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The Role
of Statewide Planning Goals
in Oregon's System of Coordination
and Planning and Their Effect
on Transportation Planning

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<p>Abstract</p> <p>The motivation for this study was the observation that the reactive approach to the coordination of land use and transportation planning, which treats transportation planning as the handmaiden of land use planning and which greatly limits the options and potential effectiveness of transportation planning, might need to be abandoned before significant improvements could be expected in transportation planning.</p> <p>The study focuses on an analysis of the approach to transportation planning that was a product of Oregon's establishment of a system of coordination and planning in 1973 with the passage of Senate Bill 100. The analysis of the system established in Oregon focused on the importance of the statewide planning goals and the system established by SB 100 that enforced their use as goals by all planning entities in the state. It is argued that the central role that the statewide planning goals have in the Oregon system of coordination and planning makes that system an important counterpoint to the reactive approach to coordination with its attendant restricted approach to transportation planning.</p> <p>The study concludes that the range of options open to transportation planning and thus its potential effectiveness in addressing transportation problems is far greater with the Oregon approach to coordination and planning than with the reactive approach.</p>				

FINAL REPORT

**THE ROLE OF STATEWIDE PLANNING GOALS IN OREGON'S SYSTEM
OF COORDINATION AND PLANNING AND THEIR EFFECT
ON TRANSPORTATION PLANNING**

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Virginia Transportation Research Council
(A partnership of the Virginia Department of Transportation
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EXECUTIVE SUMMARY

Introduction

This study focuses on Oregon's establishment of a system of coordination and planning during the 1970s and the 1980s and the way that the establishment of statewide planning goals, which were an integral part of that system, transformed the landscape of coordination and planning in Oregon. One consequence of this transformation was a fundamental change in Oregon's approach to the coordination of land use and transportation planning and in its approach to transportation planning.

In the late 1980s, the planning manager of Washington County in Oregon in response to the development of the *Transportation Planning Rule* (TPR) by the state of Oregon argued for a particular approach to the coordination of land use and transportation planning:

The DLCDD [Department of Land Conservation and Development] rule concept clearly fails to grasp that ...land use plans come first; transportation plans are in second priority to land use plans; transportation plans require the preexistence of land use plans and are explicitly designed to support land use plans (Adler, 1994).

This approach to the coordination of land use and transportation planning treats transportation planning as the "handmaiden" of land use planning. This view could be called "reactive" in virtue of the fact that transportation planning is limited to "reacting" to land use planning or to preexisting land use plans. This approach to coordination is unnecessarily narrow, and it has the unfortunate consequence that it leads to an unnecessarily narrow view of transportation planning. It follows from this view—at any rate the version supported by the planning manager of Washington County—that the full responsibility for the "coordination" between land use planning and transportation planning would have to fall on the shoulders of transportation planners, since transportation plans must "support" land use planning.

This overly restrictive view of the nature of coordination, which fails to acknowledge the full extent of the interdependence between land use and transportation, hobbles transportation planning and limits its possibilities and thus its potential effectiveness in addressing the very problems that the coordination of land use and transportation planning is frequently called on to address. Limitations in the possibilities open to transportation planning lead to limitations in the potential of transportation planning to address transportation problems. It may very well be the case that to improve the range of possibilities open to transportation planning and thus its effectiveness, it will be necessary to alter the approach to coordination, because as long as transportation planning is limited by an approach that makes it strictly dependent on land use plans and land use planning, improvements in transportation planning are likely to be limited and piecemeal.

In the midst of the many discussions during the last few years of transportation problems in Virginia and the ways to deal with them by politicians at all levels of government, by the writers of editorials and opinion pieces, and by government officials, improved coordination of land use and transportation planning is regularly mentioned as one way to address some of these problems. For example, in Governor Kaine's amendments to the recent transportation bill,

House Bill 3202 (2007), he goes so far as to claim that the coordination of land use and transportation is one of the “principles” that has guided his work on transportation:

In addition, my amendments adhere to the principles that have guided all my work on transportation: create better accountability by locking up the new transportation funds and provide for better connections between land use and transportation planning with new growth management tools (Kaine, 2007).

However, what is regarded as real coordination and what is regarded as the proper approach to coordination affect the range of possibilities open to transportation planning and may make a significant difference in how well transportation planning can make a contribution to the solution of the transportation problems that plague the Commonwealth.

Purpose and Scope

The purpose of this study was to compare the approach to the coordination of land use and transportation planning developed in Oregon between 1973 and 1991—in particular the articulation and institution of statewide planning goals—with the reactive approach to coordination and transportation planning. The purpose of the comparison was to determine if there were advantages offered by the Oregon approach that have significant consequences for the range of possibilities open to transportation planning and thus significant consequences for the capacity of transportation planning to address transportation problems in the Commonwealth.

Specifically, the study examined the developments in Oregon that led up to the passage of Senate Bill 100 (SB 100) and the “structure” of the system of coordination and planning it established. It also examined the developments that led to the publication of the TPR in 1991 and the contributions it made to the system established by SB 100. The period in Oregon’s planning history from 1973 to 1991 was chosen for examination for two reasons. First, it was an important and illuminating period during which Oregon made a conscious effort to improve coordination and planning. Second, the developmental process during this period is heavily documented, making it possible to see connections and relationships between different elements of planning and coordination that would not be possible to see in the absence of such extensive documentation.

During the last few years, there has been some interest in establishing what have been called “overarching” or statewide goals in Virginia. These goals have been established largely as part of an attempt to make VDOT and other state agencies more accountable. The place of statewide planning goals in the overall scheme of transportation and land use planning in Oregon is sufficiently different from the approach taken in Virginia that it is worthwhile to examine the system established in Oregon in some detail to see whether there are advantages offered by the Oregon approach. With the exception of the discussion of recent attempts to establish statewide planning goals in Virginia and the comparison of these Virginia goals with Oregon’s statewide planning goals, the scope of this study was limited to an examination of the developments in coordination and planning that took place in Oregon between the late 1960s and 1991.

The objectives of this study were:

1. Determine the role of the statewide planning goals in Oregon's system and their significance for Oregon's overall approach to coordination and planning.
2. Determine the effect of the establishment of the statewide planning goals on transportation planning and the coordination of land use and transportation planning.
3. Determine the ways in which the approach to transportation planning established by the Oregon system differ from the reactive approach to transportation planning, and to examine the significance of some of these differences for transportation planning.
4. Examine some of the results of efforts to establish overarching, or statewide, goals in Virginia and examine the way these goals differ from the statewide planning goals established in Oregon.

Results

Oregon's system of coordination and planning was established by the passage of SB100 in 1973. In Section 1 of SB100, there is this statement of the problem that the bill was intended to address:

Uncoordinated use of lands within this state threatens the orderly development, the environment of this state and the health, safety, order, convenience, prosperity and welfare of the people of this state. (SB100 1973, 1)

The fundamental elements of the system that SB100 put in place were as follows:

- The Land Conservation and Development Commission (LCDC) was created.
- LCDC was required to develop a set of statewide planning goals.
- Cities and counties were required to prepare and adopt comprehensive plans that were consistent with the statewide planning goals and guidelines developed by LCDC.
- Cities and counties were required to enact zoning, subdivision, and other ordinances or regulations to implement their comprehensive plans.
- State agencies that had planning responsibilities were required to carry out their planning duties in accordance with the statewide planning goals and guidelines approved by LCDC.
- The governing body of each county was responsible for coordinating all planning activities affecting land uses within the county, including those of the county, cities, special districts, and state agencies, and to ensure an integrated comprehensive plan for the entire area of the county.

- Completed comprehensive plans had to be reviewed by LCDC to determine whether they were consistent with the statewide planning goals. LCDC had the power to reject comprehensive plans that in its judgment were not consistent with statewide planning goals and send them back for appropriate revisions. It is important to note that local and regional plans had to be approved by LCDC before they could be implemented (DLCD, 1973).

The establishment of the statewide planning goals is especially important and an innovation of some significance. Every feature of the system depends for its sense and its point on the role of these goals in the system and on their content. This study focused largely on the role of the statewide planning goals in Oregon's system.

Discussion

The statewide planning goals were clearly intended to play the central role in the coordination of local plans. Even though the statewide goals obviously do not control the exact content of local comprehensive plans, the content of these local and regional plans was in many ways tied closely to the content of the statewide goals with which they had to be consistent. One important question is: How can the establishment of a set of general goals such as the statewide planning goals contribute to the coordination of local plans by providing a common direction for all of the localities with all of their different local needs, interests, and locality-specific goals? The problem could be put this way: If there is a regional or statewide problem that has to be addressed, how does the state get all of the localities affected to plan in such a way that, even though their local planning is up to them, they are at the same time planning in such a way that the plans are all nevertheless contributing to the solution of regional or statewide problems?

The question is how a group of general goals give *direction*—irrespective of their content—to local planning. The Oregon Legislative Assembly's requirement that comprehensive plans be consistent with the statewide goals gave local plans a direction. Looking at the logical character of the role of these statewide goals, one could perhaps reasonably distinguish two senses in which the goals provide direction. In the first sense, the goals guide the efforts of local, regional, and state planners in that all plans are required to be consistent with the statewide goals. However, in the second sense, the goals have the effect as it were of giving common direction to all of the plans from all of these entities with planning responsibilities in the state. This power to give local, regional, and state plans direction is interesting because the requirement that they be consistent with the statewide goals has the effect of coordinating the plans by "pointing" them in roughly the same direction or, to put it negatively, to prevent them from pointing in a direction inconsistent with the statewide planning goals. One of the principle definitions of the verb *to coordinate* is *to harmonize*, and in this sense, the requirement that local, regional, and state plans be consistent with the statewide planning goals harmonizes local plans by making them roughly consistent with each other—at least with respect to the statewide planning goals.

This study shows that the statewide planning goals are a very powerful tool in Oregon's system of coordination and planning. They serve both to guide planning in virtue of their

content and to coordinate local plans in virtue of the fact that all comprehensive plans are required to be consistent with them. These are very important advantages, and they are not to be passed over lightly. To summarize, reconsider the problem faced by Oregon: How does the state ensure that local planning responds in a coordinated fashion to a statewide issue? Oregon's answer was twofold: require localities to conform to statewide goals and provide an enforcement instrument—the LCDC—to ensure that the planning of localities is consistent with the statewide goals.

During the last few years, there has been some interest in establishing what have been called “overarching” or “statewide” goals in Virginia. These goals have been established largely—but not exclusively—as part of an attempt to make VDOT and other state transportation agencies more accountable. Although there are some strong similarities between the statewide planning goals established in Oregon as a result of the passage of SB100 and the goals set, for example, by VTrans2025, the Council on Virginia's Future, the Commonwealth Transportation Board, and the Transportation Accountability Commission, there are, nevertheless, fundamental differences, and these differences are significant for the coordination of land use planning and transportation planning.

It is important to see that Oregon's statewide planning goals have a power to improve the coordination between land use planning and transportation planning that the statewide goals so far established in Virginia do not have. This difference in their power is not based on differences in the specific content of Oregon's goals versus the goals established in Virginia. Some of the goals that have been set by VTrans2025, the Council on Virginia's Future, the Commonwealth Transportation Board, and the Transportation Accountability Commission are very similar in content to some of Oregon's statewide planning goals. Although it is clearly the case that the specific content of any set of statewide planning goals is important to the success of statewide planning, the source of the power of Oregon's statewide planning goals is actually independent of their specific content: the principal source of their power is the fact that all state, regional, and local entities with planning responsibilities are *required* to use them as planning goals and are *required* to produce plans that are *consistent* with them.

In order to bring into sharper relief the contrast with the goals established in Virginia, it is necessary to take a brief look at the fundamental elements of the structure of the Oregon system. The structure of the Oregon system—specifically, the requirement that all plans have to be consistent with the statewide goals—ensures vertical consistency between individual plans and the statewide goals, and as a *result* of this vertical consistency, a rough horizontal consistency between all of the plans (at least with respect to the statewide goals) is also ensured. So, although the statewide planning goals are at the apex of the system and guide planning at all levels of government, LCDC is the entity that is responsible for ensuring that all plans are consistent with these goals. In the absence of the requirements specified by SB100 and the enforcement mechanisms applied by LCDC, Oregon's statewide goals would have very little power to *ensure* the coordination of planning.

There are two fundamental differences between Oregon's statewide goals and the goals that have so far been established in Virginia:

1. The Virginia goals are not intended to serve as goals for all entities in Virginia that have planning responsibilities.
2. The Virginia goals do not have the power that the Oregon statewide planning goals have to *ensure* both vertical and horizontal coordination (in the sense already defined) of land use and transportation.

These are clearly connected: Part of the reason that the Virginia goals do not have the power of the Oregon statewide planning goals is that they do not function as goals for all entities with planning responsibilities. Another part of the reason is the absence of a statutory authority like SB100 that would provide a structure within which the Virginia goals would have authority to compel compliance.

In the Transportation Accountability Commission's report (Transportation Accountability Commission, 2007), which is the most recent of these goal-establishing endeavors in Virginia, the theme of accountability is dominant, and although accountability does not always explicitly play as central a role in the other recent efforts to establish statewide goals, it is a theme that is present in those efforts too. The question of accountability is useful for drawing a distinction between the nature of Oregon's statewide planning goals and the nature of the statewide goals established as a result of these recent efforts in Virginia: Oregon demands accountability from *all* entities with planning responsibilities whether at the local, regional, or state level, whereas the sets of goals established in Virginia are—for the most part, but not exclusively—directed at improving the accountability of state transportation agencies. This is a useful and important endeavor, but in terms of the traditional notion of coordinating land use planning and transportation planning, the Virginia goals do not demand accountability on the part of the local entities responsible for land use planning with which the transportation agencies must collaborate, and this raises questions about how effectively the Virginia goals could contribute to improving the coordination of land use and transportation planning.

One of the principal motivations for this study was the feeling that transportation planning throughout the country has been hampered by an approach to the *coordination* of land use planning and transportation planning that has greatly limited the possibilities for transportation planning—especially for systematic transportation planning. Although there are various forms of this approach to coordination, they have all been classified in this study as reactive. The reactive approach to coordination and transportation planning places transportation planning in a reactive position with respect to land use planning, so that, in one form or another, transportation planning is treated as the handmaiden of land use planning. So it may be the case that, in order to substantially improve the efficacy of transportation planning, it will be necessary to change the approach to the *coordination* of land use and transportation planning because the reactive approach to coordination has been limiting the possibilities open to transportation planning.

The detailed description in this report of the system of planning and coordination that was established in Oregon by SB100 is intended to provide a close look at an approach to coordination and transportation planning that avoids the problems of the reactive approach and opens up new possibilities for transportation planning, thereby opening up the possibility of

improving transportation planning's response to the serious transportation problems that many states, including Virginia, face. The detailed examination of the system established by SB100 revealed the enormous power of the statewide planning goals in the context of that system. The statewide planning goals in Oregon's system have changed the approach to the coordination of land use planning and transportation planning and to transportation planning. For the reasons given above, the "overarching" or statewide goals established in Virginia so far cannot serve Virginia in the same way that Oregon's statewide planning goals serve Oregon.

Conclusions

- The statewide planning goals are a very powerful tool in Oregon's system of coordination and planning. They are the heart of the system because they influence the direction taken by all agencies regardless of geographical scope (state, regional, or local) and discipline (transportation, land development, or conservation).
- The role the statewide planning goals play in Oregon's system is innovative because, unlike other states, all agencies must adhere to them. They serve both to guide planning by virtue of their content and to coordinate local plans by virtue of the fact that all comprehensive plans are required to be consistent with them.
- The authority that ensures these diverse agencies adhere to these statewide planning goals is Oregon's Land Conservation and Development Commission.
- With the establishment of Oregon's statewide planning goals and an entity to ensure they were adopted by other agencies, transportation planning ceased to be subordinate to land use planning. This is clearly reflected in the TPR, in which transportation planning takes its place *alongside* land use planning.
- Because they are not subordinate to land use planning, transportation planners in Oregon are much freer to focus on achieving the statewide planning goals in any way that seems most efficacious.
- The statewide goals recently established in Virginia by VTrans2025, the Council on Virginia's Future, the CTB, and the Transportation Accountability Commission do not ensure the coordination of all planning entities in the state. Unlike Oregon, there is no Virginia statute requiring that all agencies adopt these statewide goals, and even if such a statute existed, there is no entity that can actively ensure that all agencies comply with it.

RECOMMENDATION

VDOT should carefully examine the transportation benefits that a system of statewide planning goals could bring to Virginia.

There are any number of ways of examining the possibility and the consequences of incorporating statewide transportation planning goals in the transportation planning regimen in Virginia. Some of these would involve quantifying the economic costs and benefits of adopting statewide transportation planning goals. For example, such efforts might include

1. quantifying the reduction in construction costs that would result if all agencies adopted a statewide planning goal of reducing transportation infrastructure
2. quantifying the reduction in emissions reductions if all agencies adopted a statewide planning goal of improving the environment
3. identifying factors, such as economic conditions and transportation technologies, that influence 1 and 2.

One of the most interesting aspects of assessing the benefits of adopting statewide planning goals that are functionally modeled on the statewide goals of Oregon—whether limited to transportation or not—is that the content of the goals can be chosen to achieve whatever ends Virginians deem important.

It is important to separate the functional (or operational) character of the goals from the content of the goals. As this report has shown, if statewide planning goals are thought of in a functional way—as a tool—they have great power to coordinate all aspects of planning at all levels of government. The benefits to Virginia of adopting statewide planning goals will depend on what the people of Virginia want to preserve, to save, to improve, to correct, etc.

The functional character of the statewide planning goals that Virginia would adopt would be *functionally* parallel to the statewide goals of Oregon—assuming the *requirements* of functionally are adopted—but the content of the goals could be what Virginians want. Although the choice of the content of the Virginia goals would be very important, their capacity to ensure the coordination of planning needed to achieve the desired ends is not contingent on their having the same content as the Oregon goals.

Thus, along with assessing some of the probable economic benefits of adopting statewide planning goals in Virginia, one of the first steps would be to examine what goals would achieve the desired ends. Initially, this could be limited to examining possible statewide transportation planning goals, for example: What statewide transportation planning goals would effectively address the problems with congestion that Virginia currently faces? However, the kinds of statewide goals likely to be necessary to achieve the desired ends for transportation will certainly reach beyond the scope of goals limited strictly to transportation. Obviously, it would not be possible to isolate transportation goals from land use goals and thus ignore their interdependence.

FINAL REPORT

THE ROLE OF STATEWIDE PLANNING GOALS IN OREGON'S SYSTEM OF COORDINATION AND PLANNING AND THEIR EFFECT ON TRANSPORTATION PLANNING

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INTRODUCTION

This study focuses on Oregon's establishment of a system of coordination and planning during the 1970s and the 1980s and the way that the establishment of statewide planning goals, which were an integral part of that system, transformed the landscape of coordination and planning in Oregon. One consequence of this transformation was a fundamental change in Oregon's approach to the coordination of land use and transportation planning and in its approach to transportation planning.

In the late 1980s, the planning manager of Washington County in Oregon in response to the development of the *Transportation Planning Rule* by the state of Oregon argued for a particular approach to the coordination of land use and transportation planning:

The DLCD [Department of Land Conservation and Development] rule concept clearly fails to grasp that ...land use plans come first; transportation plans are in second priority to land use plans; transportation plans require the preexistence of land use plans and are explicitly designed to support land use plans (Adler, 1994).

This approach to the coordination of land use and transportation planning treats transportation planning as the "handmaiden" of land use planning. This view could be called "reactive" in virtue of the fact that transportation planning is limited to "reacting" to land use planning or to preexisting land use plans. This approach to coordination is unnecessarily narrow, and it has the unfortunate consequence that it leads to an unnecessarily narrow view of transportation planning. It follows from this view—at any rate the version supported by the planning manager of Washington County—that the full responsibility for the "coordination" between land use planning and transportation planning would have to fall on the shoulders of transportation planners, since transportation plans must "support" land use planning.

This overly restrictive view of the nature of coordination, which fails to acknowledge the full extent of the interdependence between land use and transportation, hobbles transportation planning and limits its possibilities and thus its potential effectiveness in addressing the very problems that the coordination of land use and transportation planning is frequently called on to address. Limitations in the possibilities open to transportation planning lead to limitations in the potential of transportation planning to address transportation problems. It may very well be the case that to improve the range of possibilities open to transportation planning and thus its

effectiveness, it will be necessary to alter the approach to coordination, because as long as transportation planning is limited by an approach that makes it strictly dependent on land use plans and land use planning, improvements in transportation planning are likely to be limited and piecemeal.

In the midst of the many discussions during the last few years of transportation problems in Virginia and the ways to deal with them by politicians at all levels of government, by the writers of editorials and opinion pieces, and by government officials, improved coordination of land use and transportation planning is regularly mentioned as one way to address some of these problems. For example, in Governor Kaine's amendments to the recent transportation bill, House Bill 3202 (2007), he goes so far as to claim that the coordination of land use and transportation is one of the "principles" that has guided his work on transportation:

In addition, my amendments adhere to the principles that have guided all my work on transportation: create better accountability by locking up the new transportation funds and provide for better connections between land use and transportation planning with new growth management tools (Kaine, 2007).

However, what is regarded as real coordination and what is regarded as the proper approach to coordination affect the range of possibilities open to transportation planning and may make a significant difference in how well transportation planning can make a contribution to the solution of the transportation problems that plague the Commonwealth. It would be interesting and useful to examine not only the limitations of the reactive approach to coordination and transportation planning with respect to its efficacy in solving transportation problems—especially regional or state-level transportation problems—but also the possibility that the reactive approach may in certain circumstances actually *contribute* to these problems. However, this study does not undertake an examination of those questions.

PURPOSE AND SCOPE

The purpose of this study was to compare the approach to the coordination of land use and transportation planning developed in Oregon between 1973 and 1991—in particular the articulation and institution of statewide planning goals—with the reactive approach to coordination and transportation planning. The purpose of the comparison was to determine if there were advantages offered by the Oregon approach that have significant consequences for the range of possibilities open to transportation planning and thus significant consequences for the capacity of transportation planning to address transportation problems in the Commonwealth.

Specifically, the study examined the developments in Oregon that led up to the passage of Senate Bill 100 (SB 100) and the "structure" of the system of coordination and planning it established. It also examined the developments that led to the publication of the TPR in 1991 and the contributions it made to the system established by SB 100. The period in Oregon's planning history from 1973 to 1991 was chosen for examination for two reasons. First, it was an important and illuminating period during which Oregon made a conscious effort to improve coordination and planning. Second, the developmental process during this period is heavily

documented, making it possible to see connections and relationships between different elements of planning and coordination that would not be possible to see in the absence of such extensive documentation.

During the last few years, there has been some interest in establishing what have been called “overarching” or statewide goals in Virginia. These goals have been established largely as part of an attempt to make VDOT and other state agencies more accountable. These efforts are discussed in more detail in the Discussion section of this report. The place of statewide planning goals in the overall scheme of transportation and land use planning in Oregon is sufficiently different from the approach taken in Virginia that it is worthwhile to examine the system established in Oregon in some detail to see whether there are advantages offered by the Oregon approach. With the exception of the discussion of recent attempts to establish statewide planning goals in Virginia and the comparison of these Virginia goals with Oregon’s statewide planning goals, the scope of this study was limited to an examination of the developments in coordination and planning that took place in Oregon between the late 1960s and 1991.

The objectives of this study were:

1. Determine the role of the statewide planning goals in Oregon’s system and their significance for Oregon’s overall approach to coordination and planning.
2. Determine the effect of the establishment of the statewide planning goals on transportation planning and the coordination of land use and transportation planning.
3. Determine the ways in which the approach to transportation planning established by the Oregon system differs from the reactive approach to transportation planning and examine the significance of some of these differences for transportation planning.
4. Examine some of the results of efforts to establish overarching, or statewide, goals in Virginia and examine the way these goals differ from the statewide planning goals established in Oregon.

METHODS

A literature search was conducted to determine the best sources from which an account of Oregon’s system of coordination and planning could be derived. The official documentation examined included senate bills from the Oregon Legislative Assembly, especially Senate Bill 10 (SB 10), SB 100, and TPR. Historical documents that tracked the origins of SB 100, the establishment of the statewide planning goals, and the creation of TPR were also examined. Commentaries, histories, and analytical studies that addressed the development of Oregon’s approach to coordination and land use planning were examined as well.

A detailed account of Oregon’s system of coordination and planning from the late 1960s until 1991 was derived from an examination of official documents. This account focused

primarily on SB 100, passed in 1973, and TPR, published in 1991. Since history was not the principal interest of this account, the researcher did not strive for historical completeness; this account was designed to point out and illuminate various important aspects of the development of Oregon's system of planning and coordination.

An analysis of this account of Oregon's system of coordination and planning provided the basis for:

1. determining the role of the statewide planning goals in Oregon's system and their significance for Oregon's overall approach to coordination and planning
2. determining the effect of the establishment of the statewide planning goals on transportation planning and the coordination of land use and transportation planning was determined
3. determining the ways in which the approach to transportation planning established by the Oregon system differs from the reactive approach to transportation planning
4. examining the results of efforts by VTrans2025, the Council on Virginia's Future, the Commonwealth Transportation Board (CTB); and the Transportation Accountability Commission to establish statewide goals in Virginia and determining the way these efforts differed from the statewide planning goals established in Oregon.

RESULTS AND DISCUSSION

Development of Oregon's System of Coordination and Planning

The presence of extensive documentation made it possible to see the kinds of considerations that were brought to bear on the problems that faced Oregon between the late 1960s and 1991 and to see what Oregonians thought could be achieved by improving planning and coordination. The focus of this account was to a large extent on what could be called the "structure" of Oregon's system of planning and coordination. The principal concerns of this account are (1) to show the origin and structure of the system, and (2) to show the origin of the statewide planning goals and their role in the system.

This account of the development of Oregon's system of coordination and planning includes accounts of the following:

- land use planning in Oregon prior to 1973
- Senate Bill 100 of 1973
- the statewide planning goals
- the Transportation Planning Rule of 1991.

Land Use Planning in Oregon Prior to 1973

Rapid development in Oregon after World War II led to visible environmental degradation. By the 1960s, Oregonians' concerns about the degradation of the environment led them to "support initiatives to protect people and landscapes from air, water, and solid waste pollution and to prohibit development in fragile natural areas" (Leonard, 1983). However, the motivation for improved land use planning did not come only from the desire to control pollution and improve the quality of life. In 1973, nearly 80% of Oregon's population lived in the 100-mile-long Willamette Valley. The valley received 80% of the state's population growth between 1950 and 1970, and the physical size of the valley's urban areas grew faster than the population. But despite the increases in population in urban areas, the natural resources of the Willamette Valley made it very important for agriculture. The valley was one of the most productive specialty-crop farming and food processing centers in the United States. Many of the immigrants into Oregon from 1950 to 1970 came from California where they had witnessed the decline of agriculture and the loss of prime farmlands in California's coastal valleys, and these immigrants provided a core constituency committed to protecting agricultural land from urban development.

Prior to 1973, planning authority in the Willamette Valley was divided among 9 counties and 80 cities. The cities were limited to trying to slow or divert new development from the valley's fertile agriculture areas. But it became apparent that the problems of protecting the agriculture land base were not being dealt with successfully by the valley's jurisdictions acting independently; as a consequence, political pressure for the state to take a hand in solving this problem increased.

In 1961, the Oregon legislature authorized lower tax assessments for land in exclusive-farm-use zones. It was hoped that, as a result of this tax break, fewer farmers would be compelled by economic pressures to sell their land to speculators or developers. However, this tax break was not enough to prevent the leapfrog development of subdivisions around the cities of the valley: "By the end of the 1960s, an estimated 10,000 acres of farmland were being converted to urban use each year, out of a total of about 2 million agricultural acres in the whole valley" (Leonard, 1983).

In 1969, the Oregon legislature passed Senate Bill 10. (The complete bill is provided in Appendix B.) SB 10 required local governments to adopt comprehensive land use plans and to enact zoning regulations, and it outlined nine general planning issues for cities and counties to consider:

1. air and water resources
2. open space, and natural scenic resources
3. recreation
4. farmland conservation
5. floods, landslides, and other natural disasters
6. transportation
7. public facilities
8. the economy

9. physical limitations of the land (Knapp and Nelson, 1992).

One of the most important of these goals was the conservation of farmland, and the passage of SB 10 was clearly designed to help county officials slow down the rapid conversion of farmland in their area. Although many local officials opposed the provisions of SB 10, they proceeded with at least minimal implementation, because this legislation had also empowered the governor to prescribe and administer comprehensive plan and zoning regulations for any locality that had not made satisfactory progress by December 31, 1971.

The impact of SB 10 was limited. Local governments did little to change prevailing development patterns or decision-making processes. State officials thought that SB 10 was a failure for the following reasons:

- It lacked provisions for supervision and enforcement by the state.
- It failed to provide funds and technical assistance to localities suddenly called upon to perform unprecedented planning tasks.
- It did not establish any means to ensure that local plans were consistent with one another and to resolve conflicts between jurisdictions (Leonard, 1983).

The failure of SB 10 convinced Oregon's Governor McCall and other state officials that:

- The state should establish an administrative agency to define more specific statutory standards for local plans and to oversee local governments as they applied the standards.
- This agency would provide a forum for arbitrating interjurisdictional conflicts and for hearing citizen complaints that local governments were not following state goals.
- This agency would disburse grants and technical assistance to help local governments fulfill their planning responsibilities (Leonard, 1983).

Senate Bill 100 of 1973

Development of Senate Bill 100

In 1970, Governor McCall worked with local officials in the Willamette Valley to create the Willamette Valley Environmental Protection and Development Council. The creation of this council was a response to increasing development pressures in the valley. The council undertook a variety of tasks related to development in the valley and goals for the future, but one of the most significant and influential things the council did was to campaign to increase the public's awareness of the consequences of the growth trends that were already apparent in the valley. The campaign had an immediate effect by engendering widespread support for statewide land use planning. These campaigns helped the public realize that the future growth in the valley might be affected for the better by the skill and foresight with which local governments

coordinated growth planning and accommodated new development to minimize the conflict with agriculture (Leonard, 1983).

Governor McCall won re-election in 1972 on a platform calling for “legislation to shore up SB10 and to ensure implementation of its provisions by city and county governments” (Leonard, 1983). However, although there was general agreement that SB 10 had not achieved its intended goals, there was strong opposition by members of the legislature to any takeover of land use planning by the state. Consequently, SB 100 “left the responsibility for preparing and implementing comprehensive land use plans with city and county governments” (Leonard, 1983). However, its provisions did provide for the state to *oversee* the local planning process.

When SB 100 was introduced, it contained provisions for the establishment of 14 regional planning districts and the creation of a state agency, the Land Conservation and Development Commission (LCDC), the purpose of which was “to promulgate state planning goals, to develop mandatory statewide standards to cover areas of ‘critical concern,’ to outline procedures for coordinating the plans of different local jurisdictions, and to safeguard the right of citizens to participate in the planning process” (Leonard, 1983). The provision for establishing mandatory regional planning by establishing 14 regional planning districts met serious opposition and thus was dropped from the final bill; however, it was replaced by a provision requiring counties to be responsible for coordinating local planning. The provision for designating areas of critical state concern also met serious objections and was dropped from the final bill; however, the final bill did authorize state control (using a permit system) of certain activities of statewide significance, such as transportation, sewerage, water supply, solid waste disposal, and public school citing.

Provisions of Senate Bill 100

This account of the provisions of SB 100 does not cover the bill in its entirety; it provides the reader with the general thrust of the bill and lists the essential elements of the system of coordination and planning established by the bill. (SB 100 is provided in Appendix C.)

Section 1 of SB 100 describes in a general way the problem that motivated this new approach to planning, and it shows the place that statewide goals are to have in addressing it.

Section 1. The Legislative Assembly finds that:

- (1) Uncoordinated use of lands within this state threaten the orderly development, the environment of this state and the health, safety, order, convenience, prosperity and welfare of the people of this state.
- (2) To promote coordinated administration of land uses consistent with comprehensive plans adopted throughout the state, it is necessary to establish a process for the review of state agency, city, county and special district land conservation and development plans for compliance with state-wide planning goals and guidelines.
- (3) Except as otherwise provided in subsection (4) of this section, cities and counties should remain as the agencies to consider, promote and manage the local aspects of land conservation and development for the best interests of the people within their jurisdictions.
- (4) The promotion of coordinated state-wide land conservation and development requires the creation of a state-wide planning agency to prescribe planning goals and objectives to be applied by state agencies, cities, counties and special districts throughout the state.

(5) The impact of proposed development projects, constituting activities of state-wide significance upon the public health, safety and welfare, requires a system of permits reviewed by a state-wide agency to carry out state-wide planning goals and guidelines prescribed for application for activities of state-wide significance throughout this state.

In Section 18, the place of comprehensive plans in the system is made clear: cities and counties are to adopt comprehensive plans that are required to be consistent with the statewide planning goals, and they are to enact appropriate ordinances and regulations to implement their comprehensive plans. Section 2 indicates the importance of comprehensive plans in the system and describes their important characteristics:

Section 2. The Legislative Assembly declares that, in order to assure the highest possible level of liveability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans:

- (1) Must be adopted by the appropriate governing body at the local and state levels;
- (2) Are expressions of public policy in the form of policy statements, generalized maps and standards and guidelines;
- (3) Shall be the basis for more specific rules, regulations and ordinances which implement the policies expressed through the comprehensive plan;
- (4) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans;
- (5) Shall be regularly reviewed and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve.

The legislature defined *comprehensive plan* in the following way:

“Comprehensive plan” means a generalized, coordinated land use map and policy statement of the governing body of a state agency, city, county or special district that integrates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, recreational facilities, and natural resources and air and water quality management programs. “Comprehensive” means all-inclusive, both in terms of geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. “General nature” means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is “coordinated” when the needs of all levels of government, semipublic agencies and the citizens of Oregon have been considered and accommodated as much as possible. “Land” includes water, both surface and subsurface, and the air.

Some of the more important provisions of SB 100 with regard to Oregon’s system of coordination and planning are as follows:

- Section 4 establishes the Oregon Department of Land Conservation and Development (DLCDC).
- Section 5 establishes LCDC.
- Section 11 enumerates the duties of LCDC, including the requirement to establish statewide planning goals:

The Commission shall:

Establish state-wide planning goals consistent with regional, county and city concerns (emphasis added);

Issue permits for activities of state-wide significance;

Prepare inventories of land uses;

Prepare state-wide planning guidelines;

Review comprehensive plans *for conformance with state-wide planning goals* (emphasis added);

Coordinate planning efforts of state agencies *to assure conformance with state-wide planning goals* and compatibility with city and county comprehensive plans (emphasis added);

Insure widespread citizen involvement and input in all phases of the process;

Prepare model zoning, subdivision and other ordinances and regulations to guide state agencies, cities, counties and special districts in implementing state-wide planning goals . . . ;

Review and recommend to the Legislative Assembly the designation of areas of state concern.

- Sections 17 through 19 focus on what the bill will require of cities and counties:

Section 17. Cities and counties shall exercise their planning and zoning responsibilities *in accordance with this Act and the state-wide planning goals* and guidelines approved under this Act (emphasis added).

Section 18: Pursuant to this Act, each city and county in this state shall:

Prepare and adopt comprehensive plans *consistent with state-wide planning goals* and guidelines approved by the commission (emphasis added); and

Enact zoning, subdivision and other ordinances or regulations to implement their comprehensive plans.

Section 19. . . .each county through its governing body, shall be responsible for coordinating all planning activities affecting land uses within the county, including those of the county, cities, special districts and state agencies, to assure an integrated comprehensive plan for the entire area of the county.

- Sections 20 and 21 focus on the planning responsibilities of state agencies and special districts:

State agencies [and special districts] shall carry out their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use *in accordance with state-wide planning goals* and guidelines approved pursuant to this Act (emphasis added).

- Section 27 makes it clear that any proposed project that constitutes an activity of statewide concern must receive a planning and citing permit for the project directly from LCDC:

If the commission finds after review of the application and the comments submitted by the county governing body and state agencies that the proposed project *complies with the state-wide goals* and guidelines for activities of state-wide significance and the comprehensive plans within the county, it shall approve the application and issue a planning and siting permit for the proposed project. . . . (emphasis added).

- Section 39 requires the governing body of the county to review all comprehensive plans for land conservation and development within the county and

advise the state agency, city, county, or special district preparing the comprehensive plans whether or not the comprehensive plans are *in conformity with the state-wide planning goals* (emphasis added).

The Statewide Planning Goals

Development of Goals

Since the final version of SB 100 required localities to ensure that their local comprehensive plans conformed to the statewide planning goals, it was necessary to develop the statewide goals. This task fell to LCDC, which like other commissions in Oregon's government structure, is made up of private citizens appointed by the governor. After a year of public meetings, in late 1974, LCDC adopted the following 14 statewide land use planning goals:

1. To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.
2. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.
3. To preserve and maintain agricultural lands.
4. To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.
5. To protect natural resources and conserve scenic and historic areas and open spaces.
6. To maintain and improve the quality of the air, water and land resources of the state.
7. To protect people and property from natural hazards.
8. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.
9. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.
10. To provide for the housing needs of citizens of the state.
11. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development
12. To provide and encourage a safe, convenient and economic transportation system.
13. To manage and control land and uses developed on the land so as to maximize the conservation of all forms of energy, based upon sound economic principles.
14. To provide for an orderly and efficient transition from rural to urban land use. [OAR] 660-015, -0000, 0005, -0010)

Within 2 years, the following five additional goals were adopted:

15. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.
16. To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.
17. To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and

- property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.
18. To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.
 19. To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations (Oregon Administrative Rules [OAR] 660-015, -0000, 0005, -0010).

The key to the statewide goals may be found in Goal 2: "To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions." There is a straightforward sense in which this goal is in part accomplished by the articulation of all 19 statewide planning goals. The process for achieving the goal is spelled out as follows:

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

All land use plans shall include identification of issues and problems, inventories and other factual information *for each applicable statewide planning goal*, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs (emphasis added).

The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plan. Each plan and related implementation measure shall be coordinated with the plans of affected government units (OAR 660-015-0000(2)).

Each goal includes a statement of the provisions of the goal and a set of guidelines subdivided into two sections: Planning and Implementation. Goal 2 describes the general character of these guidelines:

Guidelines for most statewide planning goals are found in two sections—planning and implementation. Planning guidelines relate primarily to the process of developing plans that incorporate the provisions of the goals. Implementation guidelines should relate primarily to the process of carrying out the goals once they have been incorporated into the plans (OAR 660-015-0000(2)).

Goal 2 also provides for exceptions to the statewide planning goals, and it describes the types of considerations that must be given in support of exceptions and a set of standards that these considerations must meet.

In its ruling in *1000 Friends of Oregon v. Benton County* in 1978, the Oregon Court of Appeals made explicit the role of the statewide goals: they "are in effect the 'constitution' for local government comprehensive plans." Comprehensive plans are in turn the framework for local land use decisions. The oversight of this process by LCDC consisted in a review of all local comprehensive plans. Completed local comprehensive plans had to be submitted to LCDC, which determined whether they complied with the statewide planning goals. If the comprehensive plan were acknowledged by LCDC to be in compliance with statewide goals, the comprehensive plan would then become legally binding on individuals and local governments.

The Transportation Planning Rule of 1991

Development of the Transportation Planning Rule

In addition to the other powers bestowed on it by SB 100, LCDC was given the power to adopt administrative rules in order to elaborate on or interpret the statewide goals (Sullivan, 1994). DLCD implements Commission policy and in the late 1980s, it began working on what was to become Oregon Administrative Rule (OAR) 660-12, called the Transportation Planning Rule (Adler, 1994). The purpose of the TPR was to “implement” Statewide Planning Goal 12 (Transportation), which is provided in Appendix A.

The TPR was formally adopted in 1991; however, the process that culminated in its adoption by LCDC began a few years earlier. The Metropolitan Service District (Metro), which is responsible for cooperative transportation decision making in the Portland, Oregon, region, agreed to do a project-level study in cooperation with Washington County to determine whether a proposed western bypass was in compliance with statewide land use planning goals. The fact that the proposed bypass was laid out so that it would cross over Portland’s urban growth boundary raised questions about whether the project would interfere with the protection of agricultural and forest lands and other natural resources if it were carried out as planned. The proposed highway corridor was incorporated into the comprehensive plan of Washington County and into Metro’s transportation plan. Ultimately, construction of the highway was contingent upon the construction plan passing the appropriate land use tests. However, the decision by Washington County and Metro to proceed in this way was challenged by STOP (a local citizens’ organization located in the proposed bypass corridor) and by 1000 Friends of Oregon (1000 Friends). They argued before the Land Use Board of Appeals (LUBA) that it was inappropriate for Washington County and Metro to evaluate this project at the project level. They claimed that the question whether the bypass would be consistent with statewide goals should have been examined during the system-level planning process, which is where the bypass had been suggested in the first place. The plaintiffs felt that the failure to assess the bypass option at the systems level meant that transportation and land use alternatives that might have eliminated the need for the bypass had not been thoroughly investigated. LUBA agreed with STOP and 1000 Friends on the procedural issue; however, the Oregon Court of Appeals later reversed LUBA’s decision. While these legal matters were being sorted out, the Oregon Department of Transportation (ODOT) and Washington County asked for guidance from DLCD about the integration of land use and transportation planning, and *this* is what motivated the rule-making process that resulted in the TPR. (Adler, 1994)

According to Adler (1994), five factors significantly affected the direction of the process that took place in the creation of the TPR:

1. DLCD and ODOT were increasingly worried about the capacity of local government agencies to play their assigned role in achieving state agency objectives regarding urban growth management and transportation system planning; as a consequence, they were interested in limiting the discretion available to local governments in order to focus local attention on higher level goals.

2. ODOT also wanted to deal with local conflicts that stymied or substantially delayed its efforts to plan and construct highways of statewide significance. These critical state routes were sometimes held hostage to local political disputes related to land use.
3. DLCD supported ODOT's desire to place itself in a dominant position in transportation planning, and DLCD sought "to elaborate its own leadership role in addressing related land use and environmental issues." The staff of DLCD thought that local growth management regimes were not working as they should. They also thought that growth boundaries were not sufficient to achieve urban form objectives. However, prior to the creation of the TPR, DLCD had already acknowledged that local comprehensive plans were in conformity with statewide land use goals.
4. The TPR would be designed to set the framework within which local governments would integrate transportation and land use planning; however, some local governments, especially Washington County, were hostile to the idea of a transportation rule setting the framework within which coordination would take place. These local governments argued that there was a hierarchical relationship that the transportation rule ought to respect: transportation plans should be subordinate to and be implemented in accordance with comprehensive land use plans.
5. 1000 Friends, STOP, and their environmental allies had two related substantive interests for which they constantly argued during the development of the TPR. One was that land use and transportation plans conform to all dimensions of the statewide transportation goal including, in particular, the directive to avoid principal reliance upon any one mode of transportation. Linked to this was their concern to push for an urban form that would facilitate the creation of a compact, densely developed urban region in order that other modes of transport, including transit, walking, and bicycling, might diminish the dominance of the automobile-highway system.

The rule-making process, which was controlled by DLCD, began with the procedural question that was brought to the forefront of everyone's attention by the previously mentioned dispute over the western bypass in Washington County: At what point should consistency with statewide land use goals be addressed in the planning process? 1000 Friends and STOP had argued that questions about whether the western bypass was consistent with statewide goals should have been examined at the system level.

Metro and Washington County wanted goal analyses deferred to the project planning stage. They argued that it was important to build more flexibility into the planning process because critical information might not become apparent until the later more specific stages of project planning. 1000 Friends, STOP, and some local governments and state agencies thought that the project planning stage was too late to begin addressing issues of compliance with state-level goals. They argued that projects that had reached the project planning stage already had a momentum that was very difficult to counter. Environmentalists wanted statewide goals to guide regional and local land use and transportation planning, and DLCD and ODOT wanted

consistency with statewide goals to be addressed during system planning. However, DLCD decided to offer a compromise: in order to accommodate the concerns of Metro and Washington County, DLCD proposed that goal analyses be deferred to a refinement plan if a local or regional planning agency (1) demonstrated a lack of information necessary to make a final determination, (2) showed that deferral did not affect the integrity of the rest of the system plan, and (3) completed the refinement plan in a timely manner. In order to accommodate the desires of the environmental activists and others who wanted questions of consistency to be addressed at the system stage, a set of requirements for the preparation of system plans was created. (Adler, 1994)

The state-level position on these procedural issues regarding the placement of transportation facilities on rural lands reflected the desire of DLCD, ODOT, and 1000 Friends to limit local government discretion. Thus this alliance wrote into the rule “a long list of facilities and improvements that would be defined as consistent with statewide agricultural, forest land, public facility, and urbanization goals and therefore permitted on rural lands without condition, and a set of improvements that would be permitted if conditions specified in the rule were met” (Adler, 1994). Any facilities or improvements that did not meet these requirements would require an exception to the statewide planning goals, and the TPR set a further barrier by specifying a lengthy set of requirements for justifying an exception. The state-level alliance among DLCD, ODOT, and 1000 Friends was concerned about the capacity of local governments to resist the land development pressures that are often associated with investments in transportation facilities:

The extensive level of detail, reducing the amount of discretion available to local planners, aimed at protecting ODOT’s transport investments as well as achieving the urban form objectives of DLCD and the environmentalists. Requiring local planners to seek exceptions . . . would open up local decision processes to monitoring by state and environmental organizations, thereby also limiting discretion (Adler, 1994).

Provisions of the Transportation Planning Rule

This account of the provisions of the TPR does not cover the rule in its entirety; it provides the reader with its general thrust and describes those provisions that add structural elements to the system established by SB 100 (e.g., the Transportation System Plan [TSP]) and those parts that reflect the changes in transportation planning that have resulted from the system established by SB 100. The passages from the TPR are provided here because they (1) provide an overview of the TPR and (2) are useful in illuminating the way the provisions of the TPR fit into and add to the system created by SB 100. They also reflect the changes in transportation planning and the coordination of land use and transportation planning brought about by the passage of SB 100. The overall structure of the rule is revealed by its major headings:

- 660-12-000 Purpose
- 660-12-005 Definitions
- 660-12-010 Transportation Planning
- 660-12-015 Preparation and Coordination of Transportation System Plans
- 660-12-020 Elements of Transportation System Plans
- 660-12-025 Complying with the Goals in Preparing Transportation System Plans
- 660-12-030 Determination of Transportation Needs
- 660-12-035 Evaluation and Selection of Transportation System Alternatives
- 660-12-040 Transportation Financing Program

- 660-12-045 Implementation of the Transportation System Plan
- 660-12-050 Transportation Project Development
- 660-12-055 Timing of Adoption and Updates of Transportation System Plans
- 660-12-060 Plan and Land Use Regulation Amendments
- 660-12-065 Transportation Improvements on Rural Lands
- 660-12-070 Exceptions for Transportation Improvements on Rural Land (DLCD, 1991).

One of the fundamental themes of the TPR is expressed early on:

In the course of this rulemaking effort the Commission has determined that avoiding the kinds of transportation problems that face rapidly growing urban areas in other states will require reconsideration of how urban growth will be accommodated. The reason is that the pattern of growth set out in existing land use plans has a major effect on the kind of transportation system that we need. The separation of residential, commercial, industrial and other uses requires that people drive virtually everywhere they need to go. This creates a need for a major road system which, in turn, encourages people to live, work and shop at increasingly spread out locations (DLCD, 1991).

660-12-000 Purpose.

The purpose of this division is *to implement Statewide Planning Goal 12 (Transportation)*. It is also the purpose of this division to explain how local governments and state agencies responsible for transportation planning *demonstrate compliance with other statewide planning goals* and to identify how transportation facilities are provided on rural lands *consistent with the goals*. The division sets requirements for coordination among affected levels of government for preparation, adoption, refinement, implementation and amendment of transportation system plans (emphasis added) (DLCD, 1991).

660-12-010 Transportation Planning.

Transportation planning shall be divided into two phases: transportation system planning and transportation project development. Transportation system planning establishes land use controls and a network of facilities and services to meet overall transportation needs. Transportation project development implements the TSP by determining the precise location, alignment, and preliminary design of improvements included in the TSP (DLCD, 1991).

660-12-015 Preparation and Coordination of Transportation System Plans.

(1) ODOT shall prepare, adopt and amend a state TSP. . . . The state TSP shall identify a system of transportation facilities and services adequate to meet identified state transportation needs.

(2) MPOs shall prepare regional TSPs for facilities of regional significance within their jurisdiction. Counties shall prepare regional TSPs for all other areas and facilities.

Regional TSPs shall establish a system of transportation facilities and services adequate to meet identified regional transportation needs and shall be consistent with adopted elements of the state TSP.

(3) Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP.

(4) Cities and counties shall adopt regional and local TSPs required by this division as part of their comprehensive plans.

(5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local governments, special districts, and private providers of transportation services (DLCD, 1991).

660-12-020 Elements of Transportation System Plans.

- (1) A TSP shall establish a coordinated network of transportation facilities adequate to serve state, regional and local transportation needs.

- (2) A TSP shall include the following elements:
 - (a) A determination of transportation needs as provided in 660-12-030.
 - (b) A road plan for a network of arterials and collectors. Functional classifications of roads in regional and local TSPs shall be consistent with functional classifications of roads in state and regional TSPs and shall provide for continuity between adjacent jurisdictions.
 - (c) A public transportation plan
 - (d) A bicycle and pedestrian plan
 - (e) An air, rail, water and pipeline transportation plan
 - (f) For areas within an urban area containing a population greater than 25,000 persons, a plan for transportation system management and demand management.
 - (g) A parking plan in MPO areas
 - (h) Policies and land use regulations for implementing the TSP as provided in 660-12-045.
 - (i) For areas within an urban growth boundary containing a population greater than 2500 persons, a transportation financing program as provided in 660-12-040 (DLCD, 1991).

660-12-025 Complying with the Goals in Preparing Transportation System Plans.

- (1) Except as provided in subsection (3) of this section, adoption of a TSP shall constitute the land use decision regarding the need for transportation facilities, services and major improvements and their function, mode, and general location.

- (2) *Findings of compliance with applicable statewide planning goals* and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the TSP (emphasis added) (DLCD, 1991).

660-12-030 Determination of Transportation Needs.

- (1) The TSP shall identify transportation needs relevant to the planning area and the scale of the transportation network being planned including:
 - (a) State, regional, and local transportation needs.

- (2) Counties or MPOs preparing regional TSPs shall rely on the analysis of state transportation needs in adopted elements of the state TSP. Local governments preparing local TSPs shall rely on the analyses of state and regional transportation needs in adopted elements of the state TSP and regional TSPs (DLCD, 1991).

660-12-045 Implementation of the Transportation System Plan.

- (1) Each local government shall amend its land use regulations to implement the TSP.
 - (c) In the event that a transportation facility, service or improvement is determined to have a significant impact on land use or to concern the application of a comprehensive plan or land use regulation and to be subject to standards that require interpretation or the exercise of factual, policy or legal judgment, the local government shall provide a review and approval process that is consistent with 660-12-050 [Transportation Project Development]. To facilitate implementation of the TSP, each local government shall amend its land use regulations to provide for consolidated review of land use decisions required to permit a transportation project.

- (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:
 - (a) Access control measures
 - (b) Standards to protect future operation of roads
 - (c) Measures to protect public use airports

- (d) A process for coordinated review of future land use decisions affecting transportation facilities, corridors or sites.
- (e) A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites.
- (g) Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and levels of service of facilities identified in the TSP (DLCD, 1991).

660-12-050 Transportation Project Development.

- (2) Regional TSPs shall provide for coordinated project development among affected local governments. The process shall include:
 - (a) Designation of a lead agency to prepare and coordinate project development.
 - (b) A process for citizen involvement . . .
 - (c) *A process for developing and adopting findings of compliance with applicable statewide planning goals, if any.* This shall include a process to allow amendments to acknowledged comprehensive plans where such amendments are necessary to accommodate the project.
 - (d) A process for developing and adopting findings of compliance with applicable acknowledged comprehensive plan policies and land use regulations of individual local governments, if any.

(3) Project development

Where project development involves land use decision making, all unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to project approval. To the extent compliance has already been determined during transportation system planning, including adoption of a refinement plan, affected local governments may rely on and reference the earlier findings of compliance with applicable standards.

- (5) If a local government decides not to build a project authorized by the TSP, it must evaluate whether the needs that the project would serve could otherwise be satisfied in a manner consistent with the TSP. If identified needs cannot be met consistent with the TSP, the local government shall initiate a plan amendment to change the TSP or the comprehensive plan to assure that there is an adequate transportation system to meet transportation needs (emphasis added) (DLCD, 1991).

660-12-060 Plan and Land Use Regulation Amendments.

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:
 - (a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or,
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:
 - (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing a functional classification system;
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP (DLCD, 1991).

The Role of the Statewide Planning Goals in Oregon’s System of Coordination

Although the system of coordination established by SB 100 has several essential interrelated elements, the statewide planning goals are especially important, and they are an innovation of some significance. Every feature of the system depends for its sense and its point on the role of these goals in the system and on their content.

The System of SB 100

The passage of SB 10 was intended to reduce the loss of farmland to development in the Willamette Valley. Even though the enactment of SB 10 failed to achieve this goal, it represented an important change in Oregon’s approach to land use planning: the recognition that the state must take the lead in the solution of some land use problems of regional or statewide significance. The failure of SB 10 motivated the passage of the much stronger SB 100, which attempted to make up for the shortcomings of the earlier bill but which also reflected much more insight into what would be required to address land use issues of statewide significance. By the time that SB 100 was being considered, Oregon’s legislators were taking a long-term view, and this led them to focus more on a *system* of planning and the coordination of planning that would not only rectify the shortcomings of SB 10 but would also address the problems SB 10 had been intended to address; it would also prevent certain kinds of problems from developing.

It is essential to see what kinds of problems the Oregon legislators and the governor thought they were addressing in SB 100 in order to begin to make sense of the structure of the system that they developed. In Section 1 of the bill is the following statement of the problem that the bill was intended to address:

Uncoordinated use of lands within this state threatens the orderly development, the environment of this state and the health, safety, order, convenience, prosperity and welfare of the people of this state (DLCD, 1973).

It is interesting that in the judgment of the Oregon legislature, the problem was the lack of coordination and not, for example, the lack of planning; however, this is, no doubt, related to the fact that they were focusing on what they referred to as problems of “statewide” significance, which would require the coordinated efforts of localities, regional planning authorities, and state government for their solution. Thus, whereas SB 10 had focused on preserving farmland, SB 100 focused on coordinating local planning—as a way of preserving farmland.

The system of coordination that was the direct result of the passage of SB 100 was not all put in place when the bill was passed; one of the most critical elements would not be fully in place for 1 year. LCDC developed the required “state-wide planning goals consistent with regional, county, and city concerns,” after 1 year of public workshops and hearings throughout the state. Once the statewide planning goals were in place, the system was in place.

SB 100 is a complex bill, and the system it established had many elements; however, the basic elements of the system that it put in place were as follows:

- Cities and counties were required to prepare and to adopt comprehensive plans that were consistent with the statewide planning goals and guidelines developed by LCDC.
- Cities and counties were required to enact zoning, subdivision, and other ordinances or regulations to implement their comprehensive plans.
- State agencies that had planning responsibilities were required to carry out their planning duties in accordance with the statewide planning goals and guidelines approved by LCDC.
- The governing body of each county was responsible for coordinating all planning activities affecting land uses within the county, including those of the county, cities, special districts, and state agencies, and to ensure an integrated comprehensive plan for the entire area of the county.
- Completed comprehensive plans had to be reviewed by LCDC to determine whether they were consistent with the statewide planning goals. LCDC had the power to reject comprehensive plans that in its judgment were not consistent with statewide planning goals and send them back for appropriate revisions. It is important to note that local and regional plans had to be approved by LCDC before they could be implemented (DLCD, 1973)

Although the TPR came 18 years after the passage of SB 100, it added an important structural element to the system: the TSP. A TSP “establishes land use controls and a network of facilities and services to meet overall transportation needs” (DLCD, 1991). Cities and counties were expected to include a TSP in their comprehensive plan (DLCD, 1991). With some exceptions,

The adoption of a TSP [constituted] a land use decision regarding the need for transportation facilities, services and major improvements and their function, mode, and general location (DLCD, 1991).

Another point emphasized repeatedly in the TPR with respect to TSPs is the hierarchical relationship that exists between TSPs from different levels of government, which is important because it is another factor in the coordination of TSPs. This relationship is reflected in the requirements of the TPR:

(1) ODOT shall prepare, adopt and amend a state TSP. . . . The state TSP shall identify a system of transportation facilities and services adequate to meet identified state transportation needs.

(2) MPOs shall prepare regional TSPs for facilities of regional significance within their jurisdiction. Counties shall prepare regional TSPs for all other areas and facilities.

Regional TSPs shall establish a system of transportation facilities and services adequate to meet identified regional transportation needs and *shall be consistent with* adopted elements of the state TSP (emphasis added).

(3) Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and *shall be consistent with* regional TSPs and adopted elements of the state TSP (emphasis added) (DLCD, 1991).

This hierarchy shows up again, for example, in 660-12-030, Determination of Transportation Needs:

Counties or MPOs preparing regional TSPs *shall rely on* the analysis of state transportation needs in adopted elements of the state TSP. Local governments preparing local TSPs *shall rely on* the analyses of state and regional transportation needs in adopted elements of the state TSP and regional TSPs (emphasis added) (DLCD, 1991).

It is also presented in a slightly different form in the list of required elements of a TSP:

Functional classifications of roads in regional and local TSPs *shall be consistent with* functional classifications of roads in state and regional TSPs and shall provide for continuity between adjacent jurisdictions (emphasis added) (DLCD, 1991).

Thus, local TSPs must be coordinated with regional and with state TSPs, and regional TSPs must be coordinated with state TSPs. TSPs of all levels must be consistent with the statewide planning goals:

Findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the TSP (DLCD, 1991).

Motivation for Establishing the Statewide Planning Goals

The motivation for establishing the statewide planning goals was the desire to address problems of statewide significance. The inclusion of statewide planning goals in SB 100 was an attempt to address the failure of SB 10 to ensure that local comprehensive plans were consistent with each other. This led the governor and some members of the legislature to conclude that a system for dealing with problems of statewide significance was needed. As a consequence, SB 100 was not designed to address only the land use problems of the Willamette Valley; it was clearly designed to address the entire range of statewide issues and problems associated in any way with questions of the use of land, and this is made clear in the stated goals of the system and in the diversity of the content of the goals.

The statewide planning goals were clearly intended to play the central role in the coordination of local plans. Even though the statewide goals do not control the precise content of local comprehensive plans, the content of these local and regional plans was in many ways tied closely to the content of the statewide goals with which they had to be consistent. One important question is how the establishment of a set of general goals such as the statewide planning goals can contribute to the coordination of local plans with all of their different local needs, interests, and locality-specific goals. The problem could be put this way: If there is a regional or statewide problem that has to be addressed, how does the state get all of the affected localities to plan in such a way that, even though their local planning is up to them, they are at the same time planning in such a way that the plans are all nevertheless contributing to the

solution of a the regional or statewide problem? The question is how a group of general goals give *direction*—irrespective of their content—to local planning.

The Oregon legislature’s requirement that comprehensive plans be consistent with the statewide goals gave local plans a direction in a stronger sense than might at first have been expected. Looking as it were at the logical character of the role of these statewide goals, one could perhaps reasonably distinguish two senses in which the goals provide direction. In the first sense, the goals guide the efforts of local planners in that all plans are required to be consistent with the statewide goals. However, in the second sense, the goals have the effect as it were of “lining up”—in the sense of giving common direction to—all of the plans from all of the localities in the state. This power to give local plans direction is interesting because the requirement that local plans be consistent with the statewide goals has the effect of coordinating the plans by “pointing” them in roughly the same direction or, to put it negatively, to prevent them from pointing in a direction inconsistent with the statewide planning goals. One of the principal definitions of the verb *to coordinate* is *to harmonize*, and in this sense, the requirement that local plans be consistent with the statewide planning goals harmonizes local plans by making them roughly consistent with each other—at least with respect to the statewide planning goals.

Effect of Statewide Planning Goals on the Coordination of Land Use and Transportation Planning and on Transportation Planning

The creation of the statewide planning goals transformed the landscape of planning and coordination in Oregon. The placement of the goals at the top of the system of planning and coordination created by SB 100 inaugurated an essentially pragmatic system with a set of shared goals at the top. Setting up a system using the statewide planning goals provided the basis for changing the way local and state planners approached planning and coordination.

However, there is evidence to indicate that even though the statewide planning goals were established in 1974, even as late as the late 1980s and early 1990s when the TPR was written, some planners had not yet fully appreciated the significance of the changes that came with the establishment of the system driven by statewide goals. The quote from the planning manager of Washington County in Oregon concerning the misguided character of the TPR shows that the significance of the changes instituted in 1973 and 1974 were not fully appreciated even 15 years later:

The DLCDC rule concept clearly fails to grasp that . . . land use plans come first; transportation plans are in second priority to land use plans; transportation plans require the preexistence of land use plans and are explicitly designed to support land use plans (Adler, 1994).

One useful way to examine the transformation that occurred in the coordination and planning landscape in Oregon is to compare the reactive view of coordination and planning expressed in this quotation to the approach to coordination and planning established by SB 100. It was the fact that the consequences of SB 100 were showing up in explicit form in the TPR that provoked the planning manager’s remark. It is interesting to note that these “consequences” of

SB 100 did not show up explicitly in Goal 12 (Transportation), which was published only 1 year after the bill was passed.

The TPR provides clear evidence of the way that the relationship between land use planning and transportation planning was altered by the passage of SB100. What the TPR makes clear is that land use planning no longer can be assumed to have precedence over transportation planning. The following passages from the section of the TPR setting the requirements for implementation of a TSP all show that in certain circumstances, transportation planning can take precedence over land use planning:

- (1) Each local government shall amend its land use regulations to implement the TSP.
- (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:
 - (d) A process for coordinated review of future land use decisions affecting transportation facilities, corridors or sites.
 - (e) A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites.
 - (g) Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and levels of service of facilities identified in the TSP (DLCD, 1991).

In the section of the TPR on amendments to plans and land use regulations, there is further evidence that transportation may in certain circumstances take precedence over land use planning:

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:
 - (a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or,
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes (DLCD, 1991).

In the system of coordination and planning inaugurated by SB 100, the statewide planning goals play a particularly important role in guiding the coordination and planning process. The system that put the statewide planning goals at its apex displaced the system of coordination reflected in the planning manager's criticisms of the TPR. The planning manager's appeal to the precedence of land use planning over transportation planning had been made obsolete in Oregon with the passage of SB 100 in the early 1970s. It is clear that the statewide planning goals are goals that the state decided it was important to achieve. The extent of the

state's seriousness about achieving them is manifest in the system of coordination and planning set up to achieve them, and this includes the important requirement that local comprehensive plans be consistent with the goals. The planning manager's view of transportation planning as subordinate to preexisting land use plans was replaced by a system that was pragmatic and guided by shared goals: the achievement of the statewide goals was what was important. There was no assumption in the system established by SB 100 that would give land use planning precedence over transportation planning in general or in a particular context unless doing so contributed to the achievement of the statewide goals.

The TPR is particularly revealing in this respect because it reflects in a formal way the precedence of the statewide goals rather than the precedence of land use planning over transportation planning. The precedence of the statewide goals shows itself in a variety of ways in the section of the TPR entitled "Key Features of the New Transportation Planning Rule," and the effect is often to put land use planning and transportation planning more at parity with each other:

[The *Transportation Planning Rule* will ensure] that the transportation system is adequate to support planned land uses and that land uses are, in turn, consistent with the function and capacity of planned transportation systems (DLCD, 1991).

Regional and local plans must accommodate state and regional transportation needs. ODOT, in turn, must make sure its project plans are consistent with acknowledged [which in this context means approved by LCDC] comprehensive plans (DLCD, 1991).

[Comprehensive plan] amendments must be reviewed to assure that the transportation system is adequate to support planned land uses. In turn, land use changes will need to be reviewed to assure that they do not exceed the capacity of the planned transportation system (DLCD, 1991).

It is clear that in these passages there is no consistent precedence of land use planning over transportation planning. There is a clear sense that transportation facilities need to be protected from inappropriate uses of land just as much as uses of land need the support of adequate transportation facilities.

One way of looking at these formal manifestations of a pragmatic approach to land use and transportation planning that are found throughout the TPR is to see them as reflecting an understanding of the fact that the older approach that placed transportation planning in a purely reactive position with respect to land use planning limits transportation planning to such an extent that it hinders or prevents the implementation of the statewide transportation planning goal.

The Oregon Approach to Transportation Planning Versus the Reactive Approach

It could said that with the reactive approach the "goal" of transportation planning is to "support" land use planning, although there may be many subordinate goals of different levels of specificity and importance. At any rate, if the previous statement of the planning manager in Oregon is to be taken at face value, what "guides" transportation planning is its obligation to

land use planning. The image that readily comes to mind is that transportation planning has to “wait on” land use planning to see what it is going to have to do or to deal with next.

By contrast, transportation planning in Oregon can—in certain circumstances—be guided by *any* of the statewide planning goals, although it naturally is largely guided by the statewide transportation planning goal by way of the more detailed and more clearly articulated TPR. In this case, what guides transportation planning is the requirement to plan in a way consistent with the statewide planning goals, but, in particular, Goal 12 (Transportation). Thus, in Oregon, the goal is articulated: it has provisions, requirements, subordinate goals, recommendations for planning and implementation, but most important, it is an articulated goal that can be used as a guide for transportation planners. Within the limitations specified by SB100 and the TPR, transportation planning is free from the limitations imposed on it by the reactive view.

The balance between land use and transportation planning evident in the TPR shows what was thought to be the best way to “implement” the provisions of Goal 12 (Transportation). The TPR recognizes the limited possibilities inherent in the reactive approach to coordinating land use and transportation planning. It would be reasonable to assume that the authors of the TPR saw that a systematic approach to transportation planning that was not confined by the limitations of the reactive approach and that made use of the full range of possibilities of transportation planning would be more useful for implementing Goal 12 (Transportation).

Results of Efforts to Establish Statewide Planning Goals in Virginia and Ways They Differ from the Statewide Planning Goals Established in Oregon

The results of the four recent efforts to establish statewide planning goals in Virginia and the ways they differ from the goals established in Oregon are provided here.

Results of Virginia’s Efforts

VTrans2025

VTrans2025, which is Virginia's statewide long-range multi-modal transportation plan, was developed by the secretary of transportation with the assistance of the four state transportation agencies: the Department of Aviation, the Department of Rail and Public Transportation, the Port Authority, and VDOT. The VTrans2025 final report contains the following general statewide transportation goals:

1. **Safety and Security:** Provide a safe, secure, and integrated transportation system that reflects the diverse needs throughout the Commonwealth.
2. **Preservation and Management:** Preserve and manage the existing transportation system through technology and more efficient operations.
3. **Mobility, Accessibility, and Connectivity:** Facilitate the efficient movement of people and goods, expand travel choices, and improve interconnectivity of all transportation modes.

4. Economic Vitality: Improve Virginia's economic vitality and facilitate the coordination of transportation, land use, and economic development planning activities.
5. Quality of Life and Environmental Stewardship: Improve environmental quality and the quality of life for Virginians.
6. Fiscal Responsibility: Improve program delivery (VTrans2025, 2004).

The Council on Virginia's Future

The Council on Virginia's Future was established in 2003 by Virginia's General Assembly (2003 *Acts of the Assembly*, Chapter 900, House Bill 2097), which charged the council to create a vision of Virginia's future and a system for state government that aligns with and supports achievement of the vision. A significant part of the purpose of the council's charge is to provide a long-term focus on high priority issues. The council's list of long-term goals is not limited to transportation but rather covers all aspects of state government. The council established the following "long-term" statewide goals:

- Be recognized as the best-managed state in the nation.
- Be a national leader in the preservation and enhancement of our economy.
- Elevate the levels of educational preparedness and attainment of our citizens.
- Inspire and support Virginians toward healthy lives and strong and resilient families.
- Protect, conserve and wisely develop our natural, historical and cultural resources.
- Protect the public's safety and security, ensuring a fair and effective system of justice and providing a prepared response to emergencies and disasters of all kinds.
- Ensure that Virginia has a transportation system that is safe, enables easy movement of people and goods, enhances the economy and improves our quality of life (Council on Virginia's Future, 2006).

The council established a further set of goals specifically for transportation:

- Decrease the number of traffic fatalities.
- Provide reasonable customer wait times.
- Increase the amount of goods and cargo shipped through the Port of Virginia.
- Improve highway safety.
- Manage congestion growth on state highways in metropolitan areas.
- Improve the quality of highway construction projects.
- Complete highway construction projects on-time and on-budget.
- Increase public transportation ridership.
- Retain, maintain, improve and develop railways.

- Provide financial assistance for airport development (Virginia Performs, 2007).

The Commonwealth Transportation Board's Policy Goals

The CTB voted to adopt the following policy goals in April 2003:

- Ensure safety - safety is the foremost goal.
- Maintain infrastructure - properly maintain Virginia's existing transportation infrastructure to ensure safety and protect the taxpayers' investment.
- Develop realistic and credible program - base the Six-Year program on realistic revenue projections and project cost-estimates.
- Minimize the use of debt - also pay off deficits on completed projects, finance on-going projects by the time they are complete and bring projects to a reasonable stage of completion.
- Require new projects to be eligible for federal funds - projects must qualify for federal funds before they can be added to the program; there are not enough state revenue sources to solely finance new projects.
- Focus funding on deficient bridges and congestion relief - also focus project development on deficient and insufficient bridges.
- Recognize alternative modes - including public transportation, rail, bicycle and pedestrian pathways, as viable transportation alternatives.
- Seek good business opportunities - leverage state funds through agreements with other public entities and the private sector (VDOT, 2003).

These goals were intended to ensure that the Six-Year Improvement Program would be realistic and based on sound business practices. Although these policy goals apply only to the Six-Year Improvement Program, they have a wide-ranging impact because the Six-Year Improvement Program is the CTB's roadmap for financing all transportation projects.

The Final Report of the Transportation Accountability Commission

The Transportation Accountability Commission was created by Governor Kaine's Executive Order in October 2006. The Executive Order stipulates that the commission is to have the following responsibilities:

1. Review Virginia's existing methods of promoting accountability and performance in transportation.
2. Identify and recommend national best practices in accountability and performance for transportation.
3. Recommend quantifiable outcome measures for the major elements of the state's transportation program, including measures that incorporate effective land-use and transportation coordination.
4. Recommend performance standards for state transportation executives and agencies (Kaine, 2006).

The commission's final report, published on October 1, 2007, established the following statewide transportation goals:

1. Safety and Security: To provide a safe and secure transportation system.
2. System Maintenance and Preservation: To preserve and maintain the condition of the existing transportation system.
3. Mobility, Connectivity, and Accessibility: To facilitate the easy movement of people and goods (Mobility), improve interconnectivity of regions and activity centers (Connectivity), and provide access to different modes of transportation (Accessibility).
4. Environmental Stewardship: To protect the environment and improve the quality of life for Virginians.
5. Economic Vitality: To provide a transportation system that supports economic prosperity.
6. Program Delivery: To achieve excellence in the execution of programs and delivery of services.
7. Coordination of Transportation and Land Use: To facilitate the effective coordination of transportation and land use plans and decisions to promote livable communities (Transportation Accountability Commission, 2007).

Differences Between the Statewide Planning Goals in Oregon and Virginia

Although there are strong similarities between Oregon's statewide planning goals and the goals established by the four recent efforts in Virginia, the differences are significant for the coordination of land use and transportation planning.

Unlike Virginia's, Oregon's statewide planning goals have the power to improve the coordination between land use and transportation. The principal source of their power is the fact that all state, regional, and local entities with planning responsibilities in Oregon are *required* to use them as planning goals and are *required* to produce plans that are *consistent* with them. (Strictly speaking, the source of their power is SB 100, which created the system of which the statewide goals are a part.) In order to bring into sharper relief the contrast with the goals established in Virginia, it is necessary to take a brief look at the fundamental elements of the structure of the Oregon system.

The system created by SB 100 has at its apex the statewide planning goals: All cities and counties are required to prepare and to adopt comprehensive plans that are consistent with the statewide planning goals and with any guidelines developed by LCDC. Cities and counties are also required to enact zoning, subdivision, and other ordinances or regulations to implement their comprehensive plans. All state agencies that have planning responsibilities are required to carry out their planning duties in accordance with the statewide planning goals and any guidelines approved by LCDC. The governing body of each county is required to coordinate all planning activities affecting land uses within the county and to ensure that an integrated comprehensive plan is provided for the county. Finally, LCDC is required to review all comprehensive plans to determine whether they are consistent with the statewide planning goals. LCDC has the power to reject comprehensive plans that in its judgment are not consistent with the statewide planning goals. It is an indication of just how seriously the Oregon legislature took the responsibilities of LCDC in this regard that all planning entities whether state, regional, or local are required to be able to *prove* to LCDC that their plans are consistent with the statewide planning goals should such a question be raised.

The Oregon legislature's justification for the system created by SB 100 focused on the problems caused by a lack of coordination, not a lack of planning:

Uncoordinated use of lands within this state threaten the orderly development, the environment of this state and the health, safety, order, convenience, prosperity and welfare of the people of this state (DLCD, 1973).

As a consequence, since they clearly thought that improved coordination of planning—including the coordination of land use planning and transportation planning—would contribute to the solution of some of the serious problems with which they had to deal, they took steps to *ensure* that coordination would take place. The structure of the Oregon system—specifically, the requirement that all plans be consistent with the statewide planning goals—ensures vertical consistency between individual plans and the statewide goals, and as a *result* of this vertical consistency, a rough horizontal consistency between all of the plans (at least with respect to the statewide goals) is also ensured. Thus, although the statewide planning goals are at the apex of the system and guide planning at all levels of government, LCDC is the entity that is responsible for ensuring that all plans are consistent with these goals. In the absence of the requirements specified in SB100 and the enforcement mechanisms applied by LCDC, Oregon's statewide goals would have little power to *ensure* the coordination of planning.

In some respects, a comparison of the Virginia goals with the Oregon goals is difficult because there is no evidence to indicate that any of the Virginia organizations intended to use the statewide planning goals of Oregon as a model for the goals they established or that they intended them to serve the same purposes as the Oregon goals. However, despite the difficulties, a comparison of the Virginia goals to the Oregon goals will show just how different they are despite their similarities.

There are two fundamental differences between the Oregon statewide planning goals and the Virginia goals:

1. The Virginia goals are not intended to provide guidelines for all entities in Virginia that have planning responsibilities.
2. The Virginia goals do not have the power that the Oregon statewide planning goals have to *ensure* both vertical and horizontal coordination (in the sense already defined) of land use and transportation.

These are clearly connected: Part of the reason that the Virginia goals do not have the power of the Oregon statewide planning goals is that they do not function as goals for all entities with planning responsibilities. Another part of the reason is the absence of a statutory authority like SB100 that would provide a structure within which the Virginia goals would have authority to compel compliance.

In the report of the Transportation Accountability Commission (Transportation Accountability Commission, 2007), which is the most recent of these goal-establishing endeavors in Virginia and which was influenced by VTrans2025 and the other efforts described, the theme of accountability is dominant; however, by inference if not always explicitly, accountability is a

theme that also runs through the other sets of goals. The theme of accountability is useful for drawing a distinction between the nature of Oregon’s statewide planning goals and the nature of the statewide goals established as a result of these recent efforts in Virginia: Oregon demands accountability from all entities with planning responsibilities whether at the local, regional, or state level, whereas the general sets of goals established in Virginia are directed—for the most part, but not exclusively—at improving the accountability of state transportation agencies. This is a useful and important endeavor, but in terms of the traditional notion of coordinating land use planning and transportation planning, the Virginia goals do not demand accountability on the part of the entities responsible for land use planning, and this raises questions about how effectively the Virginia goals can contribute to improving the coordination of land use and transportation planning.

One of the principal motivations for this study was the observation that transportation planning throughout the country has been hampered by an approach to the *coordination* of land use planning and transportation planning that has greatly limited the possibilities for transportation planning—especially for systematic transportation planning. Although there are various forms of this approach to coordination, they have all been classified in this study as reactive. The reactive approach to coordination and transportation planning places transportation planning in a reactive position with respect to land use planning, so that, in one form or another, transportation planning is treated as the handmaiden of land use planning. So it may be the case that, in order to substantially improve the efficacy of transportation planning, it will be necessary to change the approach to the *coordination* of land use and transportation planning because the reactive approach to coordination has been limiting the possibilities open to transportation planning.

The detailed description in this report of the system of planning and coordination that was established in Oregon by SB100 is intended to provide a close look at an approach to coordination and transportation planning that avoids the problems of the reactive approach and opens up new possibilities for transportation planning, thereby opening up the possibility of improving transportation planning’s response to the serious transportation problems that many states, including Virginia, face. The detailed examination of the system established by SB100 revealed the enormous power of the statewide planning goals in the context of that system. The statewide planning goals in Oregon’s system have changed the approach to the coordination of land use planning and transportation planning and to transportation planning. For the reasons given above, the “overarching” or statewide goals established in Virginia so far cannot serve Virginia in the same way that Oregon’s statewide planning goals serve Oregon.

CONCLUSIONS

- The statewide planning goals are a very powerful tool in Oregon’s system of coordination and planning. They are the heart of the system because they influence the direction taken by all agencies regardless of geographical scope (state, regional, or local) and discipline (transportation, land development, or conservation).

- The role the statewide planning goals play in Oregon’s system is innovative because, unlike other states, all agencies must adhere to them. They serve both to guide planning by virtue of their content and to coordinate local plans by virtue of the fact that all comprehensive plans are required to be consistent with them.
- The authority that ensures these diverse agencies adhere to these statewide planning goals is Oregon’s Land Conservation and Development Commission.
- With the establishment of Oregon’s statewide planning goals and an entity to ensure they were adopted by other agencies, transportation planning ceased to be subordinate to land use planning. This is clearly reflected in the TPR, in which transportation planning takes its place *alongside* land use planning.
- Because they are not subordinate to land use planning, transportation planners in Oregon are much freer to focus on achieving the statewide planning goals in any way that seems most efficacious.
- The statewide goals recently established in Virginia by VTrans2025, the Council on Virginia’s Future, the CTB, and the Transportation Accountability Commission do not ensure the coordination of all planning entities in the state. Unlike in Oregon, there is no Virginia statute requiring that all agencies adopt these statewide goals, and even if such a statute existed, there is no entity that can actively ensure that all agencies comply with it.

RECOMMENDATION

VDOT should carefully examine the transportation benefits that a system of statewide planning goals could bring to Virginia.

There are any number of ways of examining the possibility and the consequences of incorporating statewide transportation planning goals in the transportation planning regimen in Virginia. Some of these would involve quantifying the economic costs and benefits of adopting statewide transportation planning goals. For example, such efforts might include

1. quantifying the reduction in construction costs that would result if all agencies adopted a statewide planning goal of reducing transportation infrastructure
2. quantifying the reduction in emissions reductions if all agencies adopted a statewide planning goal of improving the environment
3. identifying factors, such as economic conditions and transportation technologies, that influence 1 and 2.

One of the most interesting aspects of assessing the benefits of adopting statewide planning goals that are functionally modeled on the statewide goals of Oregon—whether limited

to transportation or not—is that the content of the goals can be chosen to achieve whatever ends Virginians deem important.

It is important to separate the functional (or operational) character of the goals from the content of the goals. As this report has shown, if statewide planning goals are thought of in a functional way—as a tool—they have great power to coordinate all aspects of planning at all levels of government. The benefits to Virginia of adopting statewide planning goals will depend on what the people of Virginia want to preserve, to save, to improve, to correct, etc.

The functional character of the statewide planning goals that Virginia would adopt would be *functionally* parallel to the statewide goals of Oregon—assuming the *requirements* of functionally are adopted—but the content of the goals could be what Virginians want. Although the choice of the content of the Virginia goals would be very important, their capacity to ensure the coordination of planning needed to achieve the desired ends is not contingent on their having the same content as the Oregon goals.

Thus, along with assessing some of the probable economic benefits of adopting statewide planning goals in Virginia, one of the first steps would be to examine what goals would achieve the desired ends. Initially, this could be limited to examining possible statewide transportation planning goals, for example: What statewide transportation planning goals would effectively address the problems with congestion that Virginia currently faces? However, the kinds of statewide goals likely to be necessary to achieve the desired ends for transportation will certainly reach beyond the scope of goals limited strictly to transportation. Obviously, it would not be possible to isolate transportation goals from land use goals and thus ignore their interdependence.

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APPENDIX A

Oregon Statewide Planning Goal 12 (Transportation)

What follows is the text (minus the definitions) of Goal 12 from 1974 (OAR 660-015-0000(12)):

Goal 12: Transportation

To provide and encourage a safe, convenient
and economic transportation system.

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

Guidelines

A. Planning

1. All current area-wide transportation studies and plans should be revised in coordination with local and regional comprehensive plans and submitted to local and regional agencies for review and approval.
2. Transportation systems, to the fullest extent possible, should be planned to utilize existing facilities and rights-of-way within the state provided that such use is not inconsistent with the environmental, energy, land-use, economic or social policies of the state.
3. No major transportation facility should be planned or developed outside urban boundaries on Class I and II agricultural land, as defined by the U.S. Soil Conservation Service unless no feasible alternative exists.
4. Major transportation facilities should avoid dividing existing economic farm units and urban social units unless no feasible alternative exists.
5. Population densities and peak hour travel patterns of existing and planned developments should be considered in the choice of transportation modes for trips taken by persons. While high density developments with concentrated trip origins and destinations should be designed to be principally served by mass transit, low-density developments with dispersed origins and destinations should be principally served by the auto.
6. Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

B. Implementation

1. The number and location of major transportation facilities should conform to applicable state or local land use plans and policies designed to direct urban expansion to areas identified as necessary and suitable for urban development. The planning and development of transportation facilities in rural areas should discourage urban growth while providing transportation service necessary to sustain rural and recreational uses in those areas so designated in the comprehensive plan.
2. Plans for new or for the improvement of major transportation facilities should identify the positive and negative impacts on: (1) local land use patterns, (2) environmental quality, (3) energy use and resources, (4) existing transportation systems and (5) fiscal resources in a manner

sufficient to enable local governments to rationally consider the issues posed by the construction and operation of such facilities.

3. Lands adjacent to major mass transit stations, freeway interchanges, and other major air, land and water terminals should be managed and controlled so as to be consistent with and supportive of the land use and development patterns identified in the comprehensive plan of the jurisdiction within which the facilities are located.

4. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

**APPENDIX B
SENATE BILL 10**

OREGON LEGISLATIVE ASSEMBLY--1969 REGULAR SESSION

**Engrossed
Corrected**

Senate Bill 10

(Printing engrossed ordered by Committee on Rules and Resolutions, March 6, 1969)
(Including amendments by Senate March 6)

Sponsored by Senator BATESON, Representative ROGERS, Senators IRELAND, RAYMOND, WILLNER, Representatives CARSON, HARTUNG, PECK (at the request of the Interim Committee on Agriculture)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires Governor to zone land in each county not subject to zoning regulations as of December 31, 1971. Provides standards for such zoning. Requires persons intending to erect certain buildings on land subject to zoning regulations prescribed by Governor to give 10 days' written notice of such construction to Governor. Authorizes Governor to institute appropriate civil actions or suits to enforce zoning regulations he prescribes. Provides penalties.

A BILL FOR AN ACT

Relating to land use; and providing penalties.

Be It Enacted by the People of the State of Oregon:

Section 1. Notwithstanding any other provision of law, if, after, December 31, 1971, there are any lands within the boundaries of a county, whether or not within the boundaries of a city, that are not subject to ORS 390.640 or to a comprehensive land use plan and zoning ordinances adopted pursuant to ORS chapter 215, or zoned pursuant to any other state law or city ordinance, the Governor shall prescribe, may amend, and shall thereafter administer comprehensive land use plans and zoning ordinances for such lands.

Section 2. (1) Any comprehensive land use plans prescribed or amended by the Governor pursuant to section 1 of this Act shall be in accordance with the standards provided in section 3 of this Act and the notice and hearing requirements provided in ORS 215.060.

(2) Any zoning ordinances prescribed or amended by the Governor pursuant to section 1 of this Act shall be in accordance with the standards provided in ORS 215.055 and the notice and hearing requirements provided in ORS 215.223.

(3) A comprehensive land use plan or zoning ordinance prescribed or amended by the Governor pursuant to section 1 of this Act may be for any purpose provided in ORS chapter 215, except that the Governor may not prescribe building regulations. The Governor may, however, enjoin the construction of buildings or performance of any other acts which would constitute a land use that does not conform to the applicable land use plan or zoning ordinance.

(4) Any hearings required by this section may be held by the Governor, or by a person designated by the Governor.

Section 3. Comprehensive physical planning should provide guidance for physical development within the state responsive to economic development, human resource development, natural resource development and regional and metropolitan area development. It should assist in attainment of the optimum living environment for the state's citizenry and assure sound housing, employment opportunities, educational fulfillment and sound health facilities. State plans should relate to intermediate and long-range growth objectives. The plans should set a pattern upon which state agencies and local government may base their programs and local area plans. Goals for comprehensive physical planning are:

- (1)** To preserve the quality of the air and water resources of the state.
- (2)** To conserve open space and protect natural and scenic resources.
- (3)** To provide for the recreational needs of citizens of the state and visitors.
- (4)** To conserve prime farm lands for the production of crops and provide for an orderly and efficient transition from rural to urban land use.
- (5)** To protect life and property in areas subject to floods, landslides and other natural disasters.
- (6)** To provide and encourage a safe, convenient and economic transportation system including all modes of transportation: air, water, rail, highway and mass transit, and recognizing the differences in the social costs in the various modes of transportation.

- (7) To develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.
- (8) To diversify and improve the economy of the state.
- (9) To ensure that the development of properties within the state is commensurate with the character and the physical limitations of the land.

Section 4. (1) As used in this section, “building” means a structure having one or more walls, with or without a roof; that is designed to protect persons, animals or property from the elements.

(2) Except when notice is required to be given pursuant to subsection (4) of this section, any person who intends to cause to be erected a building, the materials for construction of which have the value of \$300 or more, on land subject to a zoning ordinance prescribed by the Governor shall give written notice to the Governor 10 days before the construction is to begin. Such notice shall include:

- (a) The date construction of the building is to begin, and the location of such building;
 - (b) A sketch showing the building and its dimensions;
 - (c) A rough estimate of the value of the materials to be used in constructing the building; and
 - (d) A brief description of the intended use of the building.
- (3) No person shall fail to give the notice required by subsection (2) of this section.

(4) If the land upon which a building is to be constructed is subject to a zoning ordinance prescribed by the Governor and is also subject to building regulations imposed by the county or city, and such building regulations require a permit for the type of building to be constructed, the official from whom such permit is to be obtained shall give to the Governor the notice required by subsection (2) of this section.

Section 5. In addition to the remedy prescribed in subsection (2) of section 2 of this Act, the Governor may cause to be instituted any civil action or suit he considers appropriate to remedy violations of any comprehensive land use plan or zoning ordinance prescribed by the Governor pursuant to section 1 of this Act.

Section 6. The Governor may enter into contracts for such services as the Governor considers appropriate for carrying out his land use planning and zoning duties.

Section 7. If a county or city governing body or other zoning authority adopts a comprehensive land use plan and zoning ordinances in accordance with the standards provided in section 3 of this Act and ORS 215.055 after the promulgation of a comprehensive land use plan and zoning ordinances by the Governor, the plan and ordinances promulgated by the Governor shall be ineffective during the time the plan and ordinances adopted by the city, county or other zoning authority are in effect.

Section 8. Violation of subsection (3) of section 4 of this Act is a misdemeanor.

OREGON LEGISLATIVE ASSEMBLY-1969 REGULAR SESSION

**HOUSE AMENDMENTS TO
PRINTED ENGROSSED CORRECTED
SENATE BILL 10**

By COMMITTEE ON PLANNING AND DEVELOPMENT
April 25, 1969

On page 2 of the printed engrossed corrected bill, line 11, delete “ordinances” and insert “regulations” and after “lands.” insert “If any county shall have under consideration a comprehensive land use or zoning ordinance, and shall have shown satisfactory progress toward the final enactment of such plan or ordinance, the Governor may grant a reasonable extension of time after the date set in this section for completion of said plan or ordinance.”.

On page 2, line 16, delete “ordinances” and insert “regulations”.

On page 2, line 20, delete “ordinance” and insert “regulation”.

On page 2, line 33, after “however,” insert “cause to be instituted an appropriate proceeding to”.

On page 2, line 26, delete “ordinance” and insert “regulation”.

On page 2, line 28, after the second “Governor”, delete the period and insert “”, and all such hearings shall be held in the county seat of the county in which said comprehensive land use plan or zoning ordinance is to be prescribed.”.

On page 3, line 25, after “walls” insert “or columns”.

On page 3, line 30, delete “a” and in the same line delete “ordinance” and insert “regulations”.

On page 4, line 8, delete “a” and in the same line delete “ordinance” and insert “regulations”.

On page 4, line 13, delete “(2)” and insert “(3)”.

On page 4, line 16, delete “ordinance” and insert “regulation”.

On page 4, line 25, delete the first “ordinances” and insert “regulations” and delete the second “ordinances” and insert “regulations”.

OREGON LEGISLATIVE ASSEMBLY-1969 REGULAR SESSION

PREVIOUS AMENDMENTS

By House April 25, 1969

**SECOND HOUSE AMENDMENTS TO
PRINTED ENGROSSED CORRECTED
SENATE BILL 10**

By UNANIMOUS CONSENT

April 29, 1969

In line 15 of the printed House amendments dated April 25, delete “ordinance” and insert “regulation”.

APPENDIX C

CHAPTER 80

AN ACT

SB100

Relating to land use; creating new provisions; amending ORS 215.055, 215.510, 215.515, 215.535 and 453.345; and appropriating money.

Be It Enacted by the People of the State of Oregon:

PART I INTRODUCTION

PREAMBLE

SECTION 1. The Legislative Assembly finds that:

(1) Uncoordinated use of lands within this state threaten the orderly development, the environment of this state and the health, safety, order, convenience, prosperity and welfare of the people of this state.

(2) To promote coordinated administration of land uses consistent with comprehensive plans adopted throughout the state, it is necessary to establish a process for the review of state agency, city, county and special district land conservation and development plans for compliance with state-wide planning goals and guidelines.

(3) Except as otherwise provided in subsection (4) of this section, cities and counties should remain as the agencies to consider, promote and manage the local aspects of land conservation and development for the best interests of the people within their jurisdictions.

(4) The promotion of coordinated state-wide land conservation and development requires the creation of a state-wide planning agency to prescribe planning goals and objectives to be applied by state agencies, cities, counties and special districts throughout the state.

(5) The impact of proposed development projects, constituting activities of State significance upon the public health, safety and welfare, requires a system of permits reviewed by a state-wide agency to carry out state-wide planning goals and guidelines prescribed for application for activities of state-wide significance throughout this state.

POLICY STATEMENT

SECTION 2. The Legislative Assembly declares that, in order to assure the high possible level of liveability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans:

- (1) Must be adopted by the appropriate governing body at the local and state levels;
- (2) Are expressions of public policy in the form of policy statements, generalized maps and standards and guidelines;
- (3) Shall be the basis for more specific rules, regulations and ordinances which implement the policies expressed through the comprehensive plans;
- (4) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans; and
- (5) Shall be regularly reviewed and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve.

DEFINITIONS

SECTION 3. As used in this Act, unless the context requires otherwise:

- (1) Activity of state-wide significance means a land conservation and development activity designated pursuant to section 25 of this Act.
- (2) Commission means the Land Conservation and Development Commission.
- (3) Committee means the Joint Legislative Committee on Land Use.
- (4) Comprehensive plan means a generalized, coordinated land use map and policy statement of the governing body of a state agency, city county or special district that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs. Comprehensive means all-inclusive, both in terms of the geographic area covered and functional and natural activities systems occurring in the area covered by the plan. General nature means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is coordinated when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. Land includes water, both surface and subsurface, and the air.

(5) Department means the Department of Land Conservation and Development.

(6) Director means the Director of the Department of Land Conservation and Development.

(7) Special district means any unit of local government, other than a city or county, authorized and regulated by statute and includes, but is not limited to: Water control districts, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts.

(8) Voluntary association of local governments means a regional planning agency in this state officially designated by the Governor pursuant to the federal Office of Management and Budget Circular A-95 as a regional clearinghouse.

PART II ORGANIZATION, ROLES AND RESPONSIBILITIES

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

SECTION 4. The Department of Land Conservation and Development is established. The department shall consist of the Land Conservation and Development Commission, the director and their subordinate officers and employees.

SECTION 5. (1) There is established a Land Conservation and Development Commission consisting of seven members appointed by the Governor, subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(2) In making appointments under subsection (1) of this section, the Governor shall select from residents of this state one member from each congressional district and the remaining members from the state at large. At least one and no more than two members shall be from Multnomah County.

(3) The term of office of each member of the commission is four years, but a member may be removed by the Governor for cause. Before the expiration of the term of a member, the Governor shall appoint a successor. No person shall serve more than two full terms as a member of the commission.

(4) If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

SECTION 6. Notwithstanding the term of office specified in section 5 of this Act, of the members first appointed to the commission:

(1) Two shall serve for a term ending June 30, 1974.

(2) Two shall serve for a term ending June 30, 1975.

(3) Two shall serve for a term ending June 30, 1976.

(4) One shall serve for a term ending June 30, 1977.

SECTION 7. (1) The commission shall select one of its members as chairman and another member as vice chairman, for such terms and with duties and powers necessary for the performance of the functions of such offices as the commission determines. The vice chairman of the commission shall act as the chairman of the commission in the absence of the chairman.

(2) A majority of the members of the commission constitutes a quorum for the transaction of business.

SECTION 8. Members of the commission are entitled to compensation and expenses as provided in ORS 292.495

SECTION 9. The commission shall:

(1) Direct the performance by the director and his staff of their functions under this Act.

(2) In accordance with the provisions of OHS chapter 183, promulgate rules that it considers necessary in carrying out this Act.

(3) Cooperate with the appropriate agencies of the United States, this state and its political subdivisions, any other state, any interstate agency, any person or groups of persons with respect to land conservation and development.

(4) Appoint advisory committees to aid it in carrying out this Act and provide technical and other assistance, as it considers necessary, to each such committee.

SECTION 10. The commission may:

(1) Apply for and receive moneys from the Federal Government and from this state or any of its agencies or departments.

(2) Contract with any public agency for the performance of services or the exchange of employees or services by one to the other necessary in carrying out this Act.

(3) Contract for the services of and consultation with professional persons or organizations, not otherwise available through federal, state and local governmental agencies, in carrying out its duties under this Act.

(4) Perform other functions required to carry out this Act.

SECTION 11. Pursuant to the provisions of this Act, the commission shall:

- (1) Establish state-wide planning goals consistent with regional, county and city concerns;
- (2) Issue permits for activities of state-wide significance;
- (3) Prepare inventories of land uses;
- (4) Prepare state-wide planning guidelines;
- (5) Review comprehensive plans for conformance with state-wide planning goals;
- (6) Coordinate planning efforts of state agencies to assure conformance with state-wide planning goals and compatibility with city and county comprehensive plans;
- (7) Insure widespread citizen involvement and input in all phases of the process;
- (8) Prepare model zoning, subdivision and other ordinances and regulations to guide state agencies, cities, counties and special districts in implementing state-wide planning goals, particularly those for the areas listed in subsection (2) of section 34 of this Act;
- 9) Review and recommend to the Legislative Assembly the designation of areas of critical state concern;
- (10) Report periodically to the Legislative Assembly and to the committee; and
- (11) Perform other duties required by law.

SECTION 12. If an interstate land conservation and development planning agency is created by an interstate agreement or compact entered into by this state, the commission shall perform the functions of this state with respect to the agreement or compact. If the functions of the interstate planning agency duplicate any of the functions of the commission under this Act, the commission may:

- (1) Negotiate with the interstate agency in defining the areas of responsibility of the commission and the interstate planning agency; and
- (2) Cooperate with the interstate planning agency in the performance of its functions.

SECTION 13. (1) The commission shall appoint a person to serve as the Director of the Department of Land Conservation and Development. The director shall hold his office at the pleasure of the commission and his salary shall be fixed by the commission unless otherwise provided by law.

(2) In addition to his salary, the director shall be reimbursed, subject to any applicable law regulating travel and other expenses of state officers and employees, for actual and necessary expenses incurred by him in the performance of his official duties.

SECTION 14. Subject to policies adopted by the commission, the director shall:

(1) Be the administrative head of the department.

(2) Coordinate the activities of the department in its land conservation and development functions with such functions of federal agencies, other state agencies, cities, counties and special districts.

(3) Appoint, reappoint, assign and reassign all subordinate officers and employees of the department, prescribe their duties and fix their compensation, subject to the State Merit System Law.

(4) Represent this state before any agency of this state, any other state or the United States with respect to land conservation and development within this state.

SECTION 15. (1) There is established in the General Fund in the State Treasury the Land Conservation and Development Account. Moneys in the account are continuously appropriated for the purpose of carrying out the provisions of this Act.

(2) All fees, moneys and other revenue received by the department or the committee shall be deposited in the Land Conservation and Development Account.

OREGON COASTAL CONSERVATION AND DEVELOPMENT COMMISSION

SECTION 16. (1) The Land Conservation and Development Commission, by agreement with the Oregon Coastal Conservation and Development Commission created by OHS 191.120, may delegate to the Oregon Coastal Conservation and Development Commission any of the functions of the Land Conservation and Development Commission. However, the Land Conservation and Development Commission must review and grant approval prior to any action taken by the Oregon Coastal Conservation and Development Commission with respect to a delegated function.

(2) The Land Conservation and Development Commission may provide staff and financial assistance to the Oregon Coastal Conservation and Development Commission in carrying out duties under this section.

CITIES AND COUNTIES

SECTION 17. Cities and counties shall exercise their planning and zoning responsibilities in accordance with this Act and the state-wide planning goals and guidelines approved under this Act.

SECTION 18. Pursuant to this Act, each city and county in this state shall:

(1) Prepare and adopt comprehensive plans consistent with state-wide planning goals and guidelines approved by the commission; and

(2) Enact zoning, subdivision and other ordinances or regulations to implement their comprehensive plans.

SECTION 19. (1) In addition to the responsibilities stated in sections 17 and 18 of this Act, each county through its governing body, shall be responsible for coordinating all planning activities affecting land uses within the county, including those of the county, cities, special districts and state agencies, to assure an integrated comprehensive plan for the entire area of the county. For purposes of this subsection, the responsibility of the county described in this subsection shall not apply to cities having a population of 300,000 or more, and such cities shall exercise, within the incorporated limits thereof, the authority vested in counties by this subsection.

(2) For the purposes of carrying out the provisions of this Act, counties may voluntarily join together with adjacent counties as authorized in ORS chapter 190.

(3) Whenever counties and cities representing 51% of the population in their area petition the commission for an election in their area to form a regional planning agency to exercise the authority of the counties under subsection (1) of this section in the area, the commission shall review the petition. If it finds that the area described in the petition forms a reasonable planning unit, it shall call an election in the area to form a regional planning agency. The election shall be conducted in the manner provided in ORS chapter 259. The county clerk shall be considered the election officer and the commission shall be considered the district election authority. The agency shall be considered established if the majority of votes favor the establishment.

(4) If a voluntary association of local governments adopts a resolution ratified by each participating county and a majority of the participating cities therein which authorizes the association to perform the review, advisory and coordination functions assigned to the counties under subsection (1) of this section, the association may perform such duties.

SPECIAL DISTRICTS AND STATE AGENCIES

SECTION 20. Special districts shall exercise their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use in accordance with state-wide planning goals and guidelines approved pursuant to this Act.

SECTION 21. State agencies shall carry out their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use in accordance with state-wide planning goals and guidelines approved pursuant to this Act.

JOINT LEGISLATIVE COMMITTEE ON LAND USE

SECTION 22. The Joint Legislative Committee on Land Use is established as a joint committee of the Legislative Assembly. The committee shall select an executive secretary who shall serve at the pleasure of the committee and under its direction.

SECTION 23. (1) The Joint Legislative Committee on Land Use shall consist of four members of the House of Representatives appointed by the Speaker and three members of the Senate appointed by the President. No more than three House members of the committee shall be of the same political party. No more than two Senate members of the committee shall be of the same political party.

(2) The chairman of the House and Senate Environment and Land Use Committees of the Fifty-seventh Legislative Assembly of the State of Oregon shall be two of the members appointed under subsection (1) of this section for the period beginning with the effective date of this Act.

(3) The committee has a continuing existence and may meet, act and conduct its business during sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions.

(4) The term of a member shall expire upon the convening of the Legislative Assembly in regular session next following the commencement of the members term. When a Vacancy occurs in the membership of the committee for the interim between sessions, until such vacancy is filled, the membership of the committee shall be deemed not to include the vacant Position for the purpose of determining whether a quorum is present and a quorum is the majority of the remaining members.

(5) Members of the committee shall be reimbursed for actual and necessary expenses incurred or paid in the performance of their duties as members of the committee, such reimbursement to be made from funds appropriated for such purposes, after submission of approved voucher claims.

(6) The committee shall select a chairman. The chairman may, in addition to his other authorized duties, approve voucher claims.

(7) Action of the committee shall be taken only upon the affirmative vote of the majority of the members of the committee.

SECTION 24. The committee shall:

(1) Advise the department on all matters under the jurisdiction of the department;

(2) Review and make recommendations to the Legislative Assembly on proposals for additions to or modifications of designations of activities of state-wide significance, and for designations of areas of critical state concern;

(3) Review and make recommendations to the Legislative Assembly on state-wide planning goals and guidelines approved by the commission;

(4) Study and make recommendations to the Legislative Assembly on the implementation of a program for compensation by the public to owners of lands within this state for the value of any loss of use of such lands resulting directly from the imposition of any zoning, subdivision or other ordinance or regulation regulating or restricting the use of such lands. Such recommendations shall include, but not be limited to, proposed methods for the valuation of such loss of use and proposed limits, if any, to be imposed upon the amount of compensation to be paid by the public for any such loss of use; and

(5) Make recommendations to the Legislative Assembly on any other matter relating to land use planning in Oregon.

PART III ACTIVITIES OF STATE-WIDE SIGNIFICANCE

DESIGNATION

SECTION 25. (1) The following activities may be designated by the commission as activities of state-wide significance if the commission determines that by their nature or magnitude they should be so considered:

(a) The planning and siting of public transportation facilities.

(b) The planning and siting of public sewerage systems, water supply systems and solid waste disposal sites and facilities.

(c) The planning and siting of public schools.

(2) Nothing in this Act supersedes any duty, power or responsibility vested by statute in any state agency relating to its activities described in subsection (1) of this section; except that, a

state agency may neither implement any such activity nor adopt any plan relating to such an activity without the prior review and comment of the commission.

SECTION 26. (1) In addition to the activities of state-wide significance that are designated by the commission under section 25 of this Act, the commission may recommend to the committee the designation of additional activities of state-wide significance. Each such recommendation shall specify the reasons for the proposed designation of the activity of state-wide significance, the dangers that would result from such activity being uncontrolled and the suggested state-wide planning goals and guidelines to be applied for the proposed activity.

(2) The commission may recommend to the committee the designation of areas of critical state concern. Each such recommendation shall specify the criteria developed and reasons for the proposed designation, the damage that would result from uncontrolled development within the area, the reasons for the implementation of state regulations for the proposed area and the suggested state regulations to be applied within the proposed area.

(3) The commission may act under subsections (1) and (2) of this section on its own motion or upon the recommendation of a state agency, city, county or special district. If the commission receives a recommendation from a state agency, city, county or special district and finds the proposed activity or area to be unsuitable for designation, it shall notify the state agency, city, county or special district of its decision and its reasons therefor.

(4) Immediately following its decision to favorably recommend to the Legislative Assembly the designation of an additional activity of state-wide significance or the designation of an area of critical state concern, the commission shall submit the proposed designation accompanied by the supporting materials described in subsections (1) and (2) of this section to the committee for its review.

PERMITS FOR ACTIVITIES OF STATE-WIDE SIGNIFICANCE

SECTION 27. (1) On and after the date the commission has approved state-wide planning goals and guidelines for activities of state-wide significance designated under section 25 of this Act, no proposed project constituting such an activity may be initiated by any person or public agency without a planning and siting permit issued by the commission therefor.

(2) Any person or public agency desiring to initiate a project constituting an activity of state-wide significance shall apply to the department for a planning and siting permit for such project. The application shall contain the plans for the project and the manner in which such project has been designed to meet the goals and guidelines for activities of state-wide significance and the comprehensive plans for the county within which the project is proposed, and any other information required by the commission as prescribed by rule of the commission.

(3) The department shall transmit copies of the application to affected County and state agencies for their review and recommendation.

(4) The county governing body and the state agencies shall review an application transmitted to it under subsection (3) of this section and shall, within 30 days after the date of the receipt of the application, submit their recommendations on the application to the commission.

(5) If the commission finds after review of the application and the comments submitted by the county governing body and state agencies that the proposed project complies with the state-wide goals and guidelines for activities of state-wide significance and the comprehensive plans within the County it shall approve the application and issue a planning and siting Permit for the proposed project to the person or public agency applying therefor. Action shall be taken by the commission within 30 days of the receipt of the recommendation of the county and state agencies.

(6) The commission may prescribe and include in the planning and siting permit such conditions or restrictions that it considers necessary to assure that the proposed project complies with the state-wide goals and guidelines for activities of state-wide significance and the comprehensive plans within the county.

SECTION 28. If the activity requiring a planning and siting permit under section 27 of this Act also requires any other permit from any state agency, the commission, with the cooperation and concurrence of the other agency, may provide a joint application form and permit to satisfy both the requirements of this Act and any other requirements set by statute or by rule of the state agency.

SECTION 29. (1) If any person or public agency is in doubt whether a proposed development project constitutes an activity of state-wide significance, the person or public agency may request a determination from the commission on the question. Within 60 days after the date of the receipt by it of such a request, the commission, with the advice of the committee and of the county governing body for the county in which such activity is proposed, shall issue a binding letter of interpretation with respect to the proposed project.

(2) Requests for determinations under this section shall be made to the commission in writing and in such form and contain such information as may be prescribed by the commission.

SECTION 30. (1) No project constituting an activity of state-wide significance shall be undertaken without a planning and siting permit issued under section 27 of this Act.

(2) Any person or agency acting in violation of subsection (1) of this section may be enjoined in civil proceedings brought in the name of the county or the State of Oregon.

SECTION 31. If the county governing body or the commission determines the existence of an alleged violation under section 30 of this Act, it may:

(1) Investigate, hold hearings, enter orders and take action that it deems appropriate under this Act, as soon as possible.

(2) For the purpose of investigating conditions relating to the violation, through its members or its duly authorized representatives, enter at reasonable times upon any private or public property.

(3) Conduct public hearings.

(4) Publish its findings and recommendations as they are formulated relative to the violation.

(5) Give notice of any order relating to a particular violation of its state-wide goals, a particular violation of the terms or conditions of a planning and siting permit or a particular violation of the provisions of the Act by mailing notice to the person or public body conducting or proposing to conduct the project affected in the manner provided by ORS chapter 18.

PART IV STATE-WIDE PLANNING GOALS AND GUIDELINES

SECTION 32. All comprehensive plans and any zoning, subdivision and other ordinances and regulations adopted by a state agency, city, county or special district to carry out such plans shall be in conformity with the state planning goals within one year from the date such goals are approved by the commission.

SECTION 33. Not later than January 1, 1975, the department shall prepare and the commission shall adopt state-wide planning goals and guidelines for use by state agencies, cities, counties and special districts in preparing, adopting, revising and implementing existing and future comprehensive plans.

SECTION 34. In preparing and adopting state-wide planning goals and guidelines, the department and the commission shall:

(1) Consider the existing comprehensive plans of state agencies, cities, counties and special districts in order to preserve functional and local aspects of land conservation and development.

(2) Give priority consideration to the following areas and activities:

- (a) Those activities listed in section 25 of this Act;
- (b) Lands adjacent to freeway interchanges;
- (c) Estuarine areas;
- (d) Tide, marsh and wetland areas;
- (e) Lakes and lakeshore areas;
- (f) Wilderness, recreational and outstanding scenic areas;
- (g) Beaches, dunes, coastal headlands and related areas;

- (h) Wild and scenic rivers and related lands;
- (i) Flood plains and areas of geologic hazard;
- (j) Unique wildlife habitats; and
- (k) Agricultural land.

SECTION 35. To assure widespread citizen involvement in all phases of the planning process:

(1) The commission shall appoint a State Citizen Involvement Advisory Committee, broadly representative of geographic areas of the state and of interests relating to land uses and land use decisions, to develop a program for the commission that promotes and enhances public participation in the development of state-wide planning goals and guidelines.

(2) Within 90 days after the effective date of this Act, each county governing body shall submit to the commission a program for citizen involvement in preparing, adopting and revising comprehensive plans within the County. Such program shall at least contain provision for a citizen advisory committee or committees broadly representative of geographic areas and of interests relating to land uses and land use decisions.

(3) The state advisory committee appointed under subsection (1) of this section shall review the proposed programs submitted by each county and recommend to the commission whether or not the proposed program adequately provides for public involvement in the planning process.

SECTION 36. (1) In preparing the state-wide planning goals and guidelines, the department shall:

(a) Hold at least 10 public hearings throughout the state, causing notice of the time, place and purpose of each such hearing to be published in a newspaper of general circulation within the area where the hearing is to be conducted not later than 30 days prior to the date of the hearing.

(b) Implement any other provision for public involvement developed by the state advisory committee under subsection (1) of section 35 of this Act and approved by the commission.

(2) Upon completion of the preparation of the proposed state-wide planning goals and guidelines, the department shall submit them to the commission for approval.

SECTION 37. Upon receipt of the proposed state-wide planning goals and guidelines prepared and submitted to it by the department, the commission shall:

(1) Hold at least one public hearing on the proposed state-wide planning goals and guidelines. The commission shall cause notice of the time, place and purpose of the hearings and the place where copies of the proposed goals and guidelines are available before the hearings with the cost thereof to be published in a newspaper of general circulation in the state not later than 30 days prior to the date of the hearing. The department shall supply a copy of its proposed

state-wide planning goals and guide lines to the Governor, the committee, affected state agencies and special districts and to each city and county without charge. The department shall provide copies of such proposed goals and guidelines to other public agencies or persons upon request and payment of the cost of preparing the copies of the materials requested.

(2) Consider the recommendations and comments received from the public hearings conducted under subsection (1) of this section, make any revisions in the proposed state-wide planning goals and guidelines that it considers necessary and approve the proposed goals and guidelines as they may be revised by the commission.

SECTION 38. The commission may periodically revise, update and expand the initial state-wide planning goals and guidelines adopted under section 37 of this Act. Such revisions, updatings or expansions shall be made in the manner provided in sections 36 and 37 of this Act.

SECTION 39. Following the approval by the commission of state-wide planning goals and guidelines, each county governing body shall review all comprehensive plans for land conservation and development within the county, both those adopted and those being prepared. The county governing body shall advise the state agency, city, county or special district preparing the comprehensive plans whether or not the comprehensive plans are in conformity with the state-wide planning goals.

PART V COMPREHENSIVE PLANS

SECTION 40. Comprehensive plans and zoning, subdivision, and other ordinances and regulations adopted prior to the effective date of this Act shall remain in effect until revised under this Act. It is intended that existing planning efforts and activities shall continue and that such efforts be utilized in achieving the purposes of this Act.

SECTION 41. Prior to approval by the commission of its state-wide planning goals and guidelines under section 37 of this Act, the goals listed in ORS 215.515 shall be applied by state agencies, cities, counties and special districts in the preparation, revision, adoption or implementation of any comprehensive plan.

SECTION 42. Each city or county shall prepare and the city council or the county governing body shall adopt the comprehensive plans required under this Act or by any other law in accordance with section 41 of this Act for those plans adopted prior to the expiration of one year following the date the commission approves its state-wide planning goals and guide lines under section 37 of this Act. Plans adopted by cities and counties after the expiration of one year following the date of approval of such goals and guidelines by the commission shall be designed to comply with such goals and any subsequent amendments thereto.

Section 43. ORS 215.055 is amended to read:

215.055. (1) [*The*] **Any comprehensive plan [and all legislation and regulations] and all zoning, subdivision or other ordinances and regulations** authorized by ORS 215.010 to 215.233 and adopted prior to the expiration of one year following the date of the approval of state-wide planning goals and guidelines under section 37 of this 1973 Act shall be designed to promote the public health, safety and general welfare and shall be based on the following considerations, among others: The various characteristics of the various areas in the county, the suitability of the areas for particular land uses and improvements, the land uses and improvements in areas, trends in land improvement, density of development, property values, the needs of economic enterprises in the future development of the areas, needed access to particular sites in the areas, natural resources of the county and prospective needs for development thereof, and the public need for healthful, safe, aesthetic surroundings and conditions.

(2) Any plan and all zoning, subdivision or other ordinances and regulations authorized by ORS 215.010 to 215.233 and adopted after the expiration of one year after the date of the approval of state-wide planning goals and guidelines under section 37 of this 1973 Act shall be designed to comply with such state-wide planning goals and any subsequent revisions or amendments thereof.

[(2)] **(3)** In order to conserve natural resources of the state, any land use **plan or zoning, subdivision or other** ordinance adopted by a county shall take into consideration lands that are, can or should be utilized for sources or processing of mineral aggregates.

SECTION 44. Upon the expiration of one year after the date of the approval of state-wide planning goals and guidelines and annually there after, each county governing body shall report to the commission on the status of comprehensive plans within each county. Each such report shall include:

(1) Copies of comprehensive plans reviewed by the county governing body and copies of zoning and subdivision ordinances and regulations applied to those areas within the county listed in subsection (2) of section 34 of this Act.

(2) For those areas or jurisdictions within the county without comprehensive plans, a statement and review of the progress made toward compliance with the state-wide planning goals.

SECTION 45. (1) Notwithstanding any other provision of law, after the expiration of one year after the date of the approval of the initial state wide planning goals and guidelines under section 37 of this Act, upon 90 days notice to the affected governing body or bodies, and upon public hearings held within 30 days thereafter, the commission shall prescribe and may amend and administer comprehensive plans and zoning, subdivision or other ordinances and regulations necessary to develop and implement a comprehensive plan within the boundaries of a county, whether or not within the boundaries of a city, that do not comply with the state-wide planning goals approved under this Act and any subsequent revisions or amendments thereof.

(2) If the city or county has under consideration a comprehensive plan or zoning, subdivision or other ordinances or regulations for lands described in subsection (1) of this

section, and shows satisfactory progress toward the adoption of such comprehensive plan or such ordinances or regulations, the commission may grant a reasonable extension of time after the date set in this section for completion of such plan or such ordinances or regulations.

(3) Any comprehensive plan or zoning, subdivision or other ordinance or regulation adopted by the commission under subsection (1) of this section shall comply with the state-wide planning goals approved under this Act and all subsequent revisions or amendments thereof.

SECTION 46. (1) There is transferred to and vested in the commission those duties, powers and functions vested in the Governor by ORS 215.505 to 215.535. After the effective date of this Act, the commission shall exercise such duties, powers and functions.

(2) For the purpose of harmonizing and clarifying Oregon Revised Statutes, the Legislative Counsel may substitute for words designating the Governor, where such words occur in ORS 215.505 to 215.535, words designating the Land Conservation and Development Commission.

Section 47. ORS 215.510 is amended to read:

215.510. (1) Any comprehensive [*land use plans*] **plan for any city or county** prescribed or amended by the [*Governor*] **commission** pursuant to ORS 215.505 or **section 45 of this 1973 Act** shall be in accordance with the standards provided in ORS 215.515 and the notice and hearing requirements provided in ORS 215.060.

(2) Any zoning, **subdivision or other ordinances and** regulations **for any city or county** prescribed or amended by the [*Governor*] **commission** pursuant to ORS 215.505 or **section 45 of this 1973 Act** shall be in accordance with the standards provided in ORS 215.055 and the notice and hearing requirements provided in ORS 215.223.

(3) A comprehensive [*land use*] plan or zoning, **subdivision or other ordinance or regulation for any city or county** prescribed or amended by the [*Governor*] **commission** pursuant to ORS 215.505 or **section 45 of this 1973 Act** may be for any purpose provided in ORS 215.010 to 215.233 and subsections (1) and (2) of 215.990, except that the [*Governor*] **commission** may not prescribe building regulations. The [*Governor*] **commission** may, however, cause to be instituted an appropriate proceeding to enjoin the construction of buildings or performance of any other acts which would constitute a land use that does not conform to the applicable [*land use*] **comprehensive plan or zoning, subdivision or other ordinance or regulation.**

(4) Any hearings required by this section may be held by the [*Governor*] **commission**, or by a person designated by the [*Governor*] **commission**, and all such hearings shall be held in the county seat of the county **or in the city** in which said comprehensive [*land use*] plan or zoning, **subdivision or other ordinance or regulation** is to be prescribed.

Section 48. ORS 215.515 is amended to read:

215.515. (1) Comprehensive physical planning, **adopted by the commission prior to the expiration of one year following the date of the approval of state-wide planning goals and guidelines under section 37 of this 1973 Act**, should provide guidance for physical development within the state responsive to economic development, human resource development, natural resource development and regional and metropolitan area development. It should assist in attainment of the optimum living environment for the states citizenry and assure sound housing, employment opportunities, educational fulfillment and sound health facilities. State plans should relate to intermediate and long-range growth objectives. The plans should set a pattern upon which state agencies and local government may base their programs and local area plans. Goals for comprehensive physical planning are:

[(1)] (a) To preserve the quality of the air [*and*], water **and land** resources of the state.

[(2)] (b) To conserve open space and protect natural and scenic resources.

[(3)] (c) To provide for the recreational needs of citizens of the state and Visitors

[(4)] (d) To conserve prime farm lands for the production of crops [*and*].

(e) **To** provide for an orderly and efficient transition from rural to urban land use.

[(5)] (f) To protect life and property in areas subject to floods, landslides and other natural disasters.

[(6)] (g) To provide and encourage a safe, convenient and economic transportation system including all modes of transportation: Air, water, rail, highway and mass transit, and recognizing differences in the social costs in the various modes of transportation.

[(7)] (h) To develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

[(8)] (i) To diversify and improve the economy of the state.

[(9)] (j) To ensure that the development of properties within the state is commensurate with the character and the physical limitations of the land.

(2) Comprehensive plans adopted by the commission after the expiration of one year after the date of the approval of state-wide planning goals and guidelines under section 37 of this 1973 Act shall be designed to comply with such state-wide planning goals and any subsequent revisions or amendments thereof.

Section 49. OHS 215.535 is amended to read:

215.535. In addition to the remedy prescribed in subsection (3) of ORS 215.510, the [*Governor*] **commission** may cause to be instituted any civil action or suit [*he*] **it** considers appropriate to remedy violations of any comprehensive [*land use*] plan or zoning, **subdivision or**

other ordinance or regulation prescribed by the [*Governor*] **commission** pursuant to ORS 215.505 or section 45 of this 1973 Act.

SECTION 50. (1) Whenever the commission prescribes a comprehensive plan or zoning, subdivision or other ordinances or regulations for lands described in subsection (1) of section 45 of this Act, the costs incurred by the commission and the department in the preparation and administration of such plan or ordinances or regulations shall be borne by the city or county for which the commission has proposed such plan or ordinances or regulations. Upon presentation by the commission to the governing body of the city or county of a certified, itemized statement of costs, the governing body shall order payment to the commission out of any available funds. With respect to a city or county, if no payment is made by the governing body within 30 days thereafter, the commission shall submit to the Secretary of State its certified, itemized statement of such costs and the commission shall be reimbursed upon the order of the Secretary of State to the State Treasurer, from the cities or counties share of the states cigarette and liquor revenues.

(2) Within 10 days of receipt of the certified, itemized statement of costs under subsection (1) of this section, any city or county aggrieved by the statement may appeal to the Court of Appeals. The appeal shall be taken as from a contested case under ORS 183.480. Notice of the appeal shall operate as a stay in the commissioners right to reimbursement under subsection (1) of this section until the decision is made on the appeal.

PART VI APPEALS

SECTION 51. (1) In the manner provided in sections 52 to 54 of this Act, the commission shall review upon:

(a) Petition by a county governing body, a comprehensive plan provision or any zoning, subdivision or other ordinance or regulation adopted by a state agency, city, county or special district that the governing body considers to be in conflict with state-wide planning goals approved under section 37 of this Act or interim goals specified in ORS 215.515.

(b) Petition by a city or county governing body, a land conservation and development action taken by a state agency, city, county or special district that the governing body considers to be in conflict with state-wide planning goals approved under section 37 of this Act or interim goals specified in ORS 215.515.

(c) Petition by a state agency, city, county or special district, any county governing body action that the state agency, city, county or special district considers to be improperly taken or outside the scope of the governing body's authority under this Act.

(d) Petition by any person or group of persons whose interests are substantially affected, a comprehensive plan provision or any zoning, sub division or other ordinance or regulation alleged to be in violation of state-wide planning goals approved under section 37 of this Act or interim goals specified in ORS 215.515.

(2) A petition filed with the commission pursuant to subsection (1) of this section must be filed not later than 60 days (excluding Saturdays and holidays) after the date of the final adoption or approval of the action or comprehensive plan upon which the petition is based.

SECTION 52. (1) All review proceedings conducted by the commission pursuant to section 51 of this Act shall be based on the administrative record, if any, prepared with respect to the proceedings for the adoption or approval of the comprehensive plan provision or action that is the subject of the review proceeding.

(2) The commission shall adopt such rules, procedures and regulations for the conduct of review proceedings held pursuant to section 51 of this Act, in accordance with the provisions of ORS 183.310 to 183.500 for hearings and notice in contested cases.

(3) A city county, state agency, special district or any person or group of persons whose interests are substantially affected may intervene in and be made a party to any review proceeding conducted by the commission with the approval of the commission, upon the request of the hearings officer appointed to conduct such proceeding or upon the approval by the hearings officer of a request by such agency, person or group of persons for intervention in the review proceeding.

SECTION 53. (1) In carrying out its duties under section 51 of this Act, the chairman of the commission shall assign each petition to be reviewed by the commission to a hearings officer who shall conduct the review proceeding.

(2) A hearings officer shall conduct a review proceeding in accordance with the rules, procedures and regulations adopted by the commission. Upon the conclusion of a hearing, the hearings officer shall promptly determine the matter, prepare a recommendation for commission action upon the matter and submit a copy of his recommendation to the commission and to each party to the proceeding.

(3) The commission shall review the recommendation of the hearings officer and the record of the proceeding and issue its order with respect to the review proceeding within 60 days following the date of the filing of the petition upon which such review proceeding is based. The commission may adopt, reject or amend the recommendation of the hearings officer in any matter.

(4) No order of the commission issued under subsection (3) of this section is valid unless all members of the commission have received the recommendation of the hearings officer in the matter and at least four members of the commission concur in its action in the matter.

(5) Any party to a review proceeding before the commission who is adversely affected or aggrieved by the order issued by the commission in the matter may appeal the order of the commission in the manner provided in ORS 183.480 for appeals from final orders in contested cases.

(6) The commission may enforce orders issued under subsection (3) of this section in appropriate judicial proceedings brought by the commission therefor.

SECTION 54. (1) If, upon its review of the recommendation of a hearings officer and the record of the review proceeding prepared following a review proceeding before the commission, the commission is unable to reach a decision in the matter without further information or evidence not contained in the record of the proceeding, it may refer the matter back to the hearings officer and request that the additional information or evidence be acquired by him or that he correct any errors or deficiencies found by the commission to exist in his recommendation or record of the proceeding.

(2) In case of a referral of a matter back to the hearings officer pursuant to subsection (1) of this section, the 60-day period referred to in subsection (3) of section 53 of this Act is suspended for a reasonable interval not to exceed 60 days.

PART VII LEGISLATIVE REVIEW

SECTION 55. The department shall report monthly to the committee in order to keep the committee informed on progress made by the department, commission, counties and other agencies in carrying out the provisions of this Act.

SECTION 56. (1) Prior to the end of each even-numbered year, the department shall prepare a written report for submission to the Legislative Assembly of the State of Oregon describing activities and accomplishments of the department, commission, state agencies, cities, counties and special districts in carrying out the provisions of this Act.

(2) A draft of the report required by subsection (1) of this section shall be submitted to the committee for its review and comment at least 60 days prior to submission of the report to the Legislative Assembly. Comments of the committee shall be incorporated into the final report.

(3) Goals and guidelines adopted by the commission shall be included in the report to the Legislative Assembly submitted under subsection (1) of this section.

PART VIII MISCELLANEOUS

Section 57. ORS 453.345 is amended to read:

453.345. (1) Applications for site certificates shall be made to the Nuclear and Thermal Energy Council on a form prescribed by the council and accompanied by the fee required by ORS 453.405. The application may be filed not sooner than 12 months after filing of the notice of intent.

(2) Proposed use of a site within an area designated by the council as suitable for location of thermal power plants or nuclear installations does not preclude the necessity of the applicant obtaining a site certificate for the specific site.

(3) Copies of the notice of intent and of the application shall be sent for comment and recommendation within specified deadlines established by the council to the Department of Environmental Quality, the State Water Resources Board, the Fish Commission of the State of Oregon the State Game Commission, the State Board of Health, the State Engineer, the State Geologist, the State Forestry Department, the Public Utility Commissioner of Oregon, the State Department of Agriculture, the Department of Transportation, **the Department of Land Conservation and Development** and the Economic Development Division.

SECTION 58. The part designations and unit captions used in this Act are provided only for the convenience of locating provisions of this Act, and are not part of the statutory law of this state.

Approved by the Governor May 29, 1973.

Filed in the office of Secretary of State May 29, 1973.

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