

# History of the Oregon Land Use Planning Program

Presentation to the Task Force on Land Use Planning  
March 3, 2006



Oregon Department of Land Conservation and Development

# Forces Leading to SB 100

- Tom McCall
  - Livability
  - Sagebrush Subdivisions
  - Coastal Condomania
- Growth, Sprawl
  - Willamette Valley Study
  - Farmland Development
- Disconnected State and Local Decision Making
- “Failure” of SB 10



# Growth, Environment Takes Center Stage



- “Water, air, land and scenic pollution threaten [the] values of Oregon”
  - Tom McCall, Inaugural address 1967



# Coastal Development Concerns



# Oregon Legislature Creates the State Land Use Program



- **Senate Bill 10**
- **Senate Bills 100, 101**
- **Other Early Laws:**
  - **Farm Tax Deferral (1961)**
  - **EFU Zoning (1963)**
  - **The Beach Bill (1967)**
  - **Willamette River Greenway (1967)**
  - **OCCDC (1971)**

# SB 100, 101



- **Creates Land Conservation and Development Commission (LCDC)**
- **Creates Department of Land Conservation and Development (DLCD)**
- **Directs LCDC to adopt Statewide Planning Goals**
- **Requires all cities and counties to adopt comprehensive land use plans consistent with the statewide Goals**
- **Requires state agencies to comply with Goals and coordinate with local land use plans**

# LCDC Adopts the Goals

- Interim Goals Established by Statute
- LCDC Holds Hearings around the state
- Goal Adoption 1974 – 1977
  - Goals 1-14 (December 1974)
  - Greenway Goal 15 (December 1975)
  - Coastal Goals 16-19 (Dec. 1977)

# 19 Statewide Planning Goals

**Goal 1 - Citizen Involvement**

**Goal 2 - Land Use Planning**

**Goal 3 - Agricultural Lands**

**Goal 4 - Forest Lands**

**Goal 5 - Open Spaces, Scenic  
and Historic Areas,  
and Natural Resources**

**Goal 6 - Air, Water and Land  
Resources Quality**

**Goal 7 – Areas Subject to  
Natural Disasters and  
Hazards**

**Goal 8 - Recreational Needs**

**Goal 9 - Economic Development**

**Goal 10 - Housing**

**Goal 11 - Public Facilities and  
Services**

**Goal 12 - Transportation**

**Goal 13 - Energy Conservation**

**Goal 14 - Urbanization**

**Goal 15 - Willamette River  
Greenway**

**Goal 16 - Estuarine Resources**

**Goal 17 - Coastal Shorelands**

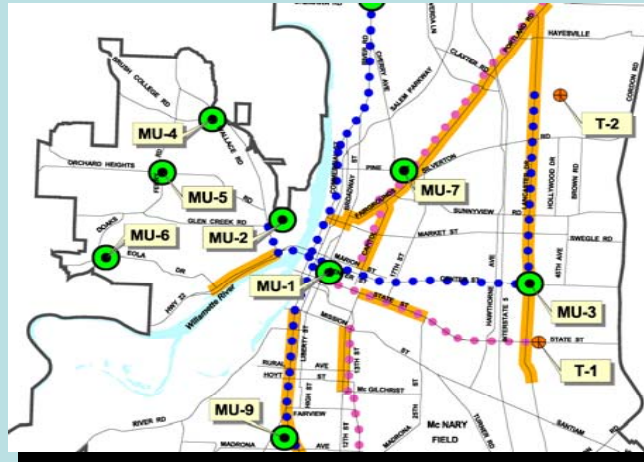
**Goal 18 - Beaches and Dunes**

**Goal 19 - Ocean Resources**

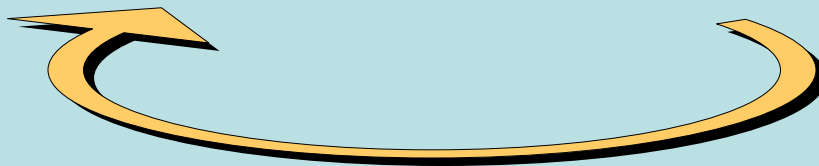
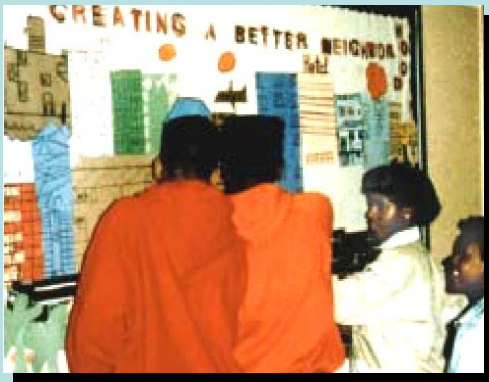


# Local Land Use Planning

240  
Cities



36  
Counties



# Cities, Counties, Metro

## Different Planning Experiences

### Urban Areas

- Urban Growth Boundaries
- Needed Housing
- Employment Needs
- Public Facilities
- Transportation
- Goal 5 Resources

### Rural Areas

- Farm Land
- Forest Land
- Exception Areas
- UGB Coordination
- Rural Communities
- Aggregate and other Goal 5 Resources

# Planning in Oregon's Coastal Communities

- OCCDC (1971 – 1974)
- Local Planning: Beginning 1975
  - Estuaries
  - Coastal Shorelands
  - Beaches and Dunes
- Federal Consistency
- OPAC and Territorial Sea Plan

# After Acknowledgment

- Post-Acknowledgement Plan Amendments
- Periodic Review
  - Keeping Plans up to date
  - Revised 1991, 1999, 2005
- Regional Problem Solving

# The Oregon Legislature

## Continuously Changing Land Use Law

- LUBA Created (1979)
- Post Acknowledgement (1981)
- Periodic Review (1981)
- Needed Housing (1983)
- PAPA and PR Reform (1991)
- HB 3661(1993)
- Regional Problem Solving (1995)
- Economic Development (2001,03)



# LCDC Refines Policies

- Administrative Rules and Amended Goals
  - Farm and Forest dwellings and land divisions
  - Needed Housing
  - Destination Resorts
  - Transportation Planning Rules (TPR)
  - Rural Communities
  - Rural Residential Lot Sizes
  - Riparian, Wetlands, other Resources
  - Aggregate

# The Courts Shape Oregon Land Use Planning

- Early Landmark Rulings
  - *Fasano, Baker*
  - primarily based on constitution rather than statutes
- Review of LCDC Acknowledgement Decisions
- Later Landmark Cases:
  - *Curry County*
  - *Lane County*
  - *Macpherson*

# LUBA

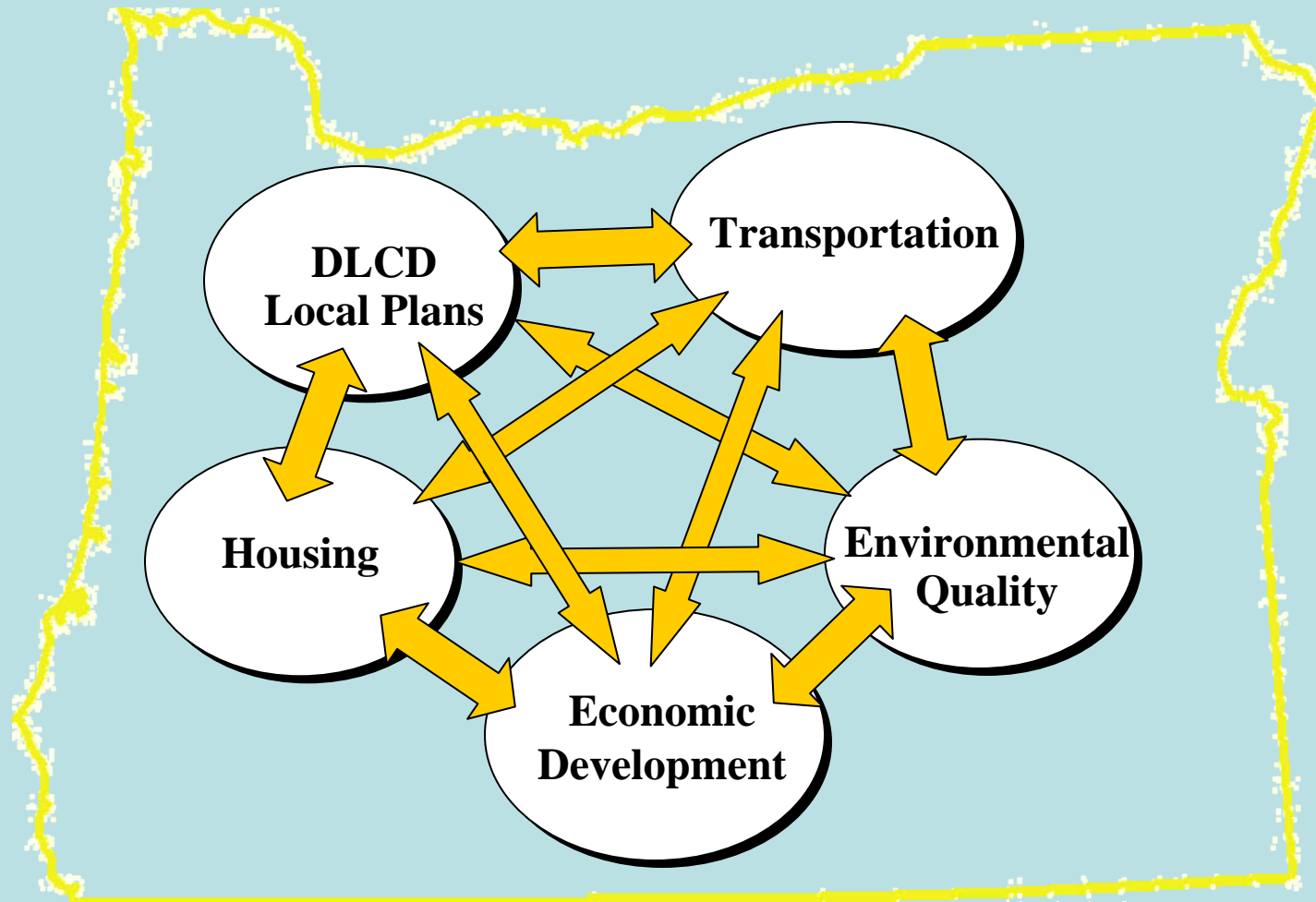
- 1973 – 1979 (Pre-LUBA)
  - Writ of Review to Circuit Court
  - Goal Issues Appealed to LCDC
- Established 1979
  - Instead of Circuit Courts and LCDC
  - Goal decisions reviewed by LCDC
- Statutes Revised 1985, 1987
- Today: Reviews all local land use decisions
  - Except Periodic Review and M37
- Decisions appealed to Court of Appeals



# Citizen Ballot Initiatives

- Initial Measures Fail to Overturn the Program
  - Measure 11 (1970) Failed 44% - 56%
  - Measure 10 (1976) Failed 39% - 61%
  - Measure 10 (1978) Failed 39% - 61%
  - Measure 6 (1982) Failed 45% - 55%
- Property Rights Measures
  - Measure 56 (1999) Passed 80% - 20%
  - Measure 2 (2000) Failed 47% - 53%
  - Measure 7 (2000) Passed (unconstitutional)
  - Measure 37 (2004) Passed 61% - 39%

# Coordination: State and Local



# Overview: Changing Focus of Oregon Land Use Program Through the Decades

- 1970s: SB 100, The Goals, New Plans
- 1980s: Acknowledgement, Periodic Review
- 1990s: Clarity and detail, Focus on Urban, Conflict Resolution, Revised PR
- 2000s: Economic Development, BM 37, Strengthened Partnerships