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FROM: Dr. Sumner Sharpe, FAICP, President

RE: *An Evaluation of Planning in Oregon, 1973 - 2001:
A Report to OAPA from COPE (Committee on the
Oregon Planning Experience)*

Oregon's approach to land use planning is one of the oldest and most highly acclaimed in the nation. While its accomplishments are many, challenges remain. To evaluate the program's accomplishments and challenges, the Oregon Chapter of the American Planning Association (OAPA) appointed a special committee to evaluate planning in Oregon. The Committee on the Oregon Planning Experience (COPE) recently completed that evaluation.

We commend the committee for its work and convey our sincere appreciation to Dr. Nohad Toulan, Dean of the School of Urban and Public Affairs, Portland State University, for chairing this effort. He, his staff at PSU, and COPE's members--all of whom worked as unpaid volunteers--completed an impressive task with limited resources.

The COPE report is based on interviews with 55 informed citizens, planners, elected officials, planning commissioners and others in related fields around the state. The interviews revealed considerable praise for Oregon's planning system, for its contribution to community livability, protection of resource land,

citizen involvement and other accomplishments. They also identified some areas that merit careful review and discussion.

This memorandum is a foreword to the COPE report. It presents the OAPA Board's response to COPE's seven main recommendations. The Board accepted some of these recommendations, but did not completely concur with others. The Board agrees with COPE that these recommendations are based on concerns that need to be addressed. To begin this discussion, OAPA plans to launch an extensive effort to engage Oregonians in a reaffirmation of the Oregon vision. This effort will increase new and old residents' understanding of the role of land use planning in preserving and protecting our unique quality of life.

The recommendations from COPE and the OAPA Board's responses to them follow.

COPE Recommendation 1 – Develop a vision for the future. OAPA generally concurs with this recommendation. This does not necessarily entail establishing a new vision. The appropriate action may be to refine and better articulate the vision for land use planning in Oregon that has emerged since the goals were first articulated. Recognizing that many jurisdictions have adopted visions for their areas, this emphasis will be on a vision for the state as a whole. In the coming months, we will be looking for partners to address this recommendation by re-engaging Oregonians in all parts of the state.

COPE Recommendation 2 – Expand education. The OAPA Board strongly agrees with and supports this recommendation. The Board has directed the Chapter's Education and Outreach Committee to lead this important effort. Again, we invite others to assist. Many of the successes of our statewide land use planning program are little known and should be widely shared. Moreover, information about what planning has accomplished is sorely needed. Our efforts will serve to inform as well as engage Oregonians in preserving our quality of life.

COPE Recommendation 3 – Consider whether state standards should be differentiated for varied physical and geographical circumstances. Several Board members believe this recommendation fails to recognize that Oregon's planning system has evolved greatly since its inception. DLCD's Acting Director, Bill Blosser, wrote the Board a letter identifying the many rules and regulations that make distinctions based on physical and geographical circumstances. Noting this diversity, several board members suggested that the appropriate action here may be to inform planners and other Oregonians about what is currently possible and to look for improvements based upon a more comprehensive review of this concern.

COPE Recommendation 4 – Streamline the planning process. Oregon's planning system and permitting process is reputed to be more efficient and certain than that of most other states. The Board recommends that objective data be gathered to compare processing times and costs with other states. We agree with COPE's findings that the system should be made more accessible to users, and that in some areas, the process could be made less cumbersome. We note, however, that land use permits in Oregon are implemented locally: additional technical or financial support to local governments, rather than broad changes in state policy, may be the best way to improve user satisfaction with the planning program.

COPE Recommendation 5 – Explore regionalism and regional planning. The Board agrees that the focus of the planning program should be on shared problem-solving and allow for visions and plans for regions with common concerns and opportunities to be developed. Some Board members note that Oregon already has numerous programs and provisions for regional planning and they recommend that these programs and provisions be formally evaluated to inform further discussion on this topic.

COPE Recommendation 6 – Increase focus on urban areas. Oregon’s statewide planning program originally placed great emphasis on protecting resource lands from urban sprawl. It has achieved considerable success in protecting rural resource lands, but it has been less successful in fostering high-quality development of urban areas. However, the Transportation and Growth Management (TGM) Program and other statewide initiatives have provided support to local communities and regions in developing a focus on urban areas. We will continue to support these efforts.

COPE Recommendation 7 – Address fairness and equity. OAPA has consistently taken the position that monetary compensation is not the only or necessarily the best remedy to address fairness and equity regarding land use planning and related regulations. Other ways of dealing with this issue may be more effective and less costly. Although the Board is well aware of public concern about land use regulation as evidenced by the passage of Ballot Measure 7 in 1999, members also believe that the value and benefits of land use planning and zoning to property owners are under-appreciated. The chapter’s Legislative and Policy Affairs Committee and other committees will continue to work on this issue. Again, we strongly urge others to join us in this effort.

OAPA’S CALL TO ACTION

In conclusion, the COPE report finds broad support for Oregon’s planning program. Indeed, there are many successes to be celebrated. Our statewide planning program is internationally recognized, and our quality of life remains enviable. Our planning system and the people who implement it all deserve much credit for controlling urban sprawl; preserving farmland and open spaces; improving water quality and transportation choices; encouraging the choice and provision of adequate affordable housing; and maintaining and improving our overall livability. There remain, however, concerns to be addressed and work to be done.

To meet those challenges, we agree with COPE that the land use planning program must have the understanding and support of those it serves. ***To this end, OAPA calls for a statewide dialogue to revisit and affirm the shared vision for Oregon, and to agree on the means to achieve that vision.*** That dialogue must be achieved through a collaborative process involving agencies, individuals and organizations involved in and affected by land use planning. As described in the COPE report, more than half the people who live in Oregon today were not here when our statewide planning program was formed. Many lack personal experience with or knowledge about our planning system. The statewide dialogue we propose thus will serve as a much-needed opportunity to inform and reconnect with Oregonians throughout the state.

We know full well that past accomplishments do not guarantee future success. For Oregon's planning system to maintain its effectiveness, we must address the concerns described in this report and help Oregonians become more informed about and involved in planning. We invite your help in making that happen.

Thank you for your interest. If you have questions or comments about this report, please contact us. Additional information about OAPA can be found on our website at www.oregonapa.org.

AN EVALUATION OF PLANNING IN OREGON
1973 - 2001

A Report Submitted to
The Oregon Chapter of the American Planning Association

By
The Committee on the Oregon Planning Experience (COPE)

November 2001



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The Committee wishes to acknowledge the contributions made to its work by Steven Ames, Dick Benner, Sally Puent, AICP, and Sumner Sharpe, FAICP. Early in its work the Committee received valuable support from Keith L. Cubic, Michael Hibbard, Ph.D., Hanley Jenkins II, and Marcy McInelly. The work of this Committee would not have been completed without the generous support we received from the College of Urban and Public Affairs at Portland State University. We also wish to acknowledge the invaluable services of Rod Johnson, Assistant to the Dean in the College, and Beth St. Amand, a graduate research assistant, who provided much of the technical support for the Committee. The Committee also wishes to thank all individuals who consented to participate in the survey, as well as those who gave freely of their time to conduct interviews. The names of these individuals and their affiliations are listed in Appendix 4.

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	5
2. INTRODUCTION	7
3. OVERVIEW OF OREGON’S LAND USE PLANNING PROGRAM	8
4. CONCERNS OVER THE OREGON PLANNING PROGRAM	10
5. PROGRAM EVALUATION: SURVEY AND ISSUE IDENTIFICATION	12
6. CONCLUSIONS	17
7. THE COMMITTEE’S RECOMMENDATIONS	19
8. NEXT STEPS	23
APPENDICES	24
APPENDIX 1: COPE MISSION STATEMENT	
APPENDIX 2: OREGON STATEWIDE PLANNERS DIALOGUE	
APPENDIX 3: QUESTIONNAIRE METHODOLOGY	
APPENDIX 4: INTERVIEWEE AND INTERVIEWER NAMES	
APPENDIX 5: QUESTIONNAIRE	
APPENDIX 6: BACKGROUND OF COMMITTEE MEMBERS	

I. EXECUTIVE SUMMARY

The Committee on the Oregon Planning Experience (COPE) was established by the Board of the Oregon Chapter of the American Planning Association in Spring 2000. Its principal charge has been to review and comment on the accomplishments of mandated land use planning in Oregon and to identify directions for the future.

From the beginning of its work, the Committee has been aware that controversy has accompanied the Oregon land use planning program since its inception in 1969. However, the passage of Ballot Measure 7 in November 2000 was perhaps a more dramatic manifestation of such controversy. Although that measure will not likely survive a state constitutional challenge, its passage does raise concerns over the depth of knowledge and support for the state land use program, as well as the need to re-evaluate that program.

To complete its task to review and comment on the accomplishments of the land use planning program in Oregon, the Committee employed the following methodology: a review of all available written material, a dialogue with former Department of Land Conservation and Development (DLCD) Director Richard Benner and other individuals familiar with the program, an outreach session with concerned APA members during OPI 2000, and 55 interviews of diverse individuals, including planners and civic leaders, from all regions of the state. The Committee's recommendations are based on this research, as well as its members', experience.

In general, the findings of the committee and outcome of its work has been favorable to the program. With one or two exceptions the views expressed to the committee can only be described as positive criticism. The strengths of the program are summarized in three points:

- Uniformity and consistency of statewide goals,
- Contribution to livability, and
- Efficiency and better definition of land uses and the development process.

The Committee also finds that there exists a widespread belief that the program needs to adapt to changing realities. Challenges facing the program include:

- Perception of unfairness,
- Articulation of a vision and a purpose that is responsive to current political and social views of Oregonians,
- Increased population and emerging issues of the 21st century, and
- Enhancing the roles of regional and local governments. Providing for local and regional differences while maintaining statewide consistency with the goals.

With regard to Ballot Measure 7, the Committee finds that the prevailing view is that its passage did not represent dissatisfaction with the program's basic objectives. Rather it came about as a result of misunderstanding or because of unhappiness with bureaucratic aspects of the program, or other genuine concerns about the program. Finally, the Committee is surprised by the near uniformity of these views among individuals contacted from all regions

of the state. Indeed, we find a desire for more regional flexibility but no outright hostility statewide.

Based on its work, the Committee makes seven key recommendations for the statewide land use planning program:

- **Develop a vision for the future.** The state should embark on articulating a vision for the spatial development of Oregon that reflects the direction in which the state, in concert with citizens and local governments, is heading over the next 20 to 30 years. The vision can provide a framework and context for discussing possible changes to the program. A dialogue as extensive as the outreach effort that was conducted when the program was first adopted in 1973 will be vital so that the general public will feel a sense of ownership for the program.
- **Expand education.** OAPA, DLCDC, and others in the planning field should reach out to as many different groups in Oregon as possible through a variety of channels and explain how the planning system works, why it is important, and the benefits it gives to Oregon. APA could also provide more education and training to local government planners on the issue of negative impacts of regulations, not to avoid adopting difficult regulations but to improve the profession's image and provide a worthwhile service.
- **Consider whether state standards should be differentiated for varied physical and geographical circumstances.** The current program tends to have a “one-size-fits-all” approach to policy application. The state should consider amending goals, rules and statutes to allow for local differences—or justify statewide application.
- **Streamline the planning process.** Wherever possible, development review should be simplified with respect to process and cost, so as to allow for the elimination of unnecessary proceedings, while retaining meaningful citizen participation.
- **Explore Regionalism and Regional Planning.** The Committee recommends that the State utilize regional planning to address this report’s concerns. Geographic, demographic, and economic criteria can be used to define five to six regions in the state; commonality of interests and mutual and compatible values should be emphasized during their creation.
- **Increase focus on urban areas.** The planning program should give increased attention to urban areas, including patterns of development inside UGBs and what a desirable urban landscape looks like.
- **Address fairness and equity.** The planning community should recognize that the benefits and costs of planning do not accrue equally to all Oregonians. The State should develop a process to provide remedies, monetary and otherwise, in those cases where the impacts of land-use regulations result in unreasonable hardships to legitimate property expectations.

2. INTRODUCTION

In Spring 2000 the Executive Board of the American Planning Association's Oregon Chapter established a committee to assess the performance of statewide land use planning in Oregon. The charge to the Committee was broad, allowing considerable leeway in defining the Committee's scope. The as-yet unnamed Committee met first in July 2000, when the "Committee on the Oregon Planning Experience" (COPE) emerged as the most appropriate title. By August the Committee adopted a mission statement to guide its work (see Appendix 1). The mission states that the Committee's central mission is to review and comment on the accomplishments of mandated land use planning in Oregon. To fulfill its mandate, the Committee identified two main tasks: 1) a short-term task to identify issues to draft a 2001 legislative agenda, and 2) a long-term task to address the evolutionary changes needed to enhance the value and effectiveness of statewide land use planning.

The Committee embarked on this two-fold assignment by conducting a review of previous studies and surveys including the results of the Oregon Visions Project and its Statewide Planners' Dialogue. A brief summary of that Dialogue is included as Appendix 2. The Committee also held extensive discussions with the then-Director of Department of Land Conservation and Development Richard Benner. Furthermore, the Committee benefited from the presence among its membership of individuals who have long-standing experience and knowledge of the history and workings of the Oregon planning process.

By September 2000 the Committee became concerned about the serious challenge of the proposed Ballot Measure 7 and decided the need exists for a wider dialogue focused on the challenges facing planning in Oregon. A discussion session was held at the Oregon Planning Institute in October 2000. The Committee's objective was to gain the planning community's perspective on COPE's assignment, soliciting inputs as to what has gone right and wrong with the statewide program, and listing desired changes including components of the system requiring enhancement. Members also distributed a questionnaire asking planners to share their thoughts about the Oregon statewide land-use planning system and legislative issues.

The discussion and questionnaire responses produced two conclusions: 1) The respondents' top legislative concerns were already reflected in the agenda of OAPA's Legislative and Policy Affairs Committee (LPAC), and 2) planners also felt the system needed to be critically examined at all levels. Based on these results, the Committee reoriented its work program to focus solely on the mission statement's longer-term purpose and no longer concerned itself with developing a short-term legislative agenda. The Committee hopes that the recommendations of this report will assist in defining an agenda for the next legislative session.

The Committee's conversation then turned to implementation: What methodology should be used to answer these complex questions and to produce a final report? The Committee agreed to take a three-fold thematic approach, addressing the program's structure, vision, and its legitimacy (i.e., public perceptions of the program). However, the course of the discussion changed shortly afterward, as the Committee found itself caught up in the aftermath of Ballot Measure 7, which voters approved in the November 2000 election. The Committee, like the

majority of the planning community, spent time discussing the root causes of the measure's passage and whether it reflected widespread disenchantment with the planning system.

Although the depth of the Committee members' experience provided insight to these questions, members felt strongly that the report should reflect the collective, statewide experience of individuals intimately involved with, and knowledgeable about, the system. Given a limited budget and time, the Committee determined that a series of in-depth interviews, based on a pre-designed questionnaire, provided the best methodology for meeting this objective. The members agreed that the interviews should include individuals from all regions, from large and small jurisdictions, from outside the profession and representation from all levels of government (see Appendices 3 and 4).

The interviews did not produce any major surprises or concerns that were unknown to the Committee. However, they helped focus and frame the issues and, as such, they were of great help to the Committee. Nevertheless, all findings and recommendations included in this report are based on a broad and comprehensive assessment that goes beyond the results of the interviews.

3. OVERVIEW OF OREGON'S LAND USE PLANNING PROGRAM

The seed of Oregon's statewide land use planning program was planted in 1969 with the Legislature's passage of Senate Bill 10, initiated by Governor Tom McCall. SB 10 required local governments (cities and counties) to adopt land use plans. Because there was no state agency to enforce these provisions, many jurisdictions ignored them.

Four years later, Senate Bills 100 and 101 were passed by the Oregon Legislature, again, with strong support by Tom McCall. SB 100 established the land use planning program and created the Oregon Land Conservation and Development Commission (LCDC) and the Oregon Department of Land Conservation and Development (DLCD) to oversee the program. SB 101 stated that the purpose of the planning program was to contain urban development and protect farmland. Over the next few years, the commission and the department made an unprecedented effort—which has not been repeated—to meet with residents throughout the entire state to determine what direction the new land use planning program should take.

A key element of the land use planning program is the set of Statewide Planning Goals. There were originally 14 goals that addressed issues from citizen involvement to conservation of natural resources, to urbanization and economic development. In 1975, an additional goal for protecting the Willamette River Greenway was adopted. Later that same year, four more goals were created that related to coastal resources. The statewide land use planning program is applied at the local level.

Each of the state's 36 counties and 240 cities must adopt comprehensive land use plans, along with policies and regulations such as zoning and subdivision ordinances. These plans are then reviewed by DLCD for compliance with the 19 Goals. Plans that comply are formally acknowledged by LCDC, and further land use decisions must be consistent with the locally adopted plan. Local jurisdictions are required to update these plans every few years in a

process called periodic review. All plans have been adopted and have been in various stages of periodic review, as required by law. In addition, notice of amendments to acknowledged comprehensive plans and land use regulations must be given to DLCD and are subject to post-acknowledgement appeal.

Another key element of the program is coordination of state agencies. Programs of certain state agencies must also be reviewed and certified by DLCD as being in compliance with the Goals. Future land use actions by these agencies are henceforth subject to the intent of the certification.

A third feature of Oregon's land use planning program, which often seems to be its poster child to both well-wishers and critics inside and outside of Oregon, is the urban growth boundary or UGB. Metro in the Portland area and all Oregon cities and counties must delineate UGBs. Outside of this boundary, urban-level development is generally prohibited. UGBs must be established to provide adequate land for projected urban development needs, with some exceptions. UGBs have been effective in protecting farmland and forest land and preventing sprawling, leapfrog development outside the boundaries, with some exceptions.

Because some of the goals provide only general guidance and objectives on what should be achieved by a local comprehensive plan, LCDC has adopted more detailed administrative rules. These rules provide further direction to cities and counties concerning what they must do to comply with a particular goal. Over the course of the past 30 years, new administrative rules have been adopted and old ones amended. For example, in 1995, the administrative rule for Goal 5 (Natural Resources) was amended to allow for an alternate "safe harbor" process that set objective standards for compliance to protect certain natural resources such as riparian areas. Other examples include the rule adopted for transportation systems requiring safety and efficiency, and the administrative rule proposed for Goal 14 (Urbanization) to provide more contemporary and detailed guidance on patterns of urban development within urban growth boundaries.

In 1979, the Oregon Legislature initiated an experiment to deal with the problems associated with judicial review of planning decisions of state and local governments. Courts were, and are, generally unfamiliar with the planning system devised earlier in that decade, i.e., the goals, state participation in planning and the like. Planning cases received less priority than criminal cases, particularly when a defendant was in custody. Moreover, the sheer cost of litigation to all parties in the state court system was prohibitive. The solution reached by the Legislature was the creation of an administrative tribunal, the Land Use Board of Appeals (LUBA), consisting of three lawyer-referees, who would have "exclusive jurisdiction" over "land use decisions" of local governments and state agencies. Made permanent in 1981, LUBA receives about 300 cases per year and has succeeded both in terms of judicial review (where its decisions are affirmed about 75% of the time) and in the court of public opinion, where LUBA is perceived as a speedy, efficient and inexpensive means of review of land use decisions.

The state land use planning program has continuously adopted new programs to address various issues. There is a technical assistance program which provides grants to small

jurisdictions to carry out planning activities for which they may not have adequate staff. The Transportation and Growth Management program seeks to address the closely related challenges of land use and transportation planning in an integrated manner, through technical assistance grants and regional approaches. The Community Solutions Team and regional problem-solving programs provide an alternative path for local communities to collaborate and address regional problems. Regional problem-solving has been implemented on a pilot basis in several locations throughout the state with mixed success.

4. CONCERNS OVER THE OREGON PLANNING PROGRAM

Controversy has been no stranger to the Oregon planning program. The program was controversial when passed, beginning with Governor McCall's exhortation to the Oregon Legislature at the beginning of the 1973 session to pass strong planning laws. SB 100 was controversial as it made its way through the legislative process that year, with cities fearing the powers of counties, special districts fearing the powers of cities and counties, and all fearing the powers allocated to the State. There was also concern over powers to be allocated to regional governments which was addressed instead, by designating counties as the coordination agencies for local goal compliance. Aside from these intramural squabbles, many citizens feared the powers of a new state agency to supervise local planning and regulatory efforts.

There was no referral of SB 100 to voters, even though its emergency clause had been struck to allow for referral. However, there were three initiatives in 1976, 1978, and 1982 attempting to repeal or substantially reduce the power of public agencies over land. Each of these measures was the subject of strong political efforts for and against the program, and each of them failed. Nevertheless, the presence of these measures made legislators and administrators more cautious.

In the first 10 years of the program, state and local governments struggled with the meaning and application of broadly worded goals, particularly those dealing with reservation of resource lands for resource uses. The Legislature and LCDC initially attempted to develop standards for individual parcel creations or allowance of houses on these lands with such requirements that the parcel be "necessary and accessory" for forest uses, or that a home not "seriously interfere" with surrounding agricultural uses. In 1993, the Legislature concluded that these individualized standards would not work and established general minimum lot sizes for new farm and forest parcels at 80 and 160 acres. In addition, there have been efforts over the years to create "lots of record" so as to "grandfather in" parcels lawfully created before more restrictive regulations were adopted. Besides disturbing the conservation base that supported the program, these measures did not go far enough to satisfy critics.

Similarly, the program has had a spotty history of citizen participation, a major objective of the state planning effort. On the one hand, if one follows the public notices, or is entitled to individual notice of a land use proceeding, he or she has the right to participate and appeal in those proceedings. On the other hand, one must be sufficiently sophisticated to know, assert, and use the many criteria that may be applicable to a case. One must have patience and financial resources to assure one can appeal a local government decision. The legislature

alternately encourages and discourages citizen participation by manipulating the procedural and substantive standards used locally. The inability to participate easily, or the application of tricky procedures to prevent or limit such participation, breeds immense frustration. This frustration is shared by the development community, which views the process as presenting obstacles to development. At the same time, many citizens have been alienated by a process that seemed to be not conducive to public participation.

In rural areas, the limitation of almost any non-resource use to urban areas and the limitation of housing on rural lands have caused immense resentment against the program. For example, the application of criteria derived from the Coastal Goals has made development in the Coast very difficult. Similarly, in the Columbia River Gorge, landowner expectations for development have been repressed by a plan and regulations which either block, or seek to make unobtrusive (at no little cost), what development might otherwise be allowed. While the Committee recognizes that the Coast and Gorge are special cases, the problems that exist in these places may also exist elsewhere. At the same time, some individuals point to instances of rural development that appear to defy the Goals and rules.

In the 1980s, as growth boundaries began to have a noticeable impact, the focus shifted to what was happening in urban areas. The Legislature heard the concerns of the homebuilding industry and housing advocates beginning in 1981 and required LCDC and local governments to estimate and provide sufficient land for "needed housing." In 1986, the Oregon Supreme Court found that urban uses must generally be located within urban growth boundaries, so that new one- and two-acre housing tracts were not permitted. Cities became subject to regulations that caused them to increase densities and provide density "floors" as well as "ceilings" for housing, thereby raising the ire of urban dwellers normally supportive of the state planning program. In 1991, the state recognized the relationship between urban uses and transportation in its adoption of the Transportation Planning Rule ("TPR"). That rule required new transportation planning standards and additional considerations in terms of design and infrastructure that many critics suggested added undue costs and delay to development. Supporters responded that the Legislature provided for full application of the TPR, including its planning requirements, to larger communities, but limited that application to smaller communities. Supporters added that it is necessary for local governments to undertake smart growth policies in any event.

In 1998 the voters adopted Measure 56, which purported to require individual notice to property owners if state or local governments undertake to change a plan or zoning designation. Buried in the measure was a required form of notice, which tells the property owner that the city or county "has determined that adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property." The effect of this often misleading statement, required for each plan or zoning redesignation, has been to engender economic fear and resentment against planning in general and planning agencies in particular.

In the 2000 election, voters passed Ballot Measure 7, which purported to amend the state constitution to provide, among other effects, that property owners must be compensated when land use regulations lower the value of property. The measure was successfully challenged in

the state trial court. An affirmance of the decision is expected from the state Supreme Court. Nonetheless, the passage of Ballot Measure 7 may indicate some degree of dissatisfaction with the state's planning program by some factions.

Much of the recent adverse criticism, which was reflected in comments made to the Committee, arose out the State's efforts to conserve farm and forest lands by legislative adoption of a minimum lot size and LCDC's adoption of minimum gross income necessary before dwelling permits may be issued on farmland. Similarly, the program has been criticized for its "one-size-fits-all" approach to regulation, rather than providing local governments with more flexibility in meeting local problems.

The state planning program has been a primary vehicle for social change in Oregon. Because of that fact, it has garnered the resentment of those who prefer other alternatives. The cast of characters in the opposition has changed over the years. However, the concerns and sources of opposition to the program have remained and relate to the extent to which government should limit the use of land.

5. PROGRAM EVALUATION: Survey and Issue Identification

As part of its research, the Committee conducted a series of in-depth interviews with 55 people from throughout the state considered to be knowledgeable about the statewide land use planning program. The survey methodology, the names of those interviewed, and the actual questions themselves are presented in Appendices 3-5.

The interviews addressed the Committee's charge and were intended to give Committee members an up-to-date view of leaders' thoughts about the statewide land use planning program throughout the state. Its timing came on the heels of the passage of Ballot Measure 7 and the controversy surrounding it. The Committee found it difficult to identify how the ballot measure and the fact that it passed influenced the attitudes and views of the survey respondents. There is no doubt, however, that the ballot measure is a reality that injected itself as an important milestone in the evolution of the Oregon planning experience. Nevertheless, throughout the Committee's work it has become clear that the issues raised by the survey were not directly influenced by that measure. Instead they suggest an awareness of a widening concern that has been building over time. As a result, it is important to note that while Ballot Measure 7 casts and will continue to cast a shadow on the assessment of the statewide planning program, it is the Committee's conclusion that the findings being discussed here would not have been much different without it.

The survey questions did not lend themselves to narrowly defined answers. As a result, the findings are analyzed under headings that do not correspond specifically to any of the questions: Past performance, future performance, challenges, Ballot Measure 7, and regional differences. In general, the results of the survey produced very few surprises and reinforced many of the views of Committee members as they embarked on the project. Furthermore, the findings presented below, while using the interviews as a frame of reference, are a reflection of the Committee's views and experiences, as well as extrapolated from the Planner's Dialogue, other literature, discussions with leaders in the profession, and discussions within

the Planning Community, including two public meetings held in Eugene at the Oregon Planning Institute in October 2000 and October 2001. In other words, while this section of the report focuses on the survey, our recommendations are based on a much broader process.

Past Performance

In general, the survey results are favorable to the program. With one or two exceptions, the views expressed can only be described as positive criticism. Indeed, while very few respondents viewed the program as an unqualified success, those who considered it a total failure were significantly fewer. Most of the responses reflected some criticism of the program, both constructive and negative. It is interesting to note that almost all those who are critical of the program went the extra step to voice their support for planning if not necessarily the way it is being done in Oregon. Among those supportive of the program the concerns focus on the lack of an explicit and stated articulation of the program, rigid bureaucracies, and the absence of regional flexibility. On specific issues, there appears to be a unanimous recognition that the program worked well in protecting farmland and in encouraging compact urbanized areas with minimum sprawl. Respondents also view the program as a major contributor to the scenic beauty and environmental quality of the state. Several of the respondents identify other aspects of the program that contribute to its success. These are discussed below.

Statewide Goals: There seems to be a general agreement on the centrality of the goals to the success of the program. Goals, however, are not self implementing, and it is at this level that differences in expectations and perceptions begin to appear. In a sense this is easy to understand, since the 19 Goals reflect ideals to which most Oregonians subscribe. Consistency of the goals is an important asset, but, again, there is the problem of uniform interpretation of what the goals mean for the various regions of the state. A significant number of the respondents perceive such uniformity as one of the program's major weaknesses. On the other hand, uniformity also means equity, in the minds of some individuals—every city and county, as well as state agencies, have been required to comply with the statewide planning goals.

Contribution to Livability: The program's role in enhancing the livability of the state is generally acknowledged. This takes different forms: some are explicit, but more are indirect and implicit. Respondents refer to the fact that the program and the public debate it unleashed forced people to step back and reflect on the implications of growth. While there is concern for the lack of vision, there seems to be recognition that the public has been engaged in a dialogue concerning future directions for growth and development in the state. This recognition includes the perception that this dialogue creates a general awareness of the virtues of planning; but it appears to be more focused on what happened in the Portland area and Metro's 2040 plan. The uniqueness of the program and the national recognition it has gained is another positive contributor to the state's progressive image.

Efficiency: With few exceptions there is clear recognition that the program provides better definition of land uses and has led to greater involvement by Oregonians in the decision-making process. There is awareness that the program brings a more defined

development process and has enabled developers to experiment with alternative housing types. It is interesting that these views are expressed by, among others, some of the respondents who are critical of the program as a whole. It should be noted, however, that these views are moderated and sometimes contradicted by complaints about bureaucratic failings of the program. It also seems that there is a feeling that the program worked well in its first 15 years but has been on a declining path since then. Again, this does not come as a surprise, given the large size of the original urban growth boundaries and the slow growth during the decade that followed the adoption of those boundaries. But it also means with a faster rate of development in recent changes in both rural and urban areas, the program is ready for a comprehensive reassessment to ensure its continuing viability.

The Future

One thing that becomes clear as a result of the survey is the need for change. Beyond this basic notion, opinions differ widely as to what needs to change. Those who would like to see the program disappear or undergo dramatic change are very few. In fact, with two or three exceptions, those who favor the elimination of the program expressed such views implicitly and in a context that still praised some of its elements. As a result it is safe to assume that there is no real sentiment among those who are familiar with the program to see it reduced significantly, including amending the statewide planning goals to any major extent. Quite to the contrary, there have been repeated references to the importance of staying the course. Nevertheless, the Committee feels that there is widespread concern that if the program is not adapted to emerging realities, it may not survive much longer.

Areas where change is needed are generally related to the way the goals are being interpreted and implemented. As growth continues there is great need for better understanding of how economic, political and social conditions have changed since the inception of Senate Bill 100 in 1973. There seems to be growing interest in re-examining the objectives of the program and how they relate to changing social and economic conditions, especially in rural areas. There is also recognition of the need to devote more funds to help local governments do their job, including infrastructure financing to handle new growth. In summary, respondents to the survey are concerned about the ability of the program to meet the challenges lying ahead.

The Challenges

The challenges that are stated directly by the respondents or could be indirectly inferred from their comments can be summarized in three groups.

Perception of unfairness: This concern is stated directly in reference to the changing economic realities facing farmers and other rural land owners, many of whom may have property that they cannot develop and which is no longer economically feasible to maintain. There is also a perception of unfairness involving imposition of changing and stricter requirements on rural property owners, especially for housing on resource land. It is not clear, however, that fairness is a major concern in the urban areas. Other than the loss and restrictions confronting rural property owners, there is sufficient reason to conclude that in the minds of many respondents fairness is more related to

bureaucratic hurdles and the lack of flexibility. Whatever the reality of the situation, the program may not survive the next 30 years unless it addresses these concerns.

Articulating a vision and a purpose: References are repeatedly made to the early vision of the program. This comes out clearly in the statements of respondents who like the original concept of the program but not the way it has evolved. Concerns are also expressed regarding the heavy reliance on regulations that are not supported by well articulated plans and policies.¹ There appear to be questions regarding how clearly the State has articulated its vision with regard to agriculture, housing, and settlement patterns in general. Obviously there is a disconnect here, because plans and policies do exist in many of the major urban areas of the state; Metro's 2040 is one clear example. Nevertheless, it is a reality that this is a major challenge that must be addressed.

Enhancing the roles of regional and local governments to meet regional and local needs: There seems to be a prevailing view that the program places too much authority in the hands of the State and too few resources in the hands of local governments. It is obvious that many feel that the program is not cost neutral and that the cost is being disproportionately borne by local government. This is not unusual. Many other services face the same dilemma. The main difference, however, is that planning is not perceived as the same kind of service as other governmental programs, and many of the requirements for changes in plans and regulations come about as mandates from the Legislature, LCDC and the voters. The challenge lying ahead is how to redefine the relationship between the various governmental levels. This has to be done without sacrificing the basic statewide nature of the program.

There is also a perception that the program does not recognize geographical and other differences in requirements for implementation of the Goals, often forcing local jurisdictions into decisions that do not reflect regional differences in applying the statewide Goals.

Ballot Measure 7

The Committee wanted to know if the interviewees believe that passage of Ballot Measure 7 was due to Oregonians' dissatisfaction with the statewide planning system. The questions were also intended to identify future initiative targets. The results strongly echo recent focus group findings, as most respondents do not see passage of the measure as a referendum on planning. Instead, the most frequently cited reason for its passage is misinformation and confusion to voters regarding the bill. Respondents also cite voters' perception of the measure as a fairness issue and the proliferation of media and neighborhood "horror stories" of unfair regulations. Respondents also recognize the need for the Oregon land use planning system to

¹ It should be noted that while an overarching vision for the state seems to have remained unclear, it is a fact that the program stipulates the following: 1. Preservation of resource lands for resource uses; 2. Requiring plans, regulations and actions to be consistent with statewide planning goals which articulate state land use policy through active and meaningful citizen participation; 3. Providing for the conditions in which the market can operate in urban areas through compact urban areas served in a timely and efficient way by urban infrastructure; 4 Requiring that development meet land capabilities and that change occurs in a planned manner.

address the issue of compensation for legitimate loss of land value, regardless of the lawsuit's outcome. If this does not happen, respondents envision the creation of an "offspring of 7" initiative.

Those subjects cited most frequently as targets of future initiatives include an "offspring of Measure 7" initiative and farmland-related topics. For example, respondents mentioned income requirements for new dwellings on farmland, the definition of "prime" farmland, the regulatory requirements of exclusive farm use zoning, and overall protection of farmland as potential initiative territory. Other potential initiative topics include annexation, the state (and local) government level of involvement in urban growth management, economic impacts of the Endangered Species Act, lots-of-record, density goals, and transportation.

Regional Differences

The Committee is aware of the "conventional wisdom" that attitudes vary in different parts of the state toward the land use planning program. For example, that there is more hostility toward the program in rural areas than in Portland and perhaps the Willamette Valley. However, the results of the survey do not support the conventional wisdom. Responses from throughout the state—whether Metro, Willamette Valley, Southern, Eastern, Central or Coast—identify the same concerns and successes. It does not matter whether the respondents are in Portland or Klamath Falls; in Coos Bay or Baker City. Respondents from all parts of the state express opinions that the program has preserved resource land and contained growth, but all express concern about the program having a "one-size-fits-all" approach, too much control at the state level, and the complexity of the process.

How, then, does one explain the "conventional wisdom"? And how does one explain such things as the fact that there was significantly more support for Ballot Measure 7 outside the Willamette Valley? The survey participants, for the most part, are quite knowledgeable about the land use program. There could be differences among those whose understanding of the program is limited.

It is also possible that perceived differences in attitude may simply be differences in emphasis. The concerns and successes expressed by participants may depend on their exposure to, and experience with, different parts of the program based on where they are located and the type of community they live in. For example, issues of housing on farm and forest land play a bigger role in rural communities than in the Portland metropolitan area. On the other hand, effects brought about by UGBs have more impact in urban areas, but it should be noted that this is the case in smaller urban areas as well as larger cities like Portland and Eugene. However, once again, the Committee hesitates to draw such a conclusion because of the small size of the sample.

The survey reveals several opinions that are shared by respondents from throughout the state. Respondents repeatedly express the opinion that they feel the system works better in other parts of the state than in their own. For example, respondents in the Eastern and Southern areas of the state say they feel that Portland's reputation as a viable and livable city is in large part due to the planning program. Respondents in the Metro region, on the other hand, point to preservation of farmland as a success.

There also is criticism from some respondents in more rural parts of the state that the rules for preservation of farmland seem to be applied more loosely in the Willamette Valley to allow development. Several respondents outside the Willamette Valley express their perception that Portland's political and economic influence in the Legislature results in legislation that is too Portland-oriented and does not address the needs of the rest of the state.

Finally, one of the strongest themes that comes out of the interviews, throughout the state, is people's frustration with the complexity of the program and the lack of flexibility or "local control" to conduct planning. Most of the respondents who assert that the program needs to change identify the system of goals, rules, laws and case law as too complex for the average citizen, discouraging involvement in local planning efforts. New laws and rules that may have been passed to address issues in a particular area of the state often take precedence over what some local governments see as more pressing, priority issues in their local area. Respondents also criticize the State—including the Legislature, DLCD and LCDC—for making small changes over time, instead of tackling larger issues of statewide significance such as citizen involvement at all levels.

6. CONCLUSIONS

In making its recommendations, the Committee sought as much as possible to reflect the views of the planning profession and the views of other members of the Oregon Chapter of the American Planning Association in its continued support for the Oregon planning program. The structure of that program includes mandatory planning as the basis for regulation, involvement of a state agency authorized to establish, maintain, and, if necessary, enforce state policy and local implementation of that policy. It represents a different path from that taken by other states since 1969. That state program is a defining element of Oregon and the source of much justifiable pride in the establishment of well-considered public policy. But public policy need not only be established; it must be maintained and change in the face of changing circumstances and priorities.

Structure in a state land use program is necessary but not sufficient. Continued public support for the program requires that its public policy premises be systematically and periodically reviewed and renewed to assure continued public support. This policy review, whether designated as a renewed "vision" or otherwise, is the primary recommendation of the Committee, which believes it must also be the major task for both the State and the Chapter over the near term.

Further, the Committee believes that a continuing obligation of the Chapter is to work with others to explain the Oregon planning program to those in and outside the State, rather than assuming that this program is known and understood and its objectives are accepted. The demographics, as well as the population, of the state have changed significantly since the early 1970s, so that half of the population does not have the memory of those days and the reasons for enactment of that program. Every planner, planning commissioner, elected public official or other person involved in the program must be able to explain that program, its underlying bases, and the role of program participants. Beyond mere mechanical explanation

of the program, planners and other interested persons must be able to change that program, so that its dynamics fits changing public policies and priorities. The continuation of the Oregon planning program requires the reflection of those who experience it, so that the program is able to change, as public policy changes.

The Committee believes that the Chapter possesses the knowledge, experience, and expertise to make an ongoing and substantial contribution to the reevaluation and administration of the state's planning program. The Committee's own examination of the program suggests that the Legislature and LCDC must consciously consider whether those existing policies, procedures and regulations must be applied on a statewide basis or may be differentiated regionally or locally. Similarly, APA can make a contribution to the program by constantly seeking to refine standards, eliminate unnecessary discretion, and reduce development process costs.

While problems persist in the formulation and application of state policy in rural areas, the Committee finds some clarity of state vision for these areas, i.e., that resource lands be retained for resource use and that urban sprawl into these lands be discouraged. The urban vision of the state is less clear, however, and the Committee recommends an increased focus on urban issues, consideration of which was muted during the first half of the current state program. If sprawl is not to occur on rural lands, the responsibility of wise use of urban lands becomes even more important.

Finally, the Committee believes the Legislature must take on the issue of equities of landowners impacted by the planning program. In most cases, the Committee recognizes that this is a political, rather than a constitutional, obligation and is addressed to political ends and tempered by fiscal resource considerations.

In sum, the Committee believes the Oregon land use planning program is working well, but also believes that, for the long haul, explaining that program and renewing its source of support in the electorate requires a continuing effort. In the short term, the Committee believes that review of policy implementation measures to assure smooth functioning of that program is necessary and that a system for blunting the harder edges of program impacts to adversely affected persons may also be in order.

Finally, it should be noted that the recommendations presented in the next section of this report are based on the committee's firm belief that Oregon is a more livable state today because of thirty years of the innovative state-wide land use planning program. It is also our belief that no program can survive without periodic reviews and land use planning is no exception. As great as it has been, it is beginning to show signs of stress that cannot be ignored. They are not failures but they need attention, nevertheless.

7. THE COMMITTEE'S RECOMMENDATIONS

The Committee makes the following seven recommendations:

▪ DEVELOP A VISION FOR THE FUTURE

The Committee initially found two contradictory findings perplexing: while survey respondents and the public in general laud the efforts of the past 25 years, many also fear for the future and believe that the statewide land use planning program is potentially in trouble. How can these contradictions be reconciled? The Committee believes the answer lies in the need for a re-examination of the program's objectives to more clearly refine a vision and aspirations for the future. This approach is consistent with the Planners' Dialogue which, among other recommendations, concluded that the State must "articulate the overarching vision/goal of the statewide system and market the vision and program."

The list of economic, demographic, technological and environmental changes that have occurred since 1973 is long. The world today was not envisioned when the planning goals were adopted. At the same time, the Committee believes that the goals are still extremely relevant in the 21st century—it is the context and the details that need to be reviewed to bring the goals to life and provide them with relevance to the new generation of citizens, government leaders and professional planners.

An examination of the vision and priorities for Oregon will provide the context and framework for many of the other recommendations contained in this report, as well as indicate whether any of the goals need revision. For example, the Committee's recommendation concerning differentiations of state standards needs to be formulated within the context of a current statewide vision to avoid tenuous, short-lived approaches such as Regional Strategies or Regional Problem Solving. Further tinkering with the goals and rules without a broad context will only exacerbate weaknesses in the program.

A significant part of this process of reexamination and possible reformulation of state policy and priorities should involve defining the role of the State of Oregon in land use planning. Many feel that the predominant role of the state has been in land use regulation and not land use policy. The Committee does not feel that pure regulation should be the primary role of the Land Conservation and Development Commission. There is a tremendous need to address land use policy for the coming 20 to 30 years, and the State of Oregon should be the leader through a thoughtful process that engages its citizens, interest groups and partners in local government. Following the re-examination and reformulation of state policy and priorities, LCDC should review the statewide planning goals. Any goal revisions will then require the revision of local plans and regulations, as well as conformity of local land use actions. Moreover, the Committee recommends that this re-examination and reformulation should occur on a regular periodic basis so as to avoid a disconnect between policies formulated years ago and current needs. APA must commit itself not only to participate in these efforts, but to lead them.

The Committee is heartened to hear that DLCD intends to embark upon a strategic planning process. The Committee members are concerned, however, that the time period contemplated may be too short and the scope too narrow to permit the level of research, citizen involvement and intergovernmental dialogue that is needed to make this a meaningful process.

▪ **EXPAND EDUCATION**

There is a crucial need for OAPA, DLCD and others in the planning field to increase their efforts to educate the general public about planning in general and Oregon’s program in particular. Planners need to explain how the planning system works, what it does, why it is important, the economic and social benefits it creates, and how it contributes to Oregon’s livability.

This need for education is especially pressing today. Most people are not aware of the program, which is a much different situation from 25 years ago. Well over half the people living in Oregon today were not around when SB 100 was passed, and many have not experienced the fierce battles to save the program in the intervening years.

Planners throughout the state should conduct an extensive and comprehensive outreach effort to explain the benefits of the program to the general public, students, businesses, environmental groups, legislators—in short, as many different communities in the state as possible.

The planning community should use a variety of venues to reach people. The Oregon APA chapter could organize a speakers bureau. Planners should volunteer to speak at civic and community organizations such as Kiwanis, Lions and Rotary, as well as to universities, religious groups, and chambers of commerce. The Chapter should also enlist the help of planning commissioners, as these citizens could play a crucial role in communicating the “nuts and bolts” of planning to others. Other important channels of communication include writing op-ed articles for local newspapers, giving presentations on radio and television talk shows, and speaking at community meetings.

In addition, education efforts should be expanded within the planning community. Oregon APA members could provide more education and training to local government planners on the issue of negative impacts of regulations, not to avoid adopting difficult regulations, but to improve the profession's image, which is often described as being unaware of, or insensitive to, these “real world” situations.

▪ **CONSIDER WHETHER STATE STANDARDS SHOULD BE DIFFERENTIATED FOR VARIED PHYSICAL AND GEOGRAPHICAL CIRCUMSTANCES**

One of the most frequent criticisms of the state's planning program is that it tends toward a “one-size-fits-all” approach to policy application. While the state program does have

elements of differentiation (e.g., soil classification for agricultural lands and relaxation of standards for the Transportation Planning Rule and Periodic Review), the mood persists among some landowners and local government officials that administrators of the state land use program are unaware or unconcerned over the effects of uniform application of state land use policy. This leads to the concern that the state is trying to hold all communities, both urban and rural, to a single model that does not recognize a sufficient amount of diversity in local needs and circumstances within the larger context of the Goals.

As a means of more effective application of state policy to local jurisdictions with a view towards appreciating local differences, COPE recommends that new or amended planning statutes, goals or rules justify statewide application and consciously consider whether different applications of state policy should rather be undertaken. Considerations that might be used include the need for uniformity, prevention of circumvention of state policy at the local level, and local financial resources available for application of state policy.

Once this and other recommendations have been implemented, the Committee urges the people of the state of Oregon to explore whether further planning steps should be undertaken, such as more detailed regional plans to channel future growth and development.

▪ **STREAMLINE THE PLANNING PROCESS**

The complexity of the land use program, whether it be regulations, development review procedures, or pathways of citizen involvement, undermines support for it. Both applicants and other interested parties should have a clearer understanding of what is allowed, and what is not. In the attempt to regulate away every potential bad decision, the current system is in danger of becoming a tangled maze that does not give direction as to how Oregon should develop.

In addition, the Committee recommends that the current system of mandatory, multi-level hearings be reviewed and simplified, and that regulatory language be reviewed to eliminate broad, vague terms. The Committee does not advocate removing effective participation in the planning process; however, undue burdens should not be imposed on those whose development plans have no meaningful opposition. Finally, the Committee urges a review of Measure 56, the ballot measure requiring notice to property owners of proceedings that could affect them, to ensure that its required notification language and procedures accurately reflect the situations addressed.

▪ **EXPLORE REGIONALISM AND REGIONAL PLANNING**

With a 2000 population of 3.42 million, Oregon ranks 28 among the fifty states. Area wise, however, it is as large as the former West Germany. It is a state with wide variations in climate, terrain, vegetation, population characteristics, and economic activities. Indeed, all Oregonians share many of the basic values but they have different needs and priorities. They also have different understandings of the challenges facing their parts of the state and how to address those challenges. As the state continues to grow there is, also, a greater need to

address the imbalance of population and economic activities that currently exists. Census data shows that today the I-5 corridor has the same proportion of the state's population as it was in 1870. In other words, as Oregon's population doubles during the 21st century the same pattern will likely continue. Serious problems of congestion, air and water pollution, and destruction of valuable farm land and forests in the valley could become unavoidable unless we plan ahead.

The Committee recommends that the State utilize regional planning as one of the means for addressing the concerns expressed above and raised in this report. The Committee is aware that the legislature rejected this approach when it adopted SB 100 in 1973 but that was thirty years ago and many things have changed since then. The Committee is also aware that the this term means different things to different people. In this context, "regionalism" concerns communities of interest that make planning for more than one community sensible. The point is to move away from planning on an individual jurisdictional basis and toward planning based on logical commonalities that cross jurisdictional boundaries. Regional theory employs many criteria to define regions, including geographic, demographic, and economic criteria; the Committee does not consider the term "region" to apply to individual counties. While the Committee does not suggest any specific criteria at this point, it believes that regions should be defined by a process that ensures local participation by individuals and local governments affected by that planning. These regions should encompass areas that have commonality of interests, as well as mutual and compatible values. In particular, the Portland region should logically include Clark County; although it is not located in Oregon and is not subject to Oregon laws, it should be considered for coordination purposes.

▪ **INCREASE FOCUS ON URBAN AREAS**

An original emphasis of the planning program was to protect resource lands from urban sprawl. The planning program has been very successful in protecting resource areas. It has been less successful in encouraging urban areas to develop in a high-quality manner, partially because the Goals do not give much guidance in this area. Sprawl has been occurring inside UGBs. The program should pay more attention to Oregon's cities and urban areas, and start developing policies and guidelines—and visions—of the types of urban landscapes that Oregonians desire, and which distinguish our state. This requires the program to examine the existing pattern of urban settlements and to define future patterns that allow the state to absorb anticipated growth while enhancing quality of life. The Oregon Department of Transportation's Transportation Growth Management (TGM) program provides one current approach to defining urban development; however, this program was undertaken with the assumption by the State that certain types of urban development were preferred, without engaging the public and local governments. Furthermore, urban areas have continued to grow without the degree of planning for public infrastructure that is necessary to avoid long-term environmental and financial consequences and a backlash by Oregon citizens against growth. Many communities do not have the financial resources to pay for increased infrastructure. APA, in concert with the State, needs to help identify how to better address this issue within the context of the Goals and growth projections.

▪ ADDRESS FAIRNESS AND EQUITY

There is significant concern that land use regulations are not implemented equitably, and that the benefits of the planning program are not accruing to all Oregonians. Planners in Oregon simply need to admit that sometimes good planning inevitably harms some people, especially individual landowners, and that there should be a means to resolve those situations. The State should explore the possibility of developing a process that will ensure remedies in cases where the impacts of land-use regulations entail unreasonable hardships. The State should develop a process to provide remedies, monetary and otherwise, in those cases. The State is already subject to the requirement that just compensation be paid in regulatory takings cases as a matter of constitutional law. However, there are other situations in which the Legislature may authorize other such remedies, even when not constitutionally required. This is a political judgment for the Legislature to make. APA should be involved in any legislative proceedings dealing with this matter and provide advice and expertise.

8. NEXT STEPS

The Committee recommends that the Executive Board of the Oregon Chapter of the American Planning Association (OAPA) pursue the following next steps after adoption of this report:

1. Appoint a committee to publicize and implement the recommendations of this report. This includes disseminating the report to OAPA members through the newsletter and by posting it online.
2. Circulate this report widely, to the Governor, Legislature, LCDC and DLCD, among the members of OAPA and others in the planning community, the general public and candidates in the 2002 election.
3. Appear before LCDC and its Strategic Planning Committee to present and discuss this report.
4. Work with LCDC, the Governor, and other elected officials to secure the appointment of a committee to re-examine the objectives of the program and work toward a long-range vision for the state's land use planning program.
5. Formulate an OAPA program to work jointly with DLCD to better inform the public regarding the planning program. This program could be tied into the Lewis & Clark Exposition Centennial in 2003, thus associating this educational effort with a highly visible event.
6. Work with DLCD and local elected officials to secure the appointment of a committee to identify appropriate geographic regions for standards that benefit from regional differentiation.

Appendix 1: COPE Mission Statement

The central mission of this Committee is to review and comment on the accomplishments of mandated land use planning in the state of Oregon. Oregon has become a model for other states and is often cited as a successful case when it comes to livability and urban growth management. Within the state, however, doubts and questions arise from time to time regarding the impact of our land use laws and regulations. This Committee should attempt to identify the challenges facing us as we enter the fourth decade of the state's involvement in land use planning. The Committee should address the evolutionary changes needed to enhance the value and effectiveness of contributions of statewide planning.

Appendix 2: The Statewide Planners Dialogue

Beginning in Fall 1997, the Oregon Visions Project, a standing committee of the Oregon Chapter of the American Planning Association, undertook a year-and-a-half study of planning in Oregon. It consisted of participation by some 400 planners throughout the state and was designed as an introspective look at the planning profession, how it operates, and what lies ahead.

Through interviews, focus groups, surveys and a Planners Summit conference, the Dialogue gathered information and then compiled the results in its April 1999 Final Report, which presented a series of strategies to be implemented. Four of the six strategy areas were particularly relevant to the work of this committee: Improving the Statewide Planning Program, Enhancing Public Involvement, Educating the Public about Planning, and Fostering Proactive Planning and Policy.

In the area of Improving the Statewide Planning Program, the Dialogue judged the following to be the most highly rated strategies:

- Focus on managing growth, urban design, land ethics, livability, and planned communities within the UGBs. Plan for communities rather than land use.
- Articulate the overarching vision/goal of the statewide system and market the vision and the program.
- Structure statewide planning goals to reflect regional differences.
- Overhaul systems development charges to allow capture of other infrastructure costs.

Throughout the other areas, all involving the wider public outside the profession itself, the strategies indicate a need to make the statewide planning program and other planning activities more relevant to people's daily lives. They include such things as workshops and training, school curricula, visual tools to "see" what planning does, communicating the value of planning to elected officials and the media, and developing documents that discuss the benefits of planning. One strategy that ranked highly with planners was marking UGBs with signs.

Appendix 3: Questionnaire Methodology

The Committee created a 10-question survey to address its central charge. Members acknowledged from the beginning that the survey would not be scientific, and it should not be treated as such. The 10 questions reflect a qualitative approach to the Committee's task in order to obtain in-depth perspectives on the statewide land-use planning program. Due to the extensive analysis of Ballot Measure 7, including the sizable amount of focus group work and polling already completed, the Committee agreed to focus mostly on COPE's original charge and only include two questions on Ballot Measure 7. Test interviews were conducted and the questionnaire adjusted accordingly. The final questionnaire is attached as Appendix 5.

Members agreed that about 60 interviews would be ideal due to the Committee's limited resources. The Committee emphasized that good, in-depth and quality interviews were more important than the quantity. Each Committee member contacted individuals from each region to develop a master list. Individuals to be surveyed were chosen based on their level of involvement with the program to assure high-quality, knowledgeable responses. The Committee then developed the final list, paying careful attention to representation by region, gender, race and ethnicity, municipal size, and occupation. The final list represented individuals from all of these areas, including planners, planning commissions, city councils, mayors, land-use lawyers, environmentalists, the media, special-interest groups, state government including boards and commissions, developers and homebuilders, and former and current land-use leaders.

From March 2001 to July 2001, Committee members and volunteers throughout the state conducted 55 interviews in person or by phone and transcribed the interviews (see Appendix 4). Most interviews averaged approximately 45 minutes. The interviews were conducted confidentially in order to obtain candor in responses.

Appendix 4: Interviewee and Interviewer Names

The Committee would like to acknowledge and thank everyone who participated in the interview process. The following 56 individuals consented to interviews:

Central

John Costa, Editor, *The Bend Bulletin*
Deborah McMahon, Director, City of Bend
Community Development Department
Mike Hollern, Chairman/CEO, Brooks Resources
Dennis Luke, Deschutes County Commissioner
John Mabry, Wasco County Judge
Hershell Read, Jefferson County Commissioner
Steve Uffelmann, Mayor, Prineville
Anne Wheeler, Executive Director, Friends of Bend

Coastal

David Davis, Realtor, Bandon
Steve Forrester, Editor, *Daily Astorian*
Bill Grile, City Manager, Coos Bay
Fran Recht, Citizen Activist, Lincoln County
Sam Sasaki, City Manager, Newport

Metropolitan Portland

John Charles, Environmental Policy Director,
Cascade Policy Institute
Dorothy Cofield, Attorney in solo private practice
Jeff Condit, Attorney, Miller-Nash
Rob Drake, Mayor, Beaverton
Larry Hildebrand, Policy & Communications
Advisor, *The Oregonian*
Scott Lazenby, City Manager, Sandy
Robert Liberty, Executive Director, 1000 Friends
Paul Leistner, Research Director, City Club
LeeAnne MacColl, President, Regional League of
Women Voters
Don Morrisette, Homebuilder, Venture Properties
Jonathan Poisner, Executive Director, League of
Conservation Voters
Steve Schell, Attorney with Black Helterline, Portland
Ethan Seltzer, Director, Institute of Portland
Metropolitan Studies, Portland State
University
Carl Talton, Vice President of Government Affairs
and Economic Development, PGE
Ed Washington, former Metro councilor, Program

Officer-Community Relations,
Portland
State University

Southern

Lindsay Berryman, Mayor and LCDC
Commissioner, Medford
Jane Carpenter, Farmer and
Philanthropist, Medford
Keith Cubic, Planning Director,
Douglas County
Jim Eisenhard, former Planning
Director, Medford
Bud Hart, City Councilor,
Klamath Falls
John Hassen, Attorney, Medford
Robert Hunter, Editor, *Medford Mail
Tribune*
Mike Mahar, Owner, Mahar Homes,
Medford
James Miller, Rancher, Ashland
Mark Skillman, Owner, Skillman
Properties, Medford

Valley

Steve Bryant, City Manager, Albany
Jon Chandler, Partner, Legislative
Advocates
Steve Cornacchia, Attorney with
Hershner, Hunter, et al, Eugene
Steve Gennett, Administrator, Oregon
Small Woodlands Association
Larry George, Executive Director,
Oregonians in Action
Allen Johnson, Attorney, Johnson &
Sherton, Salem
Randy Kugler, City Manager, Philomath
Steve Nofzinger, Former Mayor, Tangent
Mike Swaim, Mayor, Salem
Charlie Vars, Vice-chair of LCDC,
Corvallis
Peter Watt, Principal Planner, Lane

Council of Governments
Burton Weast, Western Advocates,
Eastern
Steve Anderson, Partner, Anderson-Perry
Engineering
Terry Edvalson, Consultant, Terry
Edvalson & Associates, La Grande

Salem

David Hadley, Attorney, Hermiston
Wes Hare, City Manager, La Grande
Susan Roberts, Mayor, Enterprise
Gail Sargent, Architect, Hermiston

The following individuals volunteered to conduct the interviews:

Bryan Aptekar
Tom Armstrong
Jennifer Brost
Arnold Cogan
Linda Davis
Jason Franklin
Jeff Heilman
Reeve Hennion
Clark Henry
Hanley Jenkins
Rusty Klem
Jennifer Lewis

Lauren Maloney
Skye Mendenhall
Marlys Mock
Dan Moore
Laurel Prairie-Kuntz
Robyn Scofiel
Miranda Shapiro
Beth St. Amand
Ed Sullivan
Damian Syrnyk
Nohad A. Toulan
Rick Walker

Appendix 5: Questionnaire

**COPE INTERVIEWS ON THE STATE OF OREGON'S
STATEWIDE LAND-USE PLANNING PROGRAM**

Interviewee: _____

Title: _____

Address: _____ **Region:** _____

Phone #: _____

Interviewer: _____

Phone #: _____

Date: _____ **Location:** _____ **Time:** _____

Directions for Interviewer:

To ensure reliability and consistency of the results, the interview should be conducted systematically. Although it is not a scientific survey, interviewers should remain impartial and refrain from leading questions. However, in order to obtain as much information as possible, interviewees may be asked to expand on their responses. Each interview should require between 30 and 45 minutes and preferably be conducted in person, wherever possible. Please transcribe your notes and send both an electronic copy and the original document to Rod Johnson, Office of the Dean, College of Urban & Public Affairs, Portland State University, P. O. Box 751, Portland, OR, 97207-0751. All results should be submitted by April 30th, 2001.

Background Statement: Please read for Interviewee

The American Planning Association (APA) created COPE, the Committee on the Oregon Planning Experience, to address the evolutionary changes needed to enhance the efficiency and visionary contributions of statewide planning. (Ask if the interviewee is familiar with APA; if not, offer a brief description.) To help accomplish this mission, COPE members and volunteers currently are conducting interviews with diverse individuals throughout the state to identify challenges facing statewide land-use planning as it enters its fourth decade. When we refer to the land-use planning program in this interview, we are referring to the goals, administrative rules, procedures, and guidelines that are carried out at both the local and state level to implement the Oregon statewide land-use planning program. The interview results will be compiled and examined by the committee, which will produce a final report for distribution later this year. The report will analyze the most critical issues facing the statewide land-use planning program, and will identify recommendations to the APA Board and membership. Your comments are totally confidential. We will not attribute any comments to you personally. All interviewees will receive a copy of the final report.

1. Can you give me a short summary of your involvement in the Oregon statewide land-use planning program?
2. The Oregon statewide land-use planning program celebrated its 25th anniversary two years ago. In looking back over the past 25 years, generally how well do you think the program has worked at all levels of government?
3. Oregon is widely considered one of the most livable states in the nation. How much of this do you think is attributable to our land-use planning?
4. What aspects of the statewide land-use planning program are working well and what aspects need to be changed, improved or addressed from scratch? (Probe: the goals, administration rules, LCDC/DLCD, local government, citizen involvement)
5. How well do you think the current statewide land-use planning program and its direction will work for Oregon in the next 25 years?
6. There is a perception by some that the passage of Ballot Measure 7 came about as a result of dissatisfaction with the Oregon planning process. Do you agree or disagree with this perception, and why?
7. ***If they answered no*** to question 7 ask “Regardless of your understanding, there is a perception among supporters of the initiative that the Oregon Planning process needs to be changed. If this perception carries on, what do you think are other aspects of the process that could generate more initiatives?”

If they answered yes to #6 then ask, “Are there other aspects of the Oregon planning process that might be the subject of future initiatives?”

8. In making our committee's findings and recommendations to the Oregon Chapter of APA, what would you like to see included? (Probe: specifics concerning a course of action)

9. Is there anything else about the Oregon statewide land-use planning program that you would like to add?

10. We are planning to talk to a broad cross-section of Oregonians, but is there anybody else in particular who you think that this committee should talk to?

Appendix 6: Background of Committee Members

A brief background of each of the participating members of the COPE Committee:

Chair: Nohad A. Toulan, FAICP, Portland: *Dean of the College of Urban and Public Affairs, Portland State University*

Members:

Arnold Cogan, FAICP, Portland: *Managing Partner, Cogan Owens Cogan*

Linda Davis, FAICP, Sisters: *Consultant*

Reeve L. Hennion, Jacksonville: *Vice Chair, Jackson County Planning Commission; Member, Executive Board, Oregon Chapter, American Planning Association*

Wayne (Rusty) S. Klem, AICP

Scot Siegel, AICP

Edward J. Sullivan, Esq., Portland: *Partner, Preston, Gates & Ellis*

Damian P.N. Syrnyk, AICP, Bend, *Senior Planner, Deschutes County Planning Division; At-Large Member, Executive Board, Oregon Chapter, American Planning Association*