

Draft Final Report

The Oregon Land Use Program: An Assessment of Selected Goals

Prepared by

The Institute for Natural Resources
Oregon State University

for the

Oregon Department of Land Conservation and Development

August 2008



Oregon State University
Portland State University
University of Oregon
U.S. Forest Service

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The Institute for Natural Resources

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Disclaimer

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Executive Summary

In 2008, the Department of Land Conservation and Development (DLCD) asked the Institute for Natural Resources (INR) to assess whether the Oregon Land Use Program, as designed, is helping the state meet its land use goals. More specifically, this intensive but highly time-limited research effort set out to answer the primary questions “Has the Oregon Land Use Program been effective in:

- fostering citizen participation in land use planning (Goal 1)?;
- preserving farm and forest lands for farm and forest use (Goals 3 and 4)?;
- managing growth (Goal 14)?; and,
- protecting and developing estuarine areas, as appropriate (Goal 16)?”

Since the State of Oregon does not have an institutionalized evaluation framework designed to measure the effectiveness of the land use program, each Goal Assessment Team refined its primary question by developing secondary questions that either (1) addressed elements of each goal, as currently written, and/or (2) were based on academic theory or literature that set criteria for effectiveness. Each team also examined existing state agency key performance measures (KPMs) to see how, and if, they might serve as proxies for evaluating the effectiveness of a particular goal.

To allow for cohesion across the goal assessments/reviews, each Goal Assessment Team followed a written protocol. The draft protocol included background on the review topic and laid out review objectives and methods, including details about the search strategy, plans for study summaries, and the narrative synthesis. Within each chapter of this report, the authors address the effectiveness of their studied goal, provide information on advantages and disadvantages of data sources, discuss existing data gaps, and make recommendations for narrowing those gaps.

The study does not answer questions about whether or how the system could be made less rigid and more responsive to regional and local needs. Nor does it make recommendations for land use policy changes. The study does, however, suggest that while recommended changes deserve full consideration, they need to be made with careful deliberation regarding how those changes might affect the state’s ability to maintain a system that, based on intensive, objective analysis, generally meets its goals.

Review Findings

Overall, the study suggests Oregon’s current land use system is sound.

Chapter 1: Goal 1, Citizen Involvement

The Goal 1 Assessment Team conducted an institutional review due to the lack of quantitative evidence to assess the effectiveness of Goal 1. The team focused on the goal's implementation at the local level (city and county). In addition to reviewing various documents, researchers interviewed citizen involvement specialists and surveyed county and city planning directors. Three conclusions stood out: (1) despite the expressed importance of, and support for, citizen involvement, the reality has fallen short of goal objectives; (2) actual participation does not necessarily flow from increased opportunities for participation; and, (3) research participants indicated that a citizen participation evaluation program will need to recognize the variety of existing planning processes and establish metrics that reflect that variety.

Though there is a lack of easily available quantitative data from primary sources suitable for an external evaluation of Goal 1, the authors suggest that there are a variety of measures that could be used to evaluate citizen involvement. Based on the suggestions of research participants, the authors created a logic model that reflects four premises: (1) *citizen involvement is still a priority for the state of Oregon and its communities*; (2) *it can be better*; (3) *we currently have no objective way to know how effective it is*; and, (4) *the perspectives of planning professionals and citizenry are equally important*.

Chapter 2: Goal 3: Agricultural Lands

The Goal 3 Assessment Team conducted a review of literature and data, informed in part by consultation with experts from state agencies and academic institutions. As part of the review, the team identified recurring themes, questions and concerns raised in the literature, including the extent to which *high quality* farmlands have been preserved; the impact that *parcelization* of land zoned for exclusive farm use and the rise of *hobby farming* has had on maintaining farmland for farm use; and, the extent to which *local governments* have complied with policies governing non-farm dwellings on resource lands. The Goal 3 assessment does not quantify the goal's overall effectiveness; rather, it summarizes evidence and draws tentative conclusions based on principles of effective farmland protection strategies.

The review of existing data and literature suggests the Oregon's land use planning system has been successful in preserving agricultural lands for agricultural uses when judged against several of the criteria used for evaluation. More specifically, the researchers found that:

- A review of the literature reveals an overall consensus that Oregon's land use program has been effective in preserving the agricultural land base;
- There is a very limited number of peer-reviewed articles linking soil quality specifics with Oregon's land use planning program;
- There has been little recent examination of hobby farming in Oregon, although the Oregon Board of Agriculture keeps track of this sector in annual reports drawing on the USDA Census of Agriculture; and,
- A common concern in the literature, regarding local government compliance, has to do with patterns and impacts related to the permitting of farm and non-farm dwellings on resource lands.

- There is also evidence that program adjustments and amendments since 1973 have improved the performance of the program.

Chapter 3: Goal 4, Forest Lands

A summary of published studies pertaining to Goal 4 suggests that Oregon’s land use planning program has had a small but measurable effect in reducing the loss of forest land to developed uses since it was implemented. The small magnitude of this effect owes largely to the relative isolation of a significant proportion of forest land from locations where development has been most prevalent. Studies that have been most successful at evaluating land use planning effects have been those that attempt to control for other factors that also influence rates and patterns of forest land development, including population growth, topography, and physical access to roads. Although no studies have attempted to examine the resulting effects of land use planning in maintaining Oregon’s forest economy, other research has suggested that development may be having less impact on commercial forestry than other factors such as changes in national and international market forces and the shift of domestic timber productions to the U.S. south.

Chapter 4: Goal 14, Urbanization

The authors of Chapter 4 conducted a literature review to evaluate the effectiveness of Goal 14 in seven areas—urban form, infrastructure and public service delivery costs, land values, housing prices, transportation, social equity and economic growth. An interesting feature of the review was that several studies found unanticipated and positive impacts (e.g., downtown revitalization and a decrease in residential segregation by race) as well as one potentially negative impact (e.g., vulnerability to natural disasters) from urban growth boundaries (UGBs). There is a large and sometimes conflicting literature on Oregon’s urban growth boundaries and their performance as a method for containing urban sprawl and creating more livable communities. This lack of uniformity in evaluation approach makes summarizing the literature and its findings a challenge. As such, the authors present “bottom line” findings:

- Judging only on the criterion of population density (as an indicator of more compact urban form), most studies find positive impacts (that is, increasing or more slowly decreasing population densities) either for the UGBs under study or for the type of growth management implemented by the State of Oregon. The literature does raise continued concern about the performance of the Bend UGB in achieving higher densities and compact urban form.
- To the extent that the UGB has been shown to increase density and limit land consumption per capita, we can—by extrapolation—attribute such positive outcomes to the UGB.
- UGBs have been shown to impact land markets. Two factors can affect land values in relation to the UGB and these can change over time: tightness of UGB/amount of developable land within the UGB and perception of the UGB’s permanence/duration by market actors.
- In the academic literature, the UGB has not been clearly associated with housing price increases.
- There is very little literature on the transportation impacts of UGBs. Initial research on non-motorized transportation modes (walking and biking) has positively

associated strong urban containment (the Oregon classification) with higher levels of physical activity and more walking and biking to work.

- Strong urban containment as practiced in Oregon is shown to have positive impacts on reducing residential segregation by race.
- Urban containment (as embodied in UGBs) has been shown to have a positive impact on economic performance measured by higher percentages of real estate investment, growth in personal income, and proportion of retail activity captured by a central city and its CBD.

Chapter 5: Goal 16, Estuarine Resources

Given the highly prescriptive and detailed inventory, planning, and implementation requirements of Goal 16, answering the primary question necessitated asking a more detailed set of secondary questions regarding the specific elements of the Goal. The Goal 16 Assessment Team covers a subset of 11 areas of inquiry for its secondary questions, including: estuary classification; estuary inventories; estuarine management unit designations; water-dependent shoreland zoning; permits for significant estuarine alterations; estuarine water quality; estuarine habitat mitigation; dredged material disposal planning; single-purpose docks and piers; estuarine restoration; and, state agency coordination and policy consistency.

Through a literature and an institutional review, the Goal 16 assessment team found that the Oregon Land Use Program has been effective in protecting and developing estuarine areas (as appropriate to Goal 16 requirements) and has been effective in many of the 11 specified areas of inquiry, with qualifications related to data availability or accuracy.

Due to Goal 16, intensive development has been limited to estuaries where it was already concentrated, important estuarine habitats have been identified and protected through zoning, and opportunities for water-dependent and other needed development have been provided with increasing flexibility. The authors suggest, however, that there are significant opportunities for improving the monitoring of estuary plan implementation, for both local plan amendments and land use actions, and for state agency decisions on regulatory permits.

Data Needs and Gaps

Another aspect of the project was to identify research gaps and needs. As expected, the data needs and gaps vary across each of the studied goals.

Goal 1

- There is a lack of easily available quantitative data from primary sources suitable for an external evaluation of Goal 1.
- The state and local governments need to develop some form of programmatic evaluation that gathers data on agreed upon performance measures in a defined time period. The evaluation measures would gauge both quantity (such as opportunities to participate, level of citizen turnout for key planning events) as well as quality (e.g., the extent to which citizen perspectives are acknowledged and considered in planning, and the level of understanding about land use system

among various community groups). Likewise, the measures would disaggregate involvement by type of planning process (e.g., short term-land use decisions or long-term comprehensive planning processes).

Goal 3

- There are many ways in which analysts might improve on efforts to assess the performance of Oregon's land use planning program in terms of preserving farmland for farming. These include: tracking farmland loss; tracking the "quality" of farmland loss; utilizing spatial data analysis to track development trends; analyzing performance of the means income test; assessing causes, extent and patterns of "impermanence syndrome"; and analyzing linkages between land and water resource management.
- There are three actions that DLCDC should prioritize: (1) more analyses using NRI data should be supported (2) geocoding new dwelling approvals in each county should be required; and (3) the DLCDC and legislature should support better tracking of soil quality in areas undergoing or being considered for development.

Goal 4

- The most significant confounding factors involved in examining the influence of land use planning on rates and patterns of forest land development are: (1) describing historical development rates and patterns with and without zoning, and (2) controlling for other factors besides zoning that also influence development.
- Although data describing topographic variables can be found at fine spatial scales, data describing socioeconomic factors such as population and income growth, and other factors affecting land use change are generally not available at spatial scales below the US Census block group.
- Spatially heterogeneous data describing the potential returns to various land uses, such as forestry or agricultural income, are also difficult to come by.
- Future empirical analysis might best focus on addressing forest landowner decision-making regarding forest land development. Moreover, data addressing how forest landowners make decisions in response to regulations, including land use regulations, could be useful.

Goal 14

- In the literature reviewed, few major complaints were made about data availability or data needs. Analysts did differ, however, as to which data were most appropriate for the land use and land conversion analyses.
- Assembling GIS and remote sensing-derived data at the parcel level by a state agency could potentially overcome these problems; this would only be possible, however, with a well-funded and sophisticated GIS system that includes data "ground truthing".

Goal 16

- Data and information needed to answer Goal 16 questions is excellent for those related to initial planning efforts.
- Data on estuarine water quality, for example, are very good.
- Data and information about how well those estuary plans are being implemented is fair to poor.

- Recommendations for resolving data gaps include a number of technical suggestions such as updating databases and maps, improving tracking, improving coordination among appropriate state entities and tailoring queries of the Land Administration System to produce reports that would better provide answers to the research questions.

Evidence suggests that the land use system is meeting Oregon's land use goals—at least the goals evaluated. At the same time, various correlations are weak or difficult to make; and in one case, there is no readily usable data. Problems include lack of data, lack of appropriate databases, scale issues, and difficulty controlling and/or interpreting additional factors that influence goal success.

To overcome these problems, Oregon needs to develop a goals-specific, integrated system for data gathering, tracking, and reporting. Oregon may also want to develop a modified benchmarking program for its land use system. The distinguishing feature of benchmarking is its comparative element—entities seek best-practice examples to increase performance in their own process or program. Appraising aspects of other states' land use strategies could provide information for improvements or provide compelling evidence that Oregon is, indeed, the exemplar for land use planning that maintains a range of desirable amenities and advantages.

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Introduction

Background

Prior to passage of Senate Bill 100 in 1973, Oregon had had a fifty-year history of formal land use planning. Planning responsibilities until the late 1960s were the domain of cities and counties with no overarching state goals or comprehensive planning requirements. Oregon's rapid population growth in the 1960s, with its associated suburban sprawl and threats to the agricultural base in the Willamette Valley, alarmed the general public as well as Governor Tom McCall and members of the legislature. The perceived need for more protective and coordinated planning sparked a campaign for planning reform, well-supported by Willamette Valley agricultural interests. A Willamette dairy farmer and state senator, Hector McPherson, is credited with leading the campaign to garner support for tighter land use laws resulting in passage of Senate Bill 100 (Howe, Abbot, and Adler, 2004; Abbott, Howe, and Adler, 1994).

Following on the heels of earlier legislation increasing requirements for comprehensive planning and zoning, Senate Bill 100 created a joint state-local planning structure and the nation's first statewide planning system. Legislation also created the Land Conservation and Development Commission, a state entity with the authority to require local plan conformance with state statewide goals. The original bill envisioned more stringent state land use control; however, political bargaining to achieve support limited the state's authority (Knaap, 1994). Despite a more limited function, the state's leading role has been an ongoing source of tension.

Although Oregon's planning system had significant legislative and citizen support, it has been the target of multiple ballot initiatives, almost from its beginning. Referendums consistently "...argued about *how* to plan, not whether to plan..." (Abbot et al., 2003:390). Among the biggest complaints regarding the planning system are that it is too prescriptive, that it is inflexible and therefore unfair, and that it does not reflect a changed economic and social environment since its adoption 35 years ago (Howe, Abbot, and Adler, 2004; Abbot, Adler, and Howe, 2003). Howe (1994), suggesting an in-depth dialogue among practitioners, policy makers, interest groups and academics to develop an appropriate research agenda, noted:

The Oregon program, while innovative, does not have a mechanism for critically engaging new ideas. As a result, many people become frustrated with what seems to be overwhelming system inertia...[T]here is something to be learned through thoughtful questioning, analysis, reflection, and interpretation. At that point, the door is opened for creative concepts that could allow the program to more fully realize its potential (p.281).

Objective information about how the current system has or has not achieved its goals, arrived at through systematic evaluation, and recommendations on data needs will help inform recommendations for plan modifications. The Big Look Task Force's efforts and this report can 'open the door for creative concepts' to help Oregon's unique land use planning system remain effective and accountable in the face of significant challenges in the years ahead.

Project Purpose

In 2008, the Department of Land Conservation and Development (DLCD) asked the Institute for Natural Resources (INR) to conduct an in-depth assessment of selected Oregon land use goals, asking the general research question, "Is the Oregon land use system, as designed, helping the state meet its land use goals?" More specifically, the primary question(s) were "Has the Oregon Land Use Program been effective in:

- fostering citizen participation in land use planning (Goal 1)?;
- preserving farm and forest lands for farm and forest use (Goals 3 and 4)?;
- managing growth (Goal 14)?; and,
- protecting and developing estuarine areas, as appropriate (Goal 16)?"

It is important to distinguish this assessment from that being carried out by the Oregon Task Force on Land Use Planning, created in 2005 by Senate Bill 82. Otherwise known as the Big Look Task Force (Big Look), it is responsible for reviewing the Oregon Statewide Planning Program, specifically evaluating:

- Oregon's land use planning program in terms of meeting the current and future needs of Oregonians in all parts of the state
- Respective roles and responsibilities of state and local governments in land use planning
- Land use issues inside and outside urban growth boundaries and at the interface

The Big Look produced its *Part One Evaluation Report* in June 2007 followed by its *Preliminary Findings and Recommendations* in July 2007. It also published its "Choices for Oregon's Future" Stakeholder Group Briefing Document, containing preliminary recommendations and soliciting public feedback, in June 2008. Its final report, due February 1, 2009, will provide recommendations to the Legislature for updating the state land use program (The Big Look Task Force on Oregon Land Use Planning, July 2007).

Purpose of this Report

The purpose of this document is to report on the findings for each of the specified goals. The Institute for Natural Resources' report complements the Big Look Task Force efforts. The report does not make recommendations for land use policy changes. It does, however, systematically review existing evidence regarding certain of Oregon's land use goals and recommend a data gathering structure to fill in information gaps on the goals covered in

this study. Recommendations can be used as a template to develop an evaluation system for all of the goals.

This project utilizes researchers with expertise in Oregon's land use plan and policies, and each of the studied goals; however this creates a potential for bias in the review of existing studies (one of the key deliverables of this project). Every effort was made to establish a protocol that minimized the effects, such as developing criteria for exclusion or inclusion of an existing study in this review (see Appendix A for the protocol, and Appendices B-F for the list of documents reviewed) and having a peer review process.

Project Approach

The intent of this project was to help develop an objective foundation for understanding the performance of the land use program in meeting its core objectives—the Statewide Planning Goals and Guidelines. Given the project's 10-week timeframe, we identified (1) a project management structure that allowed us to begin work quickly while gaining the insights of key Oregon University System faculty, and (2) an assessment/review process that enabled us to answer the primary questions by conducting an extensive review of existing studies, identifying and evaluating existing data (where data was sufficient), and/or conducting goal-specific institutional reviews—analysis of changes in the institutions and/or rules that have had a key influence on how a specific goal is implemented.

Management Structure

The project team consisted of a *Project Manager* who oversaw the project team and the production of the key deliverables; a *Research Associate* who worked with each Goal Assessment Team to help them access documents; *Goal Assessment Teams*, comprised of OUS faculty with expertise in land use planning and the specific land use goal topic, and graduate student researchers who conducted the assessments; and *Expert Reviewers/Advisors* who critically reviewed each chapter. INR engaged research teams across three Oregon universities—Portland State University, Oregon State University, and the University of Oregon—and from the U.S. Forest Service.

Assessment/Review Process

Based on a systematic review process that the Institute for Natural Resources piloted for the Oregon Department of Forestry¹, the assessment/review process for this project consisted of:

- Question refinement;
- Recruiting academic experts and assistants to serve as goal-specific assessment teams;
- Recruiting experts to serve as goal-specific chapter reviewers;
- Developing the review protocol and search strategy;

¹ See Behan, J. 2008. [Systematic Review Pilot Project: Final Report](#). Institute for Natural Resources. Corvallis, Oregon. February. This report discusses the various opportunities and challenges of applying systematic evidence reviews, as defined in the medical field, to natural resources.

- Finding, filtering, and evaluating documents;
- Finding and filtering agency key performance measures and existing data;
- Collating the findings and writing the assessment;
- Vetting the goal-specific assessments/reviews with the reviewers; and,
- Addressing Reviewer/Advisor comments and producing a draft final assessment.

Though this project did not undertake a traditional systematic evidence review, the project team recognized the value in having a standardized protocol that all Goal Assessment Teams utilized to assess/review each goal. Peer reviewing the Goal Assessment Teams' work was also seen as an invaluable piece. Descriptions of the review process are described below.

Question refinement. The primary question for this project, “*Has the land use program been effective at...?*”, was posed by the Department of Land Conservation and Development; however, the State of Oregon does not have an institutionalized evaluation framework designed to measure the effectiveness of the Land Use Program. To address this question, each Goal Assessment Team refined its goal-specific primary question, by developing secondary questions that either (1) addressed elements of each goal, as currently written, and/or (2) were based on academic theory or literature that set criteria for effectiveness. They also examined existing state agency key performance measures (KPMs) to see how, and if, they might serve as proxies for evaluating the effectiveness of a particular goal.

Goal assessment teams and goal chapter reviewers. As stated in Behan (2008) “A defensible systematic review hinges on qualified reviewers—ideally, academic scientists in the field under which the review question falls who do not have a vested interest in review outcomes...” (p. 4). INR was able to engage academic teams across three Oregon universities—Portland State University, Oregon State University, and the University of Oregon—and the U.S. Forest Service to serve on this project.

Protocol and search strategy. This project was separated into five projects, one for each goal. To allow for cohesion across the goal assessments/reviews, each Goal Assessment Team followed a written protocol (Appendix A). The draft protocol included background on the review topic and laid out review objectives and methods, including details about the search strategy, plans for study summaries, and the narrative synthesis. The draft protocol was given to the project team at its first meeting as part of the meeting’s briefing document. The protocol was then reviewed and revised based on the team’s discussion.

Finding and filtering documents. Using general search terms such as *Oregon AND land use*, an initial search of eight reference databases produced anywhere from zero to 296 publications. A “coarse filter” that excluded documents published prior to 1973, book reviews, and/or publications that did not deal directly with land use planning or policy, reduced the list to approximately 119. The project team was provided this initial list of publications soon after the first project team

meeting. Each Goal Assessment Team then conducted their goal-specific document searches.

Finding and filtering agency key performance measures and existing data.

Since the State of Oregon does not have an institutionalized framework for evaluating the effectiveness of the Oregon Land Use Program, DLCDC requested that we examine the agency key performance measures (KPM). Agency KPMs are required to be linked to Oregon Benchmarks. Oregon Benchmarks measure progress toward Oregon's strategic vision, *Oregon Shines*, and are organized into seven categories—economy, education, civic engagement, social support, public safety, community development and environment (Oregon Progress Board, 2008). Each Goal Assessment Team reviewed the KPMs for relevance to their goal assessment/review.

Collating findings and peer reviewing the assessment/review. Each Goal Assessment Team reviewed and summarized the studies, and used a set of criteria (see Appendix A) to judge the relevance of each study to answer the primary and secondary questions laid out in the project. Each Goal Assessment Team was given professional discretion regarding how they presented their findings. The only requirement was that each addressed the document review and/or institutional review, existing data, and data gaps. Peer reviewers were given three to five days to comment on the draft chapters. The teams were then given seven days to respond to the comments.

Organization of the Report

This report is structured in chapters, each reflecting the professional expertise of its authors. Within each chapter, the authors address the effectiveness of their studied goal and provide information on advantages and disadvantages of data sources, existing data gaps, and recommendations for narrowing those gaps. The appendices provide the background documentation (primarily the list of reviewed documents) making the assessment/review process more transparent.

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Recommendations

This intensive but highly time-limited research effort began with the question “Is the Oregon land use system, as designed, helping the state meet its land use goals?” Research teams asked the question as it relates to five of Oregon’s 19 land use system goals. Research included identifying data gaps and providing suggestions to address identified gaps. Each chapter contains details regarding data gaps and suggestions for improving data collection. Following are overall observations and recommendations.

Evidence suggests that the land use system is meeting Oregon’s land use goals—at least the goals evaluated. At the same time, various correlations are weak or difficult to get at; and in one case, there is no readily usable data. Problems include lack of data, lack of appropriate databases, scale issues and difficulty controlling and/or interpreting additional factors that influence goal success.

To overcome the foregoing problems, Oregon needs to develop a goals-specific, integrated system for data gathering, tracking and reporting. It should include the following process and elements:

1. The state needs to develop a set of *goal specific* performance measures. Existing Oregon Benchmarks and agency performance measures provide little value or guidance in answering the basic question.
2. The state needs to create an integrated tracking and reporting system across agencies and levels of government. It should convene a task force comprising the expertise to determine how measures should be developed to provide the clearest goal achievement evaluation, what appropriate data sources exist, what sources are needed, and what entities are best suited for data collection and reporting.
3. Performance measures for agencies needing to develop and report data should include measures specifically linked to carrying out those duties.

Oregon may also want to develop a modified benchmarking program for its land use system. The distinguishing feature of benchmarking is its comparative element: entities seek best-practice examples to increase performance in their own process or program. Appraising aspects of other states’ land use strategies could provide information for improvements or provide compelling evidence that Oregon is, indeed, the exemplar for land use planning that maintains a range of desirable amenities and advantages.

The suggested process and structure can enhance planning system characteristics that different stakeholders, including citizens, decision makers, planners and agencies, have consistently advocated: clarity, flexibility and accountability; clarity in that stakeholders have ready access to information regarding goal achievement, flexibility as the system provides information on an ongoing basis that helps decision makers adapt how goals are

Recommendations

carried out or modified, and accountability in that the reasons for any suggested change processes are well documented and transparent.

The appraisal suggests Oregon's current land use system is sound. It does not answer questions about whether or how the system could be made less rigid and more responsive to regional and local needs. It does, however, suggest that, while recommended changes deserve full consideration, they need to be made with careful deliberation regarding how changes might affect the state's ability to maintain a system that, based in intensive, objective analysis, generally meets its goals.