



Oregon Coastal Zone Management Association

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Senator Betsy Johnson's (District 16, Scappoose) Remarks Heceta Head Coastal Conference, Florence, Oregon October 29, 2010

Keeping the Oregon Coast's Working Waterfronts Working: A History of Success



Coos Bay, Oregon Waterfront

Thank you for inviting me to join you today. I've been asked to share some thoughts with you about "working waterfronts" on the Oregon Coast. That's a subject near and dear to my heart. Allow me to explain why.

First, as a State Senator representing District 16 in the Oregon Legislature, the northwest corner of Oregon—bordered by the sea and the Columbia River—there are a number of working waterfronts in my District. They include Garibaldi, Warrenton, and Astoria, plus, along the Columbia River,

the Port of St. Helens. From 1992 to 2000, I served on the Port of St. Helens as a member of the Port Commission.



Senator Betsy Johnson

Second, in my capacity as State Senator, I've had the honor of serving as the Chair of the Subcommittee on Transportation and Economic Development of the Ways and Means Committee for the last two sessions. That committee exercises budgetary oversight over the Oregon Business Development Department (OBDD) and the Oregon Department of Transportation (ODOT). In addition, I serve as an Ex-Officio member on the Oregon Business Development Commission. That Commission oversees OBDD—the state agency with a number of important programs relating to Oregon's ports.

I think we all understand ports in Oregon, big and small ports, have a huge influence on the economy. The multi-modal transportation responsibilities shouldered by ports—waterborne commerce, rail,

in the case of the Port of Portland, the management of Oregon’s major airport—place them squarely at the center of our state’s economic life. Accordingly, under Oregon law, the Oregon Legislature gave ports in Oregon generous taxing powers and money-borrowing powers to promote economic development.

That’s why, several sessions ago, from my post in the state senate, I pressed to have Oregon ports develop business plans and have them examine, at a regional level, how their activities can be integrated and coordinated with nearby ports. That process is going well. Over time, it can help keep Oregon’s ports financially sound.

So, for all these reasons, I’m excited to share thoughts with you about working waterfronts. And, I’m pleased you made working waterfronts the theme of your conference this year.

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In many places around the country, working waterfronts have been lost, or, they are under threat. We all understand the dynamics—people love to live and recreate near the water. Waterfront real



estate, almost everywhere, is highly valuable and under pressure. Waterfront condominiums, restaurants, shops, and office space, are all uses of waterfront property that tend to creep into, and, sometimes undermine, what we consider to be *working* waterfronts.

But, let’s step back and define what we mean by a “*working waterfront*”. To me, it’s a special place or a district *adjacent to* a bay or a river—*water*—facilitating ocean-going or river-going commerce (cargo or fish products or passengers or whatever). By definition, the area hosts economic activity (commerce or recreation) that can *only* take place adjacent to water—*water deep enough for vessels engaged in commerce*.

So, working waterfronts, of course, have *vessels*, large or small, transferring or discharging or receive products and/or passengers *from water to land*. It is, by definition, multi-modal. All other uses of waterfront property—condos, shops, offices,

restaurants, are *not*, by definition “water-dependent” *unless* they directly support waterborne commerce. So, for instance, I consider the offices for a fish plant or a charter boat operation to be a water dependent activity.

In Oregon, because of our statewide land use planning system, under Goal 16 (the Estuary Goal) and Goal 17 (Coastal Shorelands), working waterfronts are protected for *working* waterfront uses. Senate Bill 100, enacted by the Oregon Legislature in 1973, made that possible.

The call for the protection of working waterfronts, however, predates Senate Bill 100. Not many people in Oregon are aware the underlying themes of Senate Bill 100 were developed *on the Oregon Coast* by the Oregon Coastal Conservation & Development Commission (OCC&DC). Much of OCC&DC's work took place here in Florence. Many of you know Wilbur Ternyik, a long-time resident of Florence, served as the Chair of the OCC&DC from 1972 to 1975.

In September 1974, the OCC&DC published *Estuarine Resources of the Oregon Coast: A Natural Resource Inventory Report to the OCC&DC*. For it's time, again, the early 1970s, it was a



remarkably progressive effort. They described estuaries as “systems” and forged the first estuary classification system in Oregon. The report talked about the need to balance “conflicting uses” and establish “management units.” There would be *places* in our estuaries maintained as *working waterfronts* (“human uses”), and, conversely, there would be *places* in our estuaries left in a natural state, where development would be prohibited, because they provide important estuarine or ecological functions. The OCC&DC recommended a range of management approaches, including *zoning*, as the tools to implement management units.

The OCC&DC report explicitly referenced the need to make “strict commitments” and “blanket restrictions.” In other words, adjustments to management units would *not* be subject to administrative discretion. For the early 1970s, an era when property rights were nearly *sacrosanct*, that was pretty stern and enlightened stuff.

And, again, in 1973, Senate Bill 100 was enacted. The legislation required cities and counties in Oregon to develop comprehensive land use plans—*including estuary plans*, through community-driven processes subject to state oversight under Goal 16 and 17.

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Of course, by the late 1970s-early 1980s, when the estuary planning process began, the “working waterfronts” on the Oregon Coast had been in place for decades. So, from a planning perspective, the location of deep-draft and shallow-draft ports—the Oregon Coast’s *working waterfronts*—was a *fait accompli*.

And, by the early 1970s, large portions of many coastal towns, including the working waterfronts were built on fill and piling. Before these development activities, most of those watery places had been salt marshes. Coast wide, we’re talking about of thousands of acres of fill in our estuaries.

So, naturally, when it came time to “plan” the estuaries under Goal 16 and goal 17, the *existing* working waterfronts were the places zoned for “water dependent uses” to protect them for that purpose.

However, by the early 1980s, there were a number of smaller estuaries on the Oregon Coast that remained undeveloped because they were unsuited for waterfronts. I'm referring to places like the Salmon River, Sand Lake and Siltcoos Lake. Under the estuary planning system, those places were placed off limits to waterfront development they were classified "Natural Estuaries." That approach followed the estuary classification system inspired by the OCC&DC. And, even *within* estuaries with working waterfronts ("Development Estuaries"), large stretches of those estuaries were zoned to preserve the remaining intact estuarine ecosystems. I've been told that process was *not* without controversy.

All of this enlightened activity happened in the early 1980s. We can and should be deeply proud of that work. It's a wonderful legacy. Here's what it means for Oregon. For the most part, we *don't* suffer through huge battles over estuary development. That's because we've identified the places where we want to concentrate development (the working waterfronts), and, we've identified the places we need to protect. Again, in many other places in the United States, that's *not* the case.

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These forward thinking estuary plans, undertaken in the 1970s and the early 1980s, were done at a



time when the needs of the forest products industry dominated our thinking. That means large swaths of waterfront land were placed in water-dependent status, because, at the time, you needed lots of space to store logs for log-export facilities and mill sites. Our forest products economy, of course, has changed dramatically in the last 30 years. Today, most logs harvested on the Oregon Coast are trucked to mills along the I-5 Corridor. And today, there are mills in only several places on the Oregon Coast—in Tillamook County and in Coos Bay. Log exports still occur but at a modest scale.

So, times have changed. And some places, especially Coos Bay and Astoria, found themselves with *hundreds of acres* of water-dependent zoned land, that, in reality, given today's economy and tomorrow's economy, *may* not need to be zoned for water-dependent zoning. As a result, in 1999, the Oregon Department of Land Conservation engaged coastal communities and revisited Goal 17 to see how communities could update these estuary plans, and adjust them. And, Goal 17 was modified at that time.

But, let's face it. Land use planning is a science *and an art*. It takes judgment calls— sometimes very tough judgment calls—to expand or contract the amount of water-dependent zoning. Who among us has a crystal ball? Who knows, with any precision, which future industries *dependent on the ocean* may require large amounts of shoreside space to operate? Consider this. The potential for wave energy off the Oregon Coast, just five years ago, was hardly on anyone's radar screen. And, in Newport, the historic decision to move the NOAA research fleet from Seattle to Newport, places Newport on a trajectory to become one of the world's greatest oceanographic centers. Other multi-year multi-million dollar ocean-observing projects will also be operated out of Newport. The good news is the *room* for that expansion exists because of our estuary planning process.

It's for that reason, I submit to you, here in Oregon, we have been served *remarkably well* by erring



on the side of caution and retaining significant blocks of land in water-dependent status. For instance, when the sardine industry came back to life in Astoria, because water-dependent lands were protected in Astoria, the offloading facilities and processing plants for the sardine fishery could be built. That's another *outstanding* outcome. We got that right.

I think we all understand *new economies* are emerging on the Oregon Coast. In addition to tourism, the retirement sector of our economy keeps expanding. And, each year more and more “lifestyle

entrepreneurs” are drawn to the Oregon Coast. The Internet, broadband, is turning out to be a game changer for our rural region. Today, people can live and work almost anywhere. Having said that, tourists, and retirees, and lifestyle entrepreneurs, they are all drawn to this beautiful region because we have working waterfronts. Even though the economic base of the Oregon Coast is diversifying working waterfronts remain key assets—they make the region a compelling *authentic* place.

A few minutes ago I commented how making changes to estuary plans require difficult judgment calls. That may *not* be the case in other communities. For instance, because of the Oregon International Port of Coos Bay's strategic rail assets, deep harbor, year-round bar, close proximity to the Pacific Ocean, making sure significant blocks of water-dependent land are retained in Coos Bay-North Bend seems like a no brainer. Coos Bay is in the running to become one of the West Coast's gateway container ports. Their important role in Oregon's economy means we must support their efforts to invest in strategic infrastructure—not only to retain its working waterfront, but, to stay poised for expansion.

But, for some of our smaller communities, like Florence, Garibaldi and Bandon, where the boundary lines between what's needed for water-dependent uses and water-related uses are less obvious, we need to be careful and proceed with caution. Those smaller waterfront communities, though, still need access to *ocean resources*. Access to the ocean, the bays and the rivers, for those communities, may have a strong *recreational* slant. That's a welcome development. Given the changing face of our region *those kinds* of working waterfronts will also have remarkably important roles to play.

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Looking to the future, I'm feeling confident Oregon will continue to get it right.

Almost 40 years ago, right here in Florence, a band of local leaders from up and down the Oregon Coast teamed up with a handful of Governor Tom McCall's appointees—those *great* Oregonians collaborated *across regional lines*. Together, they had the vision and the courage to understand some things are far too important to be left to chance.

