

Planning Paradise: Politics and Visioning of Land Use in Oregon

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sense of 'connection' with nature? This amateur movement, ably analysed in recent books by Diarmid Finnegan (2009) and Simon Naylor (2010), networked a different, if overlapping, set of nature cultures. Harman's book then is the story of the emergence of a culture of nature not *the* culture of nature. That his book is more focused than it claims can only be a good thing. That it is beautifully written, produced to Yale University Press' usual high standards, and sensibly marketed a fair £45, are yet further reasons why it deserves a wide readership.

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Duncan Maysilles, *Ducktown Smoke: The Fight over One of the South's Greatest Environmental Disasters*. Chapel Hill, University of North Carolina Press, 2011, x + 333 pages, US\$39.95 hardcover.

Ducktown Smoke, by lawyer and historian Duncan Maysilles, is at once a historical geography of a place and a retrospective examination of the role of Ducktown and its smoke in the development of environmental law. Ducktown lies in a basin that straddles the Tennessee–Georgia border; the 'smoke' was hydrogen sulfide released in copper production. The story spans the changing legal frameworks and political contexts of decisions made over nearly two centuries, beginning with the initiation of mining by settlers of European descent in the 1840s. It is fueled by complex tensions between economic development and environmental degradation, and between industrial capitalism and agrarian populism. Through this detailed examination of the scope and implementation of the ancient common law of nuisance, which makes illegal interference in the right of a property owner to quiet enjoyment of his property, Maysilles anticipates the political, economic, and legal complexities of contemporary environmental challenges.

After the introduction Maysilles proceeds chronologically, progressing from the removal of the Cherokee in 1832 to a consideration of the legacy of Ducktown in present-day climate-change litigation. The rich history of the basin involves offshore investors, the Tennessee Valley Authority, the origin of the US Forest Service, the Ocoee river as the whitewater venue of the 1996 (Atlanta) Olympic games, numerous lawyers and judges, and the US Supreme Court.

Ducktown, Tennessee, is known for the extreme denudation that gave it a desert-like appearance despite its receiving 1,500 mm of rain annually. Copper, the trigger for the degradation, was discovered in 1843 by a settler seeking gold. Because transportation was difficult smelting was done in the basin. Each furnace consumed 30 ha of local forest annually. Cutting for fuelwood combined with vegetation damage by fumes and other factors denuded the basin. The arrival of a railroad in 1890 re-invigorated copper production, but the increased smoke made life intolerable for local farmers.

In the absence of regulatory agencies, environmental legislation (the US Clean Air Act was not passed until 1963) and regulations for complainants to litigate for reasons of human health, the only legal recourse of farmers was to sue the copper companies under the law of nuisance. The first 10 suits, filed in 1896 and 1897, were followed by hundreds of others as smoke damage spread over a larger area of Tennessee, Georgia, and North Carolina. Only farmers holding titles to their lands could sue. Well aware that mining created their market, farmers claimed that the smoke killed their crops, orchards, and bees; ruined tools; and filled their houses.

Legal tactics of these early 'smoke suits' included delays and strategies to avoid jury trials. Harm to farmers was weighed against the notion of the public good, namely the importance of the copper

industry in local, national, and international economies, and the industry's arguments that it was using the best practices of the day. The situation was particularly frustrating for farmers in Georgia who initially had no legal recourse to sue a company in Tennessee that was owned by investors in London. By 1903 the two major copper companies were producing 14 million pounds of copper annually and smoke damage had dramatically increased. To make matters worse, ores mined in 1903 had higher sulfur contents than those mined in earlier years. In 1904 Georgia sought an injunction in the US Supreme Court against the state of Tennessee and the two major copper companies.

The Supreme Court dismissed the case, expecting the new technology of pyritic smelting to solve the smoke problem. But production doubled again between 1902 and 1907, and pyritic smelting could not keep pace with increasing sulfur emissions. In 1906 the logging industry entered into smoke suits. It had more power than the highland farmers and helped provide a scientific basis for determining smoke damage. Georgia sought a second injunction in the supreme court in 1905, initiating a case that lasted 13 years. In a 1907 opinion by Justice Oliver Wendell Holmes the court granted Georgia an injunction on the basis of a state's right to protect its natural resources from threats originating beyond its borders. However under the terms of the injunction the copper companies were given time to build new plants to recover sulfur and market sulfuric acid, a valuable chemical for producing the fertilizer then in demand by cotton producers.

For all practical purposes the second US Supreme Court case ended in 1918, but it was not officially removed from the docket until 1937. Between 1907 and 1937 the Weeks Law (1911) created the US Forest Service, politicians changed, the First World War tied copper production to national security, and numerous negotiations and settlements occurred.

As a history *Ducktown Smoke* highlights the role of extractive industries, which have been important to the development of Appalachia and anticipates the jobs-versus-environment debates of the late twentieth century. As a legal study it chronicles the history of Ducktown and explores in rich detail the events and contexts of this historic litigation, which set an important precedent for smelter cases and transborder pollution, and foreshadowed climate change legislation, including the 2007 Supreme Court case, *Massachusetts v. Environmental Protection Agency*.

The book is generous and satisfying in its detail, carefully referenced, and well indexed. This reader would have liked a better map than the one provided, which fails to show the boundaries of the Copper Basin. Archival photographs bound into the center pages, along with graphic descriptions in the text, document the extreme environmental degradation at the heart of this story. Particular strengths of *Ducktown Smoke* include its level of detail, and its insights into the complexity of relationships among individuals, corporations, industries, economic development, and environmental degradation. It should definitely be read by those interested in environmental history and environmental law, or in the historical geography of the southern Appalachian region.

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Peter A. Walker and Patrick T. Hurley, *Planning Paradise: Politics and Visioning of Land Use in Oregon*. Tucson, University of Arizona Press, 2011, US\$24.95 paperback, xiii + 289 pages.

Oregon has long been considered a kind of Shangri-La for planners. Since the passage of the landmark Senate Bill 100 (SB 100) in 1973,

the Oregon vision of dense urban centers surrounded by sprawl-free farms and forestlands – predicated on restricting subdivision and development of rural land – has come to be seen by many as a model for progressive land use governance. So it came as a shock when in 2004 Oregon voters passed Measure 37, a law mandating full monetary compensation or a waiver of enforcement for any state, county, or municipal law which resulted in a reduction in property value. The gold standard for progressive land use policy suddenly became the poster child for backlash against centralized planning overreach.

This event serves as the starting point for Peter Walker and Patrick Hurley's excellent historical analysis of Oregon land use politics. *Planning Paradise* is a political ecology of rural and urban planning, tracing four decades of struggle amongst the *dramatis personæ* of Oregon land use policy: farmers, developers, state politicians, homeowners, and activists on both sides of the Measure 37 divide. At the center of this narrative are the planners themselves, whose devotion to Oregon planning principles bordered on the religious, and whose faith in their own cause prevented them from taking seriously the many political tremors which preceded the Measure 37 earthquake. Walker and Hurley's stance is one of 'tough love' (p. xi): they admit to a basic sympathy with the values undergirding the Oregon land use model but recognize the need for a wake-up call, a means of saving the Oregon vision from its own 'sclerotic' implementation. *Planning Paradise* serves as that wake-up call.

Among the many strengths of this text two in particular stand out. The first is Walker's and Hurley's careful political history of Oregon land use policy. The central contribution here is the authors' critique of the prevailing 'great man' version of Oregon planning history (focused largely on Governor Tom McCall and other progressive Republicans responsible for shepherding SB 100 through to passage) and, likewise, of histories in which the state's 'green' cultural ethos serves as a kind of *sui generis* explanation for its embrace of planning policy. Walker and Hurley instead offer a materialist history, attending to the fragile alliances constructed amongst the state's various political and economic power brokers, most importantly agriculture in the Willamette Valley (home to both Oregon's most productive farmland and its major population centers), the timber industry, homebuilders, labor unions, the tech industry, and the largely urban environmentalist bloc. In a similar vein their autopsy of SB 100 in the wake of Measure 37 and the latter's partial repeal (Measure 49) eschews narratives of clever trickery on the part of pro-development forces. Their analysis centers instead on the unraveling of an economic alliance which formerly propped up the political compromise of centralized planning and on the very real frustrations of landowners whose modest plans were met with resistance from an inflexible bureaucracy.

The second strength of *Planning Paradise* comes in the form of three case study chapters devoted to particular Oregon planning geographies: the unincorporated outskirts of Portland, the state's largest city; the rural landscape surrounding central Oregon's Metolius river, where several eco-friendly destination resorts have been proposed; and the fruit orchards of southern Oregon, ripe for exurban development. These chapters illustrate the diversity of the state's political and economic landscapes, which stand in contrast to the uniform and technocratic application of planning directives from the centers of state political power. The highlight of the book is the 1987–2010 history of Damascus, a semi-rural community on Portland's urban fringe. In addition to serving as a fascinating case study of populist conservatism, this story of community-based resistance to the 'unguided force of an out-of-date vision operating on institutional autopilot' (p. 176) provides important lessons for how planners – and, by extension, environmental managers more broadly – consider local sentiment towards conservation plans

imposed from on high. Walker and Hurley make these lessons explicit in their concluding chapter, calling for Oregon to return to the democratic and community-centered roots of SB 100 which had gradually withered from neglect in the years since the bill's passage.

This is an insightful, provocative, and eminently readable piece of scholarship. Walker and Hurley deftly traverse a fine line, remaining true to their call as political ecologists while still managing to speak to a broad audience that includes not only geographers but also policymakers, activists, and the planning community. It is a testament to the relevance and clarity of this work that, in addition to showing up on the shelves of academic libraries and in the hands of planning-oriented graduate students nationwide, *Planning Paradise* is offered for sale at the Oregon State Capitol gift shop. As Walker observed recently ('Political ecology: where is the policy?' *Progress in Human Geography*, 30, 382–395), political ecology texts rarely manage to break out of limited markets for critical geographers and into popular circulation. With this work, Walker and Hurley have shown that critical, rigorous scholarship and engaging writing need not be mutually exclusive practices.

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Jessica B. Teisch, *Engineering Nature: Water, Development, and the Global Spread of American Environmental Expertise*. Chapel Hill, University of North Carolina Press, 2011, xii + 260 pages. US\$27.50 paperback.

One theme of research in the history of water involves the complex relations between water technologies and the social fabric in which they are embedded. Jessica Teisch's *Engineering Nature* makes a contribution to this theme by showing how the technical prescriptions of American engineers working abroad in the late nineteenth and early twentieth centuries went hand-in-hand with American cultural and political ideals of the period. The book describes the adventures of irrigation and mining experts from California in their efforts to engineer the social framework as well as the hydraulic infrastructure of several regions of the world from the 1870s to the 1920s.

Engineering Nature fills a gap in the literature by describing the influence of Californian experience and thought on the development of modern hydraulic technique. However, the broader historical and intellectual trends that gave rise to what Teisch acknowledges as a 'common world destiny' (p. 8) of hydraulic progress are overshadowed by an emphasis on the role played by the individual figures highlighted in this account. While there is mention of the Progressive Movement, the modern idea of scientific and technical progress, and the emergence of a global, capitalist economy, *Engineering Nature* comprises a series of stories in which the personalities and ideas of a handful of Californian engineers and social planners take centre stage. Because the book describes the influence of these figures in only a few regions, the central claim that 'California engineers [were] especially influential in shaping particular types of development throughout the world' (p. 9) is somewhat overstated.

'California engineers' were certainly among the most renowned water technicians in the world' (p. 9). True as this may have been, they were only part of an international fraternity of hydraulic engineers that sought to realize similar ideals of production and progress along with the construction of dams, canals, and reservoirs. Evidence

Request PDF | On Mar 1, 2012, Anne G. Short published Planning Paradise: Politics and Visioning of Land Use in Oregon " By Peter A. Walker and Patrick T. Hurley | Find, read and cite all the research you need on ResearchGate. Planning Paradise: Politics and Visioning of Land Use in Oregon " By Peter A. Walker and Patrick T. Hurley. March 2012. Review of Policy Research 29(2). DOI: 10.1111/j.1541-1338.2011.00556_3.x. Authors Find many great new & used options and get the best deals for Planning Paradise: Politics and Visioning of Land Use in Oregon by Peter A Walker, Patrick T. Hurley (Paperback, 2011) at the best online prices at eBay! Free delivery for many products! Oregon is one of the nation's most celebrated exceptions. Despite repeated political attacks, the state's planning system remained essentially politically unscathed for three decades. In the early- and mid-2000s, however, the Oregon public appeared disenchanted, voting repeatedly in favor of statewide ballot initiatives that undermined the ability of the state to regulate growth. Read full description. See details and exclusions - Planning Paradise: Politics and Visioning of Land Use in Oregon. See all 2 brand new listings. Land use in Oregon concerns the evolving set of laws affecting land ownership and its restrictions in the U.S. state of Oregon. 1822: Henry Schenck Tanner's map of the U.S. is likely the first to identify the "Oregon Territory.". 1850: Donation Land Act. 1851: Willamette Stone sited, became the basis for property lines throughout Oregon and Washington. 1862: Homestead Act (in effect till 1976, and 1986 in Alaska). Planning Paradise. Politics and Visioning of Land Use in Oregon. Peter A. Walker (Author), Patrick T. Hurley (Author). Paperback (\$29.95), Ebook (\$26.00) Buy. "Sprawl" is one of the ugliest words in the American political lexicon. Virtually no one wants America's rural landscapes, farmland, and natural areas to be lost to bland, placeless malls, freeways, and subdivisions. Yet few of America's fast-growing rural areas have effective rules to limit or contain sprawl. 312 Pages 6 x 9 x 0.8 Published: 2011 Paperback (9780816528837) Ebook (9780816504787). The University of Arizona Press publishes the work of leading scholars from around the globe. Learn more about submitting a proposal, preparing your final manuscript, and publication. Inquire. Requests. This book is about politics and planning outside of cities, where urban political economy and planning theories do not account for the resilience of places that are no longer rural and where local communities work hard to keep from ever becoming urban. He holds a PhD in Environmental Studies, Science and Policy from the University of Oregon, where his research on exurbia won him the Morris K. Udall Foundation's Environmental Public Policy and Conflict Resolution Doctoral Dissertation Fellowship. With Peter A. Walker, he is coauthor of the book, Planning Paradise: Politics and Visioning of Land Use in Oregon, and written extensively on exurbia in the western and eastern United States. Show all. Table of contents (13 chapters).