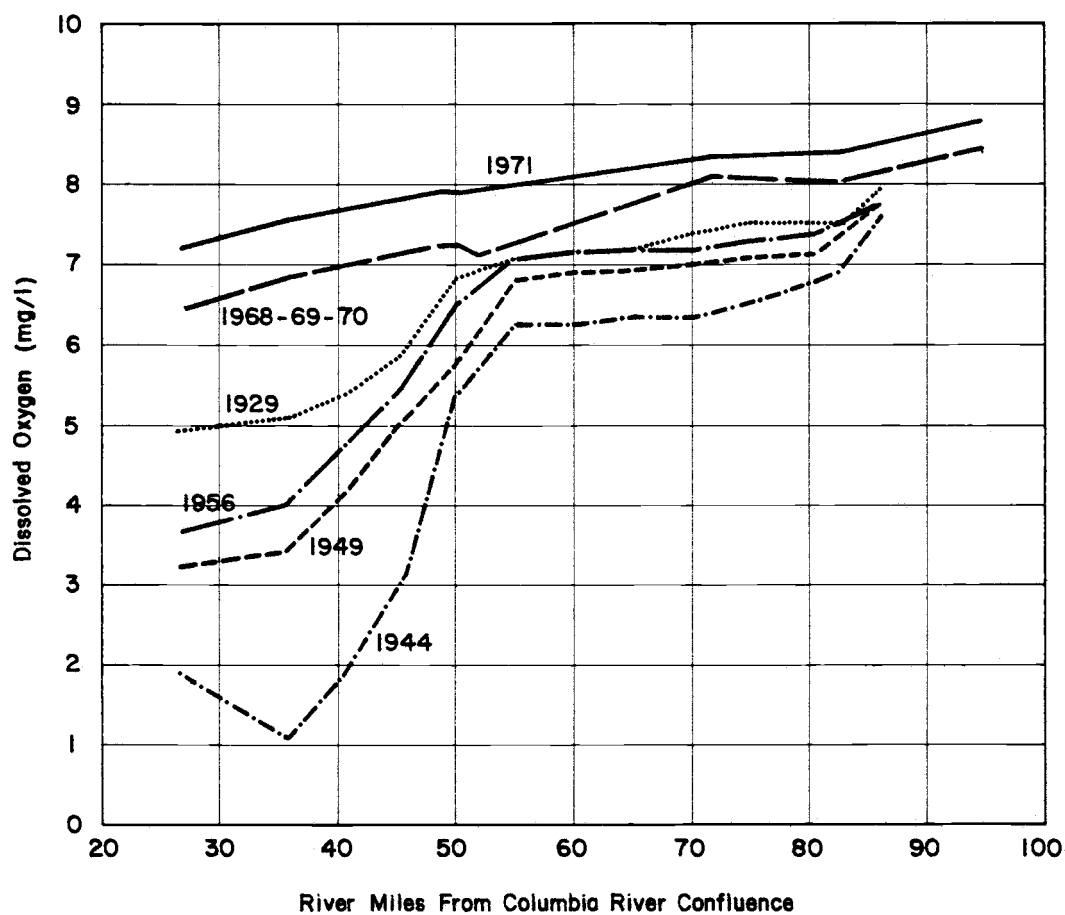
The Authority adopted even more stringent requirements in 1964. All pulp and paper mills were ordered to adopt year-round primary treatment to remove settleable solids. The sulfite mills were directed to apply secondary treatment during the low-flow months, reducing the oxygen demand of wastes by 85 percent (This requirement was extended in 1967 to cover the entire year). Secondary treatment was made mandatory for all other polluters including municipalities, and the possibility of requiring still higher treatment was reserved in some cases. All entities had to comply with these requirements by December 1966. The

Authority had in sum adopted a policy of universal secondary treatment with the option of tertiary treatment if conditions warranted.

The Corps of Engineers was active during this period. In 1953 and 1954 the two largest Corps dams in the Willamette Basin began operation. The plan of regulation for the reservoirs behind these dams was as follows: to maintain low water levels during winter as storage for flood runoff, to fill the reservoirs in spring and early summer from snowpack melt, to release the stored water during late summer and fall to augment the natural flow of the river. As a result of this regulation, low flow on the Willamette River at Salem was raised to between 5000 and 6000 cubic feet per second, compared to low flows of 3000 to 4000 cubic feet per second in the 1940s.<sup>40</sup>

Was the pollution abatement program successful? Despite a 1967 Federal Water Pollution Control Administration report calling the Willamette one of the worst polluted streams in the Pacific Northwest,<sup>41</sup> the objectives underlying the 1964 policy (modified in 1968, 1970 and 1972) seemed by the early 1970s to have been achieved (See Figure 5). As of 1972 the total oxygen demand of wastes had been reduced to one-fourth the 1957 level, and dissolved oxygen in Portland Harbor had remained above the standard five parts per million every summer since 1969.<sup>42</sup> Moreover, secondary treatment was now employed by all major industrial and municipal dischargers in the basin. The Willamette Basin in 1972 was the largest basin nationwide to employ such extensive treatment of municipal and industrial wastes.<sup>43</sup>

A sign of the health of the river was the success of Chinook salmon entering the river during the fall. Salmon are one of the best



Source: Adapted from Gleeson, *The Return of a River*, p. 77

Figure 5. Changes in dissolved oxygen concentration along main stem Willamette River 1929-1971.

indicators of water quality in flowing streams. They can survive in water with a dissolved oxygen content as low as five parts per million.<sup>44</sup> Even though salmon had successfully migrated up the Willamette River during the spring in the 1940s and 1950s (pollution was not as much of a hazard at that time of year), fall salmon runs had been absent for decades. In 1965 79 Chinook salmon were counted at the new fish ladder at Willamette Falls; in 1968, 4,040; in 1972, 11,614.<sup>45</sup> Clearly the river had rebounded with at least some of its old vitality.

#### D. The Greenway Concept Takes Shape

The effort to clean up the Willamette River accomplished two related purposes: (1) it focused attention on the river, acquainting people with its beauty as well as its problems; and (2) it raised the question, Now that the river is relatively clean, what additional uses can be made of it? This in turn raised other questions. Will the public, which has paid for restoration of the river, enjoy it? Or will public access to the river be blocked? It was these latter questions in particular which led to advancement of a concept for a greenway along the Willamette River.

Two important leaders in the Willamette cleanup effort had been Tom McCall and Robert Straub. As a state senator in the early 1960s and State Treasurer beginning in 1964, Straub had pushed hard for strong anti-pollution laws. McCall's record was no less impressive. In 1961, while a television commentator, McCall had made a movie on the Willamette called Pollution in Paradise which described the river as "an open sewer."<sup>46</sup> The movie won a national award. McCall was elected Secretary of State in 1964 where he promoted environmental quality and the concept

of livability. "The idea of livability alone is an incentive for big industry to move to Oregon," McCall said in a 1965 interview. "We will be able to pick what industries might settle in our state--specifically those that won't pollute our air and water."<sup>47</sup>

In 1966 McCall and Straub ran for Governor on the Republican and Democratic tickets respectively. After both men had won the nominations for their respective parties, each received a packet of material from Karl Onthank, Dean of Students at the University of Oregon and a long-time activist in conservation affairs. This packet contained information on the American River Greenway near Sacramento, and suggested a similar program might be feasible for the Willamette River in Oregon.<sup>48</sup>

Onthank had been a friend of McCall's and Straub's for years. As early as 1965 he had suggested to McCall the idea of parks along Oregon's rivers.<sup>49</sup> Onthank's concern with the Willamette River dealt not with the river itself so much as with land use along its banks and the impact of urbanization upon public access to and enjoyment of the riverfront. "Population," Onthank said in a 1966 report,

is moving rapidly to the cities. Within the span of the present study the Willamette Valley is likely to be a continuous urban strip from Portland to south of Eugene, with heavier concentrations of people about the presently established centers.... That means that the demand for recreation within the 40 mile or so radius [of cities]...will be greatly increased, very probably doubled within the next century.... The number using the facilities...in the Willamette Valley...will be enormously increased especially for more popular forms of recreation--driving (or walking) for pleasure, picnicking, sightseeing, swimming in the open rather than in city pools, boating, bicycling, and the like.<sup>50</sup>

"Since water is a dominant factor in outdoor recreation," Onthank went on,

"the river itself (with its tributaries) is the prime asset to the ultimate recreational program of the valley." Onthank recommended

that a Willamette River Parkway the whole length of the mainstem of the river be made a major goal in planning for the river, with appropriate related provisions for tributaries and other waters, and that the public agencies and possible donors be encouraged to acquire by purchase, donation, suitable easement or otherwise land along the banks of the river not already in public ownership, with deeper acquisitions for riverside parks at "appropriate" sites, and that this be done without reference to the immediate availability of funds for development.<sup>51</sup>

The packet from Onthank got Straub and McCall to thinking about a greenway. At a press conference in Portland on July 19, 1966 Straub proposed the idea of a greenway along the Willamette River. He repeated his proposal at a meeting of the Oregon Parks and Recreation Society in Eugene the following day. One day later, July 21, McCall gave his support to Straub's greenway proposal, calling it "magnificent" in scope and sweep.<sup>52</sup> In one swift stroke the greenway idea had been transformed from the private dream of a dedicated conservationist to a topic of widespread public concern.

Straub's proposal took the form of a brief written report entitled Willamette River Rediscovered. The report emphasized two complementary themes: conservation of riverine resources and development of the river's recreation potential. "Our goal of establishing a parkway of green down the Willamette Valley," the report said,

which can serve as a family recreation area for our state's exploding population, can only be fully reached if provision for many varied kinds of recreation is made. The potential for educational and recreational development along the Willamette is enormous. Let me list a few possible activities [The report went on to list boating, cycling, hiking and horseback riding].<sup>53</sup>



"For all these activities," the report continued,

camping and picnic sites can be provided along the river, spaced intermittently to allow river and land travelers to stop over night. From many of these sites educational nature trails should be developed. At those camp sites located in or near towns and cities along the river, public transportation can be coordinated to make excursion side-trips possible. The river traveler from Portland can visit his State Capitol in Salem, stop at the Timber Carnival in Albany, visit Oregon State University in Corvallis, enjoy the Emerald Empire Rodeo in Eugene and the Broiler Festival in Springfield, just to name a few, in his trip down the river. Many other wonderful community occasions offer the traveler down a Willamette recreation corridor much excitement, while permitting, at the same time, the enrichment that can come only from living outdoors.<sup>54</sup>

Straub continued to promote the greenway idea through the fall campaign. At a speech to students at Willamette University on October 6, 1966, Straub said Oregon residents should learn from the experience of states that have lost their natural resources. "If we don't have vision, courage, ability to move," Straub said, "we should be doubly condemned."<sup>55</sup> Straub went on to say if elected he would get the program underway by forming a commission to develop a plan for the Willamette River between Eugene and Portland. Funds would be sought from the legislature, the federal government, and private sources. Straub felt that individuals would donate to memorials that would perpetuate the river area for recreation use. He also believed the first effort should be to determine land ownership patterns along the river.

Straub lost the election by 72,000 votes. Nevertheless, with McCall's enthusiastic endorsement of the greenway idea, action was virtually assured during the 1967 legislative session. An important step had been taken when both gubernatorial candidates got behind the greenway idea. Their support would be crucial in the legislative

battle which at the time of McCall's election was only a few short months away.

#### E. The Greenway Concept Defined

It is useful at this point to step back and ask a number of questions about the greenway concept. What is this concept? And is there anything in the concept which might lead to difficulties later on?

It will be recalled that the concept originated not with one man, but two: Karl Onthank and Robert Straub. Straub wanted a greenway which essentially did two things: protect the river environment from further urban encroachment, and open up large stretches of riverfront land for outdoor recreation use. Reading Straub's proposal it is clear outdoor recreation use ranked higher in Straub's mind than conserving riverine resources. In fact, it is safe to say that outdoor recreation use was perhaps the sole aim of Straub's proposal, with conservation important only to the extent it provided a convenient backdrop around which outdoor recreation could take place. Straub attached relatively little importance in his proposal to conserving riverine resources for their own sake. He appeared to take it for granted that conservation, to be worthwhile, must involve human use on a rather grand scale; else why go to the trouble of conserving anything? This is not intended as a criticism of Straub, only an indication of how he appeared to view the greenway. To Straub the greenway was first and foremost a recreation corridor. The conservation element (involving as it does some features which do not always complement the idea of outdoor recreation) was a relatively minor part.

Furthermore, Straub was very definite about the type of greenway he was proposing. This greenway would contain an extensive network of trails. This network would link all the major Willamette River cities. Moreover, secondary trails would radiate outward from the main trail network within these cities and allow hikers to reach cultural attractions. Straub's greenway proposal was ambitious, to say the least. Except perhaps for where the trails were located, it seemed to allow for little in the way of variation.

Onthank's proposal was mild by comparison. The greenway he was proposing might possibly have taken in a larger land area than Straub's (It would have included some of the Willamette's tributaries). Nevertheless its emphasis lay more on the side of conservation. Onthank's proposal differed from Straub's in two other respects: it was less specific as to the form of the end result, and it addressed some of the practical concerns (for example, financing) which had to be addressed if a program for a greenway was to become a reality. Onthank's proposal was, in sum, more pragmatic than Straub's, less definite in aim, less recreation-oriented, somewhat broader in scope, and showed perhaps a greater sensitivity for the political realities of creating a greenway program.

One other major difference between the two proposals was that Straub's got widespread publicity and Onthank's did not. This was a consequence of Straub running for major political office and having wide access to the media. Thus, while Onthank's proposal may have been the more politically prudent of the two, Straub's was the one that got publicized. To the typical Oregonian who followed the 1966

gubernatorial campaign, Straub's proposal was the greenway proposal; others did not exist. Any reaction to this proposal was a reaction to Straub's greenway ideas and not to Onthank's. This was to have important consequences later on.<sup>56</sup>

In answer to our original question then, What is the greenway concept? we would have to answer that it is an idea for conserving the natural environment of the river while opening up substantial portions of the river environment for outdoor recreation use, with the emphasis (reflecting Straub's proposal) clearly on the latter.

In answer to our second question, Is there anything in this concept that might lead to difficulties later on? we would state that the somewhat contradictory aim of conserving the natural environment on the one hand while opening up that same environment for extensive outdoor recreation use on the other, might be expected to cause problems at some future point in time, especially among those whose interests differed from Straub's. Of critical importance was the fact that Straub developed his ideas so fully and made his intentions so clear. This seemed to minimize any possibility of compromise. Given the pattern of land ownership and use along the river at the time the proposal was made, considerable opposition could be expected from those with a vested interest in things as they were.

#### IV. THE FIRST GREENWAY APPROACH: LOCAL GRANTS-IN-AID

The transition from greenway concept to greenway program was fairly rapid: a matter of a few short months. The change in the greenway program to the form it had in 1978 took a much longer time, approximately eleven years. Far from being a smooth transition, this change was marked by slowdowns, detours, and reversals almost every step of the way. Given the problems the greenway program has faced, it is no small accomplishment that a program exists today at all. The fact that it does exist is testimony to the courage and persistence of a few persons who had faith in the program and worked to make it a reality.

The greenway program falls into three phases, each distinguished by a different means for achieving the greenway goal. Each of these phases begins with a major legislative or administrative action. Except for the last phase, which the program was still in in 1978, each ends with an impasse of sorts which forms the basis for the action which introduces the next phase.

This chapter is concerned with the first of these phases: passage of House Bill 1770 (the Willamette River Park System Act) by the Oregon Legislature in 1967, and the events which led to abandonment of this Act in favor of stronger greenway legislation in 1973.

### A. McCall's Greenway Proposal

When McCall became Governor on January 9, 1967, one of his first acts was to address a joint session of the Oregon Legislature. In this, his inaugural address, McCall outlined his philosophy of government and presented the goals of his administration. "Health, economic strength, recreation--in fact, the entire outlook and image of the state--are tied inseparably to environment," McCall said at one point. "...On or about March 1, I will send you recommendations for implementing the Willamette Recreational Greenway suggested by State Treasurer Straub and endorsed by me."<sup>57</sup>

With the stage for action thus set, McCall moved quickly to set up a greenway program. His first act was to get the State Highway Department to conduct a feasibility study of the greenway idea. The work fell to a group of six outdoor recreation specialists from Western Oregon. The Willamette Greenway Task Force, as this group was called, was to complete its study and submit its findings and recommendations in the brief space of only 30 days.

On February 2, 1967, with Executive Order 67-2, McCall created the Governor's Willamette Recreational Greenway Committee.<sup>58</sup> This committee consisted of residents from every county bordering the Willamette River from Eugene north to the Columbia confluence--11 members in all. Chaired by C. Howard Lane, President of Mt. Hood Radio and Television Company and General Manager of KOIN-TV in Portland, and including among its members Glenn L. Jackson, Chairman of the powerful State Highway Commission, the committee had the purpose of "developing a comprehensive plan for preservation, public access, use and permanent recreation

enjoyment of the Willamette River corridor from Dexter Reservoir [near Eugene] to the Columbia River."<sup>59</sup> The committee was to submit reports and recommendations for the Governor's consideration and "recommend the boundaries for the Willamette River Greenway, legislation and appropriations needed to carry out the purposes of the committee, and priorities and means for acquisition of undeveloped lands and easements through lands."<sup>60</sup> The committee was to be dissolved on February 3, 1969. The State Highway Commission was given the task of administering, implementing, and carrying out the policies, plans, and programs of the Governor's Willamette Recreational Greenway Committee.

The Willamette Greenway Task Force submitted its report in early February. The report was reviewed by the Governor's Greenway Committee and certain other interested parties, among them State Treasurer Straub. On March 1 the Governor formally presented his greenway proposal to members of the Legislature and the press at the Governor's Ceremonial Office in Salem.

The Task Force Report and the Governor's greenway proposal were similar but not identical. Both of course concluded that a greenway along the Willamette River was not only feasible but could be accomplished with a minimum of legislation working through existing agencies of government. The proposed greenway first of all would incorporate existing parks, public boat landings, and other publicly owned land along the river - some 6500 acres in all. The Task Force Report recommended the purchase of 7500 additional acres of riverfront property plus conservation and use easements on another 7900 acres of land. The cost of acquiring this land and easements was estimated at \$15.6

million at 1967 land prices.<sup>61</sup> The Governor's proposal was less committal on acreage needs but repeated the \$15.6 million acquisition figure.<sup>62</sup> Both the report and the proposal expressed the belief that local government outlays for acquisition could be kept within 25 to 50 percent of total acquisition costs through use of State and federal grants-in-aid. Development costs would be borne by local government.

The Task Force Report recommended a six-point program for recreation development. The proposal repeated these recommendations, changing the wording of some to make them less specific. These latter recommendations were to provide

- (1) A river access system with boat launching sites and river recreation areas of varying size and purpose;
- (2) A recreation trail system to permit hiking, bicycling, and horseback riding. The system would diverge from the main river bank in places to follow old river channels or detour around subdivisions or other improvements;
- (3) A river camp system for overnight camping and picnicking. Some of the camps would be accessible only to boaters on the river or to hikers following the trails;
- (4) A scenic drive system where existing parkways and roads would be identified as part of a river viewpoint system and maintained to protect scenic values;
- (5) A recreation tract system of sites to be developed for multipurpose regional parks, historical attractions or scenic viewpoints, or large tracts of undeveloped land within the river's flood plain retained in a wild state for wildlife refuges;
- (6) A scenic conservation easement system to protect scenic qualities where outright purchase would not be needed for



recreational development.

The Task Force Report and the Governor's greenway proposal differed on two important points. Whereas the Task Force Report recommended strong State participation in running the greenway program,<sup>63</sup> the Governor's proposal suggested that administration rest chiefly with local government, with the state assuming little more than a caretaker's role.<sup>64</sup> The Task Force Report recommended that a commission carry out the greenway policymaking function, apparently feeling a commission would have sufficient authority and provide needed independence from the Highway Department.<sup>65</sup> The Governor's proposal suggested a committee with the policymaking authority split between it and the State Highway Commission.

In short, the Governor's Greenway Proposal represented a retreat of sorts from the bold recommendations of the Task Force Report. This retreat was apparently a response to political pressures both inside and outside of State government. The proposal still resembled Straub's Willamette River Rediscovered proposal of the previous year, especially in its six-point program for recreation development. But its emphasis on local as opposed to State initiative in carrying out the greenway program was a major departure. This emphasis put a limit on the program's ultimate possibilities regardless of how imaginative any greenway development plans proved to be.

#### B. The Legislature Produces a Bill

On March 13, 1967 House Bill 1770 was introduced into the Oregon Legislature at the request of Governor McCall. Dealing specifically with the greenway, this bill was patterned after McCall's greenway proposal.

Briefly, the bill (1) established a Willamette River Greenway Recreational System, (2) authorized the Governor to appoint a Willamette River Greenway Committee to carry out the act, and (3) authorized the State Highway Commission to enter into agreements with units of local government for the purpose of acquiring land or interests in land for greenway purposes, and to make grants of money available to local government from the State Highway Fund not to exceed 50 percent of the cost of such land or interests in land, with an \$800,000 maximum on State expenditures for the biennium ending June 30, 1969.<sup>66</sup>

The bill caused a stir among legislators. To appreciate the events of the next several weeks it is necessary to go back to Straub's initial Willamette River Rediscovered proposal of July 1966.

When Straub first unveiled his greenway plan, public reaction was mixed. The mood of the public was captured in an editorial in the Oregonian on July 22, 1966:

State Treasurer Robert W. Straub, mining the public domain for ideas to jar the voters out of their apparent apathy... has come up with a nugget which could cause a riot at the assay office.

Mr. Straub's new strike in the recreation field is headed "Willamette River Rediscovered," a proposal for a "family recreation corridor" along the banks of the Willamette from above Eugene to Sauvies Island below Portland....

It may be seen that while outdoor lovers in the metropolitan areas may hail this proposal to open the waterway to greater public use, the owners of riverside dwellings and farms along the 200 miles of the Willamette from Lowell to Sauvies Island may not be so enchanted. These have, after all, a prior interest in their removal from the freeways in search of privacy, family recreation and the growing of crops.

Mr. Straub is recreation-minded, as witness his proclamation for clean rivers--including cleaning up the polluted Willamette--and against freeways on the beaches. And he recognizes that the Willamette Valley may gain 750,000 people south of the Portland Metropolitan area within 20 years. The Willamette corridor may well be an attainable

objective. But he should expect a lot of bricks with the bouquets to liven his gubernatorial campaign against Tom McCall.<sup>67</sup>

At the time of Straub's announcement, a group was already operating in Eugene to promote the greenway idea (See footnote 48, page 205).<sup>68</sup> Under the sponsorship of the Upper Willamette Resource Conservation and Development Project, this group had formed the preceding year independently of Straub's Willamette Rediscovered effort. It had succeeded among other things in organizing a float trip down the Willamette River to acquaint people with the river and its potential.

A second pro-greenway group had come into existence in Portland about the time of Straub's announcement. Called Willamette River Rediscovered and closely tied to Straub and his ideas, this group consisted mostly of Portland-area residents and included at least one member, James Mount, who was later to serve on the Governor's greenway committee.<sup>69</sup>

A steering committee from both groups met in Eugene in December 1966 to block out strategy for the upcoming legislative session. On March 1, 1967, the date of McCall's greenway announcement, these informal groups merged into a single nonprofit organization, the Willamette River Greenway Association, to see that the "grand concept" for a greenway along the Willamette River became a reality.<sup>70</sup>

Opposition to the greenway was initially slow in forming. We see little evidence of concerted greenway opposition until McCall's greenway bill had reached the Legislature.

Howard Fujii, a lobbyist for the Oregon Farm Bureau, delivered an opening salvo against the bill. "A 50-foot easement for trails along

the river doesn't seem like much land," said Fujii in an Oregon Farm Bureau newsletter,

but it amounts to over six acres for every mile. Assuming full development on both sides of the river for 200 miles, this is equivalent to over 2400 acres. Add this to other lands acquired for parks and access roads, and it totals to a sizable amount of agricultural land.

What will this do to the farmers along the river?... What will happen to pumps along the river? If trails are built across pastures, who will pay for fences, gates or cattle guards? Who will pay for fruit and vegetables when picnickers help themselves to the "fruits of the land?" Who will clean up after litterbugs?<sup>71</sup>

Fujii recommended that the greenway not be made continuous from one end of the valley to the other, that private property rights be protected and condemnation of private property be avoided, that private development of recreation facilities be allowed, and that the greenway be developed on a "pay as we go" basis with funds from greenway user fees, boat license fees, and gas tax monies allocated for state parks. Fujii concluded with a statement urging readers to "insist that your legislators look at this proposal very carefully."<sup>72</sup>

Fujii's readers must have taken him seriously. On March 14, one day after introduction, House Bill 1770 was referred to the Joint Committee on Ways and Means where it remained for more than two months. When the bill finally surfaced from committee on May 30, committee members had made it clear they were in no mood to approve a project of the magnitude originally proposed.

The intervening two months had witnessed intense lobbying efforts by both pro- and anti-greenway forces.

In support of the greenway proposal, Kessler Cannon, Executive Secretary of the Governor's Committee on Natural Resources, and State

Parks Superintendent David Talbot had met with Oregon Farm Bureau members from Marion, Polk, Benton, Lane and Yamhill Counties. The greenway did not seek to disrupt or eliminate existing uses of land along the river, Cannon and Talbot said, nor did it seek to "remove vast acreages from the tax role." Regarding trails--a thorny issue with farmers--the two commented that trails would not be built without the full agreement of property owners involved. The method of acquiring private land would depend on the individual case, they said, adding that the State Highway Department had the right of eminent domain but had always exercised that right with discretion. Talbot noted that vandalism in state parks was only a small fraction of that in county parks because the former were better supervised.<sup>73</sup>

The lobbying efforts on both sides were only partly successful. Greenway opponents had not succeeded in killing the greenway legislation. But then neither had greenway proponents gotten everything they wanted. The final bill was a compromise.

The bill changed the name from Willamette River Greenway to Willamette River Park System. The \$800,000 acquisition amount was not changed. However, the money could not be used to obtain land or rights in land through condemnation or exercise of eminent domain. This restriction on eminent domain applied to units of local government as well as the State Highway Commission. The highway commission was granted virtually full authority to carry out the act. The portion of the act dealing with the Governor's Willamette River Greenway (now Park System) Committee was made to expire June 30, 1969.<sup>74</sup>

House Bill 1770 was passed by the House on May 31, 1967. On June 6

the bill was approved by the Senate, and on June 30 Governor McCall signed the Willamette River Park System (WRPS) Act into law.

The restriction on eminent domain was a critical feature of the WRPS Act. The right of eminent domain had been granted to the State Highway Commission by Oregon law;<sup>75</sup> the WRPS Act abridged that right where the Willamette River Park System was concerned. This meant all title transactions in the WRPS program had to be conducted on a willing buyer-willing seller basis. If the State or local government and the owner of property along the river were unable to agree on a price, or if the owner simply refused to sell, then a transfer of title could not take place, and that particular parcel could not be included in the WRPS system.

The impact of this restriction on recreation facilities such as trails was profound. In a region like the Willamette Valley an extensive trails network requires full or partial title to many parcels of land. The majority of parcels along the Willamette River are under private ownership. Thus, if one parcel in a chain of, say, ten or a dozen along the river is unable to be obtained for trail purposes, then a trail system through those parcels becomes unfeasible regardless of what the other owners do. The problem is less serious with more localized facilities such as parks and river access sites; if recalcitrant owners are found at one location, then the facilities can often be located elsewhere. But the provision eliminating eminent domain was virtually fatal to trails. The provision went far toward scuttling the entire WRPS program, as we shall see later.<sup>76</sup>

Authority for carrying out the act was vested with the State Highway Commission. The commission, however, was a policy-setting and

decision-making body only; day-to-day administration would rest with the Parks and Recreation Division of the State Highway Department. The Superintendent of State Parks was, and still is, David G. Talbot. To absorb the Willamette River Park System Program into his agency, Talbot would create a WRPS Section which operated independently from the other sections of his agency.

The resulting division of responsibility was as follows: State Parks would administer the WRPS Program, process local grant-in-aid requests, carry out studies, and perform other administrative duties as required; the Governor's WRPS Committee would set grant-in-aid policy (subject to approval by the State Highway Commission), approve or disapprove local grant-in-aid requests (again subject to highway commission approval), and generally serve as a buffer between the State and the public; the State Highway Commission would decide all major matters concerning WRPS policy, funding, and administration.

The State Parks Agency, being an arm of the State Highway Department, would have access to the resources of that department, including, but not restricted to, its services for property appraisal and acquisition. The Willamette River Greenway Association, though not formally a part of the administrative structure, was given the unofficial responsibility of creating a receptive environment for the greenway idea among the public at large.

#### C. Funding Sources Established

Despite its weaknesses, the Willamette River Park System Act was generally well received by the Governor's WRPS Committee.<sup>77</sup> Most of

the criticism of the Act came from outside the committee, notably from State Treasurer Straub and from Carleton Whitehead, new President of the Willamette River Greenway Association. Both had wanted stronger greenway legislation. The WRPS Committee, however, was relieved that even a weak greenway bill had survived the legislative gauntlet. A half measure after all was better than none.

The committee now set about to develop an administrative program. It decided early that grants-in-aid requests from local government would be accepted in three periods during the 1967-1969 biennium. These periods would end January 1, 1968, July 1, 1968, and January 1, 1969. Projects would be reviewed on a first-come first-served basis, and letters of intent would be sent to all holders of successful projects. Guidelines for submitting grant-in-aid applications would be drafted and mailed to each potential applicant. These guidelines would follow those outlined in the Task Force Report.

The committee decided that the Federal Land and Water Conservation Fund (L&WCF) Act administered by the Department of the Interior's Bureau of Outdoor Recreation (BOR)<sup>78</sup> was the best potential source of outside funding. As State Parks was already administering the regular-apportionment L&WCF grant-in-aid program within the State of Oregon, it would be a simple matter for the agency to handle a special apportionment for the Willamette River Park System. Matching percentages for a special apportionment grant were understood by committee members to be 25 percent local, 25 percent federal, and 50 percent State. These were later changed to 25 percent local, 25 percent State, and 50 percent federal to reflect actual federal matching requirements.<sup>79</sup>



Doubts had been expressed all along about the ability of local governments to come up with their matching share. State Parks Superintendent Talbot had assured the House Ways and Means Committee during its deliberation on HB 1770 that sufficient local funds existed to absorb the \$800,000 State allocation.<sup>80</sup> What was not known, however, was the extent to which local government would commit funds to the program.

To more accurately assess local intentions, letters were sent to mayors and boards of commissioners of all greenway counties and cities on July 13, 1967. These letters asked local officials for their "best estimate of local funds available...for this [greenway] purpose this fiscal year and also funds that may be available in the next fiscal period."<sup>81</sup> Responses were reported on September 21. Of the 23 cities and counties contacted, 14 indicated that greenway matching money would be available for fiscal year 1967-68 and nine for fiscal year 1968-69. The total local matching amount for 1967-68 was estimated at \$593,522 of which 41 percent was for the City of Portland. The amount for 1968-69 was estimated at \$335,200. The man who wrote the report concluded that "if they [greenway cities and counties] are so inclined, they could have easily matched the \$800,000 that is available through the Willamette River Park System Program. What will really happen in the final analysis remains to be seen.... Only when the smoke clears at the end of the biennium will [it] be known how sincere local government really is about participating in the Willamette River Park System Program."<sup>82</sup>

On September 28, 1967 a representative of the State Parks Agency

met with Bureau of Outdoor Recreation officials in Seattle "to discuss the Willamette River Park System Program and the possibility of obtaining a special contingency fund apportionment from the Land and Water Conservation Fund."<sup>83</sup> The initial reaction of BOR was negative. BOR officials pointed out that according to a recent agency directive, contingency fund apportionments had to be expended within a six-month period of the grant taking effect. Contingency fund applicants were also expected to demonstrate an extraordinary concern for the projects for which funds were being sought, for example by allocating a portion of their regular State L&WCF apportionment to such projects. The officials further questioned Oregon's lack of a plan that pointed out specific sites to be acquired. "I challenged them by stating that this was a new concept and they should look at the total package and allow for maximum flexibility in acquisition,"<sup>84</sup> the State Parks representative said afterwards. After much discussion the BOR regional office in Seattle agreed to support Oregon's proposal and forward it to Washington, D.C.

On November 6, 1967 a proposal for \$1.6 million from the L&WCF Contingency Reserve Account (to be matched by the \$800,000 in State funds approved by the Legislature) was forwarded to the Seattle Office of BOR. On March 11, 1968, nine months after legislative approval of HB 1770, and to the considerable relief of all involved in the WRPS program, word was received from Washington that Interior Secretary Stewart Udall had approved Oregon's L&WCF Contingency Reserve request.<sup>85</sup>

The approval doubled the size of Oregon's WRPS grant-in-aid program from \$1.6 million to \$3.2 million. Local government now had to

contribute only 25 cents for every dollar spent on acquisition. The contingency reserve funds had to be expended by June 30, 1970, but this was not viewed at the time as posing a particular problem.

Of more immediate concern were restrictions attached to property acquisition under the L&WCF Program. Under the terms of the program, no more than fair market value could be paid for riverfront property. This meant an owner of such property, knowing the State or local agency lacked the power of eminent domain, could raise the asking price above fair market value (if, indeed, he was inclined to sell at all) and the agency would have to forego acquisition unless additional funds could be raised elsewhere. Other restrictions involved the method of payment for acquired property and the uses of property once title had been obtained.

The effect of the L&WCF Contingency Reserve grant was to expand the possibilities of the WRPS program on the one hand and to contract them on the other. On balance, however, approval by Secretary Udall of Oregon's L&WCF request was a boon to greenway aspirations. The task remained to follow through with needed land acquisition.

#### D. Program Administration 1967-1969

On approval of Oregon's Contingency Reserve request one of the first questions to present itself was, What pattern should these acquisitions take? Before acquisition could begin, however, it was necessary to establish limits for the greenway. This was done in two stages.

On October 22, 1967 the Governor's WRPS Committee set the upper

greenway boundary at Dexter Dam on the Middle Fork Willamette River and at Cottage Grove Dam on the Coast Fork. The lower boundary was set at the Columbia River confluence. This brought the boundary into line with the "manner in which the program was presented at the legislative hearings."<sup>86</sup>

On October 30 State Parks Superintendent Talbot asked Highway Department Chief Counsel G. E. Rohde whether Multnomah Channel was part of the Willamette River and hence an element of the greenway. Multnomah Channel "is a natural channel which carries Willamette River water toward the Columbia during normal conditions,"<sup>87</sup> an assistant of Rohde replied. On the basis of this and references to the river in various greenway documents, the assistant concluded that "such channel is to be included as part of 'Willamette River' as that term is used in Chapter 551, Oregon Laws 1967 [the WRPS Act]."<sup>88</sup>

The matter of where to acquire land was not so easily resolved. As early as August 1967 Carleton Whitehead, President of the Willamette River Greenway Association, had criticized State Parks for its apparent unwillingness to plan for recreational development of the Willamette River.<sup>89</sup> Whitehead's criticism sparked an angry letter from Forrest E. Cooper, State Highway Engineer, to Glenn L. Jackson, Chairman of the State Highway Commission, defending the State Parks approach. "The decision was made early in the planning," Cooper said, "that the primary benefits, and therefore, the responsibilities, rested with local government. If there is any validity to local government home-rule principles, and the ability of local leadership to not only understand their problems, but to take steps to solve them, then the major effort must

come from local government."<sup>90</sup> Cooper went on to say it was never the intention for the greenway program to be a massive State effort or for the State to tell local government what to do. Nevertheless, he did concede that the "need for comprehensive planning is well known by us and will necessarily become an integral part of the program."<sup>91</sup> These feelings were communicated to Whitehead at a meeting in Portland on October 5, 1967, attended by Talbot, Jackson, Cooper and others from the highway department. Whitehead listened but apparently left the meeting unsatisfied.<sup>92</sup>

The events of the next several months were fairly routine. In November 1967 a procedural manual<sup>93</sup> for submitting L&WCF grant-in-aid applications was prepared and sent to greenway cities, counties, and park and recreation districts. On November 5 State Parks appointed its first full-time WRPS Program Director, George W. Churchill. Churchill, a pleasant soft-spoken man, came to State Parks from the U. S. Forest Service. His background in outdoor recreation in Oregon went back many years. Churchill would report to Talbot and serve as liaison between State Parks and the various individuals and organizations having an interest in the WRPS Program.

By late December 1967 grant-in-aid applications were beginning to arrive from local government. Six applications were reviewed by the Governor's WRPS Committee on February 2. Three local government jurisdictions were represented by these applications: two cities and a regional parks agency. All the applications were for urban parks. The committee approved four applications for a total of \$160,870 and referred them to the State Highway Commission for their approval.

From there the applications would go to BOR. In reviewing the applications one of the committee members expressed disappointment that all were for urban projects. State Parks Superintendent Talbot replied that his staff was working with greenway counties in hopes of getting at least one scenic easement application soon, for use as an example to other local jurisdictions.<sup>94</sup>

Applications continued to come in during spring and summer 1968. On September 12, 1968 the WRPS Committee submitted its annual progress report to Governor McCall. The report listed seven park acquisition projects approved by the State Highway Commission as of August 21. The value of these projects was \$248,970. Seven other projects had either been withdrawn from consideration or were still to be decided. The report was almost apologetic in its summary of progress up to that time:

Your Willamette River Park System Committee has been working for a little over a year with the acquisition program along the Willamette River and we are actually doing better than many people thought we would. However, approximately 80% of the business to date has been from the cities because they had better planning and were in better position to assume such a program. We are confident that with a little more time and salesmanship on our part there will be greater activity from the nine counties along the river.<sup>95</sup>

The report recommended nine steps to improve the program. Among these were measures to enlarge the State contribution to the WRPS matching fund, remove restrictions on eminent domain (or, alternately, to provide tax relief to persons who convey full or partial title to the WRPS Program), and require the State Land Board to reserve for park purposes all land under its jurisdiction along the Willamette River. For the first time in official State correspondence, mention was made

of possibly expanding State participation if the grant-in-aid program fell through.

The relative lack of progress in the WRPS Program did not go unnoticed by persons outside the administrative structure. Foremost among these persons was State Treasurer Straub.

Straub had been unhappy with the WRPS Program from the beginning. The program fell considerably short of his 1966 greenway proposal. He had lent his support to House Bill 1770, a Straub spokesman said at the time, because it represented a start on the program and not a final answer.<sup>96</sup> To Straub's way of thinking, a great deal more was needed if the greenway vision was to be fulfilled.

On December 10, 1968 Straub, addressing a Portland meeting of the Willamette River Greenway Association, expressed his disapproval of the program. "At the rate we're progressing," Straub said, "it will take 840 years to complete this project."<sup>97</sup> Straub pressed his attack. "To date," he said

no money has been spent for land. Only 2,600 feet of river frontage of the more than 210 miles involved in the project has been approved. With two banks on the river, this means that only one-half mile of the more than 420 miles of riverbanks involved is even near public ownership.<sup>98</sup>

Straub called for changes in the WRPS Act to make the State responsible for planning, acquisition, and development. He also recommended the State Highway Commission take over the program through the State Parks Agency.

Within three weeks of Straub's address, Governor McCall unveiled a proposal for shoring up the WRPS Program. This proposal was tied to a similar proposal for preserving Oregon's beaches. An earlier ballot

measure supported by McCall, which would have levied a one-cent addition to the State gasoline tax for acquiring beach property, had been defeated by the voters. McCall now proposed a \$15 million State bond program to acquire dry sand areas on Oregon beaches and park and recreation land along the Willamette River. The way in which the \$15 million would be divided was not specified. McCall further recommended removal of the WRPS restriction on eminent domain, lifting the 1-1/2 percent limitation on interest the State Highway Commission could pay on bonds, and creation of a system of statewide zoning. Each of these measures would be taken up in turn by the 1969 Oregon Legislature.<sup>99</sup>

The State Highway Department maintained a low profile during these proceedings. Its task after all had been clearly spelled out by the 1967 Legislature. Highway Commission Chairman Glenn Jackson had expressed an unwillingness from the beginning to have the State Highway Department more than nominally involved in carrying out the WRPS Program.

In fall 1968 a change of sentiment occurred. This change was brought about by concern that L&WCF Contingency Reserve funds would be lost if alternate means for spending the money were not devised. In a letter to State Parks Superintendent Talbot on November 13, 1968 Assistant State Highway Engineer Lloyd P. Shaw instructed Talbot to "put together a tentative project under the Willamette River Park System which would be financed as a state parks acquisition."<sup>100</sup> Talbot followed with a letter to Fred Overly, head of BOR's Seattle regional office, saying the State was preparing a WRPS project to be submitted at the eleventh hour if necessary "as a back-up against potential loss of federal funds."<sup>101</sup>



As events turned out, BOR later granted a time extension to Oregon's Contingency Reserve grant and the backup project never was submitted. However, the actions of Shaw and Talbot signaled a shift in Highway Department thinking--a shift whose importance would become apparent in the weeks and months ahead.

In January and February 1969 the various bills developed from McCall's end-of-year proposal were introduced in the Oregon Legislature. The bill most important to the WRPS Program was Senate Bill 107. Introduced on January 28, SB 107 would have lifted the interest restriction on State highway bonds and expanded the use of bond revenues to include beach and Willamette River parkland acquisition. SB 107 was referred to the Senate Highway Committee and then to Ways and Means, where it failed to gain approval.<sup>102</sup>

In March the Governor's WRPS Committee discussed a proposed bill which would have removed the restriction on eminent domain, simplified and encouraged the use of easement procedures in obtaining rights to property (present procedures were viewed as cumbersome and unworkable), and provided alternatives to local government for financing WRPS projects. To the disappointment of some committee members, this bill was never forwarded to the Legislature.<sup>103</sup>

By the end of the 1969 legislative session \$800,000 had been authorized by the Legislature to continue the WRPS State grant-in-aid program for the 1969-1971 biennium. \$150,000 of this amount would come from obligated but unspent funds from the previous State apportionment.

From the start of the WRPS Program pressure had existed for some

type of plan for recreation development of the river. A plan was needed among other reasons to guide local government in acquiring recreation property. In late 1968 the WRPS staff began working on a resource study<sup>104</sup> of the Willamette River. This study was completed in August 1969.

The study used topographic maps to identify 22,747 acres of river-front land with potential for public ownership (See Table III). Thirty-six percent of this land was in Lane County. Approximately 60.7 miles of Willamette River frontage was in public ownership already. The State was the biggest public owner, followed by cities, counties, and the federal government. The study indicated the number of riverfront miles suitable for easements of various types. The potential public acreage, if acquired, would quadruple the number of public acres along the river.

The study could not be called a plan in any sense; it was an inventory and little else. But it was the first document of its type to issue from the WRPS Program since the Willamette Greenway Task Force Report of 1967. WRPS Committee members and staff were understandably pleased with the effort.

While the above study was being prepared, grant-in-aid applications continued to trickle in. Five projects were approved by the WRPS Committee in February 1969; four in April; five in August. The grant-in-aid program seemed to be picking up.

In July 1969 WRPS Program Director Churchill reported that only 40 percent of State WRPS funds had been expended during the 1967-1969 biennium, and that the remainder, almost \$500,000, less the \$150,000

TABLE III. EXISTING AND POTENTIAL PUBLIC OWNERSHIPS  
ALONG THE WILLAMETTE RIVER, 1969

County	Shoreline Length (bank-miles)	Existing Public Ownership (bank-miles)						Existing Private Ownership (bank-miles)	Private Ownership Suited for Public Acquisition (bank-miles)
		Federal	State	County	City	District	Total		
Benton	49.1	0.1	1.2	0.2	1.3	0.0	2.8	46.3	20
Clackamas	50.1	0.9	0.4	0.9	1.6	0.0	3.8	46.3	7
Columbia	26.0	0.0	10.1	0.0	0.0	1.4	11.5	14.5	3
Lane	137.9	4.0	14.5	3.6	3.9	0.0	26.0	111.9	57
Linn	60.1	0.0	1.1	0.4	0.5	0.0	2.0	58.1	23
Marion	66.5	1.2	3.4	1.6	0.3	0.0	6.5	60.0	33
Multnomah	53.4	0.1	0.1	0.0	2.2	2.1	4.5	48.9	15
Polk	37.3	0.0	0.2	0.3	1.5	0.0	2.0	35.3	25
Yamhill	29.8	0.0	0.6	1.0	0.0	0.0	1.6	28.2	17
Total	510.2	6.3	31.6	8.0	11.3	3.5	60.7	449.5	200

Source: Adapted from Willamette River Park System Potential Site Inventory, 1969.

carried over by the Legislature for the 1969-1971 biennium, would be returned to the Highway General Fund and lost to the program.<sup>105</sup>

In August 1969 Churchill unveiled an escrow procedure developed by staff through which local governments would have to raise only 25 percent of the cost of a project at the beginning rather than the full 100 percent and later be reimbursed for 75 percent. This procedure was estimated to cut the time needed for processing local grant-in-aid applications by half. The procedure would hopefully lead to greater local participation in the WRPS Program.

Any optimism concerning such participation was short-lived, however. On October 14 Churchill reported that a meeting of the WRPS Committee had not been scheduled that fall because "to date we do not have one firm project to bring you for consideration."<sup>106</sup> On January 30, 1970 Churchill outlined the status of the WRPS Program: 30 projects considered by the WRPS Committee since 1967; 29 projects approved; 19 projects either completed or on the verge of completion. Total acres acquired: 397. Total riverfront miles: 2.4. Total funds expended: \$1,540,410.<sup>107</sup> The figures seemed low for a program over two years old which had gotten underway with enthusiasm.

By now of course views were being expressed outside the State Highway Department that something additional needed to be done. Straub, gearing up for the next gubernatorial campaign against Tom McCall, had resumed his verbal assault on the program. The Willamette River Greenway Association, concurring with Straub in its appraisal, was searching for other methods to bring the continuous parkway idea back to life. The Highway (now Transportation) Department<sup>108</sup> itself was moving to

compensate for weaknesses in the WRPS Act. The efforts of the Transportation Department are the subject of the following section.

#### E. State Parks Along the River

The Willamette River Park System Act had removed the power of eminent domain from the State Highway Commission and units of local government in carrying out the act's provisions. It had not, however, affected the power of the commission or local government to exercise eminent domain in other programs where condemnation was permitted by law. Nor had it specified that park and recreation land along the Willamette River could be acquired only under the terms of the WRPS Act. The legislation said simply that an agency in administering the act had to follow certain procedures and avoid doing certain things. The door was left open for the State to employ other means of acquiring river-front property to which the restrictions of the act did not apply. This failure of the WRPS Act to cover other programs of land acquisition was the opening the Transportation Department took advantage of in its plan to shore up the WRPS Program.

The shift in department thinking on this matter was mentioned previously (See page 77). At a meeting of the WRPS Committee on March 13, 1969 Transportation Commission Chairman Glenn Jackson summed up the problems of the State WRPS grant-in-aid program.

According to Jackson, the real stumbling block was the inability of counties to carry their share. "Let's assume that in order to take the heat off and provide progress by the establishment of the additional facilities," Jackson said, "we took out four or five major areas that

would qualify as state parks to reduce the amount that these counties would have to fund. Would that help the situation?"<sup>109</sup> Jackson went on to suggest that the State take responsibility for one major park on the Willamette River per county so that the county load would be lightened. If funds were made available at a lower level, Jackson reasoned, then perhaps the counties would meet their obligations in the program without straining their resources. Jackson said a state parks development program along the Willamette River would help to dispel the notion that the greenway program was getting nowhere.

In January 1970 State Parks Superintendent Talbot requested that \$1 million be added to the State Parks fiscal year 1970-1971 budget for state parks along the Willamette River. In July he discussed the state park projects with Assistant State Highway Engineer Lloyd Shaw, and in August he presented the projects to the Governor's WRPS Committee. Five sites were involved (See Figure 6).

- (1) Molalla-Pudding River, Clackamas County, near Canby, 450 acres;
- (2) Lower Kiger Island, Linn and Benton Counties, three miles west of Albany, 1000 acres, \$1,000,000 estimated cost;
- (3) Norwood Island, Linn and Benton Counties, nine miles south of Corvallis, 900 acres, \$675,000 estimated cost;
- (4) Dexter Dam, Lane County, near Lowell, 700 acres, \$740,000 estimated cost;
- (5) Lone Tree Bar, Marion and Yamhill Counties, near Wheatland, \$740,000 estimated cost.

The state parks program involved 4500 acres at a cost of \$3.5 million. Talbot explained that the sites had been selected on the basis of natural features, ease of access, development potential, and other

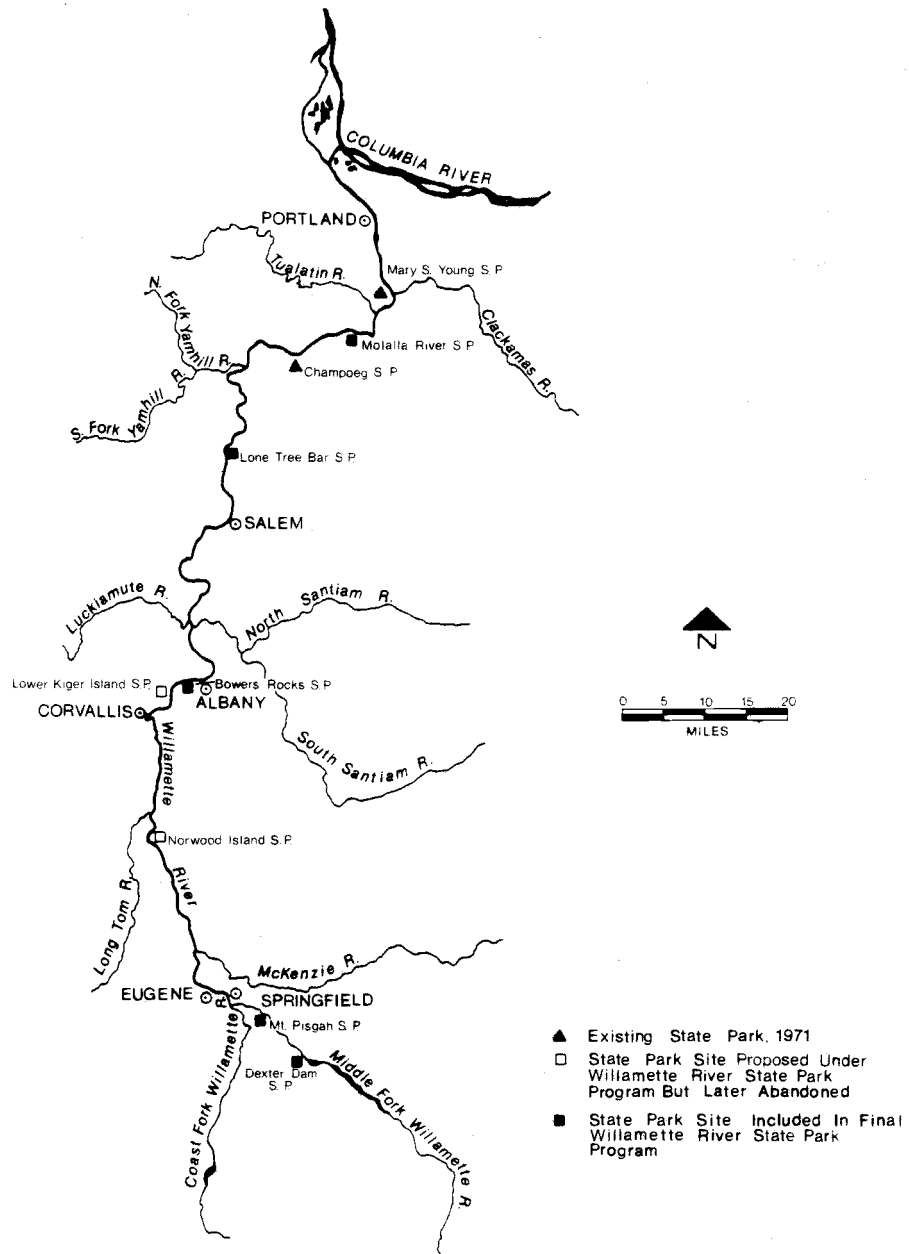


Figure 6. Existing and proposed state parks along the Willamette River, 1971.

criteria, and that all were very fine pieces of land large enough for all anticipated needs. The WRPS Committee gave the program its complete endorsement.

Funding for the program was to come from a combination of State highway funds (requested earlier by Talbot) and funds from the L&WCF Contingency Reserve Account. Some of the L&WCF money would be taken from the existing L&WCF grant scheduled to expire June 30, 1971.<sup>110</sup> The scope of the program virtually demanded a new L&WCF application, however, and on September 25 an application for an additional \$1 million was submitted to BOR. This amount was to cover state park acquisitions along the Willamette River through June 30, 1971, as well as a number of other acquisitions under the state WRPS grant-in-aid program. The door was left open for additional State requests totaling \$2 million over the next two years.

On January 12, 1971 the State Parks Agency was notified that \$500,000 had been approved by BOR for the program--half of what was requested. WRPS Committee members and staff were disappointed. This reduction in funds had occurred despite intense lobbying efforts by McCall (recently elected Governor for a second term over Democratic challenger Straub) which included a boat trip down the Willamette with Interior Secretary Wallace Hickell and Transportation Commission Chairman Glenn Jackson. The state parks acquisition program along the Willamette River would proceed but at a somewhat slackened pace.

State officials were conscious all along of the potentially controversial nature of the state parks program. The program was not illegal in any way; it simply sidestepped the intent of the WRPS law. Adding



to the potential problems was the fact that the state park sites were mostly in agricultural areas where opposition to the greenway was strongest.<sup>111</sup>

As early as July 1970 Talbot had cautioned against moving too quietly with the program. "Working on the assumption that the development of state parks on the Willamette is an attempt to bolster the Greenway project by providing roughly 'a state park in every county,'" he said in a note to his supervisor, Lloyd Shaw, "it would probably be wise to take certain key groups into our confidence before getting started."<sup>112</sup> Such groups included boards of commissioners of affected greenway counties. Talbot recommended this approach with its obvious risks because in his judgment "a project of this size cannot be kept secret, and any attempt we make to smooth the way will be well worth it in the long run."<sup>113</sup>

By February 1971 property appraisals and negotiations were underway at the Molalla, Lone Tree Bar, and Dexter locations. The appraisals varied widely, ranging from \$150 to \$1200 per acre.<sup>114</sup> In March a statement was filed with the Executive Department for State Parks to apply for \$375,000 in federal L&WCF funds to begin acquisition at Lone Tree Bar. This was followed by similar letters for Dexter and Molalla.

By the end of June acquisitions at Molalla were complete. The State now owned 4000 feet of river frontage at that location. Acquisitions at Dexter totaled five parcels and 9200 feet of river frontage, and at Lone Tree Bar one parcel and 4000 frontage feet.<sup>115</sup> Acquisitions at Norwood Island and Lower Kiger Island were scheduled for the 1973-1975 biennium. As usual with state parks acquisitions, property appraisal and price

negotiations were handled chiefly by representatives of the State Highway Division.

By July 1, 1971, then, the State in the brief span of six months had acquired 3.3 miles of river frontage--almost half the total for the WRPS Program after four years of operation. The State had also expanded the size of two existing state parks along the river: Champoeg and Mary S. Young. Condemnation was not used to obtain any of these properties. However, State officials were aware that condemnation authority existed if other means of negotiation failed. Property owners were presumably aware of this also.

Acquisitions continued through the remainder of 1971 and into 1972. By September 1, 1972 acquisition at Lone Tree Bar was 60 percent complete; at Dexter it was 70 percent complete.<sup>116</sup> Federal matching funds were now coming from a new and substantially larger L&WCF Contingency Reserve grant approved by BOR in January 1972.

Spring 1972 saw the first need for condemnation in the state parks acquisition program: a large parcel of predominantly agricultural land at the Lone Tree Bar location. Litigation on this parcel would drag on for several years. Political pressure in fall 1972 led to abandonment of the Norwood site as a future state park location.<sup>117</sup> Its place was taken by a large regional park proposed for development at Mt. Pisgah near Eugene.

By now public attention had shifted from the state park program to another program developed by the State and designed to add even more land to the greenway system: the Willamette River Corridor Program. A discussion of this highly controversial program follows.

#### F. Willamette River Corridor Program

The program for additional state parks along the Willamette River was a stopgap measure to relieve greenway counties of some of their obligation to provide park and recreation land. The state park program was never viewed as a complete response to the ailing WRPS Program, however, as there remained vast stretches of land along the river that did not meet the criteria for a state park but nevertheless were vital to fulfillment of the greenway idea.

The foundation for a new and more comprehensive program of land acquisition along the river was laid at a meeting of the Governor's WRPS Committee on January 12, 1971. Besides WRPS Committee members and staff, this meeting was attended by Governor McCall and his assistant for natural resources, Kessler Cannon. The minutes of this meeting provide a convenient summary of what took place.

The Governor said that the problem with the program was that we haven't had enough local money--that even half a million dollars won't generate much because of the hangup in local money, so he hoped it could be worked out to look at the possibility of bonding and go ahead on the basis that this ought to be a project of the Highway Commission, and when we did get some local money, we could go ahead on that basis too.

[Transportation Commission Chairman] Jackson said that on the funds available without bonding we would put up a million dollars and would try to get a million from the Federal Government for land acquisition, but that million dollars doesn't make a great impact on this job--it would take about fifteen or sixteen million dollars to accomplish the whole job. The only thing to do, he said, is to select the key areas; if we could identify the key areas that should be identified, not to exceed five million dollars, we could go ahead and issue bonds for them. After the acquisition of these properties, then we have these development programs to take care of. If the counties are not going to be able to maintain a program, we come back to

the same problem we have now; the [State Parks Agency] will have to take care of it.

Jackson said we should leave the door open for continuation of county and city participation in the program, taking care of critical areas, if we don't move in and get the property for park purposes, it will be too late...

The Governor said we could use State money in matching because the Willamette belongs to all the people of Oregon and we are a mobile state and everyone will be using it. Jackson said it could be justified on the percentage of the population it serves, and that there was no question that it is something the State of Oregon should do.

Jackson said action on the W.R.P.S. program had slowed down to where we had to look to the Highway Division to provide some additional action, and so five new state parks along the Willamette were added, but that he was talking about acquisition over and above those five state parks. He said the problem is not at the state level; it is because the counties don't have the money.<sup>118</sup>

Following this meeting plans were made to update the 1969 WRPS inventory. Attention then turned to the 1971 Legislature which was then in session and beginning to consider a host of new bills.

On April 19, 1971 Jackson sent a letter to Senator Stan Ouder Kirk, Chairman of the Senate Fish and Game Committee, requesting introduction of a bill to allow the Transportation Commission to issue \$5 million in State highway bonds to "protect the state from the loss of key [greenway] areas where change in land use is imminent."<sup>119</sup> Jackson's bill, SB 722, joined six other bills being considered by the Legislature which affected the greenway program. SB 722 cleared the Senate but found rough going in the House when it was learned the Attorney General had questioned its constitutionality. Though the bill failed to clear the House, its essential parts were salvaged when an amendment was added to a second bill, HB 2076, permitting the Transportation Commission to go to the

State Emergency Board for permission to issue additional highway bonds. These bonds could not be used for park and recreation purposes. However, their revenues would free up other State funds which could then be diverted to the Willamette River acquisition program.

While SB 722 was being debated, Governor McCall was in contact with Interior Secretary Rogers C. B. Morton. McCall had sounded out Morton earlier on the possibility of a new and substantially larger L&WCF Contingency Reserve grant for the greenway program. Morton had shown some interest but was noncommittal. In a letter to McCall on July 1, 1971, Morton described the demands on the Contingency Reserve Account and the limited funds available. "Requests for Contingency assistance must be considered on a project-by-project basis and measured against other requests," Morton said.<sup>120</sup> Still, he did not specifically rule out an increase in Oregon's case.

In a subsequent letter to Morton, McCall presented Oregon's plans for an accelerated acquisition program in which the State would do the buying. Such a program, if implemented, McCall said, would result in "acquisition of approximately 149 bank-miles of river frontage, most of which would be in the rural, relatively low cost areas."<sup>121</sup> Money for the program would come from combined State Highway Funds and federal-aid sources, McCall went on, adding that normal L&WCF apportionments were insufficient for such an effort. McCall told Morton a \$5 million Contingency Reserve grant-in-aid request had been prepared and would be submitted to BOR shortly.

The \$5 million request was submitted in September 1971. In November word was received from Washington that Oregon's request had bogged down.

The resulting push to get the request approved was, as one observer commented, a monumental effort and "one case where our various Representatives and Senators really worked as a group."<sup>122</sup>

To support Oregon's request, letters were sent to Interior Secretary Morton by Representative Al Ulman, Representative Wendell Wyatt, Senator Bob Packwood, the Executive Director of the Oregon Environmental Council, and the General Manager of the Automobile Club of Oregon, to name but a few. At State Parks' request, letters were even written to President Nixon by grade school students in Eugene. These letters were taken to Washington by Governor McCall and delivered personally to the President in January 1972.

The lobbying effort must have had an effect, for on January 13 McCall telephoned from Washington announcing approval of Oregon's request. The L&WCF grant totaled \$5 million: \$3 million from the Contingency Reserve Account and \$2 million from Oregon's regular L&WCF apportionment. The occasion marked a high point in the spirits of those involved with the greenway program. Such feelings were not unmixed, however. Doubts were already being expressed about the legitimacy of a State-run program of greenway acquisition.

One critical question involved legality. Was the Transportation Commission within the law in setting up such a program? The prevailing sentiment among senior State officials was that the Willamette River Corridor Program, as this State program had come to be known, was well within the powers of the Transportation Commission as specified in ORS 366.205 through 366.480.<sup>123</sup> The program also fell within the scope of ORS 390.110 through 290.990, which applied to operation of the State

Parks Agency. Once it was conceded that the program was legal, then it was a logical step to conclude that the authority of the Transportation Commission extended to use of eminent domain when and if necessary to bring property into State ownership.

The question of ethics--Was it just and proper?--was a separate matter. Here, opinion was far more divided. Most state officials were aware that the program violated the intent, if not the letter, of the 1967 WRPS Act. In approving HB 1770 the Legislature had intended that decision-making authority rest chiefly with local government, and that the continuous parkway idea be abandoned in favor of a string of disconnected parks at key riverfront locations. It had also eliminated eminent domain as an instrument in land acquisition. The Willamette River Corridor Program went against the 1967 legislative intent in all three areas.

The Willamette River Corridor Program was borne out of fear that if someone, meaning the State, did not act soon, the opportunity for developing a greenway extending the full length of the lower course Willamette River would be lost. It was aided considerably by the \$5 million L&WCF acquisition grant. The knowledge that this program violated the intent of the 1967 law was apparent to most State officials and was the source of considerable uneasiness in the weeks and months ahead. The decision to go ahead with the Willamette River Corridor program was a fateful one for the greenway program as a whole. No single event in the greenway program had such far-reaching consequences as this decision to circumvent the 1967 WRPS Act in favor of a State-run program of acquisition along the river.

In October of the previous year, 1971, the Transportation Department had submitted a request to the State Emergency Board (E-Board) for authority to issue \$5 million in State highway bonds. The department had requested this authority in order to release a like amount of State highway funds for use in Willamette acquisition.

On January 27, 1972, following approval of Oregon's Contingency Reserve application, the department returned to the E-Board with a request to increase their bonding authority to \$10 million, thereby releasing additional funds to match the \$5 million BOR grant. The E-Board delayed a decision pending receipt of revenue information from the Department, but on February 25 approved a motion raising the expenditure limitation by \$10 million. The Willamette River Corridor Program was now in a position to get underway. As BOR funds had to be expended by June 30, 1973, acquisition had to begin right away.

Property owner contact and price negotiation would be handled by Highway Division representatives working through the State Parks Agency. Fifteen right-of-way agents were assembled for this purpose. They were instructed to fan out along the river looking for prospective sellers. It was decided that condemnation authority would not be exercised right away out of fear of arousing property owner opposition.

A progress report was made on July 18. Ownerships of 220 riverbank miles had been contacted. These ownerships involved 532 separate households. One hundred eighty of these households had expressed an interest in selling, or a ratio of about one in three. The appraised value of these latter properties was estimated at \$4.8 million. Options had been secured on 19 parcels for \$427,000. Projecting the contact to interest



ratio ahead, it was estimated that an additional 70 property owners could be located whose interest in selling was sufficient to warrant an appraisal. It was further estimated that acquisition expenditures would amount to about \$3.5 million by the cut-off date of June 30, 1973. This was slightly more than one-third of the total funds available.<sup>124</sup>

Sometime after September 1, 1972 the decision was made to threaten property owners with condemnation. It was felt this was the only way the allotted funds could be expended by the cut-off date.

The reaction of property owners to these threats was swift and predictable. Angered by what they felt was deliberate circumvention of existing State law, these owners, for the most part farmers with holdings along the river, contacted their lobbyists and legislative representatives, and on November 10 succeeded in getting the E-Board to transfer the \$10 million expenditure increase granted to the Transportation Department in February to the Willamette River Park System Program. This action cut off all funds for corridor acquisition.

The E-Board met again on December 19. The day before its regular meeting an E-Board subcommittee heard Transportation Commission Chairman Glenn Jackson testify on behalf of the State's actions. During his testimony, lasting nearly an hour, Jackson went into the reasons for creating the Willamette River Corridor Program. He also emphasized the need for condemnation in some cases. At the conclusion Jackson agreed to disallow condemnation in the Corridor Program. "There would be no more acquisition of farm lands under any pretense until the question has been cleared with the Legislature,"<sup>125</sup> Jackson said. At its regular meeting the next day the E-Board restored the funds for corridor

acquisition, accepting Jackson's word that condemnation would not be used.

The actions by Jackson and the State Emergency Board brought to a close the first phase of the greenway program. Little of importance would take place until 1973 when the Legislature had had a chance to act.

The actions of the State Transportation Department in regard to condemnation accomplished three important things: (1) it focused attention on the weaknesses of the 1967 Willamette River Park System Act, practically guaranteeing action of some sort during the coming legislative session; (2) it cast doubt on the ability of the Transportation Department to carry through on a major land acquisition program without some sort of check on its powers; and (3) it solidified the greenway opposition to a degree that no other measure probably could.

The significance of these accomplishments will be brought out in the next chapter.

#### G. Acquisition Methods and Planning

1972 ended with slightly less than 20 Willamette River bank-miles in public ownership under the three acquisition programs: WRPS, State Park, and Corridor (See Table IV). All the ownerships were in fee-simple. The acquired parcels spread more or less evenly along the river between Dexter and Cottage Grove Dams and the Columbia confluence. Because of the Corridor Program, a relatively even balance was maintained between parcels in urban and rural areas.

The events of 1967-1972 raise two important questions. Why were

TABLE IV. WILLAMETTE RIVER GREENWAY ACQUISITIONS THROUGH DECEMBER 31, 1972<sup>a</sup>

	WRPS			State Park <sup>b</sup>			Corridor			Total		
	No.	Bank- Feet	Cost	No.	Bank- Feet	Cost	No.	Bank- Feet	Cost	No.	Bank- Feet	Cost
Benton	1	1,000	\$ 3,200	0	0	\$ 0	4	4,505	\$ 5,326	5	5,505	\$ 8,526
Clackamas	10	4,846	518,100	1	4,000	259,950	4	1,856	332,171	15	10,702	1,110,221
Columbia	1	5,440	6,000	0	0	0	0	0	0	1	5,440	6,000
Lane	25	10,594	274,443	17	24,585	1,253,972	2	4,750	135,900	44	39,929	1,664,315
Linn	8	4,009	186,712	0	0	0	1	5,800	95,250	9	9,809	281,962
Marion	5	9,151	848,302	1	4,000	265,000	0	0	0	6	13,151	1,113,302
Multnomah	6	3,479	974,200	0	0	0	0	0	0	6	3,479	974,200
Polk	3	500	134,850	0	0	0	3	12,500	186,000	6	13,000	320,850
Yamhill	1	4,500	31,500	0	0	0	0	0	0	1	4,500	31,500
Total	60	43,519	\$2,977,307	19	32,585	\$1,778,922	14	29,411	\$754,647	93	105,515	\$5,510,876

Source: Table compiled from data provided by the State Parks and Recreation Branch, Oregon Department of Transportation.

Notes: <sup>a</sup>The above table includes parcels where title was actually in the hands of state and local government on December 31, 1972; it does not include parcels approved by the state and BOR but where title transfer had not yet occurred. If the latter were included in the table, the totals would be approximately 30 percent higher than they are. If parcels were included where options had been obtained but the state and BOR had not approved acquisition, the totals would be higher still.

<sup>b</sup>The figures in these columns indicate acquisitions under the three greenway L&WCF Contingency Reserve projects only. There were, in addition to these acquisitions, a number of other Willamette River State Park acquisitions using regular L&WCF monies and/or state park funds from the Highway General Fund. These latter acquisitions totaled approximately 1300 acres and \$530,000 at the five state park sites. Complete figures on frontage feet obtained with these acquisitions are not available.

devices other than fee-simple acquisition not used in the greenway program? And why was no greenway plan ever devised?

The first question is answered in part by the nature of the WRPS Program. The program was from the beginning an acquisition program. While this did not rule out other methods of land-use control--zoning, scenic waterway designation, and so on--it made their employment less than likely.

The reason for it being an acquisition program rather than something else is obscure, but certainly one important reason was the embryonic nature of statewide land use legislation during that period. At the time the program was set up, Oregon did not have statewide laws for zoning or local comprehensive planning (These were enacted in 1969 and 1973 respectively). Flood plain zoning, a device of considerable potential value to the greenway program, was not employed in Oregon until the 1970s following passage of the National Flood Insurance Act in 1968. Federal and State wild and scenic river legislation was not enacted until 1968 and 1971 respectively. If any of these land use control devices had been in effect in 1967 when the WRPS legislation was enacted, the program might have assumed a different form than it did.<sup>126</sup>

Still, options were available in the acquisition sphere. Easements are one notable example. Why were easements not used in the WRPS Program?

The answer in this case seems to rest with the Scenic Easement Law of 1967,<sup>127</sup> under whose strictures easements would have had to have been obtained, and with apprehensions about the use of easements on the

part of senior Transportation Department officials.

The Scenic Easement Law of 1967 required that an easement had to be in the public interest in order to be acquired. The determination of whether the public interest requirement was satisfied was left, however, to the agency making the easement proposal. Thus, all agencies in the WRPS Program which might have obtained easements under the program were legally entitled to do so. This applied to agencies at both the State and the local level.

In acquiring easements, however, these agencies were prohibited from using eminent domain. The Scenic Easement Law stipulated further that before an easement could be acquired one or more public hearings had to be held in the area where the easement would be located, and these hearings had to be preceded by mailings and public notices.

The Scenic Easement Law did state that property upon which an easement had been acquired would be assessed at true cash value less any reduction in value caused by the easement, and this generally meant a tax savings for the owner of easement property. This savings translated into a tax revenue reduction for local government, however, and counties in particular were having revenue problems at that time.<sup>128</sup>

The easement procedure was viewed as cumbersome and unworkable by the Transportation Department. The department particularly objected to the requirement for a public hearing. Officials many times called for repeal of the Scenic Easement Law, but repeal never came. The law was still in effect in 1978.

One argument often put forward by Transportation Department officials for not acquiring easements was that easements cost too much in

relation to benefits obtained. Here, however, factual support is lacking. The issue is compounded by the fact that easement cost is very much influenced by easement type, and easements which grant the public the right of access or use tend to cost more than easements which deny these rights.<sup>129</sup> In raising the issue of cost officials rarely made a distinction as to which type of easement they were talking about. One would assume from their comments alone that there was only one kind of easement, not several. In their statements about cost these officials were probably referring to easements permitting public access or use. In this case their conclusion that easements cost too much is probably valid. However, this overlooks a whole class of easements which do not grant the right of public access or use, and whose cost tends to be much lower.<sup>130</sup>

A more plausible explanation for the department's reluctance to acquire easements is that they simply did not like them. Here factual support is not lacking.<sup>131</sup> Glenn Jackson's comments in regard to easements are particularly revealing.

When asked in 1971 if the Scenic Easement Law should be modified to make easements more attractive, Jackson replied, "there are no police powers to back the [easement] procedure up...there is no substitute for ownership; if we own the land, we control it" (emphasis the writer's).<sup>132</sup> By the same token, when Transportation Department officials had the opportunity that same year to include easements in the Willamette River Corridor Program, they elected specifically to exclude them. Both of these actions can be explained only by a bias against easements which superceded any questions about cost or weaknesses in the Scenic Easement Law.

The reasons for the Transportation Department not producing a plan are more obscure. On the one hand such a failure can be explained by the nature of the WRPS Program with its emphasis on local as opposed to State initiative in seeking out and acquiring land parcels. A plan by the State might have been viewed by local government as an attempt by the State to impose its will on local government. On the other hand a plan was not prepared for the Willamette River Corridor Program. This program was entirely State-administered, was larger in scope than the other programs, and had far greater resources. If a plan was suited for any of the three programs it was the Corridor Program. The lack of a plan raises the question, Why was corridor land acquired?

The answer to this question may lie in politics. By not preparing a plan the Transportation Department retained maximum flexibility in the selection of acquisition sites and the location and design of recreation facilities. The lack of a written plan allowed acquisition to proceed on almost any basis the department desired. And who was to question a program of acquisition if the outline of that program had not been revealed? A plan would have served as a statement of what the department intended to do, and this would have opened the department to possible criticism from the outside. By keeping its aims obscure (That is, by not producing a written plan) the department reduced the possibility that the program would be thrust into politics at an early stage, and increased the chance that the goal of the program (to acquire land) would be satisfied before serious problems developed.<sup>133</sup>

The failure to produce a written plan raises a second question, What conception for a greenway did senior Transportation Department

officials have in mind? Was it a string of disconnected parks as envisioned by the 1967 WRPS Law? Or was it a continuous parkway more or less along the lines proposed by Straub?

Clearly the second of these possibilities ranked foremost in their minds. This is the only possible explanation of the department's policy in the Corridor Program of acquiring as much land as it could wherever it could. If the department had planned on a string of disconnected parks along the river it would have acquired land only at certain locations. The pattern of acquisition followed by the department was unplanned and to a significant extent indiscriminating. Obviously the department hoped in time to acquire vast stretches of riverfront property, possibly extending the length of the corridor from Dexter and Cottage Grove Dams to the Columbia. Any plan for developing this property would come at a later point in time.



## V. THE SECOND GREENWAY APPROACH: STATE-LOCAL PARTNERSHIP

The first phase of the greenway program was a limited success at best. The program after five years had resulted in acquisition of only 20 miles of riverbank. This was less than 4 percent of the total riverbank distance between the greenway's southern termini at Dexter and Cottage Grove Dams and the northern terminus at the Columbia River confluence. Moreover, many of the acquired parcels were small and physically isolated and therefore of little immediate value for recreation development.

The failure of the greenway program to live up to early expectations was at least partly attributable to weaknesses in the WRPS Act. The act prohibited State and local government from using eminent domain. It also placed most of the authority for seeking out, acquiring, and developing land parcels with local government. The State under this arrangement served as little more than a clearinghouse for local grant-in-aid requests. These features of the 1967 act, coupled with restrictions in the L&WCF Contingency Reserve grants which provided roughly half the funds for acquisition, made it difficult for property along the river to be acquired in long uninterrupted stretches, since rarely would an instance be found where all property owners along a given stretch would be willing to sell for at or near market value. The actions of the Transportation Department in 1971-1972 in setting up the Willamette River State Park and Willamette River Corridor Programs were a response to the failure of the 1967 WRPS Act to lay the proper

legal, institutional, and financial foundations for a workable greenway program.

This chapter is concerned with events in the greenway program from winter 1973 to about summer 1975, when the Oregon Land Conservation and Development Commission began to get involved. The chapter is devoted to early implementation of the Willamette River Greenway Act of 1973 (House Bill 2497) which replaced the 1967 WRPS legislation.

#### A. House Bill 2497

When the Transportation Department began in 1972 to threaten condemnation in the Willamette River Corridor and Willamette River State Park Programs, reaction was not limited to goading the State Emergency Board into action. The event resulted in formation of the first solidly anti-greenway organization in the valley, the Willamette River Frontage Owners Association,<sup>134</sup> and it got people to thinking about a replacement for the 1967 WRPS Act.

A leader in the movement for new greenway legislation was State Representative Norma Paulus (R-Salem). Paulus objected to the Transportation Department's threats of condemnation. A new greenway bill was needed, Paulus said, that, one, "would indeed preserve the integrity of the river from intense development, and two, would say that farmland was compatible with the greenway concept."<sup>135</sup>

On February 16, 1973 House Bill 2497 was introduced into the House of the Oregon Legislature by Representative Paulus, Senators Hector MacPherson (R - Oakville) and Richard Hoyt (R - Corvallis), and sixteen other legislators. All but one of the bill's sponsors were from

Willamette Valley communities.

In its initial form House Bill 2497 retained the Willamette River Park System terminology. In most other respects, however, it departed radically from the 1967 WRPS Law.

The bill expanded the meaning of compatible use in the WRPS Program to include agricultural land and land devoted to exploration for and extraction of mineral aggregate resources. It also broadened the function of the WRPS Program to include natural and scenic area protection.

The bill directed the Transportation Commission in cooperation with local government to prepare a plan for acquisition and use of lands along the Willamette River, and it gave the Commission one year from the time the bill became effective to complete such a plan.

The bill stated that scenic easements were sufficient to preserve the natural and scenic qualities of WRPS land in all but a minority of cases.

Under the bill's provisions cities and counties were given veto authority over WRPS acquisitions. However, to compensate the Transportation Department for the obvious reduction of its powers, the bill granted the Transportation Commission exclusive purchase rights to all land upon which a compatible WRPS use had been discontinued, for a period of six months following such discontinuance. Restrictions on eminent domain remained as before.

House Bill 2497 was, in sum, a farmer's bill, and it addressed most of the concerns that farmers had. The bill represented a shift in the greenway concept. This shift was away from a recreational greenway as proposed by Straub and embodied in a much restricted sense in the 1967

act, and toward a recreation-preservation greenway more along the lines proposed by Karl W. Onthank. Legislators may not have been aware of the conceptual nature of this shift, but it occurred nonetheless. The foundation for a new greenway approach was seemingly at hand.

House Bill 2497 was referred to the House Committee on Environment and Land Use where it remained almost four months. During this time many changes were made to the bill in response to public and affected government agency comment. On at least one occasion committee members took a boat trip down the Willamette to view first-hand the condition of the banks.

On June 11, 1973, after twice being sent to the larger House and twice being re-referred to the Environment and Land Use Committee, HB 2497 was passed by the House by a 58-1 vote. The one dissenting vote, by Representative Wally Priestly (D - Portland), was prompted by a concern the bill did not go far enough in protecting the natural environment of the river.<sup>136</sup> On June 23 the measure was passed by the Senate with amendments. HB 2497 was then sent back to the House and repassed on June 28. Governor McCall signed HB 2497 into law on July 21, 1973. The Willamette River Greenway Act,<sup>137</sup> as HB 2497 was now called, would take effect October 5, 1973.

The act was a substantial refinement of the earlier Paulus bill. Some of the features reflecting the specific concerns of farmers had been deleted, and sections had been added which expanded the opportunities of State and local government to participate in the greenway program in some respects and contracted them in others.

In brief, the act enlarged the purpose of the greenway program to

preservation and restoration of historical sites, structures, facilities, and objects along the river;<sup>138</sup> to protection and preservation of natural areas; to protection and preservation of scenic areas; and to provision of areas and facilities for public outdoor recreation.

The act defined the greenway as extending from the bases of Dexter and Cottage Grove Dams north to the Columbia River confluence. The greenway was to include all channels of the river along this distance.

The act established a minimum greenway boundary of 150 feet from ordinary low water.<sup>139</sup> All lands within this 150-foot boundary were subject to the provisions of the act. The boundary could be extended beyond 150 feet if local conditions warranted. But under no circumstances could the total land area within the greenway (excluding islands and state park sites) exceed an average of 320 acres per river mile for the full greenway corridor.

The act permitted continuation of existing land uses within the greenway boundary. It stipulated, however, that intensification and change of use shall be limited in order to preserve the natural, scenic, historic, and recreational qualities of the property.

The act acknowledged the compatibility of farm use with the greenway concept, and stipulated that farming of greenway property should be permitted to continue without restriction.

The legislators who drafted the act were aware of Transportation Department efforts to obtain land through condemnation. To limit any further attempts where the Transportation Department was concerned, the act gave legal descriptions of the five approved state park sites and stipulated that condemnation could be used only to acquire land within

the boundaries of these parks. All other state park acquisitions had to be made on a willing seller basis, and the boundaries of any new state parks had to lie within the boundaries of the greenway.

The State was given eminent domain authority to acquire scenic easements along the river, provided these easements corresponded to those depicted in the greenway plan and farm use was not involved. If a property contained a use that fell within the farm-use definition,<sup>140</sup> then a scenic easement could be obtained only on a willing seller basis. Under no circumstances could an easement acquired through condemnation grant the right of public access or use. Public access was permitted, however, with easements obtained from willing sellers. Land on which an easement had been acquired was to be taxed on the basis of true cash value less any reduction in value caused by the easement.

Cities were permitted to use any power of condemnation otherwise provided by law to acquire greenway property.

The act directed the Transportation Department to prepare a plan for development and management of the Willamette River Greenway. The plan had to depict (1) the greenway boundaries, (2) the boundaries of land acquired or to be acquired for state parks, (3) lands or interests in lands acquired or to be acquired by local government under the State grant-in-aid program, and (4) lands within the greenway for which acquisition of a scenic easement was sufficient to meet the purposes of the greenway act. The greenway plan had to show the locations of all known subsurface mineral aggregate deposits. The plan was to be completed within one year of the act becoming effective, or no later than October 4, 1974.

The act permitted the Transportation Commission to enter into contractual agreements with units of local government on more or less the same basis as under the WRPS Act, and it gave the soon-to-be formed Oregon Land Conservation and Development Commission approval authority over the greenway plan as developed by the transportation department and local government.<sup>141</sup> This latter provision had been inserted by the Legislature as a check on the power of the Transportation Commission.<sup>142</sup> As we shall see, its actual function turned out to be more than this.

The Willamette River Greenway Act of 1973 was a product of two countervailing sentiments: a wish to push ahead with the greenway program but on a somewhat different basis than before; and a desire to curb the authority of the Transportation Commission and its agencies while still taking advantage of their expertise in greenway matters.

The act had its weaknesses. For example, it left the commission without eminent domain authority over perhaps three-fourths of the land along the river. Included in this condemnation-free zone was some of the most scenic land on all the Willamette. Moreover, outside the boundaries of the five state parks it restricted the Commission's condemnation powers to acquisition of scenic easements only, and these easements could not allow public access.

Nevertheless it represented an improvement over the WRPS Act of 1967. For the first time a minimum greenway boundary was specified and a maximum was established on the amount of land that could be contained within the greenway corridor. In addition, the State was required to prepare a plan which showed greenway boundaries and use designations for greenway land. The plan had to be prepared in cooperation with

local government and approved by a second State agency before it could be implemented. The greenway plan was perhaps the most critical feature of the 1973 Act. The success of the program would hinge to a large extent upon the degree to which the plan reflected the needs and desires of local government and property owners along the river.

#### B. Consultant Prepares the Greenway Plan

Once House Bill 2497 was signed into law, the first step was to arrange for preparation of the greenway plan.

Who was to prepare this plan? The Department of Transportation had developed an inventory of Willamette River resources in 1969. A Roseburg consultant, Charles S. Collins,<sup>143</sup> had been retained by the department in 1972 to update this inventory. Collins delivered his inventory in June 1973 after a number of delays caused by technical difficulties.<sup>144</sup> The inventory, using aerial photographs, showed existing patterns of land use along the river, identified present property owners, and indicated the recreation suitability of each land parcel. Like its predecessor three years earlier, it was intended to serve as a guide in greenway land acquisition. As detailed as Collins' inventory was, however, it did not meet the requirements for a greenway plan spelled out in the 1973 statute. The State Parks Agency was insufficiently staffed for a major planning effort. Moreover, it lacked expertise in critical planning areas. McCall himself made the final decision on the greenway plan.<sup>145</sup> It would be prepared by a consultant working with the Department of Transportation but not bound to represent the views of that agency alone.

On July 25, 1973 letters went out to eleven consulting firms asking



for proposals for the greenway plan. These letters included a BOR paper describing the procedure for conducting federal wild and scenic river studies. Curiously, the letter made no mention of the Willamette River Greenway Act or the requirements for a plan set forth in the act. All eleven firms responded affirmatively to the proposal request.

By August 7 the list of eligible firms or firm-combinations had been narrowed to four: The Perron Partnership, P.C., of Portland; Richard Carothers Associates/Kramer, Chin & Mayo, Inc./The Boeing Company, all of Seattle; Lawrence Halprin & Associates of San Francisco; and Royston, Hanamoto, Beck & Abey, also of San Francisco. Interviews with representatives from these firms were held in Portland in late August. On August 29 the firm of Royston, Hanamoto, Beck & Abey (RHBA), Landscape Architects and Land Planners, was notified by telephone of their selection for the greenway plan, subject to final negotiations and approval by the Oregon Transportation Commission. The transportation commission gave full approval to RHBA's selection on October 24, 1974.

Under the agreement with RHBA the State would pay the consultant \$138,480 to prepare the plan and a maximum of \$24,080 for expenses, for a total of \$162,560.<sup>146</sup> An additional \$18,905 was set aside to cover the cost of special public meetings should such meetings become necessary. Approximately half the cost of the plan would be reimbursed under the Federal Land and Water Conservation Fund Act.

The agreement required the consultant to prepare an inventory of greenway resources (Collins' inventory would be useful in this regard). This inventory would be used to analyze the potential of the greenway

corridor for various kinds of uses. From an analysis of potential uses alternative designs would be developed, and the design considered optimum in light of greenway goals, policies, and cost-effectiveness would be embodied in the plan. The plan itself would touch on program management as well as design. To involve the public and local government in the greenway planning process, the consultant would divide the Willamette Valley into four analysis regions and conduct public meetings and workshops in each region.

The completed greenway plan would be delivered by the consultant no later than October 4, 1974. RHBA was permitted to subcontract up to 50 percent of the work.<sup>147</sup> The Department of Transportation would assist in preparation of the plan and provide much of the technical data.

The preparation schedule was short, especially considering the controversial nature of the greenway program, which even in the best of circumstances would have tended to slow the process down. The schedule demanded that the consultant work quickly, yet not so quickly that important details were overlooked or that members of the public and local government were given insufficient opportunity to participate.

Strong citizen involvement was needed for both political and legal reasons. This presented a problem, however. Transportation Department actions in 1971-1972 had turned many people against the greenway. Opposition was centered in the farming community, but it also included a significant number of local officials, riverbank industrialists, and gravel mine owners. If the planning effort was to be successful, these people had to be involved. How could they be brought into the greenway planning process? And how could their criticisms be turned into

constructive suggestions that would benefit the greenway program?

The solution arrived at by the consultant<sup>148</sup> was to hold meetings with the public and local government officials on a phased basis. In the first round of meetings, called public forums, participants would be asked to tell the consultant how they felt about the greenway, what their concerns and preferences were, and what the greenway plan should contain. These meetings would be followed by policy conferences where a study guide prepared by the consultant from comments received at the public forums would be circulated and the participants, divided into groups of 15-20 people each, asked to study the contents and to devise specific policies of their own. The policy conferences would be open to local officials as well as private citizens. Following these conferences, officials and citizens would be invited to participate in a round of meetings where a preliminary draft plan would be presented. Each round of meetings and conferences would be held in a Council of Governments city.<sup>149</sup> The public forums would be brief and conducted during the evening. Policy and plan review conferences would each last a full day and would be held on the weekend.

The first public forum was held in Portland on February 5, 1974. This was followed by forums in Eugene on February 6, Albany on February 7, and Salem on February 8.

The forums were fairly well attended. Eighty-two came to the forum in Portland, 78 in Eugene, 68 in Albany, 60 in Salem.<sup>150</sup> Some of the participants were local officials. Most, however, were property owners along the river or persons who otherwise had an interest in the program. A few persons attended more than one of the meetings.

Sessions were often stormy. At several meetings farmers used the occasion to air their grievances against the Department of Transportation.

The study guide developed from these meetings contained more than 200 questions divided into the categories of objectives, policies, greenway components, economic growth, resource management, maintenance and control, and plan implementation.<sup>151</sup> Questions in the study guide ranged from the very broad (What should be the primary objectives of the Greenway?) to the very narrow (What materials should revetments be made from?).

Policy conferences were held in Eugene, Corvallis, Salem, and Portland on March 15, 16, 22, and 23, respectively. At the Eugene meeting a shouting match ensued between consultant Robert L. Ironside and a group of about 80 farmers and conservationists.<sup>152</sup> The Corvallis meeting was more subdued owing to the presence of State Senators Hector MacPherson and Richard Hoyt and State Representative Robert Ingalls, who exerted a moderating influence on the participants.<sup>153</sup> MacPherson, Hoyt, and Ingalls had been co-sponsors of HB 2497 with Representative Paulus and others.

Reaction to the study guide was mixed. A concern of many was that the study guide seemed to raise issues that had already been settled by the 1973 Act. Said a farmer from Springfield who owned land on the river near Eugene and Corvallis,

We found topics on nearly every page of the study guide which we thought had been adequately covered by the Legislature.... We support HB 2497. The bill recognizes that agriculture is compatible with the Greenway concept and it provides for land acquisition and recreation controls in ways that will preserve agricultural use of lands along the river.<sup>154</sup>

A farmer from Halsey whose land had been threatened with condemnation for now-defunct Norwood Island State Park was even more adamant:

This plan study guide represents the minority opinion. They are trying to shove this stuff down our throats when it has already been provided for in the bill.<sup>155</sup>

Participants at the policy conferences were divided into groups for the purpose of developing policies. Among the policies which surfaced from these groups were ones (1) to preserve the natural state of the river, (2) to oppose a continuous trail along the full 255-mile greenway, (3) to protect farm use, (4) to create parks close to cities, (5) to restrict the use of motorized vehicles to certain specified areas; (6) to restrict hunting to areas where it was permitted by law and allowed by private landowners, (7) to allow dredging and excavation where it would improve the main channel and aid in stabilizing the river, (8) to let existing industry along the river remain but to limit and control new industry, (9) to protect the rights of property owners along the river and to provide relief against trespassing and vandalism, (10) to oppose condemnation in acquiring greenway land, (11) to support the use of scenic easements, (12) to foster closer cooperation among federal, State, and local agencies, and (13) to support the principle that the greenway should be developed for and used by Oregonians. Some of the policies were clearly contradictory. This was a reflection of the divergent interests present at the policy conferences.

Local officials tended to avoid the policy conferences.<sup>157</sup> At the Corvallis meeting not one commissioner from Linn or Benton Counties attended. Their absence did not go unnoticed and drew criticism from several of the participants including State Senator Hoyt.<sup>158</sup>

While the policy meetings were going on, work was progressing on the greenway plan.

A task force was set up to oversee the technical aspects of the plan. The Willamette Greenway Technical Task Force, as this group was called, was made up of 16 persons from federal, State, and local agencies having jurisdiction over greenway property. The Task Force held its first meeting on January 29, 1974. Among the accomplishments of the Task Force were evaluation of technical data supplied to the consultant, review of greenway definitions and concepts, and review of the concept, schematic, and preliminary greenway plans developed by the consultant.<sup>159</sup>

By July 1974 enough work had been done to present the consultant's initial ideas to local officials and the public. Meetings were held for this purpose in Eugene on July 23, Corvallis-Albany on July 24, Salem on July 25, and Portland on July 26. These meetings had not been scheduled under the original contract. Conducted at the consultant's expense,<sup>160</sup> their purpose was to induce greater participation by local officials.

On September 4, 5, 10, and 11, a draft Willamette River Greenway Plan was unveiled at public meetings in Eugene, Corvallis, Salem, and Portland respectively. These meetings were preceded by distribution of a document outlining greenway goals and guidelines developed from public meetings held in March and July.<sup>161</sup> Unlike the earlier conferences these meetings were sparsely attended. The meeting in Corvallis drew only 27 persons, most of them government employees.<sup>162</sup> At the Salem meeting one of the participants, a farmer, said he was weary of

meetings and lamented the fact that farmers had to stop their work to attend such meetings in order to protect their interests.<sup>163</sup>

A few persons objected to the plan. At the Salem meeting one particularly rabid farmer held a portable tape recorder in his lap and thrust the microphone as close to the consultant's mouth as he could get it. The farmer did not want to miss a word of what the consultant said. Another farmer asked the consultant, Robert Ironside, why the State had chosen a California firm to plan for land use along the Willamette River. Ironside said he did not know, then jokingly commented he would like to move to Oregon "but they won't let me." The man with the tape recorder blurted out, "You'd better not move to Oregon after this turkey," waving a copy of the greenway goals and guidelines.<sup>164</sup>

On the whole, however, reaction to the plan was favorable, even among farmers. As one of the consultants was later to comment, all that many farmers wanted was to be listened to and to have a say in decisions that affected them.<sup>165</sup>

### C. LCDC Gets Involved

If all had gone according to schedule, the consultant would have held his September conferences, completed work on the plan, submitted the plan by October 4 for printing by the State, gotten approval by the Oregon Transportation Commission and the Land Conservation and Development Commission, and the matter would have ended. That this did not happen is due to early involvement in the greenway planning process by the Oregon Land Conservation and Development Commission (LCDC).

Before examining LCDC's role in detail, however, it is helpful to

look at the Commission's makeup and function and thereby ascertain how LCDC came to act as it did.

The Land Conservation and Development Commission was created by an Act of the Oregon Legislature in 1973.<sup>166</sup> This Act (SB 100) established a seven-member commission whose members would be appointed by the Governor and confirmed by the Senate. The commission would be assisted by a full-time staff, and staff and commission together would be known as the Department of Land Conservation and Development (DLCD).

Among the duties of the commission was that of ensuring "widespread citizen involvement and input in all phases of the [planning] process."<sup>167</sup> This requirement did not apply to the planning programs of State agencies underway when the act was passed. However, the provision in HB 2497 giving the commission approval over the greenway plan put that plan in a different category. Here LCDC's interest was judged to be proprietary. Given the wording of the 1973 Greenway Act, it was possible to interpret authority over the plan as authority over the process by which the plan was developed, and this in fact is what took place. A great deal of the credit for adopting this particular line of reasoning must go to LCDC's aggressive chairman, L. B. Day.

The first indication that LCDC would involve itself early with the greenway planning process is contained in a June 17, 1974 memorandum from DLCD staff member Mel Lucas to another DLCD employee, Herb Riley:

Although the LCDC has the final word, there is a very possible problem that we should consider in our attempt to make this development and adoption of the Plan work as smoothly as possible. The problem goes something like this: The only spelled-out requirements in the law are technical in nature.... Nothing is said as to how the state is to cooperate with local government and absolutely nothing is said about citizen involvement. It's very



possible that DOT thinks that LCDC should only look at these minimums spelled out in the law, which I know you and I don't agree with and I'm sure the LCDC wouldn't accept.... However, assuming that we got DOT, LOAC<sup>168</sup> and ourselves [DLCD staff] to agree on acceptable means of local government and citizen input, we may have to emphasize to the LCDC the importance of the process and how it has shaped the Plan. Otherwise, I can foresee a couple of the Commissioners attempting to evaluate the design itself, which I don't think is their role, especially if the Plan won't conflict with probable state land use planning goals.<sup>169</sup>

Following this memorandum, meetings were held between DLCD staff, State Park officials, and the greenway consultant. The citizen involvement program was discussed at these meetings and some tentative approaches were agreed upon. Among these approaches was a plan to hold a special joint meeting of the Oregon Transportation Commission and the Land Conservation and Development Commission in Portland "to expose [the] content of Schematic Plan and local officials/citizens involvement programs."<sup>170</sup>

On July 17, 1974 LCDC Chairman L. B. Day sent a strong letter to Transportation Commission Chairman Glenn Jackson criticizing the Transportation Department's efforts in involving local officials and the public:

I am writing now to express the concern of members of the Commission and myself, that those who will be affected most by the Willamette Greenway Plan have not been sufficiently involved in its preparation. Before the LCDC will be able to approve this plan, we must have clear evidence that opportunity to comment has been offered to city councils, county boards of commissioners, their planning and advisory commissions, principal property owners, and interested public groups and citizens.

The Willamette Greenway program was put in jeopardy because of public confusion, misunderstanding, and lack of involvement. If public officials and other citizens are not given a significantly larger opportunity to

have an input, there is little chance of the plan ever being successfully implemented.<sup>171</sup>

On July 31 State Park officials met with the Local Officials Advisory Committee of LCDC to discuss local government involvement in the greenway program. Despite the fact that only one of the local officials invited to the meeting actually showed up,<sup>172</sup> LOAC passed a motion stating that local officials had been insufficiently involved in the greenway planning process and that further involvement was necessary before the plan could be approved. This motion was adopted by LCDC on August 16, 1974.

The motion required the Department of Transportation to make a presentation to each city and county governing body involved in the greenway program and to discuss with them the draft of the plan. Presentations could be made after the plan completion deadline of October 4. The department also had to indicate the greenway boundaries on aerial photographs at a scale of 1 inch equals 1000 feet.<sup>173</sup>

A supplemental agreement with RHBA to host these meetings and mark the boundaries on aerial photographs was approved by the Transportation Commission on August 29. Under this agreement, the work would cost the State approximately \$25,000 and the consultant would conduct the meetings between November 6 and December 12. The final greenway plan would be submitted by the consultant not later than January 31, 1975.<sup>174</sup>

To satisfy the legislative requirement for a greenway plan by October 4, 1974 the plan developed by the consultant through the September conferences would be printed as originally scheduled. It would be labeled "Preliminary" to denote its unfinished status.<sup>175</sup>

#### D. Straub's Greenway Plan

In November 1974 an event occurred which was to have a major impact on the Willamette River Greenway Program.

Robert W. Straub, the Democratic gubernatorial candidate, and outside of McCall and Jackson the most influential figure in the State with regard to the greenway, was elected Governor of Oregon by a wide margin over Republican Victor Atiyeh. The stage was set for major changes to the greenway program.

Ever since proposing the Willamette River Rediscovered Program in 1966, Straub had followed the greenway program with interest. In response to passage of the 1967 Willamette River Park System Act Straub had said: "The Legislature has taken a magnificent \$10 million plan and reduced it to a \$800,000 sop."<sup>176</sup> Straub had criticized the progress of the WRPS program in 1969 and made it an issue in his unsuccessful 1970 gubernatorial campaign against Tom McCall.<sup>177</sup> Oregon's receipt of the \$5 million L&WCF Contingency Reserve grant for the greenway in 1972 had drawn praise from Straub.<sup>178</sup> By way of contrast, the 1973 Greenway Act had gotten a negative response, if not condemnation.

Straub's criticism of the 1973 act was in two areas. Considering the act the work of "a few farmers,"<sup>179</sup> Straub objected to the use of scenic easements in acquiring greenway property, preferring fee-simple acquisition instead. "Scenic easements cost nearly as much as ownership and they can't be used by hikers,"<sup>180</sup> Straub said at one point. He also objected to restrictions on the Transportation Department's use of eminent domain.

In late fall 1974, after winning the election but before taking

office, Straub met in Salem with the consultant for a presentation on the greenway plan. The meeting ended prematurely. Straub, disliking the plan for the insufficient authority granted to the State, and angry over suggestions he not move too hastily and destroy the good relations built up with farmers over the preceding year, left the meeting in a huff.<sup>181</sup>

On December 17, 1974 Straub sent a letter to Transportation Commission Chairman Glenn Jackson expressing his concern about the plan:

The preliminary Willamette River Greenway plan prepared for the Department of Transportation by a consulting firm falls short of the needs, in my judgment.

I hope the plan can be amended before it is submitted to the Transportation Commission for approval. If that isn't possible, I hope the Commission will amend it before offering it to the Land Conservation and Development Commission. The earlier it's strengthened, the better.

The Legislature's mandate through ORS 390.318 to the Department of Transportation, describing a specific way to develop the plan, has to be followed, of course. However, nothing in the law prevents the consultants or the Department of Transportation from expanding their own recommendations beyond the narrow confines of ORS 390.314.

Two principal weaknesses that I see in the plan are:

1. There's no way to acquire undeveloped land for Greenway use in the future.
2. Neither the Land Conservation and Development Commission nor any other statewide authority can prevent development within the Greenway.

My ambition all along has been for the state to reserve and acquire the undeveloped land within the Greenway. The preliminary plan and the statutes work against this. They are full of restrictions against the state acquiring land in the Greenway. As much as can be done, I want to reacquire responsibility with the state for implementation of the plan, and to vest in the state power to acquire property in the corridor at any time there is a change in ownership.

ORS 390.314 (2) (b) and the plan recognize only the need to 'limit the intensification and change' in Greenway lands. I hope we can ban intensification and change until we have a firm plan.

Another concern is the definition of 'farm use.' This can be very broadly interpreted to include a lot of activities under ORS 215.213 and I think we should try to get rid of all prior references to that definition with regard to the Greenway. At the very least, the definition of 'farm use' ought to be restricted to the one in ORS 215.203.

Again it seems to me that the objective should be to reserve the raw land in one narrow corridor, then acquire this land as funds are available.

I have other concerns about the statutes and the preliminary plan, but these are my principal ones.

I'll appreciate any consideration you can give to these.<sup>182</sup>

Shortly after this letter was written, an informal agreement was reached between Jackson and Straub that the preliminary plan would be held up--not approved by the Transportation Commission--until Straub was in office and the plan had been revised to meet Straub's objections.<sup>183</sup>

The decision to hold up on the preliminary plan was a fateful one for the greenway program. At the time the decision was made, the Transportation Department already had word from LCDC that the preliminary plan would probably be approved by that agency.<sup>184</sup> The plan had won the support of the farming community and local officials. The risks in holding up and revising the preliminary plan were understood by at least one member of the Transportation Department. State Parks Superintendent Talbot summarized these risks in a letter drafted for Glenn Jackson's signature in response to Straub's December 17 letter:

As has been pointed out on previous occasions, staff comment on potential negative reaction to [Straub's idea for a greenway plan] would include:

1. Criticism regarding possible loss of \$200-250,000, for the Greenway Plan and related materials.
2. Criticism regarding inability of state or local agencies to purchase lands along the river because the plan had not been adopted.
3. Anticipated strong reaction from Willamette Valley agricultural interests who worked hard to secure passage of the present law.
4. Anticipated negative reaction from local officials who participated heavily in preparation of the draft plan.<sup>185</sup>

The only risk not mentioned--and one which proved to be of decisive importance later on--was adverse reaction by LCDC and attempts by LCDC to wrest at least some of the control of the greenway program away from the Department of Transportation and place it with their agency. Awareness of these risks did little to alter the plans of the Transportation Department, however. The preliminary greenway plan was effectively discarded and a new plan incorporating many of the features of the old but addressing the specific greenway concerns of Governor-elect Straub was substituted in its place.

This new plan<sup>186</sup> differed from the old not only in size--it was about one-third the thickness--but also in content. Gone were sections on greenway law, citizen involvement, greenway management, greenway inventory and analysis, and what the preliminary plan called supplemental recommendations: suggestions for land use regulation, easement acquisition, and so on. The various appendices were also taken out.

Of the sections which remained, the text in many places had been changed. Some of these changes were editorial in nature, designed to

strengthen or clarify the wording. Others substantially altered the intent of the plan even though they involved in many cases only a few words. Generally speaking these latter changes entailed (1) deletion of all references to local government in planning the use of greenway property; (2) removal of all references to scenic easements (The words "easement or other acquisition method" were usually substituted in their place); (3) deletion of references to LCDC in sections where greenway planning, administration, and management were discussed; (4) deletion of references to State-provided relief from trespassing and vandalism; and (5) changes designed to further restrict the intensification or change of use of non-farm greenway property.

The above changes were designed to strengthen the hand of the Transportation Department at the expense of local government and to a lesser extent LCDC. They were also designed to protect the department's interests in certain vital areas, for instance in liability for damages from trespass or vandalism. The changes addressed most of the points brought out by Straub in his December 17 letter.

The revised (Straub) plan was presented to the Transportation Commission for their approval on March 31, 1975. The commission, perhaps sensing the difficulties that could develop in the absence of effective public input, directed that a public hearing be held before taking formal action.<sup>187</sup>

Copies of the revised plan began to circulate publicly about this time. Reaction was not long in coming. An Aurora homeowner wrote to the Transportation Commission advising that the plan not be adopted because "modifications have been made in such a way that much of the

original intent in sections of the first draft has been changed."<sup>188</sup> A bulletin by a new anti-greenway organization, the Green Rights Association,<sup>189</sup> urged all members to "get both plan books and compare them before the 29th. Come with prepared statements and also with any corrections of errors you found in the preliminary plan. THE NEW PLAN VIOLATES THE CURRENT LAW!"<sup>190</sup>

A public hearing on the plan was held in Salem on April 29, 1975. Between 200 and 300 persons attended. Many were farmers who had participated in development of the preliminary plan. The outcry against the revised plan was nearly unanimous. According to one observer only two persons present at the hearing voiced support for the plan, and of these, "one had been an intern for the Highway Division and the other has since withdrawn his support."<sup>191</sup>

Despite the strong show of opposition and the intercession of at least one state legislator<sup>192</sup> on behalf of the plan's opponents, the Transportation Commission on June 30 voted to submit the revised plan to LCDC. The preliminary plan would be included in the package as backup material.<sup>193</sup>

Straub's efforts to put the greenway program on a different footing were not limited to the greenway plan. On March 6, 1975 one of Straub's legislative supporters, State Representative Nancie Fadeley (D - Eugene), introduced a bill (HB 2765) in the House to permit the State "to put together a Willamette Greenway Corridor for people's recreational use."<sup>194</sup>

House Bill 2765 changed the 1973 Greenway Act in four areas: (1) it narrowed the definition of farm use to include only those lands and improvements actually devoted to farming, (2) it deleted all reference to



scenic easements, (3) it allowed the State to revise the greenway plan, and (4) it expanded the conditions under which State and local government could employ eminent domain.

House Bill 2765 ran into problems and never surfaced from committee. On March 21 a second measure, House Bill 3225, was introduced at Straub's request. This bill changed the greenway program even more than the first.

Under the provisions of this second bill, the greenway plan could be revised as many times as needed. The revised preliminary plan would be no more than an interim document under this scheme. Acquisitions would still have to conform to the requirements of the plan that was in effect, but the opportunity for unlimited revision left the matter of ultimate greenway configuration totally unresolved.

House Bill 3225 granted the State the authority to acquire land through condemnation whenever the use was changed or proposed for change or the land was offered for sale. Land meeting the definition of farm use was generally exempted.<sup>195</sup> After July 1, 1977--by which time the Transportation Department would have prepared a new greenway plan--the State had the right to acquire by condemnation all land within 500 feet of ordinary low water, so long as farm use was not involved. The effect of this provision was to extend the minimum greenway boundary outward from 150 feet to 500 feet. This more than tripled the potential land area within the minimum greenway boundary.

House Bill 3225 was defeated but only after a tough legislative battle. For all of Straub's exertions the only success he had to show after six months in office was a plan approved by the Transportation

Commission for submittal to another, potentially hostile, State agency-- a plan which fell short of his goal for the greenway, and in which he appeared to place very little faith.<sup>196</sup>

#### E. Greenway Land Acquisition

While the above events were taking place acquisition in the greenway program was making steady progress. The program had been aided in December 1972 by a federal extension of the \$5 million L&WCF Contingency Reserve grant to December 31, 1974. This gave the State 18 additional months to expend the federal funds.

After 1973 the Willamette River Park System terminology ceased to be employed, its place taken by the term Willamette River Greenway. The State grant-in-aid program to local government was now referred to as the local program. This latter program continued to function on the same overall basis as under WRPS Act, in that local officials and staff would present their proposals to the Governor's Willamette River Greenway Committee,<sup>197</sup> which would forward its recommendation to the Oregon Transportation Commission.

Between January 1, 1973 and December 31, 1975, 142 land parcels were added to the greenway system (See Table IV). These parcels totaled 5978 acres and 40.7 bank miles. One hundred six of these parcels were acquired under the Willamette River Corridor Program. Of the remainder, 15 parcels were acquired through the Willamette River State Park Program and 21 through the local program. These acquisitions reinforced a trend toward increased State ownership in evidence since 1971.

By the year's end 1975 the greenway system comprised 235 land

TABLE V. WILLAMETTE RIVER GREENWAY ACQUISITIONS THROUGH DECEMBER 31, 1975

County	WRPS <sup>a</sup>			State Park			Corridor			Total			Change in Bank-Feet Since December 31, 1972
	No.	Bank-Feet	Cost	No.	Bank-Feet	Cost	No.	Bank-Feet	Cost	No.	Bank-Feet	Cost	
Benton	1	1,000	\$ 3,200	0	0	\$ 0	16	36,758	\$ 228,826	17	37,758	\$ 232,026	+586%
Clackamas	10	4,846	518,100	1	4,000	259,950	27	22,989	2,715,092	38	31,835	3,493,142	+197%
Columbia	1	5,440	6,000	0	0	0	0	0	0	1	5,440	6,000	+0%
Lane	36	12,224	722,715	27	56,885	1,598,412	36	54,710	771,294	99	123,819	3,092,421	+210%
Linn	8	4,009	186,712	2	3,400	211,100	12	29,775	376,884	22	37,184	774,696	+279%
Marion	5	9,151	848,302	4	4,000	710,700	5	12,820	94,088	14	25,971	1,653,090	+97%
Multnomah	16	4,829	2,768,972	0	0	0	6	5,744	323,236	22	10,573	3,092,208	+204%
Polk	3	500	134,850	0	0	0	12	32,116	507,226	15	32,616	642,076	+151%
Yamhill	1	4,500	31,500	0	0	0	6	10,730	314,950	7	15,230	346,450	+238%
Total	81	46,499	5,220,351	34	68,285	2,780,162	120	205,642	5,331,596	235	320,426	13,332,109	+204%

Source: Table compiled from data provided by the State Parks and Recreation Branch, Oregon Department of Transportation.

Note: <sup>a</sup>The WRPS terminology was officially dropped in 1973 after enactment of the Willamette Greenway Act. The program of local acquisition continued, however. The acquisitions listed under WRPS include all local greenway acquisitions, whether termed WRPS or not.

parcels and 60.7 bank-miles. The system had tripled in size since 1972. Approximately 51.9 bank-miles, or 84 percent, were in State ownership. The rest were owned by cities, counties, and park and recreation districts. The greenway program through 1975 had cost more than \$13.3 million for acquisition alone. An additional \$1.5 to \$2.0 million had been spent for administration and planning.<sup>198</sup>

Ironically the total cost figure of approximately \$15 million was very close to the original greenway acquisition estimate provided by the Willamette Greenway Task Force in their 1967 report.<sup>199</sup> Yet the number of acquired acres was substantially less than what the report had recommended. The difference could be accounted for by inflation in the value of real property since 1967, driving acquisition costs upward; by differences in the locations of acquired parcels between what the task force report had recommended and what State and local government had acquired; and by the State's practice of acquiring title to property almost exclusively in fee-simple.

The Willamette River Corridor and Willamette River State Park Programs had substantially altered the pattern of publicly owned greenway parcels. Prior to 1972 acquisitions were located chiefly in or near urban areas. This was a consequence of the greater ability of cities and urban park and recreation districts to initiate proposals for projects and carry them through to completion. Now the locus had shifted decidedly toward the rural, less developed parts of the river. The intercession of the State with its two acquisition programs was the principal reason for this change.

It is significant that 42 percent of the acquired parcels and 38

percent of the acquired bank-miles were located in a single county: Lane. Such a concentration is partly explained by Lane County having more bank-miles, 138, than any other greenway county. It is also a reflection of the degree of support for the greenway program existent in that county relative to other greenway jurisdictions. Lane County was the only jurisdiction to have an effective private organization<sup>200</sup> for locating potentially acquirable greenway land.

By the end of 1975 new problems began to develop in the greenway program. For one thing, reports began to come in that some of the State-owned greenway parcels were slipping into the river as the Willamette, still a dynamic resource despite all attempts to constrain it, ate into its banks along certain stretches.<sup>201</sup> This problem apparently was aggravated by a reduction in Corps of Engineer dredging operations along portions of the Willamette, with the result that bar and bottom deposits were beginning to accumulate and affect the flow of the river.<sup>202</sup> For another, farmers were beginning to complain of the lack of signing, fencing, and weed-control on State-owned greenway property. For a third, a number of influential legislators were beginning to wonder when acquisition in the program would cease and development would begin.

Each of these problems is taken up in the following chapter.

VI. THE THIRD GREENWAY APPROACH: JOINT STATE  
ADMINISTRATION AND INTEGRATION WITH LOCAL  
COMPREHENSIVE PLANNING

Beginning in 1967 and continuing through most of 1975, administration of the Willamette River Greenway Program was in the hands of a single State agency. In carrying out the provisions of the Willamette River Park System and Willamette River Greenway Acts the Oregon Department of Transportation had worked with the Governor's Greenway Committee, prepared and submitted L&WCF grant-in-aid requests, processed local grant-in-aid proposals, developed inventory data, helped prepare the greenway plan, assessed and acquired greenway property, and otherwise did what it could to advance the concept of a greenway along the Willamette River. Except for a few brief clashes with outside agencies the authority of the department was relatively unchallenged during this period. The department administered the greenway program more or less as it saw fit, and it brooked little criticism of its practices and policies.

The State Emergency Board's action in cutting off acquisition funds in 1972 put the first serious crack in the department's armor. This crack was widened in 1973 when the Legislature passed the Willamette River Greenway Act, which placed clear limits on the department's acquisition authority and required that the department work through a second state commission, the Land Conservation and Development Commission, in getting its plan approved.

It was pointed out earlier that the intent of the Legislature in

requiring approval by LCDC was to provide a check against the power of the Transportation Department. By calling for such approval the Legislature placed ultimate authority over the plan's content with an agency which had, or soon would have, strong ties to local government. This was to ensure that the department did not prepare a plan which went against local interests.

What the Legislature failed to anticipate was aggressive action by LCDC with regard to the plan and extension of the commission's goal-making authority to cover the greenway program, thereby integrating the program into land use planning at the local level. The effect, of course, was to place administration of the greenway program in the hands of two State agencies. So far as the Transportation Department was concerned, the breach that was opened in 1972 and widened in 1973, had by 1975 taken on the appearance of an abyss. The events of 1976 and beyond did little to assuage the department's feelings that authority in the greenway program had become hopelessly divided, and that the new program, regardless of how events turned out, would bear little resemblance to the old.

This chapter is concerned with events in the Willamette River Greenway Program beginning in summer 1975, which ushered in a period of deeper, more serious involvement by LCDC. The chapter concludes with a discussion of the program's status through December 1978.

#### A. LCDC Reviews the Greenway Plan

The second (Straub's) greenway plan had been approved for submittal to LCDC in the face of considerable opposition. When the plan was

received by LCDC, the overriding concern facing that agency was whether the Transportation Department had followed the law in preparing the plan.

In particular, four questions presented themselves:

- (1) Did the changes in wording of the second greenway plan (deleting "scenic" in all references to easements, and so on) constitute a significant change in plan intent, thereby violating ORS 390.314-2(a)?
- (2) Did the fact that participation and review by units of local government was done in the context of the preliminary plan rather than the final plan, constitute a violation of ORS 390.314-2(a) and/or ORS 390.318(1)?
- (3) Did the preparation, content, and adoption of the second greenway plan by the Transportation Commission constitute, as alleged in a recent civil lawsuit,<sup>203</sup> a violation of 1975 LCDC Statewide Goals and Guidelines?
- (4) What were the Commission's options if the plan met greenway statutory requirements but not the requirements of the 1973 State Land Use Planning Act (SB 100)?<sup>204</sup>

On August 15, 1975 the matter was brought before the Land Conservation and Development Commission.

Prior to this meeting the staff of DLCD had prepared two reports in which critical greenway issues were identified, the greenway plan and the process used to develop it were analyzed, and recommendations were put forth as to how the commission should proceed. The second and more detailed of these reports<sup>205</sup> outlined four potential approaches for



managing the greenway:

- (1) adoption of the final (Straub) greenway plan,
- (2) integration of the greenway program into the existing scheme of statewide goals and guidelines,
- (3) creation of a specific LCDC goal for the greenway, and
- (4) designation of the greenway as an Area of Critical State Concern.<sup>206</sup>

The report recommended that before selecting an approach the commission should seek additional public input. One public hearing should be held in Salem during September, the report stated, to receive comment on the four approaches. The commission should then select one of these approaches and hold public hearings in each of the affected greenway counties to obtain additional input.<sup>207</sup> Commission members reviewed the report and accepted its recommendations. The staff of DLCD was instructed to arrange the Salem public hearing.

These reports marked the first instance of a State agency in Oregon recommending for consideration greenway management approaches that involved more than just acquisition. Reaction in the Department of Transportation and the Governor's Office was not recorded, but evidence suggests it was less than enthusiastic.<sup>208</sup>

The action of LCDC presented the possibility of a major shift in greenway strategy. Rather than acquire title in fee-simple, as had been the practice up to 1975, the State might now invoke its police powers to control the use of greenway land. A change to a police power approach would inevitably shift the emphasis in the greenway program away from recreation and toward conservation. This is because ownership would tend to remain in private hands with restriction on conversion to

incompatible greenway uses.

By the time the first public hearing was held in Salem on September 12, 1975, the number of potential approaches had risen to five. The fifth approach called for development of a revised greenway plan more or less along the lines of the consultant's preliminary plan. Testimony at this hearing was overwhelmingly in favor of the preliminary plan. Many of the hearing's participants seemed amenable to major greenway changes by LCDC.<sup>209</sup>

Between October 1 and October 22, 1975, additional public hearings were held in Eugene, McMinnville, Oregon City, Portland, St. Helens, Salem, Dallas, Albany, and Corvallis. At the McMinnville hearing a sixth management approach was unveiled. This approach involved creation of a statewide land-use goal for the greenway, adoption of the greenway boundaries in the consultant's preliminary plan until more permanent boundaries could be established, development of a joint State-local process for determining the final greenway configuration, and requiring that cities and counties incorporate the greenway boundaries and use designations into local comprehensive plans. This approach (Alternative 6) had been developed in response to a call for a comprehensive management strategy. It combined many of the features of Alternatives 2, 3, and 5.

Near the end of the hearing process LCDC requested a ruling from the State Attorney General on the agency's powers to revamp the greenway program. Two questions were asked:

- (1) Can the Land Conservation and Development Commission, as part of its review and revision process for the Willamette



River Greenway Plan, initially adopt the boundaries of the plan only and limit by order or regulation the activities local governments can authorize within the boundaries of the greenway pending completion and final adoption of the plan or segments of the plan?

- (2) May the Land Conservation and Development Commission, in conjunction with its adoption of the boundaries of the greenway, also adopt a state-wide planning goal which would require the lands within the greenway boundaries to be protected and managed, be included within city and county comprehensive plans and which would specify the minimum zoning measures to be used to implement the state-wide planning goal?<sup>210</sup>

Response by the Attorney General was favorable. The Attorney General cited deficiencies in the final (Straub) greenway plan. The plan was incomplete, he said, because it did not show "the lands or interests in lands acquired or to be acquired by units of local government." It also did not indicate "the lands within the Willamette River Greenway for which the acquisition of a scenic easement would be sufficient for purposes of the Greenway" or "show in complete detail the location of all known subsurface mineral aggregate deposits situated on lands within the boundaries of the greenway." Each of these items, he said, was required under the 1973 Greenway Act.<sup>211</sup>

The Attorney General said the State Land Use Planning Act was a factor in this matter as well as the 1973 Greenway Statute, since "the Greenway Law and any plan adopted thereunder is but a more particular

application of the general policies set forth by the legislature in ORS 215.515 (1)...and of the policies set forth by the LCDC in its state-wide planning goals adopted under ORS 197.225 and 197.240." For this reason LCDC "can impose protective regulations limiting the activities local governments can authorize with respect to land within the boundaries of the Greenway during the period that the plan or segments of the plan, are being completed and approved." LCDC could also develop a separate greenway goal or revise an existing goal because the greenway is "consistent with regional...concerns."<sup>212</sup>

A favorable ruling by the Attorney General was all LCDC needed to act on the greenway plan. On October 24, 1975, citing the failure of the final (Straub) plan to satisfy the requirements of the 1973 Greenway Act, LCDC rejected the plan and endorsed Alternative 6 (called Alternative F in LCDC terminology). It then directed its staff to prepare a report containing all relevant goal and policy information and to present this report at public work sessions in Salem on November 1 and Eugene on November 15.

On November 3, 1975, LCDC issued an order revising the greenway plan and adopting the preliminary plan boundaries for the city of Eugene. This was done to permit the city to purchase 26 acres of "critical" riverfront land on which options were in danger of expiring. This action--approving a portion of the plan before the rest had been considered--was brought about because of a decision earlier in the year to withhold State greenway funds from local jurisdictions until the matter of a greenway plan had been settled. Had LCDC not approved the Eugene segment of the plan, opportunity to acquire the 26 acres might have

been lost.<sup>213</sup>

On November 21, 1975 LCDC held a final public hearing on the proposed greenway goal. On December 6, at a special Saturday meeting in Salem, the Land Conservation and Development Commission adopted the "Willamette River Greenway Program," consisting of an Order Adopting a Preliminary Willamette River Greenway Plan and a Statewide Greenway Planning Goal (Goal No. 15). For the first time since 1973 the State had a functioning greenway program.

#### B. LCDC's Greenway Program

What was this program, and how would it work?

The Order Adopting a Preliminary Willamette River Greenway Plan ran to three pages in a tabloid<sup>214</sup> prepared by LCDC following the December 6 meeting. The order did four things: (1) it established as "temporary and preliminary" the greenway boundaries set forth in the book of 1:1000 aerial photographs submitted by the consultant in 1974 with the preliminary greenway plan; (2) it restricted the "intensification, change of use or development" of land within these boundaries in rural areas and within 150 feet of ordinary low water in urban areas (Urban land beyond the 150 foot line was not affected); (3) it established dual procedures<sup>215</sup>--one applicable to rural areas exclusively, the other to urban areas and some uses in rural areas beyond the 150 foot minimum boundary line--for handling exceptions to these restrictions; and (4) it allowed the Department of Transportation, working closely with local government, to revise the preliminary plan from time to time, subject to approval by LCDC. Farm use was generally

unaffected by the greenway order, as were gravel and timber removal operations and most activities connected with channel and riverbank maintenance. Land uses in existence as of December 6, 1975 were permitted to continue without restriction.

The greenway order was, more than anything else, a device for the interim protection of greenway land. It would remain in effect until a final greenway plan developed by the Transportation Department and local government was approved by LCDC (This could be done in segments as provided in the 1973 Greenway Act) and the requirements of the greenway goal were satisfied.

The greenway goal was intended to meet the program's long range requirements. The goal contained most of what was innovative in LCDC's greenway management approach.

The goal tied the greenway program to city and county comprehensive planning as required under ORS Chapter 197 and ORS 215.515(1). It said, in effect, that adoption of the final greenway plan by LCDC was not the last word on the greenway; that cities and counties, once this plan was approved, had to incorporate its features--boundaries, land use designations, and so on--into their local comprehensive plans and these plans including their greenway elements had to be approved by LCDC as part of the plan review process. Cities and counties also had to bring their zoning and other ordinances into conformance with the plan, and they had to develop compatibility review procedures for evaluating proposals to develop, intensify, or change the use of greenway property. These procedures had to allow participation by the public, and each jurisdiction had to provide written notice to the

Transportation Department of all decisions affecting the use of greenway property.

Special districts and State and federal agencies did not escape the requirements of the greenway goal. All plans, programs, and implementation measures developed by these units of government which involved greenway property had to comply with the greenway statute, the greenway order, and the greenway goal.

The greenway order and the greenway goal were significant for the following reasons:

First, they changed the direction of the greenway program. By controlling the use of greenway land through the state's police powers rather than through fee-simple acquisition, they shifted the emphasis toward conservation of riverine resources and away from recreation development.

Second, they greatly expanded the area of the greenway under some form of land use control, and they reduced the monetary requirements for a successful greenway program.

Third, they introduced a degree of flexibility to the greenway program. This increased flexibility was not achieved, however, without a corresponding increase in uncertainty as to how the program would turn out.

Fourth, they made a distinction between implementation of the program in urban areas and implementation in rural. This distinction was a reflection of differing greenway needs and impacts along urban and rural parts of the river.

Under the LCDC program the Department of Transportation would still



be able to acquire and develop land for recreation purposes. In most other respects, however, the agency's authority was curtailed. The ability to make decisions had shifted to LCDC on the one hand, who must act as final judge and arbiter on all matters involving State-local cooperation, and to local government on the other, with whom the success of the program ultimately rested.

The Transportation Department was not pleased with this turn of events, and made their displeasure known on at least one occasion.<sup>216</sup> But there was little they or anyone else could do about it once the decision on the greenway goal and greenway order had been made. The die was cast for a new and substantially different greenway program. The success of this program, however, would not be known for several years ahead.

The LCDC program was not without its critics. The backgrounds of these critics and the nature of their criticisms tended to differ from those of the earlier fee-simple program. Where the earlier program had drawn its sharpest critics from the ranks of riverfront property owners, mostly farmers, who were the principal targets of Transportation Department acquisition efforts, the LCDC program, with its emphasis on zoning, conditional use permits, and other forms of police power regulation, drew most of its critics from the groups for whom regulation was unacceptable for largely economic reasons: the gravel interests, the timber interests, the land developers, the riverbank industrialists. At the public hearings preceding adoption of the greenway goal and greenway order the farming community was noticeably underrepresented. Their place was taken by representatives from the

gravel, wood products, and real estate industries.

Criticism of LCDC's program fell into two categories: criticism of sections of the goal and order which interfered or appeared to interfere with continuation or expansion of economic activities along the river; and criticism of the principles which lay behind development of the greenway goal and greenway order.

The testimony of A. G. Heizenrader, Managing Director of the Oregon Concrete and Aggregate Producers Association, is indicative of the first type of criticism. "Because the very nature of gravel extraction is an ongoing intensification or change of use," said Heizenrader in a letter to LCDC Chairman L. C. Day,

We feel the [LCDC Preliminary] Plan speaks too strongly in objection to the gravel removal activity. The normal working of a removal site is an on-going, moving thing. As it expands horizontally opening-up new land, it will also close up by reclamation the mined out portion of the site--thereby returning land to its secondary use. Without a positive definition in the implementation under "GOALS" we would find considerable difficulty in proposing to local authorities a letter requesting such use of lands within the Greenway boundary or for the dredging from the banks or riverbed. With regard to operations which now or in the future propose extraction from the beds or banks of the Willamette River, we have always been regulated by very stringent conditions under lease agreements with the Division of State Lands.... In the example of an upland extraction operation which now finds itself within the greenway boundary, we also wish to point out that additional regulations now provided by the Surface Mined Land Reclamation Act insure full consideration of the land use and subsequent reclamation of that land.<sup>217</sup>

Heizenrader's solution was to let these other statutes regulate gravel extraction and not impose additional regulation through the greenway goal and greenway order.

Similar views on regulation were expressed by Richard Angstrom of

Associated Oregon Industries<sup>218</sup> (In addition to repeating Heizenrader's arguments Angstrom voiced concern over timber harvest restrictions and permit and compatibility review requirements for urban areas) and by Howard Fujii of the Oregon Farm Bureau (Fujii expressed concern over restrictions on channel maintenance and riverbank protection).<sup>219</sup>

The comments of Steven Hawes, lobbyist for Associated Oregon Industries and the Oregon Association of Realtors, are indicative of the second type of criticism. As Legislative Counsel in 1973, Hawes had helped to draft the 1973 Greenway Act. He contended that LCDC in developing the greenway goal and greenway order had ignored the intent of the Legislature when it passed the Greenway Act. The intent, Hawes said, had been to provide public compensation to landowners along the river for the right to restrict the development or use-intensification of their land above the farm-use level. LCDC, Hawes claimed, was proposing to limit development and use-intensification without any compensation whatsoever. This in his judgment amounted to an unjust taking of greenway land.<sup>220</sup> Hawes' views were echoed by another influential figure, State Senator Hector MacPherson.

LCDC took these criticisms into account and made changes to the wording of the greenway goal and greenway order which partially accommodated some of them. The criticisms of Hawes and MacPherson, however, attacking the very legitimacy of zoning as a land management device, were largely ignored. Commission members took the position that the right of LCDC to act as it did had been confirmed by the State Attorney General in his opinion of October 24, 1975.<sup>221</sup> Moreover, the greenway, with the emphasis given it by the 1973 legislation, was clearly an area

of above-average public concern, worthy of above-average efforts to protect it.

### C. Revising the Preliminary Plan

The right to revise the preliminary plan had been built into the greenway order by LCDC. This right had been included for two reasons: it placated certain persons in the Governor's Office and the Department of Transportation, who had insisted on such a provision to protect the State's interests in the greenway;<sup>222</sup> and it satisfied a real need in the greenway program itself.

The LCDC preliminary plan was not a plan in the sense the consultant's plan was. That is, its purpose was not to indicate changes that would result in greater realization of greenway objectives, but rather to prevent development from occurring that might go against these objectives. In other words it was a negative plan rather than a positive one (negative in the sense that it tended to preserve the status quo rather than lead to anything new). If development was to take place in furtherance of greenway objectives, something additional was obviously needed. This additional something was contained in the provision allowing revision of the preliminary plan.

The revision process had two steps: development of revised greenway boundaries by local government, to be submitted to LCDC for approval by April 1, 1976;<sup>223</sup> and preparation of a revised plan or plans (There could be more than one) by the Department of Transportation, to be submitted on or before July 1, 1976, or by July 1 of any even numbered year thereafter. Local jurisdictions had to develop their

boundaries in cooperation with the Department of Transportation. The department in turn had to work with these jurisdictions in revising the preliminary plan. The revised plan had to show, at a minimum, the revised greenway boundaries, the boundaries of areas suitable for State and local acquisition, the use-intensity classifications of greenway land, and the locations of existing and planned public access points along the river. The revised plan could be submitted to LCDC in segments as provided in the 1973 Greenway Act.

The plan revision process brought to light a problem which up to that time had escaped serious attention. Where was the 150 feet from ordinary low water line located? This line, the minimum greenway boundary according to the 1973 Greenway Act, was predicated upon establishment of a line of ordinary low water. Local jurisdictions had little if any information on ordinary low water, certainly none that could be called empirical. They thus had no basis for establishing a minimum boundary line. Beginning March 19, 1976 requests began to reach LCDC for a "legally acceptable definition of ordinary low water."<sup>224</sup>

The next several weeks did nothing to ease the tense relations between the Transportation Department and LCDC. At an LCDC meeting on April 3, 1976 Chairman L. B. Day criticised Robert Potter, Transportation Department Greenway Coordinator, for not showing ordinary low water in the preliminary plan and not indicating a minimum greenway boundary in relation to this.<sup>225</sup> Potter replied that ordinary low water was the 1973 Legislature's responsibility. It was they, the legislators who drafted the act, who should be questioned about this,

Potter said, not the administrative agency. Day threatened to issue an order requiring a survey of ordinary low water if the department did not provide the necessary boundary information.

An exchange of telephone calls and memoranda resulted in which even the Governor's Office got involved.<sup>226</sup> The result was that the department would not conduct an on-the-ground survey to establish ordinary low water because such a survey would be costly and time consuming.<sup>227</sup> However, it would send a packet of aerial photographs and other material to local jurisdictions to aid them in establishing their own boundary lines. The issue in other words was never really resolved. The aerial photographs were insufficient for determining an ordinary low water line.<sup>228</sup> Ordinary low water on the Willamette River has never been established in a way that is legally defensible. The lines on maps showing the minimum greenway boundary are at best only rough approximations of what was called for in the 1973 Greenway Act.<sup>229</sup>

Nevertheless, work on the revised preliminary plan proceeded during spring and early summer 1976. On July 22 the Department of Transportation completed its work on the revised plan and made preparations for a series of public hearings where comment on the plan would be taken.

The revised plan--printed in four books<sup>230</sup> and consisting of aerial photographs with boundary lines and ownership designations marked on them--differed from the consultant's plan which preceded it. For one thing the revised plan showed the greenway boundaries considerably closer to the river in most instances than the consultant's

plan did, with the result that the land area contained within these boundaries was substantially reduced from what it was before. Altogether the land area had shrunk from 88,000 acres in the consultant's plan to 51,610 acres in the revised plan--a reduction of 41 percent. Second, the revised plan identified 171 areas totaling 11,365 acres as suitable for acquisition by the State. This was 40 percent less than the 29,100 acres identified in the consultant's plan.<sup>231</sup> Third, the revised plan provided no indication of how land previously acquired for the greenway, or having the potential of being acquired at some future point in time, would be developed for greenway purposes, nor did it specify the method of acquisition. One was left with the question, What configuration would the greenway have assuming this land was able to be acquired?<sup>232</sup>

The revised plan represented a compromise between what the Transportation Department would have liked and what local jurisdictions would settle for. The boundaries in the plan had been worked out not unilaterally by the State as in the past, but jointly with local government.<sup>233</sup> While the boundaries did not match the adopted local boundaries in every instance (The Transportation Department viewed the plan as representing the State's interests and felt under no obligation to follow local boundaries when those boundaries excluded areas the department felt were important), they were close enough in most instances that final boundary adjustments would be minor.

Public hearings on the revised plan were held in Salem, Portland, and Eugene on August 24, 25, and 26, 1976 respectively, and again in Salem on September 7.<sup>234</sup> More than 700 persons attended these hearings

or otherwise offered comment. Most of the comments took the form of a filled-in questionnaire which the Transportation Department had developed earlier to sample greenway opinion. Others were made in letter form, and still others were presented orally at the hearings and later transcribed. The transcripts for these hearings totaled 1900 pages.

The questionnaire responses tended to support the State's revised plan.<sup>235</sup> Some of the oral comments shed light on underlying greenway issues. Said a state senator from Linn County at the September 7 hearing in Salem,

One of the things that I learned very quickly, not being in agriculture, not being a large property owner, is what those people in agriculture, and property owners, have to go through in every aspect of their life. For example, their shops, their barns are all inspected by OSHA.<sup>236</sup> Some brand new tractors sitting in parking lots or in barn [yards], that have never been used, can be cited because they don't meet OSHA standards. If they're going to use certain kinds of pesticides, sprays, herbicides, they have to get a certificate to do so from a state agency or a federal agency. If they're going to burn, they have to pay a fee and get a permit. Their property is all zoned currently. If they're going to do something they must get a permit. In one case, a gentleman who is merely going to replace a house with a house took six months to get his permit. They continuously get questionnaires on what they're doing with their property, how much they're growing of certain...commodities...from government agencies, generally federal. And the list goes on and on.

So I think you can understand when another agency or another jurisdiction comes on to that property [and] says, We're going to draw a line on your property, I think you could understand their concern.<sup>237</sup>

Here the issue was not the greenway program per se but the program as part of a larger effort by government to regulate farm activity. It mattered little if administrators in Salem could view the Willamette River Greenway Program as a totality. To the beleaguered farmer,



hemmed in on all sides by a dense and growing thicket of government regulation, the program was simply the latest in a number of moves by government to deprive the farmer of his livelihood, his independence, and his way of life.<sup>238,239</sup>

Comments of a different order came from persons whose backgrounds were essentially urban. Said a 79 year old Salem woman at the same September 7 hearing,

I've studied the maps but even with a magnifying glass I have trouble with them and I can't envision 30,000 acres [sic] stretched out over a couple hundred miles but I do know what's happened to the river in my lifetime.

When I was a child, my brother kept a boat on the river, swam in it, enjoyed it, and we all drank it. But over the years, the right, so called, of each person, company and town to do what he like[d] with it, filled it with garbage, industrial waste and sewage. No one dared swim in it or drink the water. No fish could live in it. It became a dead thing. Well we've resurrected it. The fish are back; there's boating again. But it took a long time and a lot of government interference.

At my age, 79, I haven't time to go through that cycle again. Oh, we won't turn our sewage into it again, not intentionally, but will boating and water-skiing be enhanced by a solid bank of high rises attractively placed right at the river's edge?

The argument that bordering farms will be maintained in perpetuity doesn't impress me. I've seen too much farm land go into development.

We feel great gratitide for Governor Os West<sup>240</sup> for saving the beaches for us. We found some difficulty even about that when development was called for. But we seem to be ready to condemn our current Os Wests, who would maintain for use access to our river.<sup>241</sup>

In this case the issue was one of protecting a newly restored resource (the river) from the ravages of urbanization. This issue was identified time and again throughout the course of the greenway program. It lay at the heart of the greenway proposals advanced by Robert Straub

and Karl Onthank.

A representative of a paper mill in Albany offered a third type of comment. Here the issue was not protecting a resource but preserving an economic activity. Said this representative at the Eugene hearing on August 26,

I represent Western Kraft paper group, Albany mill division...

We are a pulp and paper mill located in Linn County.... We manufacture approximately 900 tons of kraft and semi-chemical paper each day which we ship and sell to converting plants....

The area currently encompassed within the greenway boundary abuts several of our gravel filter beds and includes all of our water pumping and dispersal equipment in the same area. These beds are usually 10 feet below the top of the dike walls which separate them from the river. They are used throughout the summer as an approved, DEQ approved, method of waste water disposal and they are an integral part of our system, and when flooded with waste mill water, the filter beds are dangerous. Because there is no regular supervision of our river property, and because of its accessibility to the river, we feel that the greenway boundary should not extend beyond 150 feet from the ordinary low water mark....

Future DEQ regulations may well cause us to develop additional water treatment facilities in the proposed greenway area. If a conditional use permit...were not approved for development of...new water treatment facilities, this would place us in a very difficult position. The State agencies would come into conflict and would have to decide whose statute or jurisdiction would take precedence....

For the...two basic reasons listed above, we believe that no more than 150 feet should be included in the DOT greenway plan.<sup>242</sup>

These and other comments were evaluated by the Transportation Department and modifications were made to the revised plan. On November 4, 1976 the Oregon Transportation Commission approved for submittal to

LCDC the following plan segments: Benton County, Columbia County, Yamhill County, Lane County, Multnomah County, City of Eugene,<sup>243</sup> City of Gladstone, City of Milwaukie, City of Salem, and City of St. Helens. LCDC approved the City of Salem and Benton County segments on December 10. Lane County and City of Eugene followed on January 7; Multnomah County, City of Milwaukie, and City of Gladstone on January 23; and Columbia County, Yamhill County, and City of St. Helens on April 15. The area within the city limits of St. Helens was removed from the greenway by action of LCDC on April 16, 1977 (In other words the northern terminus of the greenway on Multnomah Channel became the St. Helens south city limits).<sup>244</sup> By spring 1977, then, plan segments had been adopted for 10 of the 27 greenway political jurisdictions, accounting for 59 percent of the land area within the greenway proper.

Plan segments for Clackamas County, Marion County, Polk County, Linn County, City of Lake Oswego, City of West Linn, City of Oregon City, City of Wilsonville, City of Dundee, City of Independence, City of Millersburg, City of Albany, City of Corvallis, City of Harrisburg, City of Springfield, and City of Cottage Grove--16 segments in all--were approved by the Transportation Commission on July 19, 1977. These segments were adopted by LCDC on October 21 of that year.

The action by LCDC brought to a close the revision process for all but two plan segments: City of Portland, and two small areas on Upper Kiger Island in Benton County.<sup>245</sup> The City of Portland's segment was held up awaiting completion of a riverfront development plan for that city. Such a plan was permitted in lieu of a compatibility review procedure under the LCDC greenway goal. The two areas in Benton County

were delayed pending completion of a land management plan involving gravel resources. The land area of the greenway (including unadopted segments) now totaled 49,982 acres.<sup>246</sup> If the boundaries did not change again in the future, this would be the total greenway acreage contained in city and county comprehensive plans.

#### D. Related Greenway Developments: 1976-1978

The period 1976 through 1978 saw other developments in the greenway program, though none perhaps were as important as revising the preliminary plan.

On January 7, 1976 Governor Straub announced formation of a new Governor's Willamette River Greenway Committee to act as liaison between the State and the general public.<sup>247</sup> This committee would be chaired by Arthur C. Johnson, a Eugene lawyer with impressive environmental credentials, and after April 30 would count among its members Glenn Jackson, Chairman of the Oregon Transportation Commission.

In spring 1976 the Governor's Office and the Transportation Department embarked on an ambitious program of public information to clear up uncertainties about the greenway program (some contributed by Straub himself<sup>248</sup>) and to stem a rising tide of public criticism. This program featured brochures,<sup>249</sup> public service radio announcements, a slide-tape presentation, and public hearings involving the Governor's Greenway Committee.

In 1977 eight legislative bills were introduced that affected the greenway program. One bill removed preferential assessment and tax reduction restrictions on farm-use scenic easements sold or donated

to the State for greenway purposes, allowed the State to attach conditions to the sale or transfer of greenway land which would prevent the land from being used in a manner incompatible with greenway objectives, permitted the State to dispose of farm-use land located outside the greenway boundaries, and authorized the State to make grants of money to local government from any State fund (not just the General Fund) for greenway development as well as acquisition;<sup>250</sup> HB 2012 allowed payment of restitution to victims by persons convicted of criminal activities (This would have addressed trespass and vandalism of greenway property). HB 2570 prohibited cities from being included in the greenway unless they adopted resolutions asking to be included. HB 3029 called for exclusion from the greenway of all channels receiving less than 50 percent of their waters from the Willamette or one of its tributaries (This bill applied almost exclusively to Multnomah Channel).<sup>251</sup> HB 2632 repealed the provisions of ORS 390.334 which allowed the State to acquire scenic easements before a greenway plan was approved. HB 3045 allowed timberland with scenic easements to retain a timberland preferential assessment if acquired under the greenway or similar program. SB 469 and SB 470 prohibited the Transportation Department from using eminent domain to acquire land for parks unless at least 50 percent of adjoining land owners approved.

All these bills were unsuccessful. The 1977 Legislature also trimmed all acquisition funds from the 1977-1979 State Parks budget for the greenway. However, it did approve \$370,000 for greenway development.

In 1977 a new anti-greenway organization--the Coast Fork Homestead

and Farm Protection Association--was formed in Lane County to have the Coast Fork Willamette River removed from the greenway.<sup>252</sup> This group was instrumental in causing the Transportation Department to conduct trespass and vandalism study in 1978 (See note 238, page 228).

The Transportation Department in 1977 began to have problems with farmers cutting trees along the river, apparently sparked by rumors the State would take their timber harvest rights away. The Department also began receiving complaints that noxious weeds (notably tansy ragwort) were being permitted to grow on State-owned greenway property, infesting adjoining property and causing problems for farmers.<sup>253</sup>

1978 saw initial efforts at development of some of the State-owned parcels along the river. Plans were made to have 35 boat access sites (day and overnight use) and 35 upland access sites (day use only) in operation by June 1979. Facilities at these sites would be primitive.

In April 1978 LCDC became the target of a lawsuit by Linn County farmers alleging that proper administrative procedures had not been followed in adopting the Linn County segment of the revised preliminary plan, and that the plan therefore was not valid.

#### Status of Greenway Program on December 31, 1978

As of December 31, 1978 the Willamette River Greenway Program had progressed to the following point:

- (1) 252 acquisitions had been made bringing 65.5 bank-miles of Willamette River into State and local ownership (See Table VI and Figure 7). All but four of these acquisitions

TABLE VI. WILLAMETTE RIVER GREENWAY ACQUISITIONS THROUGH DECEMBER 31, 1978

	WRPS <sup>a</sup>			State Park			Corridor			Total			Change in Bank-Feet Since Dec- ember 31, 1972
	No.	Bank- Feet	Cost	No.	Bank- Feet	Cost	No.	Bank- Feet	Cost	No.	Bank- Feet	Cost	
Benton	2	6,300	\$ 116,468	0	0	\$ 0	17	38,258	\$ 233,076	19	44,558	\$ 349,544	+18%
Clackamas	10	4,846	518,100	1	4,000	259,950	28	25,489	2,715,092	39	34,335	3,493,142	+ 8%
Columbia	1	5,440	6,000	0	0	0	0	0	0	1	5,440	6,000	+ 0%
Lane	40	17,694	895,895	28	59,585	1,733,412	38	56,910	855,383	106	134,189	3,484,690	+ 8%
Linn	8	4,009	186,712	3	7,000	394,250	12	29,775	376,884	23	40,784	957,846	+10%
Marion	5	9,151	848,302	5	4,000	1,025,700	6	14,200	126,788	16	27,351	2,000,790	+ 5%
Multnomah	19	5,563	3,416,044	0	0	0	6	5,744	323,236	25	11,307	3,739,280	+ 7%
Polk	3	500	134,850	0	0	0	12	32,116	507,226	15	32,616	642,076	+ 0%
Yamhill	1	4,500	31,500	1	0	650,000	6	10,730	314,950	8	15,230	996,450	+ 0%
Total	89	58,003	6,153,871	38	74,585	4,063,312	125	213,222	5,452,635	252	345,810	15,669,818	+ 8%

Source: Table compiled from data provided by the State Parks and Recreation Branch, Oregon Department of Transportation.

Note: <sup>a</sup>The WRPS terminology was officially dropped in 1973. From 1973 on the above projects were referred to as local projects. The WRPS terminology has been retained in this table for the sake of consistency with similar tables in Chapters 4 and 5.

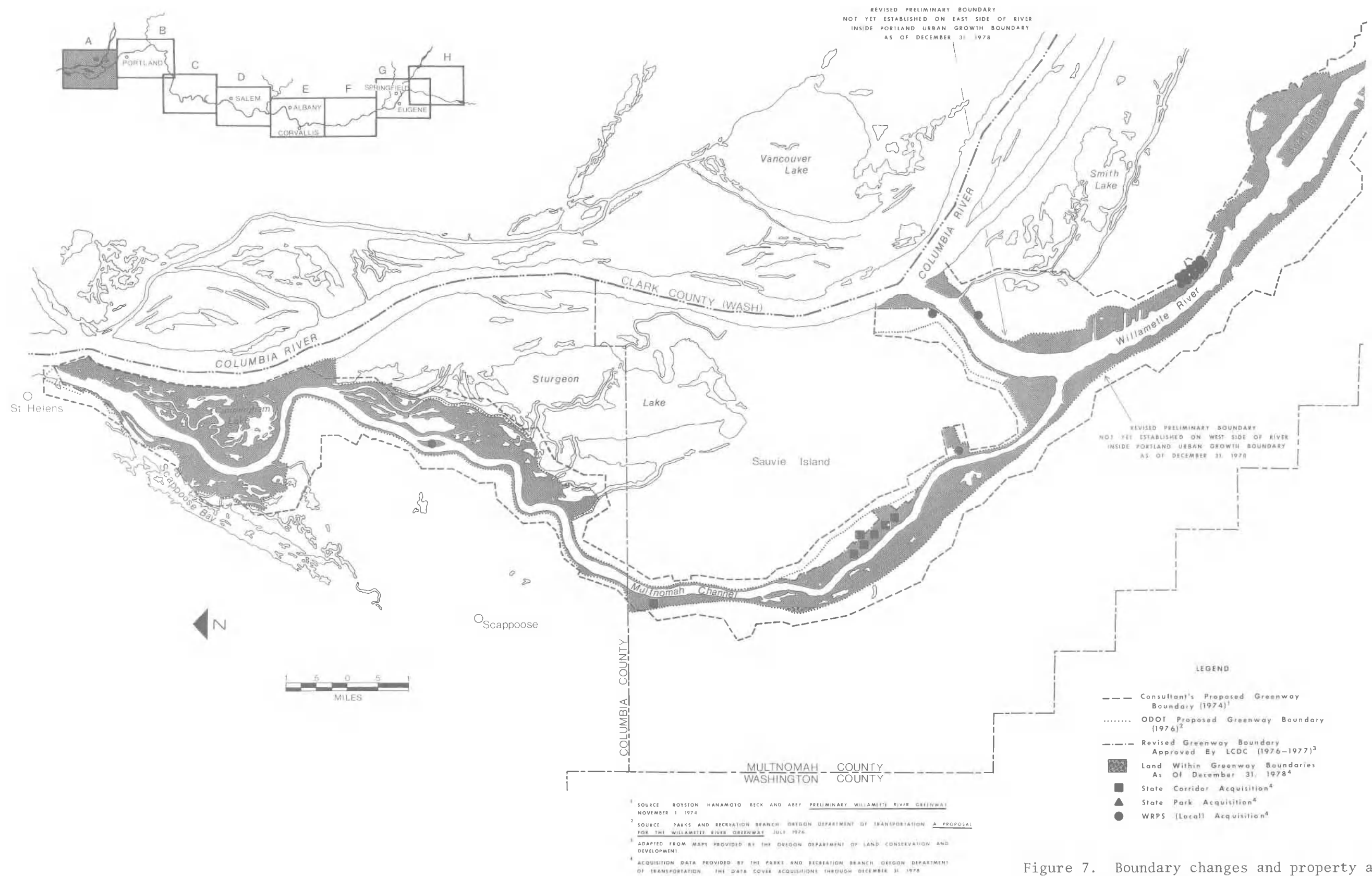
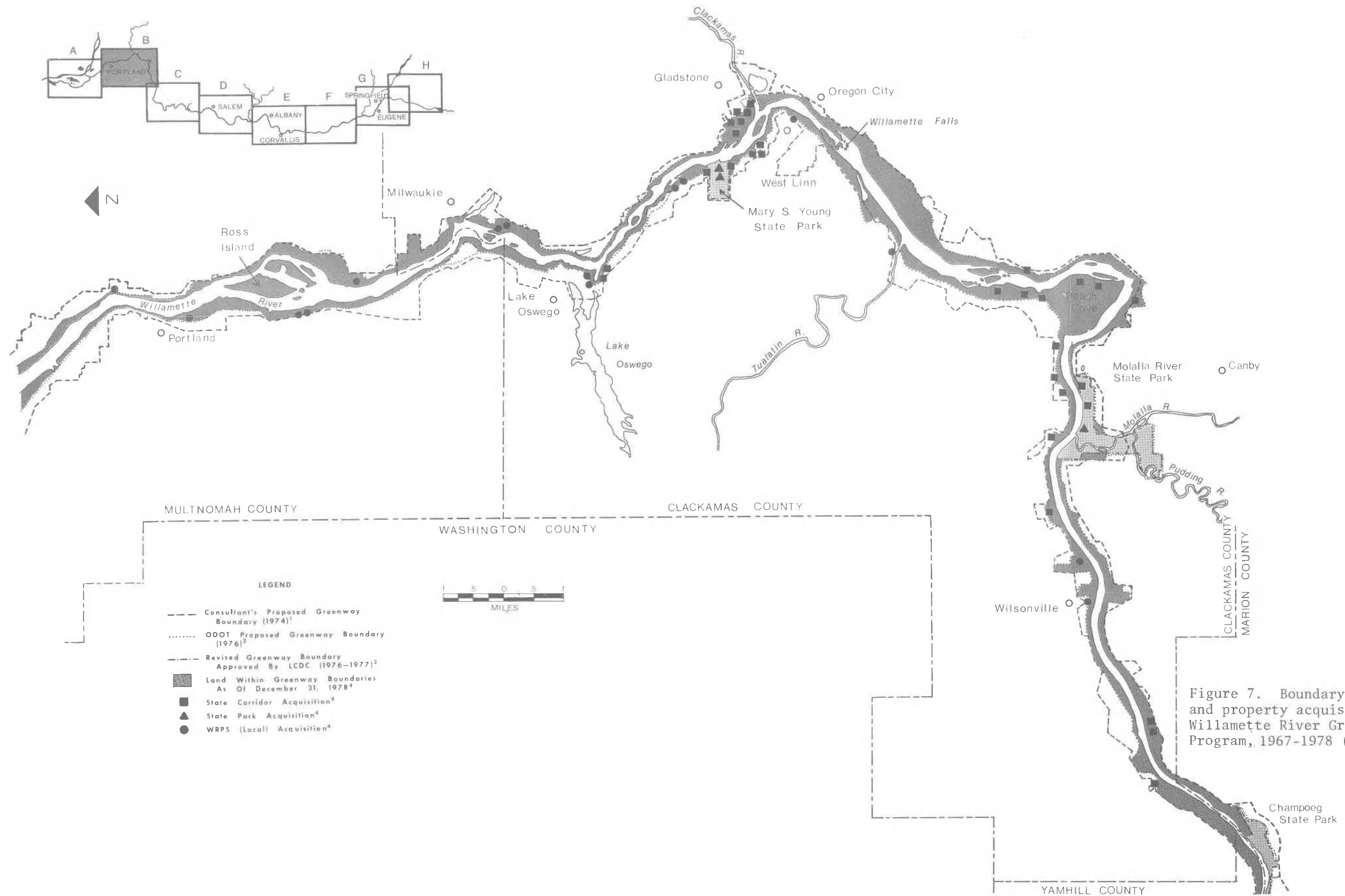


Figure 7. Boundary changes and property acquisitions in Willamette River Greenway Program, 1967-1978 (Part A)





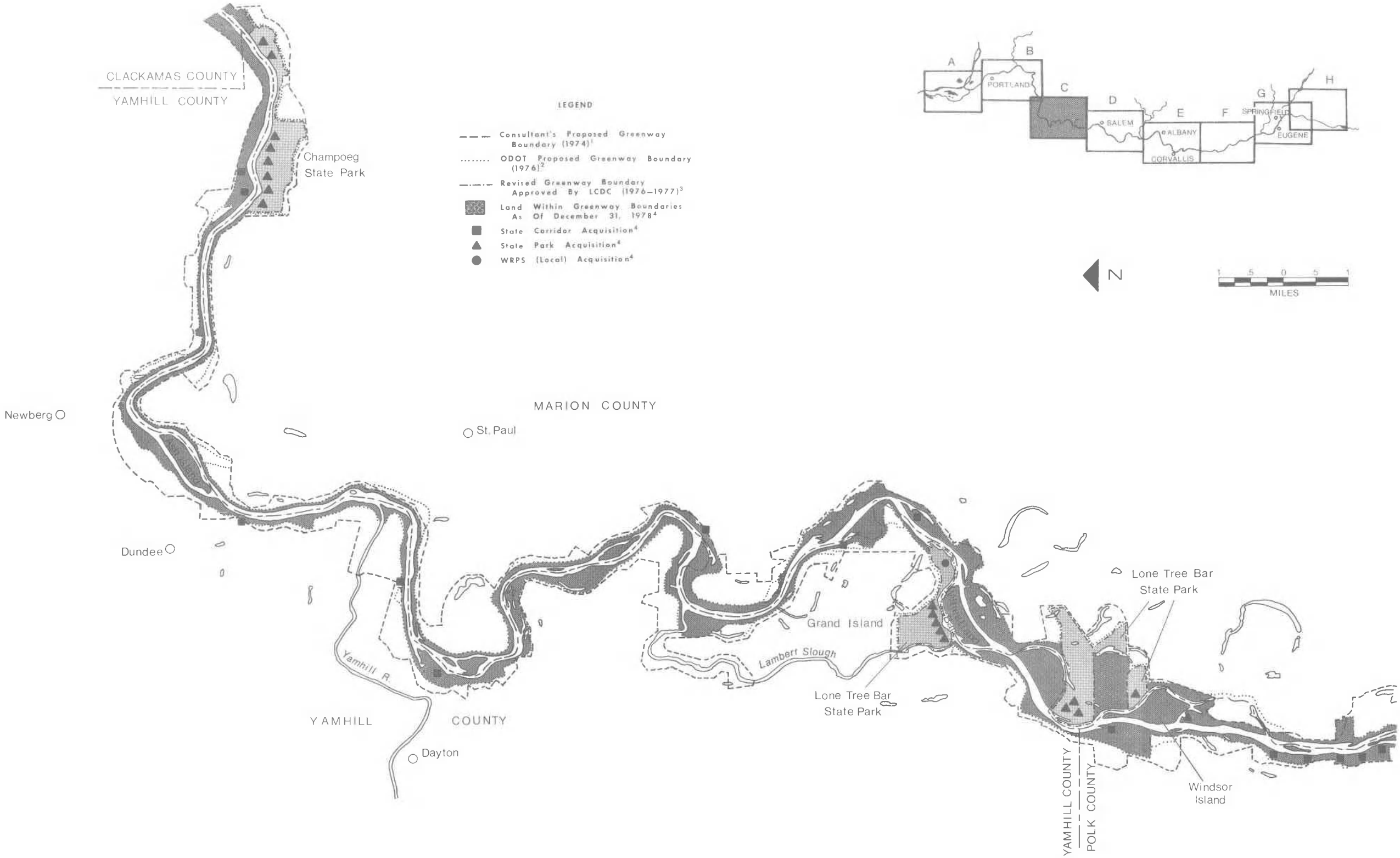


Figure 7. Boundary changes and property acquisitions in Willamette River Greenway Program, 1967-1978 (Part C)

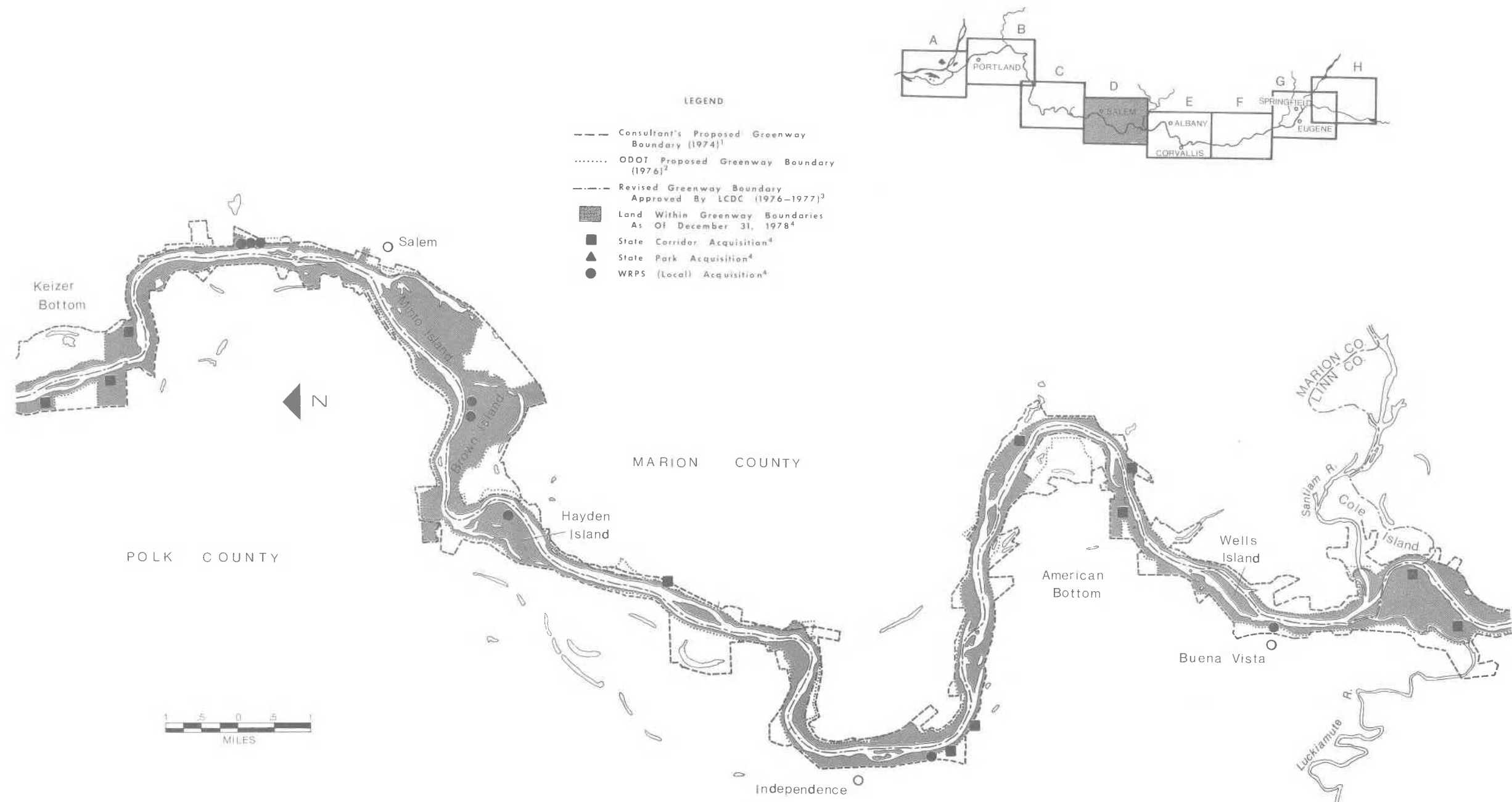


Figure 7. Boundary changes and property acquisitions in Willamette River Greenway Program, 1967-1978 (Part D)

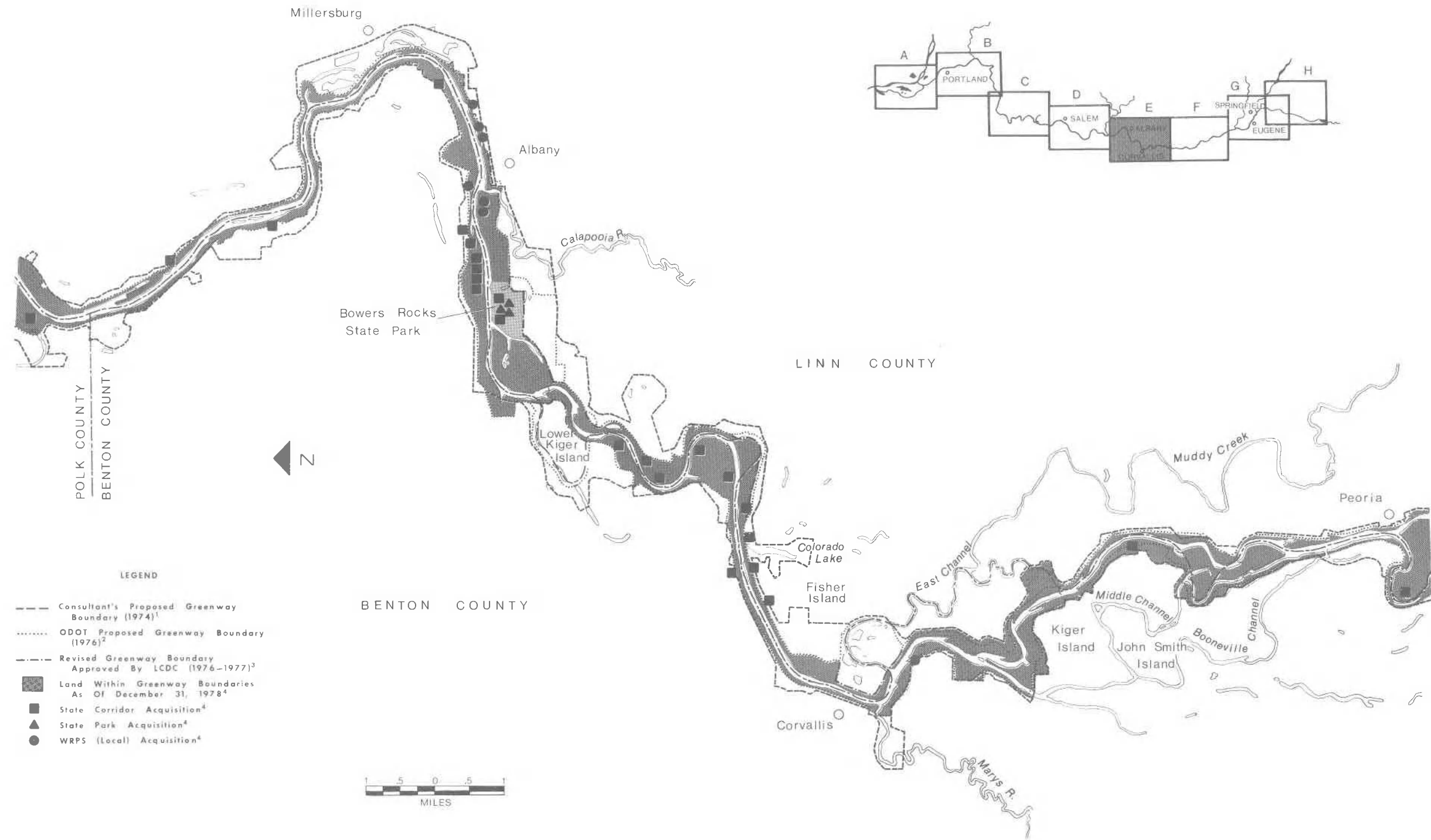


Figure 7. Boundary changes and property acquisitions in Willamette River Greenway Program, 1967-1978 (Part E)

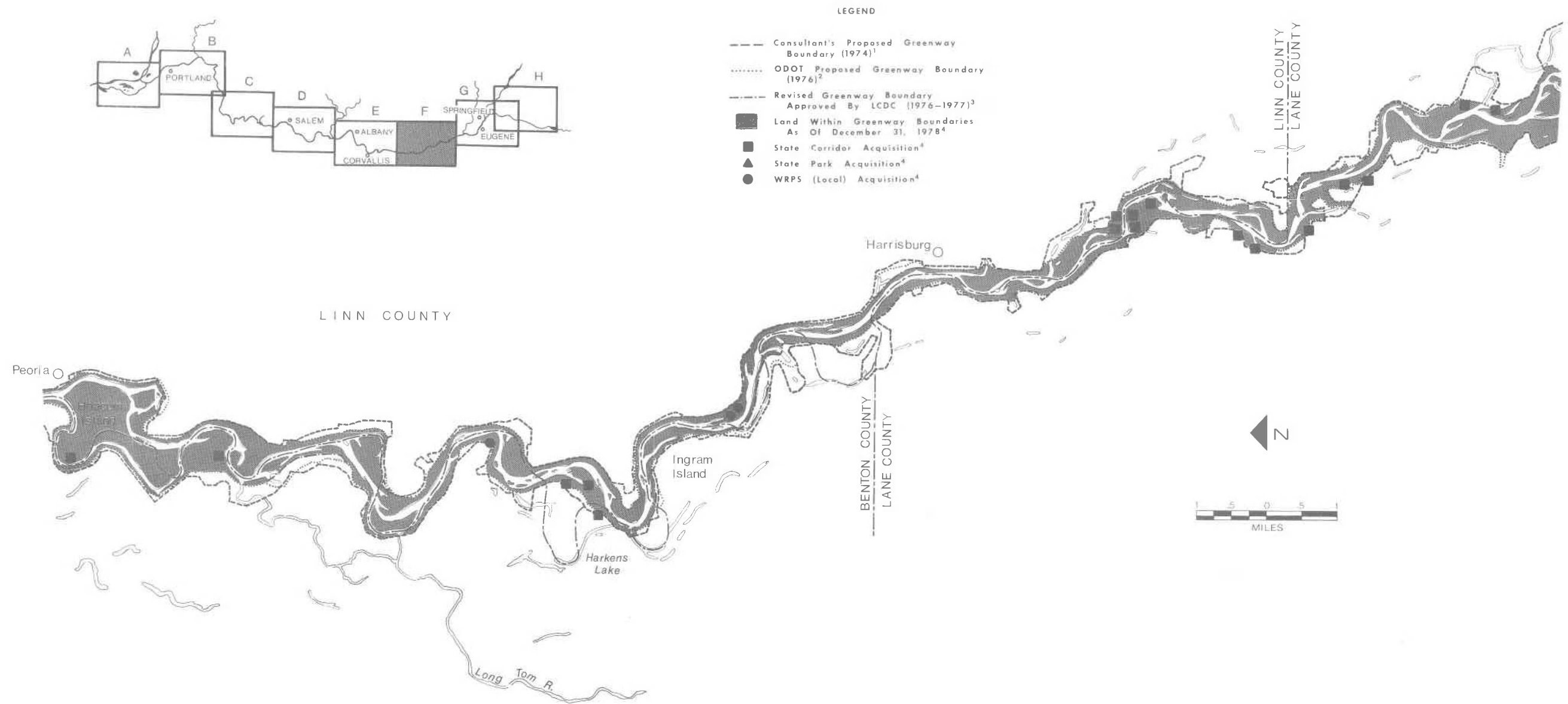


Figure 7. Boundary changes and property acquisitions in Willamette River Greenway Program, 1967-1978 (Part F)

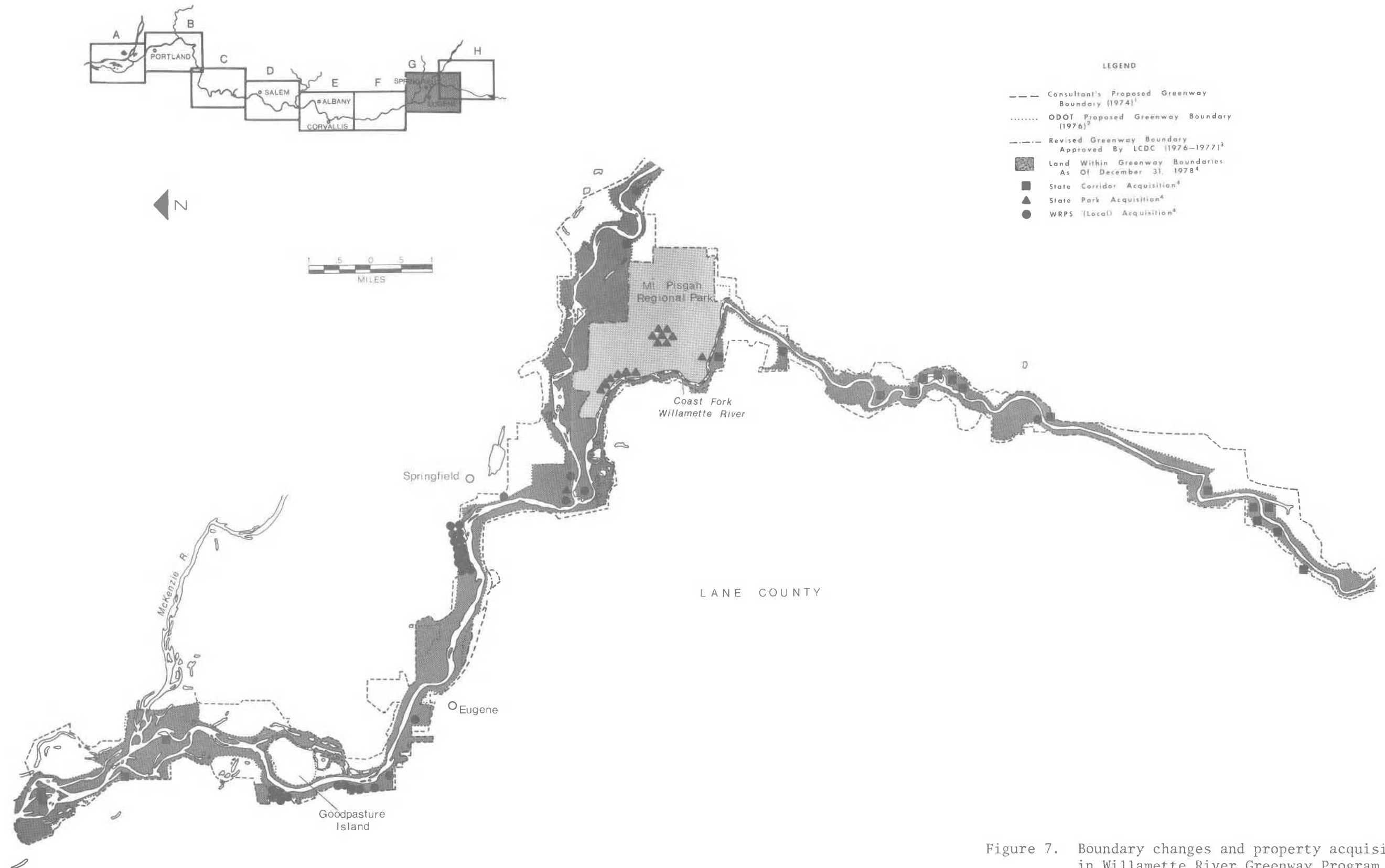


Figure 7. Boundary changes and property acquisitions in Willamette River Greenway Program, 1967-1978 (Part G)

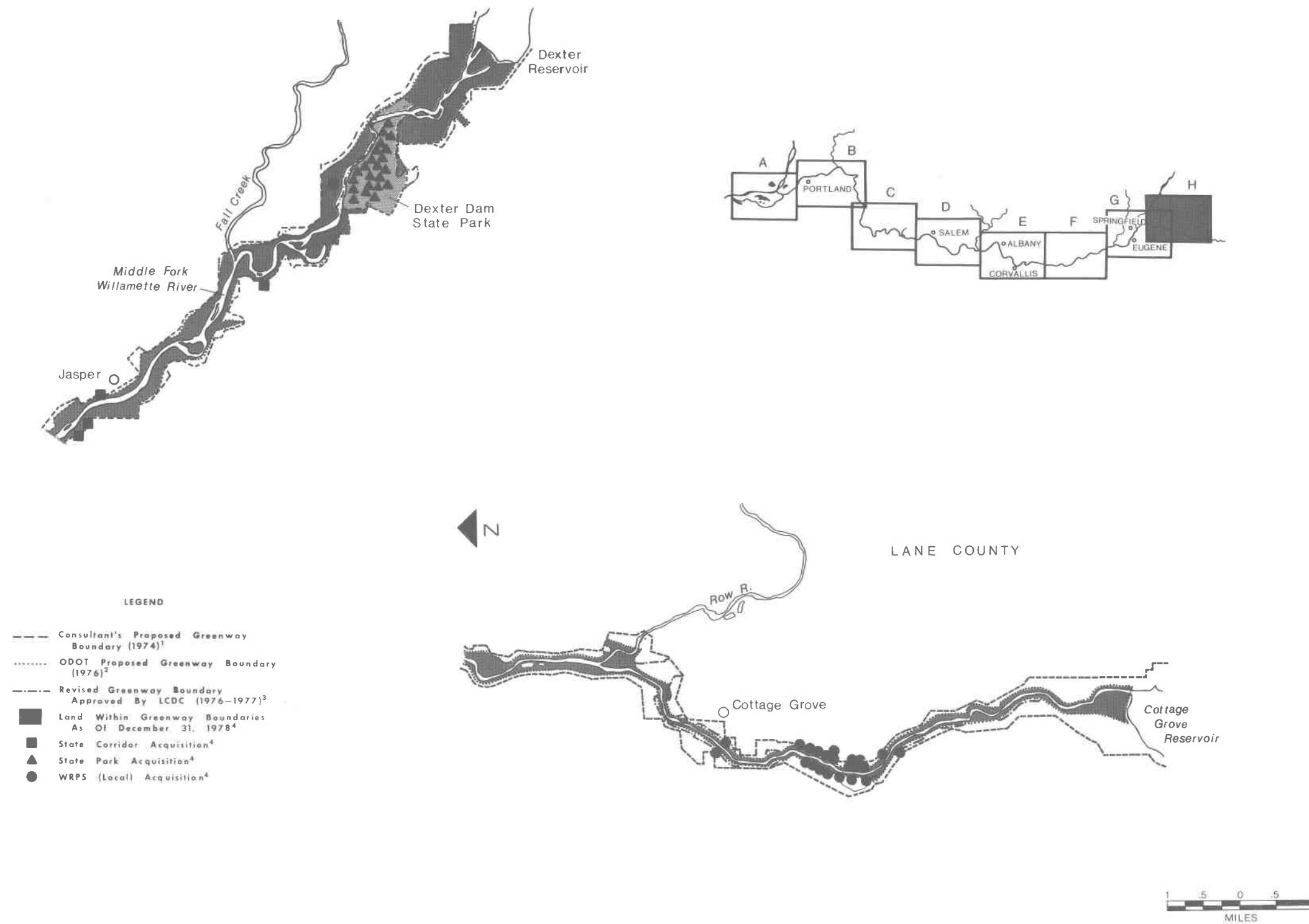


Figure 7. Boundary changes and property acquisitions in Willamette River Greenway Program, 1967-1978 (Part H)

were in fee-simple. The acquisitions had cost approximately \$15.7 million not including administration. \$1.5 million of this amount had been paid by local government. The State contribution was \$6.3 million and that of the federal government \$7.9 million.

- (2) State acquisition had come to a standstill due to the Legislature eliminating greenway acquisition funds from the State Parks Fiscal Years 1977-1979 budget.
- (3) 70 State-owned greenway sites were either programmed for development or were at some stage of development. All developments were primitive. The sites scheduled for development accounted for slightly more than half the State-owned sites along the river.
- (4) Only two of the five new parks along the river (Dexter Dam and Mt. Pisgah) had seen significant development. Both of these parks were located in Lane County.
- (5) Revised preliminary plans had been adopted for all but one jurisdiction along the river (City of Portland) and portions of one other (Benton County). Altogether 49,982 acres of riverfront land now had some form of greenway land use control.
- (6) Two jurisdictions (City of Eugene, City of Dundee) had been found by LCDC to be in conformance with Statewide Planning Goals and Guidelines. The greenway goal was now in effect for these jurisdictions.

It is still too early to say whether the Willamette River Greenway



Program will in the end be a success. Even if all jurisdictions comply with statewide planning goals and guidelines by the July 1980 deadline, there is still the question of whether land use decisions at the local level will conform to comprehensive plans. There is also the question of whether the State will have the desire to follow through on those instances where land use decisions and comprehensive plans are not in agreement. Under the present setup, local jurisdictions have to notify the State (Transportation Department) of zoning and other decisions involving greenway property. The State has 60 days in which to respond if it wishes to appeal a decision. It is possible local government will be neglectful in notifying the State. It is also possible the Department of Transportation, not wishing to ruffle local political feathers, might forego an appeal for political reasons alone. If this is the case, then the entire appeals process set up by LCDC to guard against errant decisions would be valueless. A similar situation would be created if LCDC in evaluating local comprehensive plans did not press for compliance with greenway objectives.

The ultimate success of the Willamette River Greenway Program can be said to rest in large measure on what takes place at the local level. If local land use decisions conform to comprehensive plans (assuming the plans themselves are faithful reflections of the green-statute, the greenway goal, and the revised preliminary plan), then the program will probably be successful. If decisions go against the comprehensive plans then the program will probably fail. In the latter case a great deal of money, thought, and effort on the part of many people will have counted for little, and the State will have

lost an opportunity to protect an important and unique natural resource:  
the riverine lands of the lower course Willamette River.

## VII. SUMMARY AND CONCLUSIONS

### A. Review of Major Developments in Willamette River Greenway Program

Before turning to the questions in Chapter I let us review for a moment the major features of the Willamette River Greenway Program.

The greenway program was an outgrowth of three major developments:

- (1) The effort, largely successful, to clean up the Willamette River and make it suitable for a range of human uses;
- (2) Fears that future population growth in the Willamette Valley would damage the river environment (still largely in a natural state) and close off parts of that environment for public outdoor recreation use;
- (3) The examples set in other parts of the nation to protect unique and valued river environments and to make such environments accessible to and usable by the public.

The values that lay behind creation of the greenway program were essentially urban values. That is to say, they had their origin in urban people, they reflected an urban way of thinking, and the needs they were intended to satisfy were largely urban needs. This is why, for example, the program proposed in 1966 emphasized public outdoor recreation to the extent it did. Such a program could be justified only if large numbers of people used the greenway. This in turn required a sizable population base from which to draw potential users--itself possible only with large scale urbanization. The greenway program was thus a response not to conditions in the 1960s when the program was proposed,

but to an imagined future state where urbanization was widespread and where places near centers of population for people to recreate or otherwise enjoy nature's bounty were relatively scarce.

The program ran into problems early because that part of the river environment over which the program would have had jurisdiction--generally speaking, that segment from Eugene north to the Columbia River confluence--was for the most part owned and occupied by persons who either did not share the concerns of the program's supporters or were apprehensive about the program for some of the same reasons others supported it so vociferously: namely its provision of facilities for public outdoor recreation.

The conflict between supporters and opponents of the greenway program resulted in the initial greenway proposal being reduced to a program of State (and later federal) grants-in-aid to local government for acquiring park and recreation land along the river. This program (the Willamette River Park System Program) remained in effect for six years. Four years after the program had started, after it became apparent the program would not live up even to its modest expectations, the program's administrative agency, the Oregon Department of Transportation, acting with full knowledge and approval of then-Governor Tom McCall, and in violation of the intent of the 1967 WRPS Act, created first a program of state park development along the Willamette River, and then a program of State land acquisition where the land was destined not for state parks but for something termed a Willamette River Corridor. This was an effort to return the program to its original concept of a "continuous parkway of green" along the Willamette River. The agency's efforts in this

regard were aided by a massive acquisition grant from the Federal Land and Water Conservation Fund.

These actions of the Transportation Department, involving threats of condemnation in the Willamette River Corridor Program and actual condemnation in the Willamette River State Park Program, aroused the ire of riverfront property owners. These owners, mostly farmers, banded together and in a short time succeeded in getting the State Emergency Board to cut off funds for corridor acquisition. These funds were restored only after Transportation Commission Chairman Glenn Jackson had promised not to employ condemnation in the Willamette River Corridor Program. The following year, 1973, pressured by farmers, the Oregon Legislature produced a new bill (the Willamette River Greenway Act) which changed the direction of the greenway program and placed severe restrictions on the actions of the Transportation Department.

This new legislation required that a greenway plan be prepared. Once this plan was approved by the Oregon Transportation Commission, it would be forwarded to a second State Commission, the Oregon Land Conservation and Development Commission (LCDC), for final review and approval. The reason behind approval by LCDC was to ensure that the Department of Transportation did not exceed its authority in preparing the plan. When it was discovered, however, that the plan prepared by the consultant had been modified at the request of Governor Robert Straub to make it more compatible with his, Straub's, greenway ideas (after the plan had undergone extensive review by property owners and local elected officials and been assured of approval by LCDC), LCDC elected not to approve the revised (Straub) version but to draft a statewide goal for the greenway

to integrate the greenway into local comprehensive planning, and an order to control land uses until the greenway goal became effective. The greenway boundary specified in the order was preliminary and based largely on the consultant's preliminary plan. A final greenway boundary was to be developed jointly by the Transportation Department and local government, subject to approval by LCDC. This action by LCDC shifted the emphasis in the greenway program away from acquisition and toward employment of the State's police powers as a means of meeting the greenway objectives.

With the concerns of many greenway opponents now satisfactorily addressed, interest in the greenway program tended to die out. Efforts of the Transportation Department turned to resolving boundary differences with local jurisdictions and to undertaking a modest program of development of acquired sites along the river. Efforts of the Land Conservation and Development Commission changed to enforcing the requirements of the greenway goal and greenway order. Problems surfaced occasionally having to do with the actions of the river on State-owned greenway parcels and the manner in which State-owned land was being managed. The year 1978 (the conclusion of the study period for the greenway program in this thesis) ended with State acquisition at a standstill, development moving forward (albeit quite slowly), no serious problems between State and local government or between the Transportation Department and farmers, and nothing on the horizon to indicate any future changes to either the scope or the emphasis of the greenway program.

### B. Principal Greenway Issues

The principal issues in the Willamette River Greenway Program were a product of the interests, values, and perceptions of those who were affected by or who otherwise had an interest in the program, as well as the mood of the times. Generally speaking six issues stand out as being of particular importance:

- (1) Should there be a greenway program? This of course was the fundamental issue. Riverfront property owners in rural areas tended to favor either no program at all or a program very different from the one Straub and Onthank had proposed. Most of the support for the program came from urban areas, notably Portland and Eugene. The course of the program from 1967 through 1973 was a reflection of the success of two main groups--supporters and opponents--, each occupying different ends of the philosophical spectrum, in bending State and local decision-makers to their will.
- (2) Should the greenway program emphasize conservation or outdoor recreation? This was not often identified as an issue as such, yet it had a major bearing on the direction of the program. Straub of course favored a recreational greenway. McCall and Onthank felt similarly, though their positions were not as extreme. Farmers and other riverfront property owners, if they favored a program at all, leaned toward conservation of riverine resources as a major objective. In the end, with adoption of a police power approach for realizing the greenway

objectives, the conservation side appeared to have won out, at least over most of the greenway. Outdoor recreation was still a prominent feature of the greenway program, but its role was now considerably less than what Straub and others had originally envisioned.

- (3) What should be the physical limits of the greenway, and what uses should be permitted on greenway land? This issue may be subdivided into a number of lesser issues: Where should the greenway boundary be located? Should secondary channels of the Willamette River be included? How should the greenway boundary be measured? What restrictions should be placed on property within this boundary? Should exceptions be made for certain types of commercial and industrial activity? These and related questions were raised time and again during the greenway program. Their resolution (discussed extensively in preceding chapters) gave the program the spatial characteristics it has today.
- (4) How should land be brought into the program, and how should this land be managed? This issue is related to the above issue dealing with emphasis. Two important classes of techniques for bringing land into the program were acquisition (almost entirely in fee-simple) and employment of the State's police powers. The greenway program for the first eight years relied on acquisition exclusively. In 1975, when it became apparent that acquisition was too expensive and not really feasible given property owner opposition and



legislative constraints, the emphasis shifted to a police power approach. This approach offered a number of advantages over acquisition, not the least of which was that it tended to accomplish many of the same things but at a lower cost. One paid a price for this, however, in reduced possibilities for recreation development and increased uncertainty as to future use of greenway land.

- (5) Should decision-making authority rest chiefly with State or local government? This issue remained alive during almost the entire course of the program. The initial greenway proposal called for strong State participation. The 1967 WRPS Act, however, gave most of the authority to local government. The 1973 act appeared to return much of this authority to the State. However, this was somewhat countered by the LCDC greenway goal and greenway order of 1975, which granted local government considerable authority in that it and not the State was responsible for developing permit procedures, preparing comprehensive plans, making zoning decisions, and the like. Under a police power approach the State functioned mainly in a watchdog or caretaker capacity. It was able to act only when a clear violation of State law occurred, and then primarily when someone brought it to their attention. One exception was the establishment of a final greenway boundary by joint action of the Oregon Department of Transportation and local government jurisdictions.

- (6) Within the State structure, who should have responsibility for administering the program? Through most of 1975 administration of the greenway program rested with the Department of Transportation and, within that agency, with the Parks and Recreation Branch of the State Highway Division. After 1975 administration was divided between the Transportation Department and the Department of Land Conservation and Development. Under this new arrangement, the Transportation Department was responsible for development and management of State-owned greenway property, as well as some functions concerning boundary definition and overall greenway management. LCDC had responsibility for making sure the provisions of the greenway goal and greenway order were carried out. This division of responsibility between the two State agencies did not occur without strained feelings on both sides. But in general it resulted in a greenway program which was acceptable to a majority of persons along the affected part of the river.

To sum up, the trend of events in the Willamette River Greenway Program between 1967 and 1978 was toward (1) increased sharing of decision-making authority by State and local government, (2) enlargement of the land area over which the program has jurisdiction (Each enlargement, however, was followed by contractions), (3) increased use of the police powers of the State as a means of meeting the greenway objectives (with a corresponding reduction in dependence on acquisition), (4) increased emphasis on conservation as opposed to outdoor recreation as a major goal of the program, and (5) diffusion of administrative responsibility for

the program within the State government structure.

It is significant that need never arose as a major issue in the greenway program. Straub and other supporters treated need as a self-evident fact. Opponents of the program, if they were concerned about need at all, tended to regard it as a kind of fiction, useful in debate perhaps (in order to justify what one intended to do), but of no real bearing on the issue. One wonders what might have happened if need had been treated more seriously at the beginning of the program. Perhaps it might have been determined that a 255 mile recreation corridor was not needed after all. Or that conservation and not outdoor recreation should have been the primary objective. Had this been done, the Willamette River Greenway Program might have assumed a different form than it did: a form which was more in tune with the realities of land use along the river, and which avoided much of the controversy that has surrounded the greenway program since.

### C. Principal Greenway Actors

The principal greenway actors were Karl Onthank, Robert Straub, Tom McCall, Glenn Jackson, and L. B. Day.

Karl Onthank was responsible for getting the greenway concept off the ground. To him may be attributed the initial attempt to develop the concept and the effort to acquaint prominent political leaders with the concept and thereby bring about political action.

Robert Straub took Onthank's greenway concept, shaped it according to his own values, gave it widespread publicity (and in so doing implanted in the public mind an unambiguous picture of what the Willamette

River Greenway should be), and labored for more than a decade to shape the greenway program to this concept. Straub was Governor from 1975 to 1979. To Straub may be ascribed many of the successes and not a few of the problems of the Willamette River Greenway Program.

Tom McCall, Governor between 1967 and 1975, was mainly responsible for putting Straub's greenway plans into action. He originated little in the greenway program but was an important figure during the time of his administration. McCall was instrumental in obtaining approval of the Federal Land and Water Conservation Fund Contingency Reserve grant in 1972 which provided the chief funding source for the Willamette River Corridor Program. McCall's role may perhaps best be summed up as that of a salesman and political pragmatist: one who was immensely popular, sensitive to the issues, and could get the job done.

Glenn Jackson was Chairman of the Oregon Transportation Commission (prior to 1969, Oregon Highway Commission) at a time when the greenway program was undergoing all its major changes. As such, he was a pivotal figure in the program so far as the Transportation Department was concerned. It was Jackson who laid the foundation for the Willamette River State Park and Willamette River Corridor Programs. Jackson's views on such things as easements and development plans were crucial in shaping Transportation Department policy on these matters. Despite Jackson's dominance within that department, Jackson himself was a political realist who knew how far he could go on sensitive issues. Jackson's role declined somewhat after 1975 following adoption by LCDC of the greenway goal and greenway order.

L. B. Day was Chairman of the Oregon Land Conservation and Development

Commission at the time the greenway goal and greenway order were adopted. He himself was instrumental in their development. It was Day's tough, independent, somewhat pugnacious stance with regard to the Transportation Department, and his reluctance to bow to pressure from the Governor's Office, which got the greenway goal and greenway order adopted and thereby changed the emphasis of the program from acquisition to employment of the State's police powers. Day's independent stance may have been a factor in his leaving his position with LCDC in 1976.

D. How the Greenway Program Might Have Been,  
and Still Might be, Improved to Bring About  
a Greater Realization of Greenway Objectives

The following would have improved (and in some cases, still might improve) the ability of the greenway program to meet its objectives:

- (1) The aims of the program should have been given more thought at the beginning, and the program as devised should have been based not on what was ideal but on what was realizable in view of conditions along the river. That is to say, a more low-key, pragmatic approach should have been taken at the start, and the matter of need should have been seriously addressed rather than taken for granted. Two advantages would have come from this: people's fears in regard to the program would not have been aroused to the extent they were, making it easy for opponents to gather support; and a better program might have resulted. In the judgment of this writer a serious mistake was made by Straub in 1966 in being so definite about the aims of the program, particularly since no research into the

greenway appears to have been done at that time. This had to have damaged the program's prospects, for it tended to align a large and important bloc of citizens (the farmers) against the program long before a proposal for a greenway had reached the Legislature. If a more flexible approach had been taken by Straub and others at the beginning, when the program was still in a formative stage, a different greenway program might have resulted and the difficulties of 1971-1972 might have been avoided. Onthank's greenway proposal provides a better example of the openness suggested here than the greenway proposal by Straub.

- (2) The affected public should have been involved in the program at an early stage, and their input should have helped to shape the scope and direction of the program. One of the unfortunate features of the greenway program is that those most affected by its provisions were largely excluded from its planning. Denied effective input on one end, they sought relief on the other, by working to block the program in the Legislature. If affected citizens--farmers, riverbank industrialists, local officials, homeowners--had had a part in setting up the program, the initial greenway proposal might have had a different reception than it did. Certainly some of the important issues could have been identified early and addressed before the program assumed a final form. Effective public input at an early stage might also have reduced the amount of misinformation which circulated about the program,

which contributed in no small measure to its problems. Effective public input was not a feature of the greenway program until 1974 when the consultant began preparing the preliminary plan. By then it was too late to undo many of the problems that exclusion from the process had caused.

- (3) Administration should probably have resided with another State agency (possibly a new agency created specifically to handle the greenway program) or, if left with the Transportation Department, strict guidelines should have been developed to govern its handling of the program; an independent commission might also have been established to oversee program administration. The Oregon Department of Transportation was clearly not equipped to administer a large, complex, and volatile program like the greenway. Its talents were suited to building and maintaining parks and highways but not to dealing with local officials and the public on sensitive political matters. The agency's methods were singular, unimaginative, and almost totally lacking in flexibility. They were derived almost entirely from the agency's experience with parks and highways. The agency seemed to regard dealing with local government and the public on an even, give-and-take basis as an affront to its dignity and a challenge to its authority. An independent agency and commission might have been able to avoid some of the problems and to secure support for the program at a much earlier time than was the case when administration rested with the Transportation Department. It might also have been

able to employ more innovative techniques for gaining control over and managing greenway land. The whole matter of involving a second agency (the Department of Land Conservation and Development) as a check on the first might have been avoided, and the State might not have wasted its money (close to a quarter million dollars) on a plan for the greenway which was not implemented and served no useful purpose.

- (4) The greenway should have had a plan early in the program. A plan spelling out what the State proposed to do would have helped the greenway program in its initial stages, despite agency claims to the contrary. This plan, however, would have had to have been developed not unilaterally by the State but in close cooperation with local government including substantial input by affected property owners along the river. The lack of a plan contributed to uncertainty about the program, and thus, though the Transportation Department did not intend it this way, to a considerable misinformation which circulated about the program, which they themselves tried to correct. A plan for the greenway, ably conceived, whose features represented not just that the Transportation Department wanted but what local officials and the public desired as well, would have laid to rest much of this uncertainty. Conscientious implementation would have aided the program even more.
- (5) A broader range of techniques should have been employed early in the program to bring land under public control. Up to 1975 the only technique to bring land into the greenway program was



fee-simple acquisition. Moreover, owing to the scattergun manner in which parcels were acquired in the Willamette River Corridor Program, many of the parcels which were acquired were too small and too physically isolated to be of value in a program of recreation development. A program incorporating a combination of acquisition and police power approaches (fee-simple acquisition for parcels to be turned to public use, scenic easements and/or zoning where such use was not desired or anticipated) early in the program would have helped to forestall the conversion of some riverfront parcels to uses which were clearly incompatible with the greenway, such as certainly occurred during the 1967-1975 period. The writer makes this statement recognizing that land use legislation in the early days of the program was not of a type to lend itself to a broad-brush management approach. This points up another early need of the program: to examine other laws which might have been of use to the program and to modify such laws or develop new ones to better meet the program's objectives. All this required a commitment to planning which, as stated, was not a feature of the greenway program in its formative stages.

- (6) More effective means should have been (and still might be) employed to ensure that local land use decisions support the concept of a greenway. The present procedure contained in the LCDC greenway goal does not appear to offer sufficient safeguards that local land use decisions will support the objectives of the greenway. For one thing, the procedure is

too vague as to what constitutes a compatible greenway use. For another, it relies on a reporting system to the Department of Transportation which itself seems to invite problems. A more effective approach might have been (and still might be) to develop specific greenway zoning districts for urban and rural areas, and to require local jurisdictions to incorporate such districts into their zoning ordinances. This would have brought a measure of consistency to land uses permitted within the greenway. It would also have done away with the need for reporting to the Department of Transportation whenever a use was changed or intensified, or development took place on greenway property.

- (7) Scenic easements might still be employed to advantage in the greenway program. One of the weaknesses of the present program is that no effective means exists for protecting important natural and scenic areas along the river where the property is not owned by the State or other public agency. A program of scenic easement acquisition of important natural and scenic sites might serve to remedy this deficiency. For such a program to come about, funds would have to be obtained, and the Legislature would have to be convinced of its merits. In addition, land owners would have to be told that public use was not a feature of these easements, and the State would have to make a sincere effort to keep the public away from easement property.

- (8) Unused and unneeded parcels acquired under the Willamette

River Corridor Program should be disposed of or otherwise turned to advantage of the greenway program. The Department of Transportation is the present owner of a number of parcels along the river which are not within the boundaries of any state park, existing or planned, and do not figure into plans for recreation development. Many of these parcels are isolated and of no apparent value in any future recreation program. Some have no natural or scenic qualities which make them indispensable to the greenway program. It would be to the State's advantage to dispose of these parcels as they serve no useful purpose in the program. Two avenues would appear open to the State in this regard: to trade for other parcels along the river where beneficial uses might be found; or to sell such parcels to private interests, perhaps with deed restrictions preventing their use or alteration in a manner which went against greenway objectives.

- (9) Development of State-owned greenway sites along the river was too long in coming, and the results seem inadequate in view of the size, age, and cost of the greenway program. At the end of 1978 less than two dozen State-owned greenway sites outside the boundaries of state parks had been developed for public use. These sites were for the most part accessible from the river only, and were quite primitive, consisting of little more than a fire ring and signs to identify the site from the river. While two of the new parks (Mt. Pisgah and Dexter) had been developed and were open to the public by

late 1978, none of the other parks (Molalla River, Lone Tree Bar, Bowers Rocks) had seen more than minimal development. The amount of development of State-owned greenway property seems miniscule for a program more than twelve years old which has cost the taxpayer more than \$15 million for acquisition alone. While the responsibility for this cannot be placed fully with the Transportation Department (the Legislature must approve funds for development), much of it belongs there, and the relative lack of development raises questions about the future of the greenway program. It would seem in the interest of the people of Oregon that development of State-owned greenway property proceed at a faster rate than it has up to now, and that it include more sites which are not designed exclusively for access from the river. Existing developed sites might also be improved to make them more attractive to users.

#### E. Applicability of Findings to Similar Programs in Other Areas

The Willamette River Greenway Program is unique. This uniqueness stems not just from the structure of the program and the peculiarities of its development, but from the social, political, and environmental context within which the program has operated. Had the greenway program come into existence at a time other than our own, or in some other locality, it probably would not have had the same form nor have followed the same line of development as it has.

This is not to say, however, that certain features of the program would not have repeated themselves in other programs or in other areas;

only that the program as it occurred is not wholly duplicable.

The task at this juncture is to identify those findings which are applicable to other programs in other areas at other times. This involves, first, an identification of the objective conditions (institutional arrangements, patterns of land ownership and use, etc.) which a region must satisfy for the findings (as well as recommendations) to have applicability; second, an identification of the features an applicable program must have; and, third, a summary of relevant findings and recommendations. Accomplishment of the first two of these tasks is aided by a review of similar programs in other parts of the country. As this is not a comparative study, the writer is forced to rely on the published findings of other researchers whose objectives, methods, and presentation may have differed markedly from those of this thesis.

Ann L. Strong has described the difficulties of developing and getting adopted a plan to protect a small waterway in eastern Pennsylvania.<sup>254</sup> The period covered by Strong's description is 1965 (when development of the plan began) through 1968 (when the plan was rejected) to 1971 (when Strong and others returned to the area to discuss the planning effort and its impact). The objective conditions described by Strong are similar to those for the Willamette River Greenway Program, in that the waterway dealt with in the plan was located in an urbanizing area (the outskirts of Philadelphia), land uses were predominantly agricultural, population densities were low (4200 persons over 37 square miles), private ownership of real property was widespread, the political system was democratic,<sup>255</sup> and local decision-making was heavily influenced if not dominated by farmers and other

rural interests.

In analyzing the reasons for the plan's failure, Strong blamed parochialism, distrust of government (particularly government located outside the immediate area), distrust of outsiders, unwillingness to empathize with the needs of city dwellers, desire for privacy, adherence to an ethic of private (individual) control over land use, fears the area would become filled with undesirables (mostly from the city), fears that public and large private corporations from outside the area would come in and construct new developments, a desire to have the area remain as it is, and unwillingness on the part of some to forego the opportunity to speculate on the land market. Strong also attributed the failure at least partly to the planners themselves: their failure to involve local leaders at an early stage in the process, their overemphasis of the technical aspects of the plan at the expense of the political, their failure to make planning choices clear, the fact that the planning team was composed of professional persons from outside the area.<sup>256</sup>

The similarities of developments in the planning program for this small river basin in Pennsylvania with developments in the Willamette River Greenway Program are apparent. Both were characterized by a neglect of the political element in the early, critical stages of the program, and both ran into strong property owner opposition. So similar are events in the two programs that many of the arguments advanced by opponents of the river basin plan in the Strong study are virtually identical to arguments advanced by opponents of the greenway program. This would indicate the same set of forces is operating in both instances.

Bosselman and Callies have described the difficulties of implementing a Shoreland Protection Program in the State of Wisconsin.<sup>257</sup> This program was an element of a Water Resources Act passed by the Wisconsin Legislature in 1966. The act called for counties to enact regulations for protection of all shorelands in unincorporated areas to "further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and preserve shore cover and natural beauty."<sup>258</sup> A key part of the act was a section empowering counties to enact separate zoning ordinances for all land within 1000 feet of a lake, pond, or flowage, and within 300 feet of a navigable river or stream or the landward side of a flood plain, whichever was greater, to "meet reasonable standards" for shoreland protection (This part constituted the Shoreland Protection Program). A model ordinance was drafted by the State for this purpose, which many counties subsequently adopted. Enforcement of the act rested with counties. The act empowered the State Department of Natural Resources to impose shoreland protection regulations on the counties in the event the counties failed to adopt effective regulations of their own.

Counties began to come into compliance with the act in 1968. By 1971, according to Bosselman and Callies, all but two Wisconsin counties were in full or partial compliance.<sup>259</sup>

Implementation of the act has run into difficulties. Many of the difficulties are due to deficiencies in the wording and conception of the act itself. According to Bosselman and Callies widespread organized opposition to the program among local interest groups has not been a

characteristic feature. They do note, however, that the strongest opposition which can be associated with any particular group has been that of farmers. "Many farmers believe," Bosselman and Callies tell us,

that decisions directly affecting them were made without consulting them, and they resent that form of regulation. To some extent, this response may have been produced by the manner in which the program was presented. Where state requirements are to be implemented by county action, county officials may tend to simplify their own function and shift responsibility for their actions by emphasizing the imposition of control from the state level. When farmers perceive the regulations in this way they are likely to resist the action regardless of the substance of the program. If state administrators can work with county officials to dispel that impression and to draw local interest groups into the process of establishing standards for the particular county, the entire program may obtain better public acceptance. A spokesman for a large farming organization considers it quite possible that farmers, if approached properly, would cooperate in imposing upon themselves restrictions on the use of livestock, fertilizers, and insecticides in shoreland areas.<sup>260</sup>

Here again we see evidence of some of the same arguments that surfaced in the Willamette River Greenway Program.

Bosselman and Callies have described a second program having similarities to the greenway program and where strong property owner opposition did occur.<sup>261</sup> This was a program to develop a comprehensive plan for a new state park (Adirondack Park) extending over 6 million acres and parts of thirteen counties in northeastern New York. The Adirondack Park Program was created by an act of the New York Legislature in 1971 in the face of strong local opposition. Among the problems to be overcome by the program was the fact that 3.5 million of the 6 million acres in the park (almost 60 percent) was in private ownership, and that 32 owners held over a million acres in tracts of 10,000 acres or more. Much of this private land was in the hands of



absentee owners. The area was beginning to attract the attention of corporate and individual investors because of its profitability, thereby adding to the difficulties of the program.

The New York Legislature created a seven-member, independent, bipartisan commission (the Adirondack Park Agency) to prepare and submit to the Legislature a land use plan applicable to all private lands in the park, together with recommendations for implementation. Until this plan was adopted, or until June 1, 1973, whichever occurred first, the commission was empowered to adopt rules and regulations for reviewing any proposed development on private lands within the park "which might have an adverse effect upon the park's unique scenic, historic, ecological and natural resources."<sup>262</sup> Exempted from these interim regulations were local government jurisdictions enacting zoning and subdivision ordinances consistent with the objectives, policies, and standards of the program, developments involving less than five acres and fewer than five lots, and areas devoted to such uses as agriculture, forestry, livestock raising, horticulture, and orchards.

Bosselman and Callies describe the reaction among the park's residents to the Adirondack Park Program as mixed.<sup>263</sup> Whole communities chose to exempt themselves from the interim regulations by enacting zoning ordinances (many of these apparently hastily conceived). At least one local official insisted that a development plan was needed so that heirs to present property owners could sell to the only available buyers: developers. Another objected to outside interference by "professionals." Others took a more balanced view of the program.

These three examples are not intended to provide an exhaustive

survey of the problems faced in programs of environmental land use control across the United States. They do, however, point to some of the objective conditions which might lead to problems of the type encountered in the Willamette River Greenway Program, to which they all bear a resemblance.

First, the institution of private ownership of real property is widespread, and the owners themselves tend to have rural as opposed to urban backgrounds and interests (with all this implies in terms of length of residency, attachments to the land, attitudes toward outsiders, and so forth). Many owners also have an economic interest (for example, farming) in the property over which the regulations of the program apply.

Second, the idea for the program tended to originate outside the area to which the provisions of the program apply (and to reflect essentially urban values and interests), and the institutional mechanism for implementing the program is likewise of outside origin.

Third, the program itself tends to impose some form of regulation or control over real property which interferes or has the potential of interfering with the use, enjoyment, and/or profitability of such property by its owners.

Fourth, an institutional mechanism exists through which these property owners can convert their apprehensions into direct political action (This implies some sort of democratic political process).

This list is not meant to be exhaustive. However, it does identify the major objective conditions and overall features of programs which tend to result in problems similar to those of the greenway.

This study (as well as the three short examples described in this

section) has emphasized the importance of the political element to the success of environmental programs. This element is particularly important at the outset of a program when the major features are being established. Too often, programs like the greenway have neglected the political element until irreparable damage has been done, with the consequence that the objectives of the program are at best only partially realized, and opportunities to put the program on a sounder footing are virtually destroyed. Recognition of the political element in turn requires acknowledgement of, if not actual sympathy for, the problems and concerns of those who are most directly affected by the program: the property owners. When this is done and the owners of affected property are brought into the process by which the program is shaped, then the opportunity for a successful program is heightened. When this is not done and the owners are effectively excluded, their views having no influence on the program, then the opportunity is diminished indeed. Everyone has the potential of losing in this case because the program may indeed have had benefits which extend to more than just the parties immediately involved.

F. Applicability of Findings to  
Established Theories in the Social,  
Political, and Environmental Fields

At the beginning of this thesis three theories were presented which offered the promise of at least a partial explanation of events in the Willamette River Greenway Program. These theories were (1) unified field theory, (2) dialectical theory, and (3) general systems theory. It was stated in regard to these theories that none appeared

to offer a full explanation of the program. It was further stated that unified field theory appeared to be a description of the sequence in which political ideas become translated into political areas, and thus not to be a theory in the formal sense of the term. As a consequence, unified field theory was dismissed from consideration. Our task at this juncture is to relate events in the greenway program to dialectical theory and general systems theory as described in Chapter 2 of this thesis, and to ask, Is there anything in these events which suggests new theoretical approaches?

Before answering this question, however, let us briefly review the greenway program as it applies to these theories.

The Willamette River Greenway Program relied for its development on a plurality of individuals, interests, and institutions. At one end of the interest spectrum were the urban dwellers (urban by virtue of values and outlook more than of residence). These urban dwellers wanted to protect the natural environment of the river from further urban encroachment. More than this, they wanted substantial parts of the river environment made available for public outdoor recreation use. Indeed, outdoor recreation development tended to be the sole objective of many of these urban supporters of the program. Natural resource conservation was important primarily on account of its role in facilitating public outdoor recreation.

At the other end of the spectrum were the rural dwellers, chiefly farmers, with land holdings along the river. While not necessarily opposed to some of the greenway objectives (They did not particularly object, for example, to the objective dealing with conservation),

they did rebel against the thought of large numbers of the public having access to riverfront property. To them this constituted a threat both personal and economic. In addition, they resented efforts by government to acquire or otherwise control the use of riverfront land.

Between these two public groups with differing attitudes toward the program was an institutional apparatus (State and to a lesser extent local government) which provided each group with access to centers of political power and decision-making and thus with a means for turning political sentiments into political action. This apparatus at first adopted a passive stance in regard to the program. Later, however, when it appeared the program would not meet its initial objectives, it instituted measures of its own to realize the greenway objectives. The institutional apparatus thus became a third active force in the greenway program, occasionally going against the wishes of the other two forces.

These three forces--public proponents, public opponents, institutional apparatus--are diagrammed in Figure 8. As can be seen, each of these forces can be divided into a number of sub-forces, each with its own distinguishing characteristics and its own set of interrelationships. The river resource is shown in this diagram as an essentially passive element.

The above diagram implies a static arrangement of forces and a static set of relationships. But as we have seen in the preceding analysis, this was not the case. Forces came into and went out of existence at various times in the program. In addition, the relationships among these forces were subject to almost constant variation. The arrangement

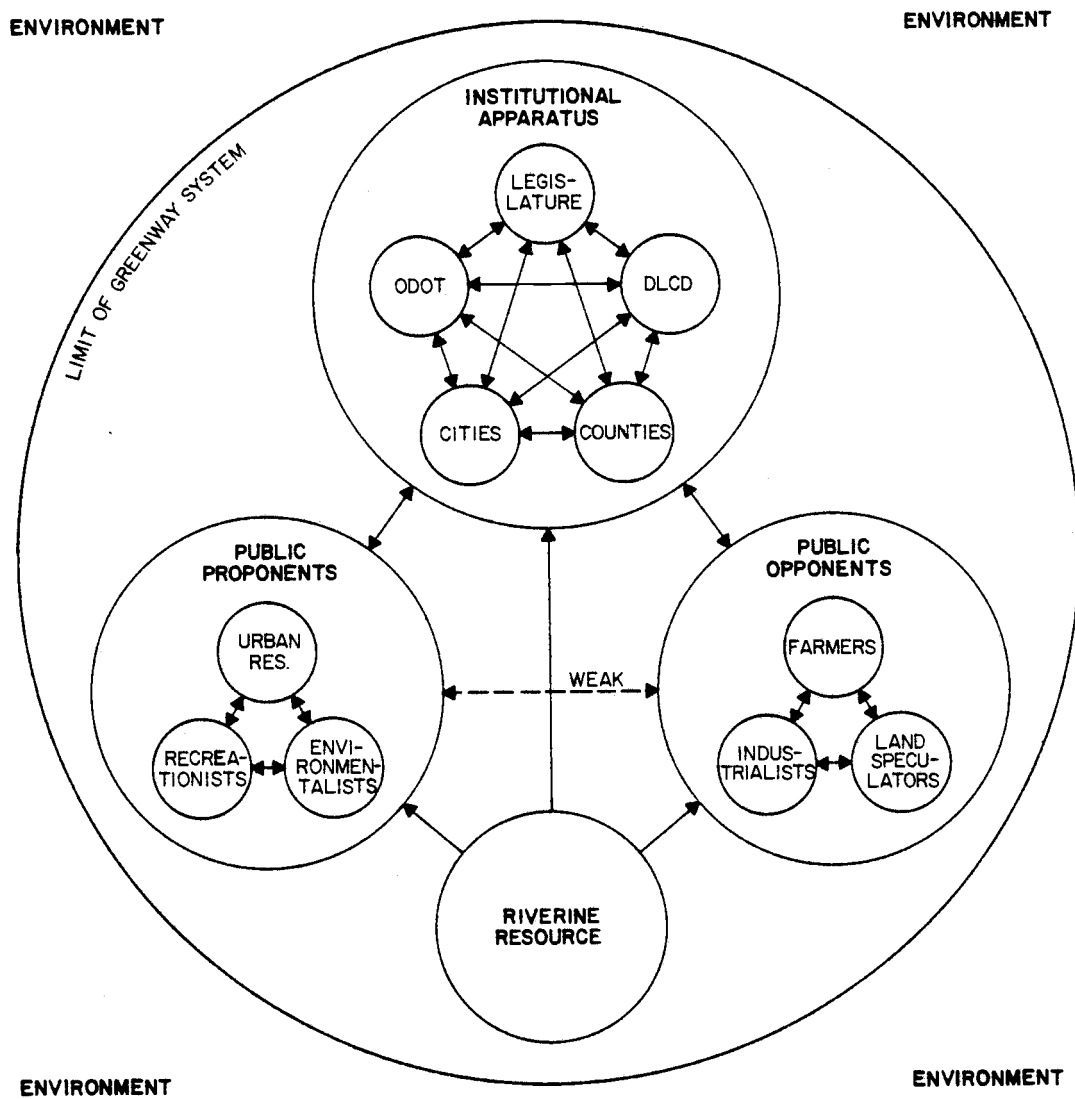


Figure 8. Major forces and interrelationships in Willamette River Greenway Program.

in Figure 8 is thus dynamic rather than static, and is illustrative of the situation during the full course of the program rather than at any single moment. Indeed, the situation depicted in the diagram (in which all forces are interacting simultaneously) probably never occurred in reality. Some forces were always dominant and others were always subordinate or nonexistent. The ones which were dominant changed throughout the program.

One other point should be made in connection with this diagram: a difference existed between individuals, groups, and organizations existing in their own right and the same functioning in relation to the greenway program. It is the latter which is the concern of this thesis, not the former. In fact, from the standpoint of the program the former can be said not to have existed at all until such time as they managed to become involved in the program, and then only while they were involved. This is not a minor distinction, as will become apparent later on. The very notion of a greenway system is conditional upon certain elements (referred to here as forces) having an involvement with the program. Their existence in any other connection is of no special importance except insofar as it has a bearing on their involvement.

We are now in a position to relate events in the greenway program to dialectical theory and general systems theory and to suggest possible topics for future research.

It was stated in Chapter 2 that general systems theory provided a conceptual explanation of how relatively simple living systems maintained themselves in a competitive environment. The point was made,

however, that human social systems are quite complex, and general systems theory does not appear highly developed in the social science area. It was further stated that as an explanatory tool in the social sciences general systems theory seemed to be limited by its inability to account fully for change (including the origin and demise of systems themselves).

With regard to dialectical theory it was stated that an explanation of change in human society was possible using this theory, but that the requirement that the dominant group be displaced by the one desiring dominance in order to advance from one stage of the dialectical process to the next, greatly limited its applicability.

Events of the greenway program suggest that a marriage of these two theories is not only possible but might form a basis for substantial explanation of programs of this type.

First, however, a redefinition is in order. Dialectical theory must be redefined to apply not to the displacement from power of one group by another (accompanied in most cases by the physical displacement of persons), but by the displacement of allegiances to groups or ideas. This fits dialectical theory more to the democratic political process where ideas come and go while the institutions which act upon these ideas remain more or less as they were and often have the same member makeup.

Under this definition, the terms dominance and subordination would refer to ideas (or, alternately, to allegiance to groups which support those ideas). To advance from thesis to antithesis, one guiding idea would have to be displaced by another, the latter having been developed



in large measure as a response to the first. Thus, the greenway program can be said to have moved from thesis to antithesis when the original greenway idea advanced by Straub and supported by McCall ran into difficulty in the Legislature, the result of which was the Willamette River Park System Act of 1967. By the same token, the action of the Department of Transportation in 1971-1972 in creating first a Willamette River State Park Program and then a Willamette River Corridor Program has the attributes of a synthesis. Here it is not especially important who initiates an action. What is important is that the action reflects a major change in idea-orientation and has a significant bearing on the direction of the program.

It is obvious that under this definition all actions would not necessarily lead to advancement to the next dialectical stage, even when they were motivated by ideas. The most important criterion in determining whether a transition to the next dialectical stage has occurred would be whether the action resulted in a major new direction for the program.

The dialectical process would have a cumulative element, as Boulding has stated. A condition of equilibrium would tend to indicate that an idea-stage had been reached which was generally acceptable to all the groups involved.

Dialectical theory would relate to general systems theory in the following manner. If a system were defined as a set of elements standing in interrelation among themselves and with the environment (Bertalanffy), then it is clear a system of sorts did evolve with regard to the greenway program. We have elsewhere referred to this system

as the greenway system. The diagram in Figure 8 comes as close as any to defining what this system consisted of.

It has already been stated that the relationships among parts of this system were dynamic rather than static. It has also been made clear that parts came into and went out of this system at various times in the program, and this had little to do with the existence of these parts in any other context.

This being the case, the dialectic process can be viewed as the mechanism by which these parts came into the greenway system, assumed the form they did, and in some cases left the system once their reason for entering had been satisfied. In a larger context it can be viewed as the mechanism which led to creation of the greenway system itself. Dialectics is involved almost exclusively with relationships. These relationships occur on a number of levels. If a shift in thinking with regard to the program results in significant action by one of the system's parts, then relationships within the system are almost invariably affected. The resulting counteraction, should it occur, may bring about a change to the system itself--adoption of new part, elimination of an existing part, a restructuring of one or more parts, and so on. In any event new relationships are set up. Equilibrium occurs when the idea-stage is such that further action within or external to the system is unable to exert a significant influence on the direction of the program.

All equilibria in this sense are dynamic rather than static. System change may come about in response to either internal or external stimuli. A system dissolves when the program around which the system

developed (itself a product of dialectical forces) ceases to exist.

The above relationship of dialectical theory to general systems theory is of course an hypothesis. The following research questions are suggested with regard to this hypothesis:

- (1) Is the notion that dialectical theory (as defined above) provides an explanation of change in human social systems of the greenway type valid?
- (2) If valid for systems of the greenway type, does it apply to other types of systems as well? If so, what types? If not, why not?
- (3) Can a single hypothesis be devised to include elements of both dialectical and general systems theory?
- (4) What is the relationship of such an hypothesis (assuming the hypothesis is valid) to the spatial expression of a program?

Answers to these questions must await further work by other researchers.

## FOOTNOTES

Chapter 1

- 1 Harold D. Lasswell, Politics: Who Gets What, When, and How (Cleveland, O.: World Publishing Co., Meridian Books, 1965).
- 2 For further discussion of the case study approach, see William J. Goode and Paul K. Hatt, Methods in Social Research (New York: McGraw-Hill, 1952), pp. 330-340.
- 3 Julian L. Simon, Basic Research Methods in Social Science: The Art of Empirical Investigation (New York: Random House, 1969).
- 4 Goode and Hatt, Methods in Social Research.
- 5 Simon, Basic Research Methods, pp. 276-277.
- 6 June 1974 through July 1975.
- 7 Brent LaGrand Lake, "The Reaction of Agricultural Landowners to the Willamette River Park and Recreation System" (M.S. Research Paper, Oregon State University, 1973).
- 8 William DeWayne Honey, Jr., "The Willamette River Greenway: Environmental and Attitudinal Considerations" (M.A. Thesis, Oregon State University, 1975).
- 9 William D. Honey, Jr., The Willamette River Greenway: Cultural and Environmental Interplay, WRRRI-35 (Corvallis, O.: Oregon State University, Water Resources Research Institute, 1975).
- 10 Considerable scientific support appears to exist for the writer's position on this matter. In The Logic of Scientific Discovery Karl Popper states, "The initial stage, the act of conceiving or inventing a theory, seems to me neither to call for logical analysis nor to be susceptible of it.... My view may be expressed by saying that every discovery contains 'an irrational element' or 'a creative intuition' in Bergson's sense. In a similar way Einstein speaks of the 'search for those highly universal laws...from which a picture of the world can be obtained by pure deduction. There is no logical path,' he says, 'leading to these...laws. They can only be reached by intuition, based upon something like an intellectual love (Einführung) of the objects of experience.'" (Karl R. Popper, The Logic of Scientific Discovery (New York: Harper & Row, Harper Torchbooks, 1968), pp. 31-32). F. S. C. Northrop expresses a

similar view in The Logic of the Sciences and the Humanities: "In the handling of any specific problem certain stages are to be noted. The first stage is concerned with the analysis of this problem. This analysis leads one to the relevant facts to be observed, and these relevant facts in turn suggest the relevant hypotheses. Thus, inquiry, as it proceeds, exhibits at least three major stages: (1) the analysis of the problem which initiates the inquiry, (2) the Baconian inductive observation of the relevant facts to which the analysis of the problem leads one, and (3) the designation of relevant hypotheses suggested by the relevant facts." (F. S. C. Northrop, The Logic of the Sciences and the Humanities (Cleveland, O.: World Publishing Co., Meridian Books, 1947), p. 29).

## Chapter 2

- 11 The term "Willamette River Greenway Program" is used in this thesis to describe the State program to provide outdoor recreation sites and preserve the natural environment along the Willamette River from 1967 to the present time, even though the program was not known officially as the greenway until 1973. This is done for the sake of consistency in referring to the program, and because in the minds of the program's early proponents the program was the greenway despite a different name (Willamette River Park System) being attached to it by the 1967 Oregon Legislature.
- 12 Stephen B. Jones, "A Unified Field Theory of Political Geography," The Structure of Political Geography, Roger E. Kasperson and Julian V. Minghi, eds. (Chicago: Aldine, 1969), pp. 50-56.
- 13 Ibid., p. 51.
- 14 Ibid.
- 15 Kenneth E. Boulding, A Primer on Social Dynamics: History as Dialectics and Development (New York: Macmillan, The Free Press, 1970).
- 16 Ludwig von Bertalanffy, Perspectives on General Systems Theory (New York: Braziller, 1975), p. 152.
- 17 Ibid., p. 159.
- 18 At one point von Bertalanffy speaks of the "enthusiasm for the new mathematical and logical tools available [which] has led to feverish 'model-building' as a purpose in itself and often without regard to empirical fact." (Ludwig von Bertalanffy, General Systems Theory: Foundations, Development, Applications, rev. ed. (New York: Braziller, 1968), pp. 100-101). At another he says, "The feedback and homeostasis model has...been applied to innumerable biological phenomena and--somewhat less persuasively--in psychology and the social

- sciences," Quoting Rapaport, he assigns the reason for the relative lack of success in the social sciences to the "well-marked correlation between the scope and the soundness of the writings...The sound work is confined either to engineering or to rather trivial applications; ambitious formulations remain vague." (Ibid., p. 101).
- 19 This view is supported by Boulding. In an article discussing general systems theory in the social sciences Boulding comments, "Beyond the fourth level (the level of open systems, the point where life begins to differentiate itself from non-life) it may be doubted whether we have as yet even the rudiments of theoretical systems." (Kenneth E. Boulding, "General Systems Theory--The Skeleton of Science," in Walter Buckley, ed., Modern Systems Research for the Behavioral Scientist (Chicago: Aldine, 1968), p. 9).
- 20 Walter Buckley, "Society as a Complex Adaptive System," in Walter Buckley, ed., Modern Systems Research for the Behavioral Scientist (Chicago: Aldine, 1968), p. 490.
- 21 Herbert A. Simon, "The Architecture of Complexity," in Proceedings of the American Philosophical Society, v. 106, no. 6, December 1962. Cited in Arthur Koestler, The Ghost in the Machine (Chicago: Regnery, Gateway Edition, 1967), p. 47).
- 22 Koestler, The Ghost in the Machine.

### Chapter 3

- 23 Bob Norton, "River Quality Case Study: The Willamette," Water Spectrum, vol. 10 (Winter 1977-78), pp. 38-45 describes three lowland physiographic reaches. I have taken his uppermost lowland reach and divided it into two reaches or zones based upon the obvious physiographic differences between each zone.
- 24 The Middle Fork Willamette River is treated here as the main or principal fork. The Coast Fork is treated as a tributary. The Middle Fork's average annual discharge is approximately twice that of the Coast Fork, thereby justifying the principal-fork designation.
- 25 Norton, "River Quality Case Study," p. 40.
- 26 For an interesting account of the Willamette River in this early period, see David Douglas, Journal Kept by David Douglas During His Travels in North America 1823-1827, Together with a Particular Description of Thirty-Three Species of American Oaks and Eighteen Species of Pinus (London: William Wesley & Son, 1914). Douglas in his account refers to the Willamette River as the Multnomah, a common practice in his day. The name Multnomah preceded Willamette and referred originally not to the river but to an Indian tribe that

lived along its banks from the Clackamas confluence to the falls at Oregon City. Multnomah was the name heard from the Indians by Lewis and Clark when they discovered the river in 1806. The section of river between the Clackamas and the falls was known among the Indians as Wallamette, pronounced by them Walla-mut, and seems to have meant "to spill or pour water." The spelling of the name by the explorers and travelers first to make use of it varied, but gradually the form Wallamette came into general use. After about 1843, with the arrival of increasing numbers of newcomers unfamiliar with the accepted spelling, the present corruption, Willamette, came to displace it. A complete history of the name is contained in articles written by Mathew Deady in Portland (Or.) Oregonian, 15 October and 21 November, 1974. See also Robert Carlton Clark, History of the Willamette Valley, Oregon, vol. 1 (Chicago: S. J. Clarke, 1927), pp. 28-29.

- 27 For a discussion of channel changes on the Willamette River, see Eugene A. Hoerauf, Willamette River: River Lands and River Boundaries, WRRRI-1 (Corvallis: Oregon State University, Water Resources Research Institute, 1970).
- 28 A lively and well written account of the steamboat era on the Willamette is contained in Howard McKinley Corning, Willamette Landings: Ghost Towns of the River (Portland: Binfords & Mort, 1947).
- 29 For a more complete description of the role of transportation in Willamette Valley history, see Donald G. Holtgrieve, "Historical Geography of Transportation Routes and Four Populations in Oregon's Willamette Valley" (Ph.D. dissertation, University of Oregon, 1972).
- 30 Rudyard Kipling, American Notes, Standard Classics (New York: Standard Book, 1930), pp. 88.
- 31 The sulfite process involves cooking wood chips under pressure and then separating the larger cellulosic fibers to produce paper. The residue, primarily wood sugars and smaller wood fibers, must be disposed of and constitutes a potential pollution source of major proportions.
- 32 Council on Environmental Quality, Environmental Quality: The Fourth Annual Report of the Council on Environmental Quality (Washington, D.C.: U.S. Government Printing Office, 1973), p. 50.
- 33 City Club of Portland, "Stream Pollution in Oregon," The Pacific Engineer, vol. 6 (May 1927). Cited in George W. Gleeson, The Return of a River: The Willamette River, Oregon, WRRRI-13 (Corvallis: Oregon State University, 1930). Cited in Gleeson, Return of a River, p. 15.
- 34 H. S. Rogers, C. A. Mockmore, and C. D. Adams, A Sanitary Survey of the Willamette Valley, Engineering Experiment Station Bull. Ser. 6 (Corvallis: Oregon State University, 1930). Cited in Gleeson, Return of a River, p. 15.

- 35 Gleeson, Return of a River, p. 17.
- 36 Ibid., p. 20.
- 37 Ibid., p. 22.
- 38 Council on Environmental Quality, Fourth Annual Report, p. 53.
- 39 Gleeson, Return of a River, p. 61.
- 40 Council on Environmental Quality, Fourth Annual Report, p. 53.
- 41 Cited in Anthony Netboy, "Pollution in the West: Industry Struggles with Pollution Problems," American Forests, vol. 73 (July 1967) p. 10. The report containing the results of a five-year study of pollution on the Willamette River was published by the Federal Water Pollution Control Administration in February 1967. Its title was not given in the Netboy article.
- 42 Council on Environmental Quality, Fourth Annual Report, p. 54.
- 43 Norton, "River Quality Case Study," p. 40.
- 44 Anthony Netboy, "Cleaning up the Willamette," American Forests, vol. 78 (May 1972), p. 14.
- 45 Council on Environmental Quality, Fourth Annual Report, p. 54.
- 46 Tom McCall and Steve Neal, Tom McCall: Maverick, An Autobiography with Steve Neal (Portland: Binford & Mort, 1977), p. 59.
- 47 Ibid., p. 66.
- 48 There is some controversy as to who actually originated the greenway concept. Ken Johnson, a Straub aide and long-time friend of Straub's, gives the credit to Straub. Straub got the idea, Johnson says, "in the middle 1960s [after he, Straub] visited the set of the movie 'The Way West,' being filmed in Eugene. This inspired him to read the book upon which the movie was based, and he was struck by its emphasis on the Willamette River." Straub was also influenced by "then-Secretary of the Interior Stu Udall's pet project to reclaim the Potomac River and to preserve a natural corridor along its banks" and by his own role in the Willamette cleanup. These factors "tied together in Straub's mind and led him to advocate the 'Willamette River Rediscovered' (his own slogan--and the first one) for public support to clean up the Willamette and preserve its banks." According to Johnson, Straub discussed his idea with Karl Onthank who "was so excited by the idea that he began to recruit supporters, including former TV commentator Tom McCall." ("Straub was Originator for Greenway Concept," Salem (Or.) Oregon Statesman, 14 August 1977). According to another version, the



greenway idea was planted in Straub's mind by State Parks Superintendent David G. Talbot during a meeting in Straub's office prior to 1966. Talbot, in recalling this meeting, tells of discussing "an old idea which concerned the recreational potential of the entire Willamette River flood plain from Eugene to Portland" of which Straub was apparently unaware. (David G. Talbot, Memorandum to Files, 18 October 1966, State Parks Files, Salem). H. Dale Munk in a paper to the Oregon Parks and Recreation Society's Eighth Annual Conference (1968) says that "awareness of the Willamette as an integrated unit was not considered...until the (5th) Annual Conference on Parks and Recreation [held in 1965]." Munk credits the Recreation Resource Committee of the Upper Willamette Resource Conservation and Development Project with developing the greenway idea. "The first meeting of the Recreation Resource Committee was held on December 14, 1965," Munk says. "At this meeting, the development of the entire Willamette River and its recreation resources was discussed. Similar work done on the American River in California was reviewed. On May 12, 1966, this committee passed a resolution to promote the Greenstrip concept of the Willamette River." (H. Dale Munk, "Willamette Greenway," There is Something New: Proceedings of Eighth Annual Conference, Oregon Parks and Recreation Society, January 19, 1968 (Eugene: n.p., 1968), pp. 52-53). Onthank himself said that interest in developing "along the main stem of the Willamette, a parkway, greenstrip with parks and recreation areas at appropriate spots, streamside trails and paths, boating facilities, etc." had grown up during the two or three years preceding late 1966. (Karl Onthank to Fred Overly, 5 December 1966, Karl Onthank Papers, University of Oregon Library, Eugene). The controversy over who first advanced the greenway concept may never be settled. Johnson's claim that Straub originated the concept seems to be refuted by early statements made by Straub. In this analysis I have given over-all credit to Onthank. Certainly Onthank got the concept off the ground by sending the packet of material to Straub and McCall. Any final resolution of the originator controversy must await the unearthing of documentary material which was not available to this writer at the time of preparing this thesis.

- 49 Tom McCall to Karl W. Onthank, July 2, 1965, Karl Onthank Papers, University of Oregon Library, Eugene.
- 50 (Karl W. Onthank) "The Role of County Parks in the Future Development of the Recreational Resources of the Willamette Basin," Karl Onthank Papers, University of Oregon Library, Eugene, p. 1.
- 51 Ibid., p. 5.
- 52 "A Dream Too Thrilling for Politics," Eugene (Or.) Register-Guard, 22 July 1966.

- 53 Robert W. Straub, "Willamette River Rediscovered: Conservation and Utilization of the Scenic and Recreation Resources of the Willamette River" (mimeographed), Karl Onthank Papers, University of Oregon Library, Eugene, p. 1.
- 54 Ibid., p. 2.
- 55 "Willamette Plan on Straub Slate," Salem (Or.), Oregon Statesman, 7 October 1966.
- 56 Onthank's proposal was prepared in summer 1966 for inclusion in a report on resources of the Willamette River drainage basin (Pacific Northwest River Basins Commission, Willamette Basin Task Force, The Willamette Basin Comprehensive Study of Water and Related Land Resources, Appendix K, Recreation (Vancouver, Wash.: PNRBC, 1969)). As it turned out, Onthank's proposal never was included in that report, its place being taken by a section entitled "Willamette River Recreation Waterway" (pp. A-5 through A-16) written by Paul Beistel, then Director of Parks and Recreation for Lane County. The reason for it not being included is not known. Even if it had been included, however, the proposal would have had relatively little impact. For one thing, the report was not published until almost three years after Straub's proposal. For another, it enjoyed a limited distribution and was a portion of but one of numerous volumes.

#### Chapter 4

- 57 Oregon, Journals and Calendars of the Senate and House of the Fifty-Fourth Legislative Assembly, Regular Session Beginning January 9 and Ending June 14, 1967 (Salem, Or.: State Printing Office, n.d.), pp. 251-252.
- 58 On July 24, 1967 the name of the Committee was changed to Governor's Willamette River Park System Committee to make it conform to the program name as approved by the 1967 Legislature. The dissolution date was moved forward to June 30, 1969. All functions of the committee remained as stated in the Executive Order of February 2 (Oregon, Office of the Governor, "Governor's Willamette River Park System Committee," Executive Order No. 67-2, Amended July 24, 1967).
- 59 Oregon, Office of the Governor, "Governor's Willamette Recreational Greenway Committee," Executive Order No. 67-2 (mimeographed), State Parks Files, Salem, p. 1.
- 60 Ibid., p. 2.

- 61 Oregon, State Highway Department, "Task Force Report, Willamette Recreational Greenway, Proposal," by Charles S. Collins et al., 2 February 1967 (Mimeographed), Karl Onthank Papers, University of Oregon Library, Eugene, p. 11.
- 62 Oregon, Office of the Governor, Governor Tom McCall's Willamette River Greenway Proposal, (Salem, Or.: State Printing Office, 1967), p. 10.
- 63 Ibid., pp. 13-18 passim.
- 64 McCall's Greenway Proposal, p. 7, p. 9.
- 65 "Task Force Report," p. 14. Karl Onthank's thoughts on an independent greenway commission are instructive. "Between us I was somewhat concerned when Jim Mount said as I talked by phone with him in Portland the other day, that he thought the Commission should be set up for only two years...with a view to turning the whole thing then over to State Parks. Personally I see it as a continuing organization, with State Parks coming in with appropriate park developments made by county and other agencies--that it would be one of, probably the most important of the agencies actually executing the plan, but would not be entirely responsible for it, and for dealing with the lesser agencies with which it is often thought of being in competition for land and water and other funds. That could at best delay and complicate the whole program and might in [sic] conflict should develop, wreck it. An independent commission however would be above or at least apart from such suspicions and possible conflicts to promote and facilitate...the whole broad program in which all the agencies, state county and local could participate each in its own best way" (Karl Onthank to Paul Beistel, 17 December 1966, Karl Onthank Papers, University of Oregon Library, Eugene). State Parks was and still is an arm of the State Highway (now Transportation) Department.
- 66 House Bill 1770 was only one (albeit the most important) of several bills introduced in the 1967 Legislature which dealt directly or indirectly with the Willamette River Greenway. Among these other bills were Senate Joint Resolution 33, introduced at the request of State Treasurer Straub, which would have amended the Oregon Constitution to authorize the issuance of bonds in an amount not to exceed \$10 million to acquire lands or easements along scenic waterways for recreational purposes; Senate Bill 515, which would have created a system of scenic waterways within the state, possibly to include the Willamette; and House Bill 1581, the Oregon Scenic Easement Bill. HB 1770 and HB 1581 were the only greenway related bills to be enacted into law.
- 67 "Willamette Corridor," Portland (Or.) Oregonian, 22 July 1966.

- 68 Karl Onthank to Fred Overly, 5 December 1966, Karl Onthank Papers, University of Oregon Library, Eugene.
- 69 David G. Talbot, Memorandum to Files, 24 October 1966, State Parks Files, Salem.
- 70 Willamette River Greenway Association, bull, no. 1, 1 May 1967, p. 1.
- 71 Howard Fujii, "Who Will Pay for Willamette Greenway," Oregon Agriculture, vol. 25 (25 March 1967), p. 2.
- 72 Ibid.
- 73 "Greenway Poses Questions," Oregon Agriculture, vol. 25 (25 May 1967), p. 7.
- 74 The complete text of Enrolled House Bill 1770 is contained in Chap. 551, 1967 Oregon Laws.
- 75 ORS 366.340.
- 76 The importance of eminent domain in the conduct of land transactions by public or semi-public agencies has been emphasized by many writers. Eminent domain is, at bottom, a coercive instrument of the state, and its value derives not so much from its actual employment in acquiring full or partial title to land, as in its ability to be employed if a situation so merits. To deny a public agency its right to exercise eminent domain is to weaken the ability of that agency to carry out its functions in land acquisition. A valuable account of the importance of eminent domain in public land acquisitions of an open space nature is provided in William H. Whyte, The Last Landscape (New York: Doubleday, Anchor Books, 1970), pp. 39-150 passim.
- 77 Minutes, Governor's Willamette Recreational Greenway Committee Meeting, 19 June 1967, State Parks Files, Salem, p. 2.
- 78 After January 1978 the Bureau of Outdoor Recreation was officially known as the Heritage Conservation and Recreation Service.
- 79 Minutes, Governor's Willamette River Park System Committee Meeting, 22 August 1967, State Parks Files, Salem, p. 2.
- 80 Minutes, Governor's Greenway Committee Meeting, 19 June 1967, p. 2.
- 81 Darrel Jones to Mayors and County Commissioners of Affected Greenway Counties, 13 July 1967, State Parks Files, Salem.

- 82 Robert L. Wilder to Lloyd P. Shaw, 21 September 1969, State Parks Files, Salem.
- 83 Robert L. Wilder, Memorandum to Files, 30 October 1967, State Parks Files, Salem.
- 84 Ibid.
- 85 Secretary Udall did not approve Oregon's request for the full \$1.6 million. Instead, he authorized \$1.0 million from the Contingency Reserve Account with the stipulation that the remaining \$600,000 come from Oregon's regular L&WCF apportionment. The question of how to withdraw this \$600,000 bothered State officials for a time. Eventually, however, they decided to obtain the money using the same formula employed by the State in apportioning L&WCF funds to State and local agencies, i.e. 60 percent would be taken from funds earmarked for State agencies and 40 percent from funds for local. This decision brought complaints from some local agencies (generally speaking, those without Willamette River frontage) who considered it unfair that they should be expected to pay for a program for which they derived no direct or immediate benefit. Administration of the regular apportionment L&WCF grant-in-aid program in Oregon is a story in itself. An interesting, if somewhat dated, account of this administration is contained in Harvey R. Doerksen, Land and Water Conservation Fund: Organization for Distribution (Eugene, Or.: University of Oregon, Center for Leisure Studies, 1970).
- 86 Minutes, WRPS Committee Meeting, 22 August 1967, p. 2.
- 87 Memorandum, John S. Irvin to G. E. Rohde, 28 November 1967, State Parks Files, Salem.
- 88 Ibid.
- 89 Carleton Whitehead to David Talbot, 29 August 1967, State Parks Files, Salem.
- 90 Forrest Cooper to Glenn L. Jackson, 2 October 1967, State Parks Files, Salem.
- 91 Ibid.
- 92 David G. Talbot, Memorandum to Files, 9 October 1967, State Parks Files, Salem.
- 93 Governor's Willamette River Park System Committee, Procedural Manual, Oregon's Willamette River Park System, by Parks and Recreation Division, Oregon State Highway Department, (Salem, Or.: n.p., n.d.).
- 94 Minutes, Governor's Willamette River Park System Committee Meeting, 2 February 1968; State Parks Files, Salem, p. 2.

- 95 Governor's Willamette River Park System Committee, "Interim Report to Governor McCall," 12 September 1968 (mimeographed), State Parks Files, Salem, p. 1.
- 96 David G. Talbot, Memorandum to Files, 25 May 1967, State Parks Files, Salem.
- 97 "Specific Action Recommended by Willamette Greenway Group," Portland (Or.) Oregon Journal, 11 December 1968.
- 98 "Robert Straub Suggests State Take Over Floundering Willamette Greenway Project," Portland (Or.) Oregonian, 11 December 1968.
- 99 Oregon, Office of the Governor, "Proposal by Governor Tom McCall on Oregon Beaches and Willamette River Park System," 27 December 1968, State Parks Files, Salem.
- 100 Memorandum, Lloyd P. Shaw to David G. Talbot, 13 November 1968, State Parks Files, Salem.
- 101 David G. Talbot to Fred J. Overly, 14 November 1968, State Parks Files, Salem.
- 102 A bill incorporating some of the features of SB 197 (SB 261, introduced at the request of State Treasurer Straub) did clear the Legislature and was signed into law by Governor McCall. The bill offered no immediate advantages to the WRPS Program, however.
- 103 Minutes, Governor's Willamette River Park System Committee Meeting, 13 March 1969, State Parks Files, Salem, pp. 2-3.
- 104 "Willamette River Park System Potential Site Inventory, 1969," State Parks Files, Salem.
- 105 George W. Churchill to Governor's Willamette River Greenway Committee, 8 July 1969, State Parks Files, Salem.
- 106 George W. Churchill to Governor's Willamette River Greenway Committee, 14 October 1969, State Parks Files, Salem.
- 107 "Financial Status of W.R.P.S. Projects as of 1/30/70," State Parks Files, Salem.
- 108 The Oregon Highway Commission and its various agencies were reorganized by the 1969 Oregon Legislature (ORS 184.615). The Highway Commission was replaced by the Oregon Transportation Commission consisting of five members instead of the earlier three. The new Department of Transportation had four administrative divisions: Aeronautics, Highways, Mass Transit, and Motor Vehicles. State Parks was now the Parks and Recreation Branch of the Highway Division. The reorganization involved little or no change to the WRPS

Program. Glenn Jackson maintained his position as chairman of the new commission. He also continued to exert considerable influence on the WRPS Program through membership on the Governor's WRPS Committee.

- 109 Minutes, WRPS Committee Meeting, 13 March 1969, p. 3.
- 110 On January 16, 1969 State Parks was notified by BOR that the expiration date under the original L&WCF contingency fund grant had been extended from June 30, 1970 to June 30, 1971. The change was made in response to an earlier request for extension by the State Parks Agency.
- 111 A survey of 500 Willamette Valley residents to determine preferences in environmental programs (including programs embodying the features of the original greenway program suggested by Straub) was conducted by William D. Honey, Jr. of Oregon State University in summer 1974. Survey results showed that rural residents ranked improvements in aesthetics, water-based recreation, and land-based recreation lower in priority than did either urban or suburban residents, while improvements in water quality, wildlife conditions, and economic opportunity were rated higher. These results tended to confirm the notion that the greenway program was less popular in agricultural areas than in other parts of the valley. The timing of the survey, however, (coming as it did after the problems of the Willamette River State Park and Corridor acquisition programs had surfaced) may have had a bearing on the results. For a more complete discussion of this survey and its results, see Honey, The Willamette Greenway: Cultural and Environmental Interplay, pp. 68-111. A second survey was conducted by OSU geography student Brent Lake in 1973. This survey sampled the attitudes of farmers along Willamette River in Linn and Benton Counties with regard to the WRPS Program. Lake found that 70 percent of those surveyed believed the program was not needed, 19 percent felt it was needed, and 11 percent said it was needed with conditions. The small size of the survey sample prevents the results from being generalized. Nevertheless, the results tend to corroborate those of the Honey survey in regard to rural attitudes. For more information on this second survey, see Lake, "The Reaction of Agricultural Landowners to the Willamette River Park and Recreation Program," pp. 23-25.
- 112 Memorandum, David G. Talbot to Lloyd P. Shaw, 2 July 1970, State Parks Files, Salem.
- 113 Ibid.
- 114 E. S. Hunter to John Gallagher, Jr., 11 February 1971, State Parks Files, Salem.

- 115 "Willamette River Park System Accomplishment Report to June 30, 1971," State Parks Files, Salem.
- 116 "Willamette River Park System - State Park Corridor Program, Status as of 9/1/72," State Parks Files, Salem.
- 117 On December 12, 1972 a delegation from Linn County headed by State Senator Hector MacPherson appeared before the State Transportation Commission to protest acquisition by the State of Class I agricultural land along the Willamette River at the Norwood Island site. MacPherson stated that Linn County had zoned the property for exclusive farm use and that removing the property from agricultural production would be detrimental to the economy of the area. Commission Chairman Jackson replied that the State would re-evaluate its plan and investigate alternative sites where acquisition of farmland could be avoided. Sometime after this meeting the Norwood Island location was quietly dropped from consideration as a future state park site.
- 118 Minutes, Willamette River Park System Committee Meeting, 12 January 1971, State Parks Files, Salem, pp. 1-2.
- 119 Glenn L. Jackson to W. Stan Ouderkirk, 19 April 1971, State Parks Files, Salem.
- 120 Rogers C. B. Morton to Tom McCall, 1 July 1971, State Parks Files, Salem.
- 121 Tom McCall to Rogers C. B. Morton, 27 August 1971, State Parks Files, Salem.
- 122 Ronald K. Ragen to George W. Churchill, 21 January 1972, State Parks Files, Salem.
- 123 The authority for State Parks to use condemnation in the Willamette River Corridor Program was confirmed by the State Attorney General on May 25, 1972. The ruling was based on the understanding that property purchased under the Corridor Program would involve State and federal funds only and would actually become a part of the state park system. Local government would be involved only to the extent of assisting in planning and project review. The Attorney General's ruling was made in response to a request by State Parks Superintendent David Talbot.
- 124 Minutes, Willamette River Park System Committee Meeting, 18 July 1972, State Parks Files, Salem, p. 2.
- 125 Tape Recording, Testimony of Glenn Jackson Before Subcommittee 1 of State Emergency Board, 18 December 1972, Oregon State Archives, Salem.



- 126 The Governor's WRPS Committee did consider an alternative greenway approach on at least one occasion. On May 16, 1971 the Oregon Division Izaak Walton League of America passed a resolution recommending that four segments of the lower Willamette River (223 river miles) be considered by the Transportation Department for inclusion in the state scenic waterway system. The WRPS staff warmed up to the idea, going so far as to prepare a brief report describing which segments of the river were most suited for scenic waterway status. The Governor's WRPS Committee decided to forego endorsing the IWLA resolution, however, pinning its hopes instead on the Willamette River Corridor Program which was just then getting off the ground. This is one example of a different approach being considered; there may have been others. No approach other than acquisition was ever actively supported by the WRPS Committee, however.
- 127 ORS 271.710 through 271.750.
- 128 For a discussion of the potential value of easements in Oregon and some of the problems in acquiring easements under the present Scenic Easement Law, see R. Tim Willis, "The Use of Easements to Preserve Oregon Open Space," Willamette Law Journal, vol. 12 (1975), pp. 124-136.
- 129 See Whyte, The Last Landscape, pp. 98-113. "The greatest single obstacle to greater use of the [easement] device," says Whyte, "has been the assertion that it probably would cost as much to buy an easement as to buy the land outright. This is simply not true, but it has been repeated so often in the literature, accumulating footnotes along the way, that it has become a fact in itself. It gives officials just the discouragement they need.  
Actual experience bears out what common sense would indicate. Easements are worth what the landowner is giving up. Sometimes this is a good bit; sometimes it is very little."
- 130 In a letter to a Canadian planner, Assistant State Parks Superintendent Ray Wilson in 1974 discussed the matter of easements in the greenway program. "In actual practice," said Wilson, "the concept of purchasing scenic easements has not been found readily acceptable to property owners. In over 600 Willamette River property owner contacts by state park representatives, only one scenic easement has been purchased. The general consensus seems to be that the easement imposes too severe a restriction on the possible future development of the property. In arriving at values for such easements, the appraisers generally are finding a scenic easement worth about 25% to 30% of the full market value of the property involved. Appraisals of proposed scenic and recreation easements (which in addition to purchase of development rights would also allow public entry for limited day-use recreation activities) are extending to 90%-95% of full market value. The Willamette River program has

- been much more successful in simply purchasing the fee title to desirable river frontage at full market value, from owners willing to sell." (Ray Wilson to L. P. S. Wolfe, 25 November 1974, State Parks Files, Salem). One questions where the principal objections to easements lay: with greenway buyer or greenway seller? Comments by other greenway participants and researchers (e.g., Lake, 1972) indicate that land owners were receptive to the idea of easements provided public access was not part of the easement package.
- 131 A bias against easements, assuming such a bias exists, is not restricted to transportation department officials in Oregon. Whyte tells us a similar bias is the rule rather than the exception in most state highway and park and recreation departments across the nation. "Occupational bias is important," says Whyte. "The attitude that agencies take toward easements depends a great deal on whether or not they have been used to working on a continuing basis with landowners. In most states the highway engineers want to buy the land in fee and be done with it. Recreation and park officials tend to feel the same way. Forest service and fish-and-game people, by contrast, have been more used to working with landowners and tend to be receptive to any tool which helps them in this mutual relationship. They have been responsible for some of the most successful easement programs, though the news not always seems to reach other conservation agencies down the hall in various capitals." (Whyte, The Last Landscape, p. 105-106).
- 132 Minutes, WRPS Committee Meeting, 12 January 1971, p. 3.
- 133 WRPS Program Director Churchill says that while being interviewed for the director position in 1967 by Jackson, Talbot, and others, he was asked what he would do first if given the job. Churchill replied that he would develop a preliminary plan of goals and guidelines from which to work. "We were afraid you'd say that," the others told him. "We do not want any plan; we want you to go out and acquire land." (George W. Churchill to writer, 8 October 1978).

## Chapter 5

- 134 Lake, "The Reaction of Agricultural Landowners to the Willamette River Park and Recreation Program," p. 28.
- 135 Tape Recording, Address of Rep. Norma Paulus to Oregon Assembly, 11 June 1973, Oregon State Archives, Salem.
- 136 Representative Priestley's actual comments, which he asked to be entered in the House Journal, were as follows: "Again we have failed because of political pressures to properly protect future use of the land of our state. In my view this has also happened in this session's so-called 'Land Use Bill,' SB 100.

"Why? When a preponderance of our citizenry acquire their sustenance from private profit it is extremely difficult, if not impossible, to protect the public's interest." (Oregon, Journals and Calendars of the Senate and House of the Fifty-Seventh Legislative Assembly, Regular Session Beginning January 8 and ending July 6, 1973 (Salem, Or.: State Printing Office, n.d.) p. J-529).

137 ORS 390.310 through ORS 390.368.

138 The addition of historical preservation and restoration to the greenway functions was actually accomplished by a second bill, HB 2175, approved by the 1973 Legislature and signed into law by Governor McCall on May 30, 1973. HB 2497 simply incorporated the key features of HB 2175 into its provisions.

139 Selection of 150 feet from ordinary low water as the minimum greenway boundary appears to have been arbitrary. It was based on the assumption that an ordinary low water line either existed on maps or could be relatively easily established from which the minimum boundary line could be measured. As subsequent events revealed, this assumption was not correct. The ordinary low water line could not be determined without an expensive and time-consuming land survey, which in any event was never conducted. In addition, such a survey would have been invalid as soon as the river changed its course, gradient, or flow. The 150 foot minimum boundary line in many areas did not extend beyond the gravel bars which lined much of the river during the summer low-flow period. The 150 foot line had the additional disadvantage in some areas of taking in too much land and imposing restrictions on the owners that probably were unfair. It is unfortunate that another method of minimum boundary determination was not adopted. A satisfactory method might have been to base the minimum boundary on the limits of the 100-year flood plain established by the Corps of Engineers. Another approach might have been to conduct an extensive land survey and base the boundary on what was actually visible from the river. Such a discussion is moot, however, as the greenway act did not allow for any other method of minimum boundary determination. The fact that the act did not specify the maximum greenway boundary beyond setting an acreage limit for the greenway allowed some of these other boundary determination methods to be taken into account.

140 Farm use is defined as "the current employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops," or by raising and selling of livestock, poultry, fur-bearing animals, or honeybees or for dairying, or any other agricultural or horticultural use or animal husbandry or any combination thereof, and farm woodlots up to 20 acres in size. Farm use "includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing." (ORS 215.203(2)). This definition is exceedingly broad. One wonders if the legislators who drafted

act were aware that property not meeting the popular conception of farm use was excluded from condemnation for scenic easements under the act.

- 141 Enrolled House Bill 2497 listed the State Land Board and not the Land Conservation and Development Commission as having approval authority over the Willamette Greenway Plan. At the end of the bill, however, it was stated that if Senate Bill 100 (the state land-use-planning bill) should become effective then this power would shift to LCDC. SB100 did become effective and this is how LCDC came to be involved in the greenway program.
- 142 Interview with Steven J. Hawes, Legislative Counsel at the time of adoption of HB 2497, Salem, Or., 3 April 1978.
- 143 Charles S. Collins headed the task force which prepared the first greenway report in 1967. This report laid the basis for Governor McCall's greenway proposal to the Legislature which resulted in passage of the Willamette River Park System Act.
- 144 The title of the report is "Contract Planning and Resource Inventory of 1972-73," by Charles S. Collins, Recreation Consultant, Roseburg, Oregon.
- 145 Draft letter by George Churchill to Charles S. Collins for David Talbot's signature, State Parks Files, Salem.
- 146 Agreement between the State of Oregon and Royston, Hanamoto, Beck & Abey, RHBA Files, Mill Valley, California.
- 147 Much of the work was in fact sublet to other contractors. Principal subcontractors were Williams & Mocine (citizen participation, plan implementation, program management), Environmental Systems Research Institute (computer services), Water Resources Engineers (water quality, river hydraulics, biotic processes), and Lord & Associates (economics). Nine persons were retained by RHBA to perform special studies ranging from examination of riverbank geomorphology to study of the river's historic and archeologic resources.
- 148 The citizen involvement program was developed by Robert L. Ironside of the firm of Williams & Mocine, City and Regional Planners, San Francisco, under subcontract to Royston, Hanamoto, Beck & Abey.
- 149 The Willamette Valley contains four councils of governments. These are the Columbia Region Association of Governments (now Metropolitan Services District) located in Portland, the Mid-Willamette Valley Council of Governments located in Salem, the District 4 Council of Governments located in Corvallis, and the Lane Council of Governments located in Eugene.
- 150 Attendance figures were obtained from State Parks Files, Salem.

- 151 Royston, Hanamoto, Becy & Abey, Landscape Architects; Williams & Mocine, City and Regional Planners, "Willamette River Greenway Policy Conference Study Guide," March 1974, RHBA Files, Mill City, California.
- 152 Bill Monroe, "Keep Tourists Away From River, Greenway Friends, Foes Agree," Corvallis (Or.) Gazette-Times, 19 March 1974.
- 153 Ibid.
- 154 "Farmers Oppose Content of Greenway Discussion," Salem (Or.) Capital Press, 22 March 1974.
- 155 Monroe, "Keep Tourists Away From River."
- 156 Royston, Hanamoto, Beck & Abey, Landscape Architects; Williams & Mocine, City and Regional Planners' "Citizen Policy Statement, Willamette River Greenway Plan," April 1974, RHBA Files, Mill Valley, California.
- 157 George W. Churchill to elected city and county officials in Greenway area, 8 July 1974, State Parks Files, Salem.
- 158 Monroe, "Keep Tourists Away From River."
- 159 The Greenway Plan was developed in stages. First came the concept plan developed through aerial and ground level surveys, citizen policies, and State and consultant technical assistance. Next came the schematic plan, which was the concept plan as modified by environmental constraints and cultural considerations. The third stage was the preliminary greenway plan, which was the schematic plan as modified by the State, the task force, staff, and citizen input. The final stage was the approved greenway plan itself.
- 160 Interview with Robert S. Sena, Associate, Royston, Hanamoto, Beck & Abey, Mill Valley, California, 24 March 1978.
- 161 Royston, Hanamoto, Beck & Abey, Landscape Architects; Williams & Mocine, City and Regional Planners; "Goals and Guidelines, Willamette Greenway Plan," August 1974, RHBA Files, Mill Valley, California.
- 162 "Attendance Dips for Greenway Hearing," Albany (Or.) Democrat-Herald, 11 September 1974.
- 163 Larry Roby, "Planners, Farmers Have a Go at Greenway Plan," Salem (Or.) Capitol Journal, 17 September 1974.
- 164 Ibid.
- 165 Sena Interview, 24 March 1978.

- 166 ORS 197.005 through 197.795.
- 167 ORS 197.040 (2) (g).
- 168 LOAC is an acronym for the Local Officials Advisory Committee of LCDC. It is the duty of LOAC "to advise the Land Conservation and Development Commission on the possible effects on local governments of any proposal and the responsibilities, capabilities and needs of local governments in matters relating to land use." (Judge Paul Jones to affected greenway cities and counties, 23 July 1974, LCDC Files, Salem). The committee in 1974 consisted of nine members, most of whom were county commissioners. Its chairman was Judge Paul Jones of Morrow County.
- 169 Memorandum, Mel Lucas to Herb Riley, 17 July 1974, LCDC Files, Salem.
- 170 Memorandum, W. McCallum to File, 20 June 1974, LCDC Files, Salem.
- 171 L. B. Day to Glenn L. Jackson, 17 July 1974, LCDC Files, Salem.
- 172 Memorandum, George Churchill to Dave Talbot, 1 August 1974, State Parks Files, Salem. The one local official who did show up was from the city of Milwaukie.
- 173 Robert S. Sena to David G. Talbot, 27 August 1974, State Parks Files, Salem. In the greenway plan the boundaries were depicted on topographic maps at a scale of 1 inch equals 1 mile. This scale and method of depiction were considered too general by LCDC for a precise determination of boundary location.
- 174 Sena to Talbot, 27 August 1974.
- 175 Royston, Hanamoto, Beck & Abey, Preliminary Willamette River Greenway: A Plan for the Conservation and Management of the Willamette River Greenway (Salem, Or.: Oregon Department of Transportation, 1974). The preliminary plan was released from printing early in November. According to a memorandum from David Talbot written shortly after its release (Memorandum, David G. Talbot to State Parks and Recreation Advisory Committee, 7 November 1974, State Parks Files, Salem) there was every indication the preliminary greenway plan, with perhaps minor revision, would be approved by the Transportation Commission and LCDC after the fall round of local government meetings. As the subsequent discussion shows, this did not happen. The reason it did not happen was due to Robert W. Straub being elected Governor.
- 176 Stan Federman, "Progress, Goals of Willamette Greenway System Disputed," Portland (Or.) Oregonian, 26 October 1970.
- 177 "Straub Claims McCall Slow on Greenway," Salem (Or.) Oregon Statesman, 7 October 1970.

- 178 "Greenway Gain Seen by Straub," Salem (Or.) Oregon Statesman, 18 January 1972.
- 179 "Acquisition of most Willamette riverbanks urged," Portland (Or.) Oregonian, 7 February 1974.
- 180 Ibid.
- 181 Sena Interview, 24 March 1978.
- 182 Robert W. Straub to Glenn Jackson, 17 December 1974, State Parks Files, Salem.
- 183 George W. Churchill to Writer, 8 October 1978. In describing the decision to scrap the preliminary greenway plan, Churchill called it "truly one of the big disappointments of my life." He ascribed the decision to "petty politics and clash of philosophies....The plan had been prepared by the consultants under the direction of us and the land owners along the river," Churchill said. "It was all agreed and pretty much accepted, however, Straub asked Jackson to hold up the submission of the plan for approval. We had assurances that it would be approved by the LCDC. I went to McCall to see if we could go ahead and get the plan approved and then work toward revision later....McCall called Straub and Straub was adamant. Straub and Potter got together and Potter thought he could rewrite the plan to suit Straub etc. So, Jackson held up the plan....The rewritten plan caused the farmers or land owners to get up in arms because it was not the plan they worked so hard for and were in agreement with....I firmly believe that if we'd been able to get into it we'd have the consultants' plan." The Potter Churchill is referring to is Robert K. Potter who took over as Greenway Coordinator in the State Parks Agency upon Churchill's retirement in February 1975.
- 184 Ibid.
- 185 Draft letter by David Talbot for Glenn Jackson's consideration in responding to December 17 letter from Robert W. Straub, 8 January 1975, State Parks Files, Salem.
- 186 Royston, Hanamoto, Beck & Abey, Willamette River Greenway, A Plan for the Conservation and Management of the Willamette River Greenway (Salem, Or.: Oregon Department of Transportation, n.d.).
- 187 Minutes, Oregon Transportation Commission meeting, 31 March 1975, Transportation Department Files, Salem.
- 188 Ronald J. Anderson to Oregon Transportation Commission, 20 April 1975, State Parks Files, Salem.
- 189 The Green Rights Association was formed in 1974 to protect the

rights of riverfront property owners from actions by the State in the Willamette River Greenway Program. The organization was an outgrowth of the earlier Willamette River Frontage Owner's Association (see footnote 134, p. 215). By September 1974 the organization had a membership of about 60 persons, mostly farmers but also including representatives of the gravel and food processing industries. The Green Rights Association was instrumental in shaping greenway policy from the period 1974 through about 1977, when the outlines of the present greenway program were pretty much established.

- 190 Green Rights Association, "Willamette Greenway Action," undated bulletin to GRA members (distributed probably about mid April 1975), State Parks Files, Salem. The claim that the revised greenway plan violated state law was addressed in a letter by Walter L. Barrie, Assistant Attorney General, State Attorney General's Office, in June 1975. It was Barrie's opinion that "The Willamette Greenway Plan was developed by the Parks Branch of the Department of Transportation in cooperation with units of local government as required by ORS Section 390.318 and that, from a procedural standpoint, the plan is in proper form to be submitted to the Land Conservation and Development Commission pursuant to ORS 390.322." (Walter L. Barrie to Oregon Transportation Commission, 6 June 1975, State Parks Files, Salem). It is significant that this judgment was made not on the basis of the plan's content but on the procedure used by the Transportation Department in developing the plan. It assumed that the final greenway plan was a simple outgrowth of the preliminary plan and that no substantive changes had been made.
- 191 Stan Bunn to Glenn L. Jackson, 24 June 1975, State Parks Files, Salem.
- 192 State Representative Stan Bunn (R - Dayton).
- 193 The revised greenway plan was also discussed at a Transportation Commission meeting on May 30. At this meeting a petition was presented by John Blake, a Gervais farmer and acting chairman of the Green Rights Association. The petition was signed by 115 persons and stated, "We the undersigned property owners and/or residents and/or operators in North Marion County do hereby wish to express our belief that the revised Willamette River Greenway plan is unacceptable and unworkable because of its many flaws, its violation of the LCDC rules and their guidelines 2, 3, and 4 and its lack of consideration of the river, its banks, and the communities along them. We, in our opinion, do believe that the understandings of December 11 and 12, 1974, did make a much better plan if carried out to its completion but find the revised plan is completely unacceptable in its present form." Commission members listened to arguments and deferred final decision until the June 30 meeting. (Minutes, Oregon Transportation Commission, 30 May 1975, Transportation Department Files, Salem).



- 194 "Straub asks public access to Willamette," Portland (Or.) Oregonian, 5 March 1975.
- 195 Under the terms of HB 3225 the State could condemn farm land for scenic easements but not for more complete rights or title. This did not apply to lands containing uncleared natural riparian vegetation within 500 feet of ordinary low water. These lands were subject to full condemnation authority.
- 196 HB 2765 and HB 3225 were not the only greenway bills considered by the Legislature during the 1975 Regular Session. SB 4, introduced on January 13 at the request of the Joint Interim Committee on Environmental, Agricultural and Natural Resources, would have given the State greater latitude in acquiring land for the greenway and then disposing of portions that were unsuited for greenway uses. It would also have given the State greater control over the use of such land once title had been transferred to another owner. SB 4 was passed by the Senate but was still in a House committee at the time of legislative adjournment.
- 197 Sometime after October 15, 1973 the Governor's Willamette River Park System Committee became the Governor's Willamette River Greenway Committee, thus restoring the name the committee had had prior to July 1967. The change was made to bring the committee name into conformance with the terminology of the 1973 Greenway Act. The committee remained intact through about February 1975, at which time, with a new administration in office and local project applications having slowed to a trickle, it then disbanded. The committee chairman, C. Howard Lane, became a member of the State Parks Advisory Committee, which took over many of the greenway committee functions.
- 198 The figure for administration and planning is an estimate only. It is based on statements by State Parks officials that administration costs in the greenway program have run on the average about 10 percent of acquisition costs, and it includes an estimate of costs for preparing the two greenway plans. It does not include administration and planning costs at the local level. These latter costs could boost the total cost of the greenway by many hundreds of thousands of dollars.
- 199 "Task Force Report," p. 11.
- 200 The organization in question is the Lane County Greenway Association. This organization looked upon itself as the Lane County chapter of the Willamette River Greenway Association.
- 201 In a letter to State Parks Superintendent Talbot dated 12 October 1974, Mrs. Elaine Craig, wife of a Dayton area farmer, talked about erosion of state greenway property next to her farm: "The enclosed 'document' states the serious situation that exists here at our farm-home along the river. It concerns you now that the State has

purchased riverfront property from our neighbor adjacent downriver, Stewart Butts. It is now public property that is washing away. We would appreciate any attention and aid you can give our urgent request." (Mrs. Robert P. (Elaine) Craig to David Talbot, 12 October 1974, State Parks Files, Salem). Conversation with Edward Marges of the State Parks Staff (6 June 1978) indicates that undercutting and disappearance of State-owned property along the Willamette is not confined to the Butts property. The problem has developed at other locations as well. Why has this happened? Part of the reason must be attributed to a change of Corps of Engineers policy in regard to dredging of the Willamette River south of Newberg pool, which altered the river's flow at some locations and increased the undercutting of banks (see footnote 202 below). Part, however, must be assigned to the haste in which properties were acquired in the Willamette River Corridor Program, causing some sites to not even be inspected prior to purchase. The problem is illustrative of what can happen in a land acquisition program when little if any planning is done and sufficient attention is not paid to the impact of one resource, in this case a river, upon a variety of others--banks, vegetation, and so forth.

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The Corps of Engineers' annual maintenance program for point bars on the Willamette River dates from the 1920s. Between 1945 and 1973 maintenance was accomplished using a 12-inch pipeline dredge called the Luckiamute, which removed an average of 300,000 cubic yards annually from 15 to 20 point bars along the river. The removed material was placed on the riverbank and sloped by tractors to provide a rip-rap that was resistant to erosion. In the 1960s and early 1970s, however, commercial traffic on the river declined to the point where extensive channel maintenance could no longer be justified under then-existing Corps policy. The Corps of Engineers in 1973 replaced the Luckiamute with a clamshell dredge and reduced the annual maintenance program between River Miles 56 and 135 to removal of approximately 50,000 cubic yards from 8 to 12 crucial point bars. Because of equipment limitations the removed material could only be placed adjacent to dredged areas and not along the riverbank where it could provide erosion protection. The result was "an alarming shoaling pattern for many of the bars" and increased undercutting and erosion of banks at several locations. (Harvey L. Arnold, Jr. to Robert W. Straub, 16 March 1977, Governor's Office Files, Salem).

## Chapter 6

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The lawsuit, a Petition for Declaratory Relief (Suit in Equity), was filed in Marion County Circuit Court on July 23, 1975 by Homer Wright, Ronald Blodgett, and George and Elizabeth VanLeeuwen, all members of the Green Rights Association. The petition asked for rejection of the second greenway plan because in preparing the plan

the Department of Transportation (1) failed to take citizen involvement into account in all phases of the planning process, as required under Goal 1 of the Statewide Goals and Guidelines, (2) failed to coordinate planning efforts with affected governing bodies, as required under Goal 1, (3) neglected to provide notice by mail of substantial changes in the plan to affected persons, as required under Goal 2, and (4) failed to provide opportunity for review and comment by citizens and affected governmental units during preparation of the plan, as required under Goal 2. The petition said the preliminary greenway plan was prepared in accordance with the law and should be the adopted greenway plan.

- 204 These questions were set forth in a memorandum from DLCDC staff member Donna Hepp to DLCDC legal counsel Peter Herman on 8 August 1975 (LCDC Files, Salem).
- 205 Oregon, Department of Land Conservation and Development, "Progress Report: LCDC Review of Willamette Greenway Plan," LCDC Files, Salem.
- 206 Authority for the Land Conservation and Development Commission to designate parts of the state as Areas of Critical State Concern is derived from SB 100. It is significant that critical area status for the greenway was investigated in late 1974 by a technical advisory committee composed of 16 representatives from federal, State, and local agencies and the private sector. This committee went so far as to recommend critical area status for the greenway (Memorandum, Walt McCallum to Arnold Cogan, 25 November 1974, LCDC Files, Salem). The Land Conservation and Development Commission deferred action on the matter, however, until the greenway plan was received from the Department of Transportation. The matter was later dropped from consideration when LCDC developed its own greenway management program.
- 207 Minutes, Land Conservation and Development Commission, August 15, 1975, LCDC Files, Salem.
- 208 In a memorandum to the Oregon Transportation Commission prepared nearly three months after the August LCDC meeting, State Parks Superintendent Talbot makes one of the few clear statements of Transportation Department and Governor's Office feelings on the LCDC action: "In summary there is still a difference of opinion about what the Greenway is or should be. The agency that has final authority in approving the Greenway plan seems convinced that the strong state program of acquisition is neither economically nor politically possible today. They have the ball. The Governor's Office disagrees and is trying to influence a change in LCDC's position shifting to a firmer role by DOT." (Memorandum, David G. Talbot to Oregon Transportation Commission, 7 November 1975, LCDC Files, Salem). This memorandum is as significant for its icy tone in discussing LCDC as for its statement of Transportation Department

- and Governor's Office sentiment. Both entities clearly resented LCDC intrusion into a domain which previously had been theirs alone.
- 209 Memorandum, Greenway Folks to Hal (Harold F. Brauner), 25 September 1975, LCDC Files, Salem.
- 210 Oregon, Department of Justice, Opinions of the Attorney General of the State of Oregon, vol. 37, no. 6. (Salem, Or.: State Printing Office, n.d.), pp. 894-895.
- 211 Ibid., p. 899.
- 212 Ibid., pp. 906-910 passim.
- 213 Charles T. Henry to L. B. Day, 22 October 1975, LCDC Files, Salem.
- 214 Oregon, Land Conservation and Development Commission, Willamette River Greenway Program (Salem: State Printing Office, n.d.).
- 215 In rural areas within 150 feet of ordinary low water, no development, intensification, or change of use was permitted unless a Rural Area Greenway Extraordinary Exception Permit was obtained. Such a permit was also required in rural areas beyond the 150 foot boundary if commercial, manufacturing, industrial, or subdivision use was involved. In urban areas within 150 feet of ordinary low water, and in rural areas beyond 150 feet for uses other than commercial, manufacturing, industrial, or subdivision, no development, intensification, or change of use was allowed without a Greenway Conditional Use Permit. Local governments developed both permit procedures subject to approval by LCDC. The principal difference between the two procedures was one of stringency. To qualify as a Rural Area Greenway Extraordinary Exception a land use had to involve "extraordinary, unnecessary and unreasonable hardship" for the landowner if application for an extraordinary exception were denied, and extraordinary circumstances had to attach to the use of such land which did not apply to similar land uses elsewhere in the greenway. Requirements for a Greenway Conditional Use Permit were relatively lenient by comparison, asking for little more than a finding by a city or county that the use was compatible with greenway objectives.
- 216 The tone of memoranda that passed between Transportation Department officials during fall 1975 with regard to the greenway program was almost uniformly negative. In a memorandum to the Oregon Transportation Commission dated 7 November 1975 (Memorandum, David G. Talbot to Oregon Transportation Commission, 7 November 1975, State Parks Files, Salem), State Parks Greenway Coordinator Potter complained of attempts by LCDC to portray some Transportation Department and Governor's Office officials (including Potter himself) as "anti local control." Transportation Department officials

were clearly angered at what was happening to the greenway program. They resented the actions of the Land Conservation and Development Commission yet were relatively powerless to act against them. It is ironic that in none of the correspondence between these officials during this critical period in the program is there the slightest indication that the department's own practices may have had a role in things going against them. They regarded then, and still regard, the entire matter as a kind of grand misunderstanding, wholly rectifiable if only people would look closely at the program and at what the Transportation Department was really trying to do.

- 217 A. G. Heizenrader to L. B. Day, 21 October 1975, LCDC Files, Salem.
- 218 Richard L. Angstrom to L. B. Day, 13 November 1975, LCDC Files, Salem.
- 219 Howard Fujii to L. B. Day, 7 November 1975, LCDC Files, Salem.
- 220 Steve Hawes, "Testimony Before the Land Conservation & Development Commission," 21 November 1975, LCDC Files, Salem.
- 221 See p. 137.
- 222 Telephone interview with Harold F. (Hal) Brauner, 10 February 1979.
- 223 It was recommended but not required that greenway conditional use procedures be submitted on this date as well.
- 224 Richard Johnson (Secretary, Springfield Planning Commission) to LCDC, 19 March 1976, LCDC Files, Salem.
- 225 Transcript, Conversation between Robert K. Potter and L. B. Day, LCDC Meeting, 3 April 1976, LCDC Files, Salem.
- 226 Throughout this period of LCDC involvement, the Governor's Office, and notably Janet McLennan, the Governor's Assistant for Natural Resources, remained in close contact with those officials at LCDC (L. B. Day, Harold Brauner) and the Transportation Department (Robert Potter, David Talbot, Glenn Jackson) who were most deeply involved with the greenway program. There was a genuine fear in the Governor's Office that the program would get out of hand under the strong and independent leadership of L. B. Day, and that Straub's dream for a greenway would fall by the wayside. On most issues the Governor's Office and the Transportation Department would line up on one side of the fence, LCDC on the other. L. B. Day's independent stance on the greenway, as on a number of other issues, led to a gradual falling out between himself and the Governor and was undoubtedly a factor in his resignation as Chairman of the Land Conservation and Development Commission in 1976. To L. B. Day,

however, must go most of the credit for the greenway program having the form it does today. Day was one of the few persons to recognize early that fee-simple acquisition would never lead to a successful program due to the tremendous costs involved and the existence of powerful and organized landowner opposition. His solution--a compromise, as most successful land management programs are--was to protect existing land uses through zoning and other police-power devices and let the Transportation Department work out the problem of making the greenway accessible to and usable by the public as a whole.

- 227 The Department of Transportation estimated that a field survey to determine ordinary low water would have cost \$320,000 and taken two years to complete. It would also have required agreement by all the parties involved as to the method used to determine it. Because of the many potential problems in a survey of this type, the department decided to forsake a field survey and let local government wrestle with the problem. (Memorandum, Larry Jacobson to Bob Potter, 3 May 1976, State Parks Files, Salem.)
- 228 According to testimony at public hearings on the revised plan, the aerial photographs sent out by the Transportation Department showed the Willamette River at high-water stage rather than low-water. Thus, in attempting to ease the controversy over the 150 foot minimum boundary line the department acted to worsen it. Sending out the wrong photographs was probably an accident. Nevertheless, given the mistrust of the department among certain public groups, this action could not help but feed the already poor reputation which this department had acquired among these groups.
- 229 For further discussion of the ordinary low water problem, see note 139, p. 216.
- 230 Oregon, Department of Transportation, Parks and Recreation Branch, A Proposal for the Willamette River Greenway (Salem: n.p., 1976). Book 1 covered Columbia, Multnomah, and Clackamas Counties; Book 2 Marion, Yamhill, and Polk Counties; Book 3 Linn and Benton Counties; Book 4 Lane County.
- 231 Acreages and other figures obtained from State Parks Files, Salem.
- 232 The revised plan indicated which of four greenway land use classifications--scenic, recreational, natural, historic--each of the sites proposed for acquisition fell into by virtue of its existing features. This, however, was not a commitment to develop the sites for these purposes. The revised plan was in this sense little more than an inventory--well in keeping with previous department practice with regard to making its development plans known (See p. 100).
- 233 Beginning January 1976 Transportation Department (State Parks)

- field representatives began meeting with the planning staffs of greenway cities and counties to develop revised greenway boundaries. The boundaries that went into the revised plan were chiefly an outgrowth of this collaborative process. It is significant that local elected officials were brought into this process for the most part after transportation department and local planning staffs had reached agreement. One of the reasons the Transportation Department boundary did not always match the boundary adopted by local government was that local officials were not always in agreement with their planning staffs on boundary location. Local officials, of course, were susceptible to outside political pressures which planning staffs as a rule managed to avoid.
- 234 Earlier hearings on the revised plan were held throughout the Willamette Valley by the newly constituted Governor's Willamette River Greenway Committee between August 3 and August 11. The purpose of these hearings, however, was not to take comment on the plan but to inform local officials and other interested parties of what the plan contained.
- 235 The questionnaire contained seven questions involving the greenway program. Some of the questions had several parts. In response to the question, Do you agree with the intent of the greenway program? 674 respondents indicated overall agreement, 56 disagreed, and 35 had no comment. In response to the question, Do you agree with the greenway boundary proposed in the July 1976 draft? 525 said they agreed, 77 disagreed, and 119 had no comment. Of those who disagreed, roughly 60 percent wanted the minimum greenway boundary. This survey, had it been better structured, could have provided valuable addituidinal information about the greenway program. As it was, the information is of marginal usefulness. Some of the questionnaires apparently were filled out by transportation department officials based on written comments submitted by participants at the hearings.
- 236 Occupational Safety and Health Administration.
- 237 Testimony of John Powell, Willamette River Greenway Hearing, Salem, Oregon, 7 September 1976, State Parks Files, Salem.
- 238 The issue most frequently raised by farmers was not excessive regulation but trespass, theft, and vandalism on farm property. Rarely did a meeting or hearing go by in which the issue was not raised at least once. For the first ten years of the greenway program the Transportation Department paid lip service to this complaint. The agency seemed to take the view that if it ignored the problem long enough it would go away. In 1978, however, in response to pressure from the Governor's Office, the department (State Parks) began a study of greenway trespass and vandalism. The agency also embarked on a signing and public information program to inform greenway users of the locations of public use sites and the

rights of private property owners within the greenway boundaries. A total of 2307 trespass and vandalism questionnaires were mailed or handed out over a three month period. Questionnaires went to urban as well as rural property owners. Results showed a total of 75 incidents of trespass, vandalism, and theft; 41 of the incidents in rural farm areas. Significantly, only 17 of the incidents were reported to police. Considering the sample size, the incidence of criminal activity on greenway property seem low. It should be remembered, however, that the survey relied upon submittal of a printed questionnaire whose purpose, as the accompanying letter stated, was to help State Parks come to terms with the trespass and vandalism problem. Thus the actual incidence of trespass, vandalism, and theft may have been higher than survey results indicated. Also, the concern of farmers was not so much with present problems in these areas, as with future problems when and if substantial greenway development took place. At the time the survey was conducted, relatively little of the greenway was developed. Thus the results had to be less than meaningful as they dealt with past and present conditions rather than future.

- 239 It is significant that at no point in the greenway program did farmers as a group object to preserving the natural qualities of the river or protecting the river's wildlife. On the contrary, they were among the strongest supporters of the greenway objective dealing with conservation, and they considered themselves far better equipped than "environmentalists" and "bureaucrats" to act on this matter. It was only when public use became a factor and the State began talking about parks and trails along the river that farmers' backs stiffened. As a group, farmers objected strenuously to State efforts to bring the public near their property. They also reacted negatively to threats of condemnation.
- 240 Oswald West, Governor of Oregon 1911 to 1915.
- 241 Testimony of Mary Eyre, Willamette River Greenway Hearing, Salem, Oregon, 7 September 1976, State Parks Files, Salem.
- 242 Testimony of John Drew, Willamette River Greenway Hearing, 26 August 1976, State Parks Files, Salem.
- 243 The November 3, 1975 LCDC adoption of the City of Eugene's greenway plan segment was done to make the city eligible for L&WCF greenway matching funds (See p. 138). The January 7, 1977 adoption was part of the normal plan revision process. As with other plan revisions it involved certain modifications to the greenway boundary.
- 244 The decision to exclude the incorporated area of St. Helens from the greenway was apparently made in response to political pressure from Boise Cascade Corporation, which maintained a large plant there (Bruce M. Hall to Ted Hallock, 29 June 1977, State Parks



Files, Salem), and a determination by the Transportation Department that no significant natural, scenic, historic, or recreation values were involved (Memorandum, Wallace A. Hibbard to David G. Talbot, 20 April 1977, State Parks Files, Salem).

- 245 At the date of this writing (5 March 1979) these plan segments had still not been adopted by LCDC.
- 246 State Parks Files, Salem.
- 247 Executive Order EO-76-3. The official function of the Governor's Greenway Committee was "to advise the Governor, the Department of Transportation, and other state and local agencies regarding matters of policy concerning the Willamette River Greenway Program." The actual function, however, was more to convey the point of view of the Governor's Office and the Transportation Department to the public at large--to serve as a kind of public relations arm for these agencies. In this regard Straub's committee was no different from the greenway committee set up earlier by Governor McCall, or for that matter probably a majority of the State's advisory committees that are appointive in nature.
- 248 In March 1976 at a "town hall" meeting in Eugene, Governor Straub made a remark to the effect that he thought the public should have the right to use (emphasis the writer's) the greenway for 150 feet from the river on each bank. This statement was of course entirely consistent with Straub's previous position on the greenway. Coming at a time when greenway emotions were high, however, the statement could only be regarded as ill-timed. Greenway Committee Chairman Art Johnson wrote to Straub after the meeting, advising that he, Straub, relate his position to the provisions of the greenway law. Not long after Straub's remark, the Governor's Office and transportation department embarked on a public information program to clear up misunderstanding of the greenway program (Arthur C. Johnson to Robert W. Straub, 1 April 1976, Governor's Office Files, Salem).
- 249 Two documents which came out of this program were Willamette River Greenway Issues and Answers (Salem: n.p., July 1976) and Oregon's Willamette River Greenway (Salem: n.p., n.d.). Both were prepared by the Parks and Recreation Branch of the Oregon Department of Transportation.
- 250 The writer is unable to determine the Senate or House designation for this bill.
- 251 According to Greenway Committee member Bruce M. Hall, this bill was introduced at the request of Boise Cascade Corporation, which owned a pulp mill in St. Helens. Hall considered the act a breach of faith on Boise Cascade's part. "I worked on the particular subcommittee of the Willamette Greenway Committee that considered Boise Cascade's concern, in particular, during hearings at St. Helens,

that various staff recommendations as to restrictions in that area be modified," said Hall. "All of us on the subcommittee, although not too pleased with Boise Cascade officials' comments that otherwise they would leave St. Helens physically, with consequent adverse economic impact, worked hard to have the plan so modified. It was. The 'quid pro quo' was that Boise Cascade would in turn be a good citizen as to the Greenway concept generally. Since I have understood that Boise Cascade has been behind the above Bill (HB 3029), possibly together with a Representative that owns potentially affected lands in the area, I feel the proposed legislation deserves an especially careful look." (Bruce M. Hall to Senator Ted Hallock, 29 June 1977, Governor's Office Files, Salem).

252 See Don Nelson, "East Fork to Fight State: Property owners seek help against extending greenway," Eugene (Or.) Register-Guard, 8 June 1977.

253 For a discussion of the farmer's view of these issues, see Ed Mosey, "Farmers still fearful of State's Greenway intentions," Portland (Or.) Oregonian, 6 March 1977.

#### Chapter 7

254 Ann L. Strong, Private Property and the Public Interest: The Brandywine Experience (Baltimore, Md.: Johns Hopkins University Press, 1975).

255 A democratic political system is one "in which the opportunity to participate in decisions is widely shared among all adult citizens." (Robert A. Dahl, Modern Political Analysis, 2nd ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1970), p. 7.

256 Strong, Private Property and the Public Interest, p. 9 et seq.

257 Fred Bosselman and David Callies, The Quiet Revolution in Land Use Control (Washington, D.C.: U.S. Government Printing Office, 1971), pp. 235-261.

258 Ibid., p. 236.

259 Ibid., p. 244.

260 Ibid., p. 250.

261 Ibid., pp. 295-299.

262 Ibid., p. 298.

263 Ibid.

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