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## **Oregon Department of Land Conservation and Development Administrative Overview December, 2007**

### **Introduction**

The Department of Land Conservation and Development protects the farm and forest lands and the state's natural resources, fosters livability through sustainable community development, ensures the conservation of coastal rivers and ocean resources, develops and manages a clear and consistent land use system, and fosters regional collaboration and local decision making regarding land use issues. The department implements Oregon's land use and planning statutes while assisting local governments in land use planning.

### **History**

Oregon began to protect its natural resources in 1899 by declaring the beaches in Clatsop County a public highway. This was extended to all Oregon beaches in 1913. The earliest references to land-use planning appeared in Oregon's statutes in 1919. It allowed the cities and counties to plan and zone land. Local government did planning and zoning at their discretion. Prior to the 1970's, there was little land-use planning by the state.

The 1973 Legislative Assembly enacted the Oregon Land Use Act (SB 100), which recognized that the uncoordinated use of lands threatens orderly development of the environment, the health, safety, order, convenience, prosperity and welfare of the people of Oregon. With the passage of SB 100, the state required all Oregon cities and counties to adopt comprehensive plans and land-use regulations. The bill specified planning concerns that had to be addressed, set statewide standards which local plans and ordinances had to meet, and established a review process to ensure that those standards were met. Thus, Oregon became one of the first states to deal with the problems of comprehensive land use planning coordination and growth management.

Aims of the program are to conserve farm land, forest land, coastal resources, and other important natural resources; encourage efficient development; coordinate the planning activities of local governments and state and federal agencies; enhance the state's economy; and reduce the public costs that result from poorly planned development.

Because the 1973 Land Use Act was complicated and altered the traditional state-local relationship in planning, many people misunderstood it. The following four points reflect current land use planning.

- The cities and counties write and adopt comprehensive plans, not the State of Oregon.

- There is a mosaic of local plans that cover Oregon, not a "state land-use plan".
- Local governments zone land, not the state.
- Cities and counties issue permits for variances, conditional uses, subdivisions, land partitions, not the state.

The basic system for statewide planning has remained the same, but there have been numerous adjustments and refinements through subsequent legislation. The Marginal Lands Act of 1983 created optional provisions for counties to allow residential development on certain less productive farm and forestlands. The Governor's Land Use Reform Act of 1983 introduced changes to streamline the planning process and enhance economic development.

The 1973 Legislative Assembly created a Department of Land Conservation and Development and its policy making body, the Land Conservation and Development Commission. The seven non-salaried commissioners are appointed by the governor and confirmed by the senate, and must represent each of the four congressional districts, three from the state-at-large. At least one commissioner, but no more than two, must come from Multnomah County. The initial duties of the Commission are to identify critical areas of statewide concern, establish standards for land use planning for state and local agencies; coordinate activities of statewide significance; and initiate a statewide program of citizen involvement in the land use planning processes.

The Department of Land Conservation and Development is the administrative arm of the Commission. Its director is hired by the Commission and is responsible for the administration of the Department. The director implements the Commission's policies and the directives of the Governor.

Counties share coordination responsibilities with DLCD. The DLCD is further charged with the responsibilities of coordinating state and federal agencies to ensure that their planning is implemented through city and county comprehensive plans. Agency plans are subordinate to local comprehensive plans.

In 2004 Ballot Measure 37, a citizens initiative requiring just compensation and planning based upon when the family acquired the property, was passed by voters. DLCD has the responsibility for hearing and determining the validity of all Measure 37 Claim Cases. Measure 37 is codified under ORS 197.

In 2007 Measure 37 was repealed by voters and replaced with Measure 49.

### **Current Organization**

The **Directors Office** is the agency's main link to the Land Conservation and Development Commission, legislature, media and general public. In addition, the Office provides human resource services to the agency.

The **Community Services Division** is composed of regional representatives who assist local governments in the implementation of the statewide land use planning program by providing technical and educational assistance to local government planners and officials, the general public, and interest groups. The division also provides financial assistance to urban and rural communities.

The **Ocean and Coastal Services Division** works with coastal cities, counties, and state and federal agencies to administer Oregon’s federally approved Coastal Management Program which emphasizes conservation of estuaries, shore lands, beaches and dunes, and ocean resources.

The **Operations Services Division** provides technical expertise, services and support for labor relations, budget, accounting, purchasing, payroll, safety, space and facility management, mail distribution, information systems, landowner notification, agency policy and procedure development, inventory and property control, and reception.

The **Planning Services Division** provides specialized technical assistance and policy consultation to DLCD’s regional representatives serving local governments and citizens.

The **Measure 49 Division** receives, processes, evaluates and resolves claims submitted to the state under Measure 49. In addition, the Division handles all outstanding actions regarding Measure 37.

### **Boards, Commissions, Committees**

The **Land Conservation and Development Commission**, a seven-member Commission, assisted by DLCD staff, adopts state land-use goals and implements rules, assures local plan compliance with the goals, coordinates state and local planning, and manages the coastal zone program.

The **Local Officials Advisory Committee** advises and assists the Land Conservation and Development Commission (LCDC) on policies and programs affecting local governments. The committee is comprised of city and county elected officials and its membership reflects the city, county and geographic diversity of the state.

The **State Citizen Involvement Advisory Committee** provides a regular forum where citizens around the state can share their experiences and find information relevant to land use planning and conservation.

### **Primary Agency Statutes and Administrative Rule Chapters**

ORS 92 Subdivisions and Partitions

ORS 195 Local Government Planning

ORS 196 Columbia River Gorge

ORS 197 Comprehensive Land Use Planning

ORS 215 County Planning and Zoning

ORS 227 City Planning and Zoning

ORS 390 State and Local Parks; Recreation Programs; Scenic Waterways; Recreation Trails

ORS 836 Airports and Landing Fields

OAR 660 Department of Land Conservation and Development

## **Chronology**

- 1899 Clatsop County beaches declared public highways
- 1913 All Oregon beaches declared public highways
- 1973 Oregon Land Use Act (SB 100) passed
- 2004 Measure 37 approved by voters

## **Bibliography**

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