

# Water Planning and Land Use Planning: Understanding the Nexus

**Presentation to the OWRD Division 10 Rule  
Advisory Committee**

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# Background/Overview

- Land Use Governance –
  - LCDC, DLCDC, ORS, OAR, Statewide Planning Goals
  - city and county planning departments ORS 195.025
- Water Governance –
  - OWRC, OWRD, ORS, OAR,
  - Local Watermasters
- The nexus and how coordination Works
  - Current planning (permits) – public notice and SAC
  - Long range planning – Comprehensive Plan updates, WMCP, IWRS, Periodic Review, Other (Umatilla County 2050 Plan, Deschutes Basin Plan)
- The next level of enhanced coordination
  - Water Management Conservation Plans (WMCP)
  - Integrated Water Resources Strategy (IWRS)
  - Comprehensive Plan and Code Updates - legislative process (PAPA)



# County Responsibility for Regional Coordination

ORS 195.025 Regional **coordination** of planning activities; alternatives. (1) In addition to the responsibilities stated in ORS 197.175, each county, through its governing body, shall be responsible for **coordinating** all planning activities affecting land uses within the county, including planning activities of the county, cities, special districts and state agencies, to assure an integrated comprehensive plan for the entire area of the county.

## Oregon Water Policy

### OAR 690-005-0020

**“ In any action pursuant to a program identified in **OAR 690-005-0025**, the Commission and Department shall comply with the goals and be compatible with local comprehensive plans to the greatest extent possible...”**



# Integrating Water and Land Use Planning

## LAND USE

### Emphasis on Planning then Regulation

1. Comprehensive Plans
2. Implementation Ordinances (Zoning Code)

Cities and Counties implement Land Use Programs

State DLCDC and LCDC support (with occasional enforcement and adoption of new Programs and OARs)

## WATER

### Emphasis on Management and Regulation

State Water Resources Department (OWRD implements)

Commission focus on contested cases and some policy.

Legal driven, e.g. water rights and prior appropriation doctrine

Regional and District Offices focused on management and regulation

***Relatively New: Integrated Water Resources Strategy (IWRS)***

# Current Planning: How Water and OWRD is included in Land Use Processes

<b>Permit Type</b>	<b>Findings Required</b>	<b>Address Water</b>	<b>Address Impact</b>	<b>Refer to P.C. for Review &amp; Decision</b>
<b>Conditional Use Permit</b>	Yes	Yes	If new development will impact existing uses.	If staff observes that impacts may occur.
<b>Land Partition</b>	Yes	Yes	Yes	If partition will add to water consumption.
<b>Subdivision</b>	Yes	Yes	Yes	Yes
<b>Replat</b>	Yes	Yes	Yes	Yes
<b>Land Use Decision</b>	Yes	Yes	If use impacts water	Yes
<b>Design Review</b>	Varies	maybe	Depends on Dev. Code and proposed use.	Depends on Dev. Code and proposed use.
<b>Zoning Permit</b>	No	No	OWRD manages the use of water	No
<b>Variance</b>	Yes	Maybe	If use impacts adjacent property owners	If use impacts adjacent property owners

# Cornerstone of Coordination: State Agency Coordination (SAC) Program

## **Oregon Revised Statue Chapter 197.180**

State agency planning responsibilities; certain information to be submitted to department; determination of compliance with goals and plans; rules; exceptions;

## **Oregon Administrative Rules Chapter 660**

OAR 660 Division 30 The purpose of this division is to respond to the legislative findings and policy....implements provisions in SWPG 2 ...and explains the relationship between OAR chapter 660 divisions 30 and 31.

The purpose of Commission certification of agency coordination programs is to assure that state agency rules and programs which affect land use comply with the statewide goals and are compatible with acknowledged city and county comprehensive plans.

## **LCDC Acknowledged State Agency Coordination Program**

Statewide Planning Goals  
**GOAL 5 Water Quantity**

OAR Chapter 660 Division 23

- **OAR 660-023-0140 (1) (c): “Protect significant groundwater resources” means to adopt land use programs to help ensure that reliable groundwater is available to areas planned for development and to provide a reasonable level of certainty that the carrying capacity of groundwater resources will not be exceeded.”**
- **OAR 660-023-0140(3): “Critical groundwater areas and restrictively classified areas are significant groundwater resources...local governments shall develop programs to protect these significant groundwater resources.”**
- ***Goal 5 must be considered as part of all legislative applications e.g. zone or plan changes.***



# Critical Groundwater Areas (CGWA)

- Once established, by OWRC becomes a “significant” Goal 5 Resource
- OAR 660-23 Procedures and Requirements for Complying With Goal 5
  - Inventory
  - ESEE Decision Process (de facto if CGWA)
  - Programs to Achieve Goal 5 (technically county should develop and adopt)
  - Notice and Land Owner Involvement (part of county process, not state)
- OAR 660-023-0140 Groundwater Resources
- OAR 660-016 Complying with Statewide Planning Goal 5
- OAR 660-031 State Permit Compliance and Compatibility