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Background Brief on...

Land Use

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Background

Oregon's rapid population growth and development during the 1960s and 1970s prompted concern about land use. Underlying the concern were two issues inseparable from any type of land development: the environment and economics. In a state where farming and forestry are two of the largest industries, the concern is that the conversion of these lands for other uses could seriously hurt Oregon's economy. An equally important economic aspect of land-use is the cost of public services. A planned city requires fewer streets, shorter sewers, smaller water pipes, and fewer police and fire fighters than does its sprawling counterpart. These concerns led to the adoption of Oregon's land-use laws in 1973 (Senate Bill 100).

Land Use Planning

Oregon does not have a statewide land use plan; instead, the state's 240 cities and 36 counties are responsible for adopting local comprehensive plans, zoning land, administering land use regulations, and handling land use permits. The local planning must be done in accordance with state standards. The result is a mosaic of 276 local plans applied to all 26 million acres of privately owned land in Oregon. The Land Conservation and Development Commission (**LCDC**) adopted 19 statewide planning goals in the mid-1970s to provide the framework for a statewide program of land use planning.

The state requires cities and counties to adopt comprehensive plans and the land use regulations necessary to carry them out, including zoning. It sets standards and requirements for much of that planning through statutes, statewide planning goals, and administrative rules. It periodically reviews local comprehensive plans, amendments to those plans and state agency programs to see that they meet statewide standards. Comprehensive plans that meet these standards are approved, or "acknowledged" by LCDC. Plans do not remain static once they are acknowledged, and the Department of Land Conservation and Development (**DLCD**) reviews post-acknowledgment plan amendments.

What is LCDC?

The Land Conservation and Development Commission (**LCDC**) acts as the "board of directors" for the state's land use planning agency. The seven members are appointed by the Governor and

confirmed by the Senate, and represent diverse geographic regions. LCDC is the “acknowledging” body for local plans. The commission also considers requests for appeals of local land use decisions to the Land Use Board of Appeals (LUBA).

What is DLCD?

The Department of Land Conservation and Development serves as the administrative arm of LCDC. The agency administers all land use planning statutes and executive and commission policies that affect land. The department is organized around rural, coastal, and urban emphases, and provides technical assistance to cities and counties. DLCD also develops new policies, legislation and rules in response to changes in land use laws and trends.

What is LUBA?

The Land Use Board of Appeals (LUBA) is an independent special “court” that rules on matters involving land use and planning. LUBA rules on appeals of land use decisions made by local governments and state agencies. Appeals from LUBA proceed directly to the State Appellate Court and subsequently to the Oregon Supreme Court. LUBA consists of three referees who are appointed by the Governor and confirmed by the Senate.

What are the Statewide Planning Goals?

The 19 statewide planning goals, approved by LCDC in the mid-1970s, provide the framework for a statewide program of land-use planning. They are state policies on urban and rural land uses, resource management, economic development, urban growth, coastal protection, natural hazards, and citizen involvement that form the elements of a local comprehensive land use plan. The land use plans developed by local citizens, professional planners, and appointed planning commissioners must be consistent with these statewide planning goals.

What is a UGB?

Each of Oregon’s 240 cities is surrounded by an “urban growth boundary” (UGB). A UGB is a line drawn on planning and zoning maps to show where a city expects to grow residentially, industrially and commercially. A UGB often includes unincorporated

land. Most of the land outside of the UGB will continue to be used for farming, forestry, or low-density residential development, and urban services won’t be extended there. Zoning restrictions in areas outside of UGBs prohibit urban development and urban densities.

A UGB is drawn by a combination of the city, adjoining counties, and special districts that provide important services in the “urbanizable” area. Citizens of the area and other interested parties also determine where the UGB will be drawn. Annexations of lands within the UGBs of Oregon communities are often subject to a public vote. Metro plays a significant role in setting the UGB for the Portland metropolitan area. UGBs can be modified, and to do so, a city must comply with the statewide planning goals and standards for establishing an urban growth boundary.

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