

A CONVERSATION WITH STEVE DUH

A park

PERSPECTIVE

A former parks planner with Clark County has 'jumped ship' to try his hand at independent consultancy in an open-space-saturated market

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Steve Duh is working on filling a niche – one that seems as though it may already be filled in Portland – but one, he argues, that needs as much help as it can get.

His new firm, Conservation Technix Inc., specializes in open-space planning and grant-writing services.

"I had been working in St. Johns and in Portsmouth, doing grassroots community organizing for about four years, and doing community-based planning, helping each neighborhood get some grant money to do some additional planning," recalls Duh (pronounced "do"). "I kind of grew a little distant on it and started looking for other jobs. ... I ended up being one of two park planners in Clark County and had a lot of fun working in different venues – everything from park finance to land-use planning to monitoring new development."

A few months ago, Duh made the decision to venture out on his own, creating the small Portland firm that he hopes can team with municipalities and open-space firms in the Northwest.

Here in Portland, it's common for municipalities to hire in-house open-space experts – and there's also a slew of large-scale open-space firms. But even so, Duh says, Conservation Technix serves a vital purpose here.

DJC: *Portland and Vancouver are large enough to have their own in-house open-space planners, so how does your consultancy come into play? Do you feel you're filling a niche?*
Duh: I think I am. One reason I say that is that, with governments being more hamstrung with their budgets and with voter-approved initiatives to limit how much funding governments can have, governments are generally in a position of being understaffed.

That means that you have a significant workload but fewer resources. There seems to be a pretty strong environment for outsourcing. A lot of agencies not only are looking for inter-

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Dan Carter/DJC

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im or stop-gap staffing, but more often than not, they're also putting out proposals to do big chunks of project work.

So, whether it's putting together a 10- or 20-year park plan or doing acquisition services or doing some other grouping of services, they generally wouldn't have the staff in-house or potentially the in-house expertise to do that.

One thing that enticed me to, I guess, jump ship and start up my own firm was that notion and also the idea that it would be fun to help out other communities in the way that I worked on projects for Clark County.

DJC: Is it difficult to sell yourself when there are so many large firms out there that specialize in open-space planning?

Duh: Most of the big firms that specialize in open spaces focus primarily in the world of landscape architecture, and they're more geared toward designing a physical space once it's been acquired. So, my business is a little different in that I'm helping jurisdictions and nonprofits figure out what spaces need to be acquired so that those big firms have some work that they can follow up on.

I look to some of those larger firms to partner up on projects. There are several RFPs out now where not only in the local government, looking for some long-term planning work, but they're also looking for physical design on one or two sites. And, a large landscape architecture firm can team up really well where they're doing physical site inventories and figuring out accessibility and what amenities are needed, and I'm doing financial work, policy work and long-range projections. They go hand-in-hand.

DJC: Here in Portland, there's Metro, which is basically the open-space agency. How do you feel your expertise fits in with a city that already has an established agency that works solely on open spaces?

Duh: Granted, Metro is a unique agency in both the way it operates and in the stuff it does. But even there, they outsource work.

One thing that comes to mind is the upcoming ballot initiative in November for their green spaces program. (A Metro-backed bond measure for Multnomah, Washington and Clackamas counties would provide \$227.4 million to buy open spaces. Homeowners would pay about 19 cents for every \$1,000 of their home's assessed value.)

The entire green spaces program is a conservation acquisition program. I know they've outsourced over the last two years a lot of their on-the-ground brokers, or agents, to make contact with specific property owners to try to secure land. While Metro is in a great position to be very thoughtful in planning 10, 20, 40 years down the road, again, they don't necessarily have all of the staff to do all of the work.

DJC: There are critics of that measure. Farmers are saying they don't want to lose the land, that it's vital to their economic development. What kinds of concerns do you hear, and how do you answer them?

Duh: It's an interesting discussion to be part of when you're talking about property rights and you're talking about growth and economic development. You can really look at it from both angles - from the pro and the con - very easily.

But I think as you get into it, you'll see that there's a benefit to having conserved land and open space, whether it's active or just there to have. On the economic development side, busi-

nesses are increasingly mobile. They relocate based on where they can find talent, and more often than not, talent wants to be where there's a good quality of life. Quality of life is also akin to having active recreational opportunities, having little places like this where you can come and sit outside and enjoy the day. They tie the community together. One argument is that you're enhancing the potential for economic development by protecting open space.

You can also take it down the road of habitat and wildlife. The whole Northwest is traditionally based on salmon, and salmon need clean water and cool streams. You can't have that if you have development right up to the stream line, or if you do a lot of clear-cutting where you shouldn't be for development purposes. Again, there's a benefit to having protection of space to facilitate that.

I guess the other piece of the argument is that, while you're protecting land and conserving it, potentially taking it out of tax roles and just carving it off to be protected for whatever purpose, that land might not be the best for development in the first place.

DJC: It sounds like we're getting into Measure 37 territory.

Duh: We are.

DJC: Is open-space planning adversary to Measure 37? Or, can they work together?

Duh: I think Measure 37 creates some complications for government in general in that it really puts a burden on government to prove that its regulations aren't a burden. If they're a burden, then either they waive the regulation, which creates willy-nilly development, or they have to pay compensation to the property owner.

The unfortunate thing that's never talked about is that government regulations are put in place for the protection of the broader community, for the people of the state or country. The community's interest isn't really discussed when you talk about the private individual's interests. The private individual's interest in maximizing their profit or their potential for a piece of property might fly in the face of the community's interest.

If you've got a property owner who is a proponent of Measure 37, they're likely also a person who would be interested in full compensation of their property for a different use. It's less about the use of the property and more about the compensation.

DJC: Tell me about open-space planning in Clark County. How is it different from regulations here in Multnomah County?

Duh: It's not too different at all. State law in Washington is a little bit different, and I think, from my point of view, kind of unfortunate, in that voters up there are also having a similar measure on their ballot (Initiative 933, which would give state and local governments a choice to either pay landowners the difference when land-use regulations lower property values or waive those rules).

In terms of local government and how it works to protect or build park space, open-space, trails, that sort of thing, the tools are generally the same. Basically the Clark County model is similar to Portland's model in the sense that both charge new development to pay for their fair share of services for parks and open space. They do that through housing taxation. When a new house is constructed, the builder has to pay to help the department finance new purchases or construction of park land. So, in that regard, they're very similar.

DJC: Do you predict that Initiative 933 will pass in Washington?
Duh: I do.

DJC: How do you feel about that?

Duh: I don't feel good about it, personally. The Washington initiative is even more tightly written. If I-933 gets passed, there may be challenges in the courts about legitimacy or applicability, but the one thing that's different from Measure 37 is that there may be instances where federal regulations say that a property owner can't do something, but the local government would need to finance the compensation.

So, there's a potential for significant local burden when the locale doesn't have any authority to change the regulation. So, the fed has a rule that says, "you can't do this," the local municipality doesn't have that rule, and the property owner wants to dispute it - they're not going to dispute it to the feds; they're going to dispute it to the locals, and the locals are going to have to pay. The locals aren't going to get compensation from the feds.

The worst case is you are forcing higher taxes for higher lawsuit costs for the local jurisdictions.

Whether those additional costs are negated by the personal gain that the property owner has, it's hard to say. I'm guessing it's going to cost the general public more than what it's worth to the individual. That's unfortunate.

DJC: Do you see that happening in Oregon?

Duh: I think it's a little too soon to tell, still. It's been a couple of years and it seems as though the agencies are more apt to waive regulation than pay for regulation burden. So, it's not affecting the coffers, it's just affecting the potential livability in the communities and the common-sense approach: Is it right to do something in this place?

DJC: Do you ever get the sense that the only people who care about open spaces are the ones who work toward creating open spaces?

Duh: No, but I don't think there's a common language for talking about it.

I think it gets rolled into the quality of life discussion, with schools and with air quality and water quality and all that other stuff, and when it gets bundled like that, it kind of loses some of its urgency or potency. I think people care about it. I think they're concerned about it. I just don't think they're speaking specifically to the issue of open space.

DJC: Is there a way to bridge that language gap?

Duh: I'm currently working on a project on the Long Beach Peninsula in Washington to do just that. I'm working with Columbia Land Trust, who is working with state parks, who is working with the local community, to protect some coastal dunes.

There's about 80 or so individual property owners who would be affected by this preservation option, and there's a lot of debate in the community about what's right, what's not right, what the regulation will do to their property values. It's a bit divisive.

My role in that project is putting the informational package together to spell out all of the various pros and cons, what the benefits are, what the tax benefits can be if people want to give an easement on their property versus selling it, and start to establish a common language around that particular issue.