



Oregon

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Oregon's Land Use Planning Program

Providing regional solutions for a diverse state

Oregon's statewide land use planning laws contain many provisions that accommodate the significant geographical, economic, environmental, cultural and political differences across the state. There are four major ways in which the program recognizes local and regional differences.

1. State Law and Local Plans

The most fundamental way that planning laws recognize and account for regional differences is by requiring that comprehensive plans and ordinances be developed, adopted and implemented by each of Oregon's 242 cities and 36 counties. Although those plans must comply with the 19 Statewide Planning Goals, no two plans are identical. Each local plan incorporates the goals in a unique fashion that allows the plan to reflect local conditions.

2. The Issues

The law intends the Statewide Planning Goals to be a broad policy framework that provides flexibility in local application and implementation. As a result, the locally adopted and state-acknowledged plans demonstrate a diversity of planning approaches and chosen solutions to common land use conditions. Those solutions – which are realized through active citizen participation – reflect the unique geographical, economic, social and political setting of each community and demonstrate that there is a difference in land use plans throughout the state. Comprehensive plans are based on information which describes each local community: city and county population; employment trends; soil types; flood plains; unique geographical features; building permit data; inventories of the types of residential, commercial and industrial land; and public facility master plans.

3. The Goals

Another way the program accounts for regional differences is in the Statewide Planning Goals themselves. For instance, Goal 3 (Agricultural Lands) applies different policies to eastern Oregon than western Oregon. Similarly, Goal 4 (Forest Lands) is based on the productivity of lands for forest production, which varies widely among regions such as the high plateaus of Central Oregon, the Oregon Coast, and the foothills of the Cascade Mountains. Goal 15 (Willamette River Greenway) applies only to jurisdictions that border the Willamette River from Eugene to Portland. Another clear regional distinction can be found in three coastal goals: Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands) and Goal 18 (Beaches and Dunes). The Columbia River, Yaquina Bay and Coos Bay estuary management plans all meet the coastal Goal requirements, but in different ways based on the differences of estuaries.

4. The Size of the Jurisdictions

In addition to providing flexibility in the Statewide Planning Goals to account for local conditions, the program recognizes the differences in community size around the state, providing, in effect, a multi-tiered land use system.

- The most detailed planning laws – such as those for transportation – apply only to cities with populations of 25,000 or greater and to cities included in Metropolitan Planning Organizations (MPOs). (Oregon has six MPOs: the metropolitan regions of Portland, Salem, Eugene, Medford, Bend and Corvallis.)
- Less stringent provisions apply to moderate size cities (population 2,500-24,999) such as Dallas, Klamath Falls, Roseburg and La Grande. For example, cities under 25,000 are not required to address specific residential and Urban Growth Boundary (UGB) planning requirements (ORS 197.296), or land use and mass transit planning requirements of LCDC’s Transportation Planning Rule (OAR 660-012).
- Periodic Review of local land use plans is only required for cities over 10,000 or cities in an MPO (54 cities). Oregon’s counties are exempt from state requirements for Periodic Review, except with regard to a counties’ role in Periodic Review for cities over 10,000.
- Oregon’s smallest cities (under 2,500) and counties (under 15,000) are exempt from many planning statutes and rules.

Here are some other specific ways in which the Oregon land use program allows for regional differences:

Differences by Area of the State

1. Statutory procedures allow Regional Problem Solving (RPS), whereby state and local interests may create special plans for a specific region, including plans that may be exempt from certain statewide planning requirements (ORS 197.652 to 197.656).
2. There are different planning requirements and procedures that apply to the Portland metropolitan area. Because of the complexity of its urban issues, the Portland Metropolitan Service District (Metro) has unique charter authority for land use planning for the 25 cities in the metropolitan area, including the urban portions of Clackamas, Multnomah and Washington counties. Metro, the only directly elected regional government in the nation, serves more than 1.4 million residents. Its charter (1992) provides for a Regional Framework Plan, which incorporates planning goals, objectives and policies that only apply to the Metro region. Also, LCDC has adopted rules that apply only to Metro regarding housing, and urban and rural reserves.
3. There are different definitions of ‘agricultural land’ for eastern and western Oregon.
4. There are different definitions of high-value farmland for the Willamette Valley and the Oregon Coast than other areas of the state (ORS 215.710).
5. There are different standards regulating the approval of dwellings on high-value farmland versus non high-value farmland (OAR 660-033-0135(5) and (7)).
6. There are different approval criteria for “non-farm dwellings” on farmland in the Willamette Valley than in eastern Oregon and other areas of western Oregon (ORS 215.284).
7. There are different approval criteria for the creation of new parcels for non-farm dwellings

in the Willamette Valley than in eastern Oregon and other areas of western Oregon (ORS 215.263).

8. There are different approval criteria throughout the state for dwellings on forest land based on forest capability standards (ORS 215.705 and 215.750).
9. There are different minimum lot size requirements for the approval of dwellings on forest land in eastern and western Oregon (ORS 215.740).
10. Laws allow for guest ranches as part of livestock operations in eastern Oregon (Chapter 728, Oregon Laws 1997 and Chapter 467, Oregon Laws 2001).
11. There are different criteria allowing “destination resorts” in coastal areas and in eastern Oregon (ORS 197.435, 197.445 and 197.455).
12. There are different standards for allowing aggregate mining on farmland inside and outside the Willamette Valley (OAR 660-023-0180).
13. There are different standards for rural industrial uses inside the Willamette Valley than for those in other regions (Section 1, Chapter 668, Or Laws 2003).
14. The requirements for the Willamette River Greenway apply only in the Willamette Valley and differentiate between urban and rural areas along the river.
15. The coastal goals apply only in seven coastal counties and have different planning requirements depending on the types of resources present.
16. There are different planning requirements for the Columbia River Gorge region as a result of state and federal land use legislation (Columbia River Gorge National Scenic Act).

NOTE: DLCD is also part of the Governor’s Economic Revitalization Team (ERT), which emphasizes multi-agency coordination on projects of local and statewide significance. ERT has regional coordinators around the state (Bend, Milton-Freewater, Central Point, Salem and Portland) to help communities and businesses identify and emphasize unique economic strengths and opportunities.

Differences by Size of Jurisdiction

1. There are different requirements for transportation planning for cities with a population of less than 10,000. Those cities may seek an exemption from certain transportation planning requirements (ORS 197.230(4)).
2. There are different UGB requirements regarding residential land needs for cities with a population of less than 25,000 (ORS 197.296).
3. There are different planning requirements for providing needed housing for cities with a population of less than 2,500 and counties with a population of less than 15,000 (ORS 197.303).
4. There are different requirements for the Periodic Review of comprehensive plans based on the size and location of cities (ORS 197.629).

5. There are different planning requirements for unincorporated communities depending on the size, location and other characteristics of those communities (OAR 660, Division 22).
6. Cities with a population of less than 2,500 are except from certain planning requirements for the provision of public facilities (OAR 660-011-0000).
7. Cities with a population of less than 2,500 are exempt from certain planning requirements for economic development (OAR 660-009-0020(2)).
8. There are different planning requirements for airports based on size (OAR 660-013-0155).

As the foregoing examples show, Oregon's land use planning laws recognize many of the ways in which different parts of the state and different size communities have different needs and interests. One size does not fit all.

Persons interested in more information about any of the matters presented in this paper should contact the Department of Land Conservation and Development, 635 Capitol St. NE, Suite 150, Salem, OR 97301-2540 (503-373-0050), or go to the department's website listed below.

IMPORTANT WEBSITE LINKS:

Department of Land Conservation and Development: <http://www.oregon.gov/LCD/index.shtml>

Oregon Revised Statutes: <http://www.leg.state.or.us/ors/home.html>

Oregon Administrative Rules: <http://arcweb.sos.state.or.us/banners/rules.htm>

The 19 Statewide Planning Goals: <http://www.oregon.gov/LCD/goals.shtml>

Metro (Portland area): <http://www.metro-region.org>