

THE REACTION OF AGRICULTURAL LANDOWNERS  
TO THE WILLAMETTE RIVER PARK  
AND RECREATION SYSTEM

by

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ABSTRACT: The objective of this paper is to evaluate the current development of the Willamette River Park and Recreation System, and to investigate the opposition to that development.

The first section deals with a history of the project. The phases of development are explained in detail. The second section is an explication of the views of a randomly selected portion of riverfront farmers in Linn and Benton Counties. The farmers views both positive and negative are compared with those of State and local officials. Four recommendations dealing with planning, scenic easements, eminent domain, and a new name for the system are presented.

INTRODUCTION

The State of Oregon has developed many state parks and recreation areas, but few have caused as much controversy as the current development of the Willamette River Park and Recreation System. The State has proposed through legislation protecting riverfrontage from urban sprawl and increased industrialization. The major method being used to protect the riverfrontage is by the State purchasing land along the River. This paper is an investigation into the development of the Willamette River area and the opposition to that development. At the present time there are three concurrent programs active in developing the

river. They are The Willamette River Park System (WRPS), The Willamette River State Parks (WRSP), and The Willamette River Corridor Project (WRCP).<sup>1</sup>

The public is confused as to the type of development each of these three systems would entail. For this reason the first portion of this paper is a detailed account of how the project developed to its present day status. The second portion deals with the reaction to the project by a sample of farmers in Linn and Benton Counties. The third portion deals with recommendations the writer puts forth to clarify the controversy between the farmers and the State.

The Oregon poet Verne Bright expressed the beauty of the Willamette River when he wrote "Lying like a cupped leaf dropped on the map of Oregon with its veins the tributaries and its stem the main artery."<sup>2</sup> That appreciation of the River is the major motivation for the development of the Willamette River Park and Recreation System.

## HISTORY OF THE PROJECT

### Discription of the Area

The Willamette River drains an area of twelve thousand square miles, which is bordered on the East by the Cascade Mountains, the west by the Coast range, and the south where the two ranges merge. The River is one of few north flowing rivers in the United States and unlike

most rivers it is wholly contained within a single state. It converges with the Columbia River three miles North of Portland.

The area that is being considered for the project starts at Dexter Reservoir, located about 15 miles south-east of Eugene (see figure 1). The straight line distance between Dexter Reservoir and the Columbia River is 120 miles, but due to the meandering of the river the total distance is 255 miles. At the present time the State of Oregon is considering approximately 200 of the 510 miles of riverfrontage.<sup>3</sup> The river valley has an average width of 75 miles, and the valley floor, where the river flows in its present day course, is about 30 miles wide. The highest point of the river is less than 500 feet above sea level although several of its tributaries rise higher in the Cascades. The river flows through a nearly flat valley with few hills to impede its meandering until the area around Newberg. From this point it flows between higher and more pronounced banks until it reaches the Columbia River. There are few spots where the river is not smooth and slow moving except at Oregon City where a basaltic intrusion forms Willamette Falls.<sup>4</sup>

The Willamette River was discovered by a number of people, for no one man saw more than a portion of the total river. The first whiteman to sight the River was an English navigator, Lieutenant William R. Broughton, in 1792. He

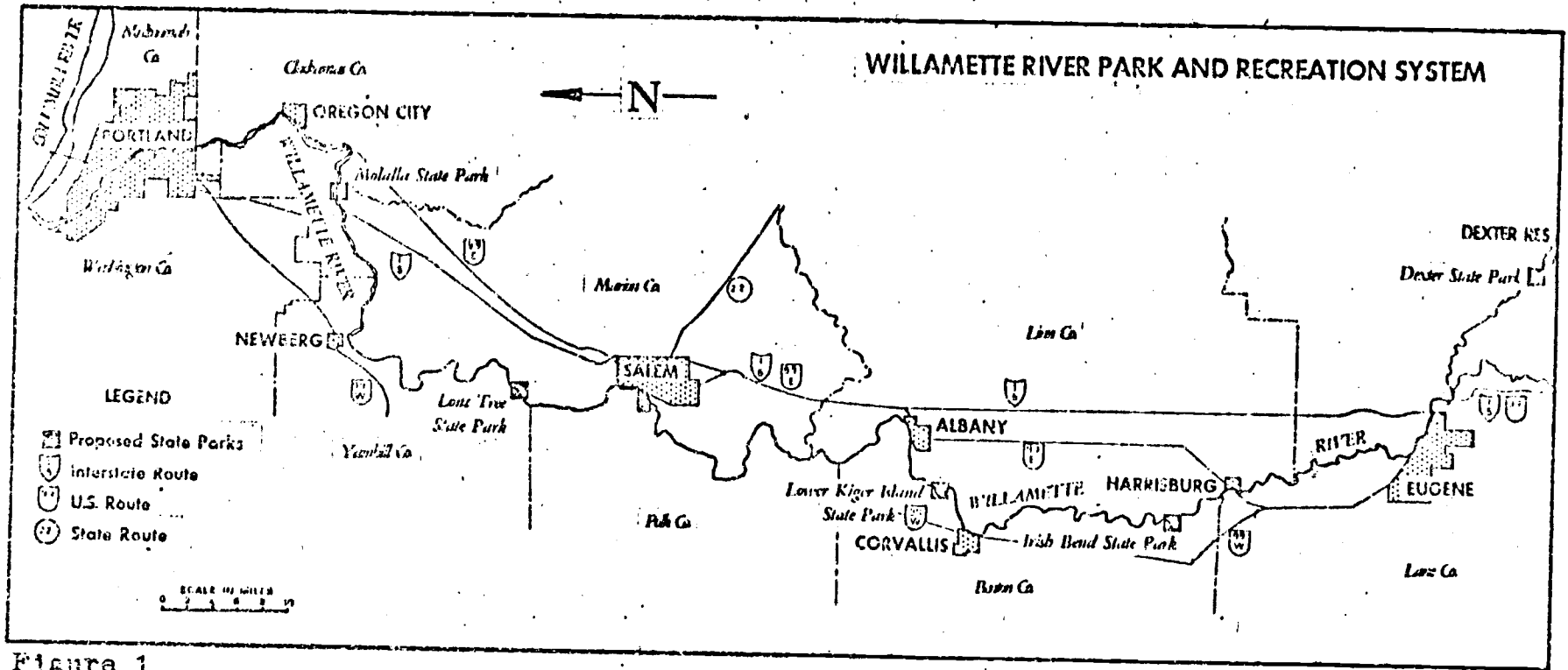


Figure 1

was a member of the British Maritime expedition of Captain George Vancouver. During later years the River was re-discovered by many people including Captain William Clark of the Lewis and Clark expedition.<sup>5</sup>

The first white settlements along the Willamette were downstream of Willamette falls, but as settlers moved farther south in search of rich farmlands settlements began to grow upstream along the banks of the river. Some of them lasted only a few years, but others were the beginnings of present-day cities such as Albany, Salem, Corvallis and others.

During the early years of development the only transportation link with ocean going ships, and the outside world, was the Willamette River. Until 1851, when the first steamboat went into service, the only method of shipping farm produce downriver was by flatboat. For over twenty years the steamboat was the major transporter of goods and competition became very keen. It was at this time that the Willamette River reached its pinnacle of importance. Navigation locks at Oregon City were opened on New Year's Day, 1873, to provide access around the falls.<sup>6</sup>

In the late 1870's and early 1880's the railroad came into the Willamette Valley and caused the importance of the river as a transportation corridor to diminish. The major use for the River in later years has been water for



for industrial uses and a means of waste disposal for the cities along it's banks.

### Pollution Problems

Near the turn of the century industry began to emerge within Oregon and as it continued to grow the quality of the River steadily decreased. Using the river to remove plant waste was not only the least costly but also the most logical method available. The river reached the point during the 1930's and 1940's where the residents of Oregon stopped using the river for any type of recreational activity because of the foul smell and polluted conditions. As the industries using the river became larger and more numerous the only method of waste disposal continued to be the river. At the same time, the population in the cities along the river was increasing which in turn meant that more untreated sewage was being deposited in the river.

In 1938 the people of Oregon created, by a majority vote, a State Sanitary Authority.<sup>7</sup> The Authority initiated the beginning of a pollution abatement program in 1939, but the program did not begin to show results until the mid 1950's. By 1968 past efforts had made it possible for a major portion of the river to meet water quality standards.<sup>8</sup> In 1969 the entire river had met those standards.

A major factor in realizing the high water quality standards was the construction of dams on the tributaries

of the Willamette River. The Corps of Army Engineers who constructed the dams are often criticized, but if it were not for the regulation of water flow the Willamette River would still be badly polluted during the summer months when the runoff from the local mountains is very slight.

### Greenway Concept

During the time that the water quality standards were being raised some people were beginning to consider the preservation of the river banks. A leader in this field was the late Dr. Karl Onthank, a professor at the University of Oregon and a leading conservationist of his time.<sup>9</sup> He envisioned that some day the Willamette Valley would be a continuous city from Portland to Eugene, and he was concerned about the loss of the aesthetic value of the Willamette River. He felt that if the river was to be saved from destruction within this 120 mile long city, something had to be done. He proposed the Willamette River Greenway (WRG), which would stretch continuously through the heart of the inevitable city. He envisioned the longest park in the world, and an area of unspoiled wilderness. He saw people being able to fish, camp, swim, boat, hike, and ride within a short distance of their homes. He felt that a parkway, such as he proposed, would save a fitting Oregon wonderland for all future generations to enjoy. Dr. Onthank proposed the width of the Greenway to

vary according to the land that was available.

During the late 1950's and early 1960's the loss of land for recreational purposes was becoming the concern of many. One example of this concern was the report of the Outdoor Recreation Resource Review Commission, which was published in 1962.<sup>10</sup> The study stressed the need for recreational land to be acquired while there was still land available. The Commission suggested that a fund, such as the current Land and Water Conservation Fund (LWCF), be made available by the Federal Government to assist local governments to purchase land for recreational needs. The role of the LWCF in the project will be discussed in detail later in this paper.

#### Recreation Resources

The recreational potential of the Willamette Valley is and has always been great. Within an area of a few miles one can fish, hunt, water-ski, snow-ski, camp, hike, picnic, or just drive and enjoy the scenery. The people that live in the Willamette Valley have always used the recreational opportunities that have been available to them. But due to the history of pollution and the relatively closeness of other recreational areas, the Willamette River has had relatively little use. With increased population and the improved quality of the river, recreational use has begun to increase in the last few

years. According to Mel Jackson, of the Eugene Recreational Department, boat use on the river has increased 10 fold in the last three years.<sup>11</sup>

When discussing the recreational potential of the Willamette Valley the picturesque setting through which the River flows must be considered. The majority of riverfrontage through which the River flows has remained in a semi-natural state. Farming is the primary activity in a major portion of the area. Tall trees border large reaches of the river, and mountains can be seen both to the east and the west.

#### Willamette River Greenway

The Willamette River Greenway (WRG) first came into public prominence during the 1966 Oregon Gubernatorial campaign.<sup>12</sup> Candidate Robert Straub, then State Treasurer, was the first politician to put forth the ideas of Karl Onthank regarding the possibility of protecting the Willamette River for future generations of Oregonians. Mr. Straub appointed a bi-partisan committee to organize efforts in helping the WRG become a reality. As a result of this committee the Willamette River Greenway Association was formed.

The Association has been active in bringing the plan before the public. It is an independent, non-profit, non-partisan, unincorporated group of concerned citizens.

The following are the major objectives of the Association:<sup>13</sup>

- 1) Development of a comprehensive plan for the preservation, public, use and permanent recreation enjoyment of the Willamette River and its tributaries.
- 2) Preservation and enhancement of the natural environment of the River.
- 3) Development of recreational opportunities that through wise planning and cooperation benefit industry, agriculture, and local and private interests.
- 4) Support urban portions of the River in harmony with the river environment.

During the 1966 campaign the other candidate for governor, and eventual winner, Tom McCall, also saw the need of the WRG. He gave credit to Dr. Onthank and Mr. Straub for the greenway concept and promised he would work for the implementation of the plan. Immediately after taking office Governor McCall appointed the Willamette River Greenway Task Force to survey the potential of the Greenway. The Task Force was comprised of six specialists in outdoor recreation from within the Willamette Valley (see appendix I). On March 1, 1967 McCall presented to the Oregon Legislative Assembly a report of findings compiled by the Task Force.<sup>14</sup> This body did an outstanding job, for in less than two months they investigated the feasibility of the WRG, and reported the following findings and recommendations.

## TABLE 1

Summary of Findings and Recommendations  
by Task Force<sup>15</sup>

The project is feasible.

Almost all existing land uses along the river are compatible with the Greenway concept. A major share of the prime lands necessary for the project are marginal lands subject to varying degrees of flooding.

Local governments along the river have for many years not only recognized the need for preservation of the river banks for public enjoyment, but many have made considerable progress and are now planning for or pursuing active programs of river bank preservation.

The program should be carried out by the units of local government along the river. The Greenway should not be exclusively a state project.

Local government will need financial assistance to secure necessary property rights. Utilizing state and federal grants-in-aid, local governmental units would only need to pay 25-50% of the property rights costs.

To co-ordinate individual local efforts, a central agency (the State Highway Commission) should co-ordinate and supervise the administration of the program.

An effective Greenway program will require a system of co-ordinated planning by a multitude of existing local, state, and federal agencies. This needed co-ordination can be achieved by the Governor's Greenway Committee in conjunction with the Highway Commission.

The State Highway Commission and the Governor's Willamette River Greenway Committee will work in a co-ordinated fashion in

determining distribution of funds for the implementation of this project.

Existing statutes affecting both state and local agencies are generally sufficient to enable existing agencies to carry out the program.

An effective Greenway program will require broad public support. The development of this support will be a central purpose of the Governor's Committee.

Through the use of scenic easements, gifts, possible tax offsets for gifts or easements, etc., major progress can be made without excessive withdrawal of private lands from the tax rolls.

The Proposed Greenway Project WILL NOT:

Be a massive state program. It is a coordinated state planning and assistance program to enable the numerous units of local government to implement their existing and planned projects.

Eliminate existing land uses along the river. Much of the proposed greenway area consists of marginal flood lands, suitable only for seasonal agricultural use. It is proposed to continue these uses, and where feasible, protect scenic values along the river and provide public access.

Disrupt existing land uses such as residential, commercial, or agricultural. In the case of the proposed trail system it is recognized that trails will be feasible along undeveloped sections of the river, and where necessary, circumvent existing land uses where public use would represent an infringement on existing private rights. It is not proposed to run a public trail in front of the many permanent and summer homes which now front on the river.

Remove vast acreages from the tax rolls. Many areas along the river are already in public ownership and only in special situation, will

additional lands be purchased in fee title.

The Task Force also prepared an illustrative plan as a means of testing the feasibility of the concept. From this illustrative plan emerged a six point program for public enjoyment.<sup>16</sup>

- 1) A River Camp System.
- 2) A River Access System.
- 3) A Recreational Trail System.
- 4) A Scenic Drive System.
- 5) A Recreational Tract System.
- 6) A Scenic Conservation Easement System.  
(See Appendix II for description of each system)

At the recommendation of the Task Force Governor McCall, appointed a Willamette River Greenway Committee (See Appendix I). This body was created by Executive Order No. 67-2, and was comprised of eleven members. The committee was organized to advise the state in the formation of the WRG and to aid in carrying out its objectives.

On March 13, 1967 the Greenway proposal was introduced into the House of the Oregon Legislature.<sup>17</sup> The bill House Bill (H.B.) 1770 was sent to the Ways and Means Committee where it underwent some changes. The two major changes dealt with the size of the project and whether the power of eminent domain should be included in the act.

The Legislature held the opinion that a continuous strip from Dexter Reservoir to the Columbia River was impractical from an economic standpoint, particularly be-



cause of the loss of productive agricultural land. The Ways and Means Committee changed the bill so the plan would consist of a number of parklike areas instead of one continuous strip. They were fearful that not only would a continuous strip possibly cut a farmer off from the River, but would also remove large amounts of prime agriculture land from the local tax roles. The House Bill (H.B.) 1770 was not detailed enough as to how the acquisitions would be made, or the size of these acquisitions (See Appendix III).

The use of the power of eminent domain was another issue that was debated at length. The people that were to be responsible for actually acquiring the land believed they would need the right of eminent domain. The Legislators stressed that the main purpose of the plan was to benefit all the people of Oregon, therefore they felt the land should only come from willing sellers. When the bill came out of the Ways and Means Committee it included in Section 4 a portion which read "The Commission shall not use the power of eminent domain in exercising its authority under this Act" (See Appendix III).

The Willamette River Task Force estimated the expense of the WRG to be \$15,000,000.<sup>18</sup> This cost was to be shared by local and state governments with some possible assistance from the Federal Government. As will be seen later the federal assistance has become quite sizable.

When approved, the Legislation only allowed \$800,000 for the project (See Appendix III Section 9). This brought complaints from many proponents of the WRG, for they felt the funding was only a token approach to tackling the problem.

When the bill finally cleared the legislature it not only included the changes mentioned above, but also a new name, The Willamette River Park System. This change was felt necessary to convey to the people that the plan was not going to take all the land along the river, but only parklike areas as was available.

#### Willamette River Park System

The Willamette River Park System (WRPS) was, and still is, a state-aid program to assist the local governments to purchase lands or rights along the river. The original law written in 1967 was to have expired on June 30, 1969. This provision was added as a check system to see if the plan was working. The program has met with relative success and so it is being continued on the same basis.

The first step that had to be taken in making the WRPS a reality was the appointment of a director. George Churchill, a past president of the Oregon Parks and Recreational Society, was selected for the position. Mr. Churchill is still the director of the WRPS today. The

first job that he and his staff undertook was a study to identify potential outdoor recreational and park sites. The WRPS staff went into each of the nine counties along the river and acquired the needed information using several methods of investigation. Land ownership was determined from county assessor's records. Next vertical aerial photo-interpretation was used to identify land uses. From these photos they could tell if land was under cultivation or was covered with trees and brush. A check of the nine counties was made to see what local plans, if any, would have on the total system. From these investigations the WRPS put forth a report, The Willamette River Park System Planning.<sup>19</sup> This report indicated what the WRPS staff surmised to be the best lands for acquisition. The following criteria were used to select land that was considered as having a high park and recreational potential.

Use The land cannot have high-value developments on it that are not adaptable to outdoor recreation use. Residential and industrial developments are examples. Prime agricultural lands are generally avoided except where a small part is necessary to make a complete site.

Vegetation A natural vegetative cover is most desirable. Forest land, grassland and early succession flood areas are most valuable.

Topography Because a wide range of outdoor recreation activities are included in this program, almost any land shape is useable. Steep slopes can be used for

scenic strips or trail routes. Low, flat land can carry a trail, provide a place for primitive camping and serve as a fishing access or as a scenic wildlife habitat.

Access To be useful, many of the areas require easy access by road. Camp and picnic grounds, boat launch sites and other intensive recreation sites need good access. A few areas should be accessible only by boat for special camp sites. Other areas need no direct access, such as scenic strips to be viewed from the river.

The WRPS personnel stressed that those areas selected were considered the most desirable, but if the state was unable to acquire the land from a willing seller they would attempt to obtain another section of land.

Some people, such as Robert Straub, felt that the WRPS is not as effective in acquiring land as it should be. These people spoke out against the plan in early 1970 when it was learned that only  $3\frac{1}{2}$  miles of riverfront had been purchased. One of the major reasons for this lack of success was the inability and/or unwillingness of local governments to finance the 25% of the cost that was required. The reasons as to why the nine counties could or would not raise their portion is beyond the scope of this paper, for each counties economic structure would need to be investigated.

During the early part of 1970 the State received an additional \$600,000 from the Department of the Interior.<sup>20</sup> With this increase in funding the State and the Federal

Government began financing the project on a fifty-fifty basis, and in so doing relieved the local government of their financial responsibility.

#### Willamette River State Parks

Also in early 1970 the Oregon Highway Commission responded to the many complaints that acquisition was not proceeding nearly fast enough. They began, what has become, the second phase of the project, The Willamette River State Parks (WRSP). The Commission made a commitment to develop five new state parks that would front on the nine counties along the river. The five state parks are to range in size from 500 to 1500 acres.<sup>21</sup> See Figure 1 for location. This portion of the project has caused considerable controversy. The State Parks Department which is within the Division of Highway has the power of eminent domain, which gives the State the right to condemn property for the project. Some members of the Governors office and the Highway Department have said that the only way the project could be completed is by using eminent domain. These five proposed state parks, such as the one intended for the Irish Bend area, will require primarily the acquisition of prime agricultural lands.

The WRSP phase of the project sparked more conflict than either of the other two phases. The State has built many state parks in the past, but for the most part they

have been on public lands and have had little problems with conflicting land use. As will be shown later, most agricultural land owners in the area of this study are against these new State parks.

#### Willamette River Corridor Program

The Willamette River Corridor Program (WRCP) is the third phase of the total project. In the Spring of 1971 Governor McCall proposed to the Highway Department the formation of the WRCP. This action was supported by the Willamette River Greenway Committee. The major purpose of the WRCP was to start a program in which the State could take advantage of the Land and Water Conservation Fund (LWCF). The WRCP is a department within the Division of Highways completely independent of the WRPS. Due to this separation, and because the WRCP is under the Highway Division, the Governor felt the right of eminent domain could be used to acquire land.

In February of 1972 the State of Oregon was awarded \$5 Million through the LWCF. The State Emergency Board of the Legislature authorized \$5 Million from Highway Division bonds to match the federal money. The only restriction on the federal money, other than it could only be used for purchasing recreational land, was that the money had a spending deadline of June 30, 1973. Because of the deadline and the lack of willing sellers, the State

began using the threat of condemnation to acquire land. These threats brought complaints from two different groups. The first being landowners in the areas affected, and the second from members of the Legislature who believed that condemnation could not be used because of section 4 of the 1967 WRPS bill. Officials of the State Parks Department held meetings within the affected areas, presenting the position of the State and why they were using condemnation. The Emergency Board tied up the acquisition funds on November 10, 1972. The Board stated that until the State Parks Department could justify the condemning of land the funds would remain unavailable. The board held a hearing in which Glen Jackson, Chairman of the Highway Commission, said that the State would not use condemnation. The Emergency Board released the funds stipulating that no condemnation could be used. The main reason given for releasing the funds was the fear that the federal funds would be lost due to the deadline date. In January of 1973 the State received an extension of the deadline date to December 31, 1974. The Park officials believe with this extension they will be able to find willing sellers, and that condemnation will not be necessary to acquire the approximately 200 miles of desired riverfrontage.

At the present time (March 1973) the Legislature is considering bills that will effect the project. H.B. 2497 appears to be the major bill that will clear up whether

condemnation will be available to the State.

Figure 2 is a model showing how the different systems developed. The dates indicate the year that segments were started.



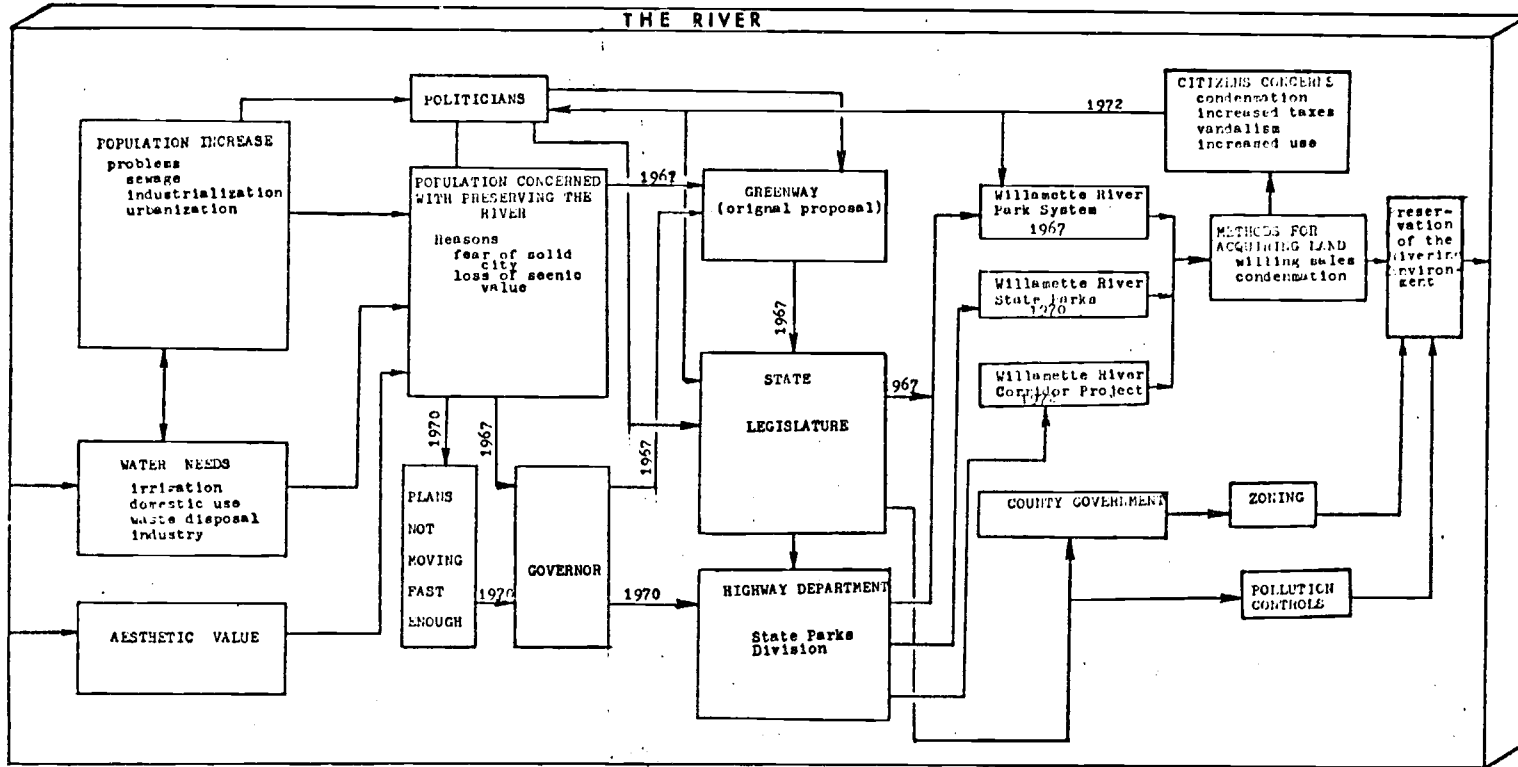


Figure 2

MODEL TO PRESERVE THE WILLAMETTE RIVERINE ENVIRONMENT

## THE REACTION OF FARMERS TO THE PROJECT

The farmers of the Willamette Valley are the group most likely to be affected by the project. For this reason they were selected to see what effect, if any, they expected to result from this project. Linn and Benton counties were selected for this study. The reason for using these counties were:

- 1) Both county seats are located on the River.
- 2) They share a common river boundary of 49.1 miles.
- 3) Both contain large acreage of farm land along the River.

According to the Tax Assessors records in Linn and Benton counties, there are 221 people who own farm land along the Willamette River. Because of time required to interview 221 individuals, a representative sample was used to ascertain the general feeling of the farmers. It was decided that a sample of 15 to 20% would be representative of the entire population. The following method was used to select the sample. A list was compiled from the Tax Assessors records listing the landowners in each section along the river. The sections within the city limits of Albany and Corvallis were not selected, since this study was dealing only with owners of farm land along the river. Using a table of random numbers, twenty sections in each county that fronts on the river were

chosen (See Figure 3). Again using the table of random numbers a name was chosen from each of the twenty sections. If a name chosen had been selected before, it was not counted, and another name was selected. Table 2 illustrates the number actually interviewed out of the 40 selected.

TABLE 2

## Random Sample of Riverfront Farmers

	Benton	Linn	Combined
Total number selected	20	20	40
Unable to contact	4	6	10
Contacted but would not answer questions	2	1	3
Number interviewed	14	13	27

All of the people contacted were done so by telephone. Four of them said they would rather be interviewed in person. As a result, two in Linn and two in Benton county were seen at their farms. The questions asked in the survey and the percentage break down of the answers can be found in Appendix IV.

The questions asked will be discussed in detail to

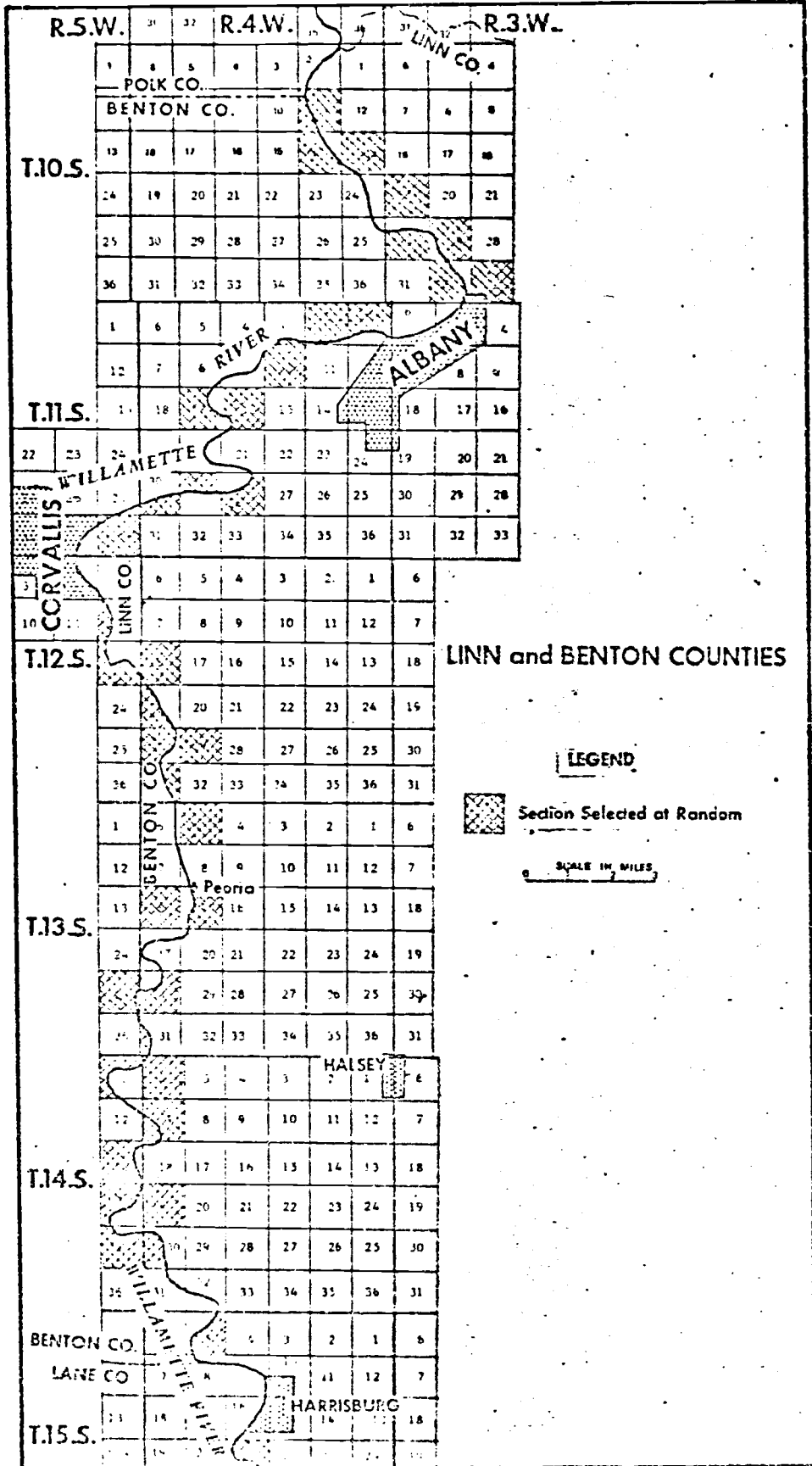


Figure 3

explain the position of the farmers. In excess of the twenty-seven contacted by telephone, the writer has had contact with a number of other farmers. This contact took place at various meetings held in conjunction with the project. Also officials at the city, county, and state levels were interviewed concerning the project. When discussing the questions the points of all concerned will be brought forth in an attempt to explain the entire project.

#### Land Ownership and Desire to Remain on the Land

The landowners contacted who said they did not farm their land were all older people who had farmed in the past and were either renting or leasing the land, or it was being farmed by a relative. Although no direct question was asked regarding length of time the farmer had been in the Willamette Valley, most people did volunteer the information. One man, who is seventy-four years old, was born in the valley, and the newest person to the area arrived in 1970. The majority have been living on the land they now own for a long time and expressed no desire to move.

Most feel that the mid-willamette valley is some of the best farm land in the world. Many of the farmers interviewed stated they were content with being farmers

and they had no intention of leaving the valley for an area that has less productive land.

#### Familiarity With the Project and Resistance to it

When asked if they were familiar with the Willamette River Park System or the more common name, "The Willamette River Greenway", 22 percent said they had little or no knowledge of the project, 22 percent said they understood it moderately, and 56 percent said they were well informed about the entire project. However, after further discussion, it was obvious very few understood the entire project. Most of the 56 percent understood at least one of the three existing plans now in effect (WRPS, WRSP, WRCP). Some believe that the original Greenway Plan is still the goal of the State. They have the misunderstanding that both sides of the River from Portland to Eugene is to be acquired. One of the major reasons for this misconception is The Willamette River Greenway. This brochure was first presented to the public in 1967 before the State Legislature changed the concept. Dr. Onthank's original plan was still the method being considered. The brochure is being handed out by state officials when they contact the farmers about purchasing their land!

Another reason for this lack of communication is that not until the State started threatening to use condemnation did the farmers begin to investigate the project. The

actual effect of condemnation will be discussed later in this paper. While those interviewed believed that the "willing seller" idea of the original 1967 law was being used, only the farmers who wanted to sell land understood even a portion of the project. It wasn't until the early part of 1972 that people started becoming concerned. It was at this time the Willamette River Frontage Owners Association was formed. Listed below are the purposes and objectives of the Association:<sup>22</sup>

- 1) To promote cooperation with Federal and State agencies in all matters pertaining to proper control of the River.
- 2) To discourage actions which might add to bank erosion or water pollution.
- 3) To encourage legislation to correct present erosion problems.
- 4) To cooperate fully with enforcement agencies in the enforcement of safety regulations, particularly with respect to crafts using the River.
- 5) To obtain, to monitor, and to disseminate information regarding laws and legislation pertaining to the Greenway, trails, etc., pertaining to river frontage that could effect privacy and property.
- 6) To form committees to objectively evaluate land use.

Members of this group and others like them are responsible for making landowners along the river aware of the possible negative effects of the project.

### Need of Project

When asked if they believed the project is needed 70 percent of the farmers interviewed stated "no", 19 percent said "yes", and 11 percent said "in a limited manner". For the most part the farmers believe the Willamette River should be left the way it is today. They feel that the farmers have done a good job so far in keeping the riverbanks in a natural state and believe that they can continue to do so.

There are some people who do not believe the farmers can keep the river in a natural state. Carleton Whitehead, first president of the Willamette River Greenway Association, appeared before the Oregon Legislature House Environment and Land Use Committee on March 1, 1973. He expressed his fear that, like in many other places of the United States, urban development of the riverbanks would spread too fast for the local people to control. He stated that the land should be in State control so that private land speculators can not purchase the riverfront for later profits.

The farmers who are in favor of a limited project believe that land purchases by the State should be limited to land on the floodplain that cannot be used for farming.

Another reason many are against the project is they feel the State of Oregon has lands that could be used for recreation without using prime agricultural land. The



State has 173 state parks and waysides, of these 54 have overnight camping facilities.<sup>23</sup> Approximately half of the farmers interviewed believe that the State has enough camping areas at the present time.

### Major Concerns

When asked what was their major concern, regarding the project, three main topics were expressed: access, trespassing and loss of land. Two other areas of concern were stressed by a few: increased taxes and the lack of control over the purchased lands by the State. The topic of major concern is access. The farmers have trouble in this area today and anticipate increased problems when the project becomes a reality. There are many incidents where someone, who cannot reach the river, just drives through a field. The farmers fear that if public lands are situated along the river without adequate public access, this problem will become acute. 48 percent of the farmers interviewed believe that a lack of access will in turn lead to increased trespassing. The existing problem with trespassing will be covered in the next section.

Although loss of land is not a major fear of the majority, it is a concern of most of the farmers. The ones who have the greatest fear of losing their land are those located where the five state parks have been

designated. They are fearful that the State will take, by condemnation, such a large portion of their land as to leave them with an uneconomical farming unit. Most of the farmers see their land as a source of income for their retirement. They plan to either sell the land or lease it if they become too old to farm it themselves.

This belief of the farmer that he should have the right to sell his land for his retirement is an area of major contention. For people such as Mr. Whitehead, fear that the land will not remain in a natural state if the control is left in private hands. They believe that for some the temptation of selling to a developer for a large profit will be too great.

The fact that taxes have been increasing is common knowledge, and the farmers fear the project will only cause taxes to increase. They point out that the loss of agricultural land from the tax roles, and the cost of acquiring the lands is going to have to be made up someplace. They think it foolish to remove land from the tax roles that could help keep taxes from going higher.

Another major concern is that if the State does purchase a piece of property, who will have the responsibility of maintenance? Weeds are a problem to the farmer, and they say if the weeds are not controlled they will spread to the adjoining property. A fence located on the annual floodplain needs to be replaced nearly every year. The

farmers want to know who will be responsible if any fencing needs to be done on the floodplain to restrict access between private and state land.

The Willamette River has meandered back and forth across the valley for hundreds of years. Ever since man began to settle the valley he has attempted to maintain the river to its present channel. The major method for maintaining the channel has been the Bank Protection program by the U.S. Corps of Engineers. Since 1938 they have constructed 90 revetments along the river. Once the Corps has built the revetment, it is the responsibility of the local water district to maintain it. The farmers want to know who will be responsible if the state buys a section of riverfront with an existing revetment. This is an area of concern where one can find few answers as both the Corps and the State are reluctant to discuss the issue. The history, responsibility for maintenance and political problems connected with revetments are beyond the scope of this paper.

### Trespassing

Trespassing is viewed as a major problem: 85 percent of the farmers said they presently have trouble with trespassers. The farmers anticipate the project will cause more problems due to the increase in use of riverine lands. Along with trespassing comes vandalism. The farmers do not

leave machinery near the river or by a road overnight, for fear of damage. They feel that with the increase traffic both on the river and roads, that vandalism can only become worse. But they also are aware that as the population of the counties increase, vandalism will also increase. Correspondingly many of the farmers do not rate vandalism as a major factor with regard to the project for they know the problem will continue to plague them whether or not the project becomes a reality.

#### Alternate Methods

The sixth question asked was what methods the farmers thought best for protecting the river. Four methods were suggested: purchase the land, zoning, scenic easements, and no change. The majority, 44 percent, recommended no change. The reasons why they feel this way has been discussed above. Thirty percent recommended scenic easements as the best method of protecting the river. A scenic easement is a process in which the State would buy from a farmer a strip of property parallel to the river. All the State would acquire with the purchase is the scenic value along the river. The property owner would retain all of the right he now has, except he could not change the visual appearance of the property as seen from the river. The public would still be considered trespassers if they went on to the land whether by road or from the

river.

The use of scenic easements is a major portion of H.B. 2497, which is before the 1973 Legislature. The 1967 Legislature passed a scenic easement bill, but the present Legislature will have to clarify the law before it can be used because of the following questions:

- 1) Percentage of market value to be paid.
- 2) The length of time for the easement.
- 3) Will the easement be transferred with the title to the land.

For the most part the farmers could accept the scenic easement concept as long as it is well defined.

Only 15 percent were in favor of zoning, for they have seen or read how ineffective zoning has been in areas, such as California. The portion that does favor zoning believe the counties are handling the problem with Exclusive Farm Use (EFU) zoning.

Eleven percent stated that the only way the River will be preserved for future generations is the way the State is presently acting. They feel the best way to get the land out of hands of people, who they feel will sell to developers, is for the State to buy the land.

#### Condemnation

The last question asked was whether or not the State should have the right to condemn property for this project.

Seventy-four percent said "definitely not", and 26 percent said "yes" providing a fair market value is paid. The State has come under heavy criticism for the way it has handled its power of eminent domain. In many cases condemnation has been used as a threat with little chance of being used. The use of threats has always angered people and it is not any different in the Willamette Valley. The State Park officials claim that the only phase of the project where condemnation has been used is the WRSP. Although this portion contains the least miles of riverfront, it has become the nucleus of the project. The WRSP is the only portion where camping facilities are presently planned.

## RECOMMENDATIONS

The farmers of the Linn and Benton Counties recognize the appeal the Willamette River has to the recreationists. The farmers, expressed to the writer how they enjoy the quiet serenity of walking or floating along the River. They also realize that other people want, and should be able, to have the opportunity to enjoy the beauty of the river. But the farming community doesn't want to have to give up their way of life to placate leisure time use of the Willamette River. The major reason that most of them are opposing the State is not that they want the project stopped, but because they feel there should be more planning.

The results of the interviews and the telephone survey has revealed actions that should be taken to insure that rights of the farmers and other people in the State of Oregon are preserved.

## Planning

The State has done little advance planning. They have stated that the important thing, at the present time, is to acquire the land. After the State owns the land then there will be time to plan what facilities if any will be located at the park sites.

While the farmers are concerned about purchase of

their lands, they also want to know exactly what developments are going to occur on adjacent lands. They would like to know whether or not they will be living next to a completely developed State Park or an undeveloped green park area.

The writer discovered that if more information on points such as revetments, fencing, and maintenance and the plan for the future had been presented there would have been less opposition.

#### Scenic Easements

Scenic easements must be redefined by the State Legislature so that a landowner will clearly understand the law. The use of scenic easements will protect the river from development, which is what all are concerned about, and yet if this method predominates the public will be able to enjoy the scenic beauty of the lands only from the river. Land acquisitions other than scenic easements must be made so as to provide more public access points.

#### Eminent Domain

The power of eminent domain, as mentioned above, is the major action that has aroused the resentment of farmers toward the project. The writer concludes however that the power of condemnation must be a part of the project. For there are portions of the river where it will be



advantageous to have a continuous strip of riverine land, But the power of eminent domain should be controlled by a body other than the Highway Division. It is proposed that Carleton Whitehead's idea of an examining board be created. The board would review any condemnation action. It is suggested that the board be comprised of at least 15 members, 1/3 State officials, 1/3 landowners, and 1/3 independent experts in outdoor recreation. The board should be appointed by the Governor of Oregon. It would be the responsibility of this board to recommend or deny any condemnation action connected with the project.

#### New Name

Many people are confused by the different names of the project WRPS, WRSP, and WRCP. It is suggested that a new name be used and that all existing different segments be incorporated under the new name. Senator Richard Hoyt, on February 28, 1973,<sup>24</sup> presented a new name which appears to be less confusing than any other. The new name is The Willamette River Park and Recreational System (WRPRS). It is recommended that all the land acquisitions be handled with the same guide lines under the control of the WRPRS. Because the three existing systems have different funding which cannot be changed easily, it is recommended that the WRPS, WRSP, and WRCP all be departments within the WRPRS, and that the old names not be used when acquiring land.

## CONCLUSION

The Willamette River Park and Recreation System is a splendid concept, for the present conditions of the Willamette riverine lands is worthy of protection. But due to questions of eminent domain, scenic easements, access, trespassing, and loss of land, implementation of the project has become mired in controversy. It is indeed challenging to both preserve the natural riverine environment for future generations and protect the rights of agricultural landowners.

## APPENDICES

## Appendix I

## GOVERNOR'S WILLAMETTE RIVER GREENWAY COMMITTEE

C. Howard Lane (Chairman), Multnomah County  
Glenn Jackson, Oregon State Highway Commission  
Morris Majors, County Commissioner, Yamhill County  
Dr. Vern Miller, Major, Salem, Marion County

## PUBLIC MEMBERS

Dr. Karl Onthank, Lane County  
Wade Newbergin, Multnomah County  
Wilfred Jossy, Clackamas County  
James Goode, Linn County  
Mrs. Fred Burgess, Benton County

## WILLAMETTE RIVER GREENWAY TASK FORCE

Charles S. Collins (Chairman), Douglas County  
Laurance V. Espey, Pacific Power & Light Company, Medford  
Paul R. Beistel, Lane County  
Mervyn L. Filipponi, Oregon State University  
Tony N. Kom, University of Oregon  
Orval Etter (Counsel), Eugene

## Appendix II

The Illustrative Plan Prepared By The  
Willamette River Greenway Task Force

An illustrative plan was prepared as a means of testing the feasibility of the concept. Utilizing aerial photographs, the task force delineated areas proposed for access points, recreational areas, areas suitable for preservation of scenic river values, trails, etc. Based on these judgements, a preliminary analysis of costs was prepared for lands and rights in land which totaled \$15,600,000, with as much as half of this sum perhaps available from federal grant-in-aid programs. It is recognized that the illustrative plan represents only a general or preliminary proposal and will no doubt be subject to considerable change as the program gets under way. The State Highway Commission has agreed to finance both the administration and the grants-in-aid to local government for the first biennium up to an amount to not exceed one million dollars.

## A Six-Point Program for Public Enjoyment:

## 1. A River Camp System

A system of river recreation camps where the boater may disembark and enjoy camping, picnicking, and other recreational experiences. River recreation camps would be situated at convenient intervals along the entire length of the river, and some would be accessible only from the river or from trails.

## 2. A River Access System

River recreation areas and boat-launching sites to permit non-boaters to picnic and enjoy other recreational pursuits along the river and to permit boaters maximum opportunity to launch and retrieve their craft. These sites would vary in size from large multipurpose recreation areas to smaller sites designed primarily for boat launching.

## 3. A Recreation Trail System

Recreation trails would be developed along the river to permit hiking, cycling, and riding activities. At places the trail will diverge from the river bank to follow old river channels or other interesting landscape

features, or on roadways or subdivision streets where it will be necessary to circumvent existing developments. Within and immediately adjacent to existing developments, recreation trails could be developed to tie in with other trails and parkways.

#### 4. A Scenic Drive System

A system of existing parkways and public roads would be identified which extend along portions of the Willamette River and from which a scenic view of the river may be enjoyed on pleasure drives. Protective measures would be undertaken to preserve the scenic values of the roadways.

#### 5. A Recreation Tract System

Acquisition of recreation tracts of varying sizes for the following purposes is proposed:

- a. Sites for multipurpose regional parks in urban and rural areas for intensive development for a wide range of recreational and historical attractions.
- b. Scenic areas such as the 7000-acre Forest Park in northwest Portland to preserve a scenic hillside behind the river and to provide dramatic viewpoints of the riverscape.
- c. Large tracts of undeveloped lands in the river's flood plain which could be retained in a natural state for wildlife reservations or for future recreational developments.

#### 6. A Scenic Conservation Easement System

Easements would provide for the protection of scenic qualities along the river bank in numerous places where land is not needed for recreational development, but protection of its visual qualities is necessary. This would permit the continuance of other compatible uses without diminishing the greenway concept.

## Appendix III

H.B. 1770  
1967 Legislature

Relating to the establishment of a Willamette River Park System: limiting expenditures; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. As used in the Act:

- (1) "Unit of local government" means an incorporated city county, or any other political subdivision of this state.
- (2) "Commission" means the State Highway Commission.
- (3) "Engineer" means the State Highway Engineer.

Section 2. The Legislative Assembly in furtherance of the state policy established pursuant to ORS 184.310. recognizes and declares that, in order to protect and preserve for present and future generations of citizens the natural scenic and recreational value of the Willamette River, it is in the public interest to acquire and develop along the Willamette River a recreational system to be known as the Willamette River Park System.

Section 3. (1) The commission may enter into agreements with units of local government and make grants of money from the State Highway Fund to assist units of local government in acquiring lands or any interest in lands for scenic and recreational purposes as may be determined by the commission to further the purposes of the Willamette River Park System as set forth in section 2 of this Act. The grants of money that may be made by the commission for any property or property rights shall not exceed 50 percent of the cost thereof. All remaining costs, including future operation and maintenance, shall be borne by the unit or units of local government in a manner satisfactory to the commission. No grant of money shall be made by the commission for property acquired by any unit of local government prior to the effective date of this Act.

(2) A unit of local government is not authorized, for the purposes of this Act, to acquire water rights or installations used in connection with such water rights or to acquire any property or property rights by condemnation.

Section 4. The State Highway Commission shall make and promulgate rules and regulations governing the grants of money authorized by this Act. The commission shall not use the power of eminent domain in exercising its authority under this Act.

Section 5. Units of local government may enter into agreements with the commission and with each other for the purposes of this Act, and may accept and use gifts and grants from the commission or others.

Section 6. All lands or interests in lands acquired by the units of local government pursuant to this Act with grants of money from the commission, may be used only for scenic or recreational purposes, unless a different use is authorized by the commission. Title to the lands or interest therein so acquired shall be held by the unit of local government acquiring the same. None of such lands or interest therein shall ever be disposed of or sold except upon the approval and consent of the commission.

Section 7. The Governor shall appoint a Willamette River Park System committee to further the purpose of this Act, and the members of the committee shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary travel and other expenses incurred in the performance of their duties. Payment for any such expense shall be made from the State Highway Fund.

Section 8. Section 7 of this Act expires and stands repealed on June 30, 1969. However, this repeal does not affect the validity of any contracts, agreements, or grants entered into under the provisions of this Act prior to June 30, 1969.

Section 9. Of the expenditure limitation for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect upon its passage.

Approved by the Governor June 30, 1967  
Filed in the office of Secretary of State July 1,  
1967



## Appendix IV

## Results of Interviews

The following questions were the basis of interviews, held over the telephone with a random selected portion of the owners of farmland along the Willamette River in Linn and Benton Counties. The sample was taken between January 19 and 26, 1973.

QUESTION	BENTON	LINN (in percents)	COMBINED
1. Do you farm the land along the Willamette River?			
Yes	79	77	78
No	21	23	22
2. Are you familiar with the Willamette River Park System?			
Yes	65	46	56
No	21	23	22
Moderately	14	31	22
3. Do you feel the Willamette Park System is needed?			
Yes	21	15	19
No	72	69	70
On limited basis	07	16	11
4. What is your major concern regarding the Willamette River Park System?			
Access	72	23	48
Trespassing	28	46	37
Loss of land	0	31	15

QUESTION	BENTON	LINN	COMBINED
5. Do you have problems at the present time with people coming on to your land?			
Yes	93	77	85
No	0	08	04
No Comment	07	15	11
6. Do you believe there is another way the State could preserve the Willamette River without outright purchasing the land along the river? If so, how?			
No change	22	69	44
Scenic Easements	50	08	30
Zoning	07	23	15
Purchase	21	0	11
7. Do you believe the State should have the right to condemn property for this project?			
Yes	28	23	26
No	72	77	74

## FOOTNOTES

1. For the purpose of this paper whenever two or more of the systems are discussed the term "the project" will be used.
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3. The Willamette River Greenway Association, The Willamette River Greenway (Portland, Oregon: 1970), p. 2.
4. Willamette Basin Task Force and Pacific Northwest River Basins Commission, Willamette Basin Comprehensive Study, Water and Related Land Resources, Appendix A. The Study Area (1969), p. E.
5. Corning p. 8.
6. Ibid., p. 129.
7. George W. Glesson, The Return of a River: The Willamette River, Oregon (Corvallis, Oregon: State University, 1972), p. 22.
8. Ibid., p. 75.
9. The Willamette River Greenway Association, p. 2.
10. Outdoor Recreational Resources Review Commission, Report (Washington D.C.: U.S. Government Printing Office, 1962).
11. Mel Jackson, Outdoor and Environmental Coordinator for Eugene Park and Recreational Department. Telephone interview on November 15, 1972.
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13. Willamette River Greenway Association, Letter to Members, November 10, 1969.
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15. Ibid., p. 8.
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11. Federman, Stan. "Progress Goals of Willamette Greenway System Disputed." The Oregonian, October 26, 1970, p. 10.
12. Fifty-Fourth Oregon Legislative Assembly. Legislative Calendar. Salem: State of Oregon, 1967.
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15. "Greenway Compromise," Gazette Times, February 19, 1973, p. 4.
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