

Edward Johnston

July 10, 2005

Lane Shetterly  
Director Department of Land Conservation  
and Development

Dear Director Shetterly:

I read with some pleasure the July 8 Oregonian article on Measure 37 and SB 1037 in which you stated that "one of the keys to success" in finding a workable compromise over Oregon land use law "may be ... finding a group of informed citizens who come at this without years of practiced land use battles," and that that "would go a long ways toward building a new consensus."

As you know, over the past three sessions, I and an associate have been involved with the legislative process. We have hammered out joint positions--sometimes compromises, sometimes mutually shared beliefs, despite holding generally divergent views--on a huge number of pieces of legislation. A review of our usually one-page position papers on bills shows that almost exactly one-third were what could be classed as "liberal," one-third "conservative" and one-third of no discernable ideology. We addressed a huge number of different kinds of issues, and managed to consistently find uncommon sense middle ground positions--except where one side or the other was clearly right, in which case we said that, too. And we appear to have had a large effect on the legislative process, in that many bills we opposed were defeated, and many we supported became law. Obviously, we cannot take credit for all the outcomes that agreed with our positions, but it is clear we made a real dent. And we made it through brief, sometimes funny, open and straightforward position papers and in-the chambers lobbying.

While I cannot yet disclose the identify of my

associate, I can state he (or she) is versed in law and politics, familiar with Oregon issues and familiar with Oregon land use issues--as, in fact, am I. To put it simply, we believe we can solicit input from citizens, local leaders, elected officials, business people, environmentalists, ranchers and farmers, planners and others, review the current land use laws, compare them to others around the country, and produce just the kind of new beginning, consensual set of proposals that Oregonians clearly want. We believe our work could accomplish most of the goals of land use law and policy, including preservation of prime farmland and key natural resources, and limitation of urban sprawl, and also respect property rights and encourage business and job growth and prosperity. We do not pretend it will be easy. But we do believe there is no other team in Oregon that has come even close to demonstrating the kind of skills and abilities that Senate Bill 82 would require of any team that would seek to craft a new, consensus set of land use law proposals. I would like to talk with you about SB 82 and about the possibility that I and my associate could be the team to implement it. There may well be no other team in the state not on one side or the other--or else uninterested in the issues involved. And it will not do to have a joint committee of the legislature bounce around the state collecting the same old testimony from both sides (we saw what happened with the joint committee on taxation).

We feel Oregon needs a couple of politically aware Oregonians, already familiar with many of the issues, willing to meet people in living rooms and restaurants, as well as expensive hotels and city halls, to collect criticisms, stories, ideas and possibilities.

We anticipate the project would require that we (probably with a secretary/assistant) perform the following tasks:

1. Learn the Oregon state land use laws and rules in detail (we are already familiar with them generally and in more detail in certain regards, i.e. coastal

Goals), and the local county and city variations, such that we can easily identify the different counties and cities that would (and would not) be affected by any particular possible change.

2. Organize, publicize and hold several public meetings in each county, the exact number depending upon the population distribution but at least two or three in each county;

3. Videotape each public meeting.

4. Meet with county and city elected and appointed officials, activists and interested parties from all sides, privately for input.

5. Review several other states' land use and zoning laws to seek other ways of designing such a legal structure, ranging from California's (the most resource protective according to the Sierra Club, which identified Oregon's pre-M-37 as number two) to the least protective in some southern and western states. Recognizing, however, that the voters have spoken and the end result will have to reflect the passing of Measure 37, while seeking ways of still protecting key natural resource values--whether by tradeoffs, smart growth, TDRs, relaxation or removal of certain pre-M-37 requirements in return for consensual agreement on maintenance of other requirements (existing, modified or new) for the protection of prime farmland, riparian areas, wetlands and other key natural resources.

6. Develop a roster of possible changes and, based on the interviews and public meetings, an advisory group including representatives of all interest groups to discuss them with.

6. This roster should be based on acceptance of two premises: one, that it is a legitimate and worthy goal of government to protect prime farmland, riparian areas, wetlands, and other key natural resources, and two, that it is equally legitimate and worthy to protect individual and business property rights and

the protections for privacy and individual liberty associated with property rights.

7. Devise and propose a package of coordinated new land-use laws based on the above; or, depending on guidance from DLCDC and/or legislative leaders, a series of packages as options A, B, C, with advantages and disadvantages, political effects specified. Our preference is to develop, however, a single, unified, "new centrist" package.

Subject to available continuation funding--or if we complete the project's task in less than the two years specified in SB 82--we would expect to continue to work for and presumably lobby for, the package we developed.

I will be on vacation for the next week, but please feel free to contact me at my cell number above. If the cell is inoperable, I can be reached at

Thank you.

Sincerely,

Edward Johnston