Planning the Oregon Way: Planning 101 for Planners and Permit Technicians

Central Oregon Planners Network Meeting
June 29, 2016

Oregon’s Planning Program

“There is a shameless threat to our environment and to the whole quality of our life, an unfettered despoiling of the land. Sagebrush subdivisions, coastal ‘condomania,’ and the ravenous rampage of suburbia in the Willamette Valley all threaten to mock Oregon’s status as the environmental model for the nation. We are dismayed that we have not stopped misuse of the land, which is our most valuable finite natural resource.”
Oregon’s Planning Program

History

- Senate Bill 100
  - Created LCDC and DLCD
  - Directed LCDC to develop statewide planning goals
  - Required all cities and counties to adopt comprehensive plans
  - Gave LCDC the authority to approve or reject comprehensive plans
  - Required state agencies to comply with comprehensive plans

Land Conservation & Development Commission (LCDC)

- Seven citizen volunteers appointed by the Governor and approved by the Senate
- Geographic representation
- Adopts state land use goals and rules
- Ensures local plan compliance with goals
- Hears certain land use cases

Statewide Planning Goals

- 19 goals – the foundation of the Oregon land use program
- Express Oregon’s fundamental policies on land use
- Local comprehensive plans and ordinances must be in compliance with applicable goals
- Comprehensive plans replace the goals upon acknowledgment

Land Use Regulation Hierarchy

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
Oregon Administrative Rules (OARs)
- Some implement and refine goals
- Some apply only to LCDC and DLCD
- Many apply directly to local land use decisions
  - Most relate only to plan amendments
  - Some regulate permits

Primary Statutes (ORS)
- ORS 197 includes a wide variety of requirements
- ORS 215 provides laws for county planning and EFU and forest zones
- ORS 227 provides laws for city planning
- ORS 92 regulates land divisions

Comp. Planning Requirements
- All cities and counties must adopt a comprehensive plan and implementing codes
- All urban and rural areas must be planned and zoned
- LCDC approves plans as complying with the statewide planning goals, rules, and statutes
- State agency plans and permitting actions must comply with local plan/zoning requirements

Comprehensive Plan
- Establishes a “vision”
- Guiding land use document for local government
- Comprehensive document that guides land use, infrastructure development, conservation of natural resources, economic development, public services, etc.

Comprehensive Plan
- The plan is the basis for and implemented by zoning regulations
- Policies are sometimes regulatory (“shall”)
- Plans are often organized consistently with statewide planning goals, but not always
Amending the Plan

- Requirements for notice to DLCD
  - Generally a minimum of two hearings
  - All the goals potentially apply
  - Appeals go to the Land Use Board of Appeals

Planning the Oregon Way

1. Urban growth boundaries and city/county urban growth management agreements
2. Land use codes
3. Land use decision timelines
4. Notice
5. Land use decision types
6. Findings
7. LUBA to the Supreme Court
8. The permit process
9. Enforcement
10. Discussion/Q&A

Oregon Planner’s Retreat Session Agenda (June 26, 2010 - 1:00 to 4:00)

1) City Limits/Urban Growth Boundaries (UGB’s) and Urban Growth Management Agreements (UGMAs).

Three points to note:

* For the UGB area, outside the City Limits and in the County, the City and County Planning responsibilities are outlined in the City/County Urban Growth Management.

* The UGB covers a range of jurisdictional land use concerns, roads, who processes a land use application, agreement on UGB expansion requests, etc.

* The UGB area is in the City Comprehensive Plan and is typically zoned with County Zoning until annexed. (Typically, not always.)
2) Land Use Codes

- Zoning and Planning
- Land Use Action Types

- Ministerial Action
- Administrative Review
- Quasi-judicial Action
- Legislative Action

3) Land Use Decision Timeline

- OBS Citations

4) Notice

- OBS Citations

5) Land Use Action Types

6) Findings

- OBS 197.911 Consent and quasi-judicial land use hearings: notice requirements: hearing procedures.

- Legal Requirements

- Findings used to present a fair and unbiased decision upon which to determine the facts and circumstances that the evidence to the record.
7) LUABA to Supreme Court

What is LUABA?

The 2009 Planning Act created the Local Authority Board of Appeals (LUABA) which is the equivalent of a specialized land use court.

The decision of the Board is final and cannot be reviewed by the High Court.

Timelessness with LUABA

The appeals must be heard within 21 days of the local council’s decision.

LUABA usually takes about 230 days to process an appeal.

Penalties for non-compliance with LUABA decisions are:

- An appeal to a local council can be made within 21 days of the decision.
- A decision of the appeals panel is final and cannot be reviewed by the High Court.

8) The basic permit process steps

The following information reflects minimum standards required. Please review these steps with your community’s Planning Director for additional information and requirements.

- Drawings
  - For general development purposes
  - Step 1: Planning approval (including, but not limited to, floodplain certification, etc.)
  - Step 2: Oxlet permit approval
  - Step 3: Payment of fees
  - Step 4: Building permits
- Accessory buildings
  - For general development purposes
  - Step 1: Planning approval (including, but not limited to, floodplain certification, etc.)
  - Step 2: Oxlet permit approval
  - Step 3: Payment of fees
  - Step 4: Building permits

9) Enforcement

- Complaint form (budget – PR purposes)
- Other agency help
- Process

10) Discussion/Q&A

11) The End!
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Date: [Insert Date]

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