The book cover features a stylized, painterly landscape. The foreground is dominated by a large, dark green tree on the left. The middle ground shows a winding river or stream in shades of blue and green, flowing through a landscape of warm, golden-brown and orange tones. In the background, a dense cluster of white buildings is visible on a hillside. The overall style is reminiscent of mid-20th-century landscape art.

Senate Bill 100: The National Context of a Landmark Planning Law

OREGON PLANS

The Making of an Unquiet Land Use Revolution

SY ADLER

Sy Adler
Land Conservation and
Development Commission
May 23, 2013

Major Contextual Features 1960 - 1975



Loss of Farmland
Federal Government Planning Mandates
The Changing State-Local Relationship
Social and Political Movements

L T D



HAPPINESS IS
GV 563
PR OREGON
BEING A GRANDPARENT

Poland has Martial Law
Oregon has L.C.D.C.

Loss of Farmland

An aerial photograph showing a landscape where agricultural fields are being replaced by residential development. The top half of the image shows large, rectangular farmland plots in shades of brown and tan. A road or path runs through the middle. Below this, a dense residential area with many houses and winding roads is visible, illustrating the encroachment of urban sprawl on farmland.

- **Loss of Farmland to sprawling residential and commercial development emerged as an issue during the 1950s**
- **Many states gave financial incentives to farmers who continued agricultural production starting in the late 1950s and continuing throughout the 1960s**
- **In the late 1960s and early 1970s there's concern that:**
 - **financial incentives didn't appear to be working**
 - **technological limits reached on increasing agricultural productivity**
 - **appreciation of role of agricultural exports in addressing balance of payments problems**

Oregon

Oregon Legislature began to carve a path in the early 1960s that linked property tax breaks for farmland owners to the designation of exclusive farm use zones by counties to implement county land use plans.

However ...

The reluctance of most Oregon counties to plan and zone

Increasing concern about the loss of farmland

Increasing costs associated with supplying infrastructure to serve a sprawling pattern of development

Degradation of water, air, and scenic natural areas ...



Oregon

- Mandates to Plan and Zone
- Completion by end of 1971
- Governor's Office authorized to take over Planning and Zoning if a local government fails to meet the deadline
- 10 goals to guide the Governor's Office should it decide to take over

Carrying capacity is a goal

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

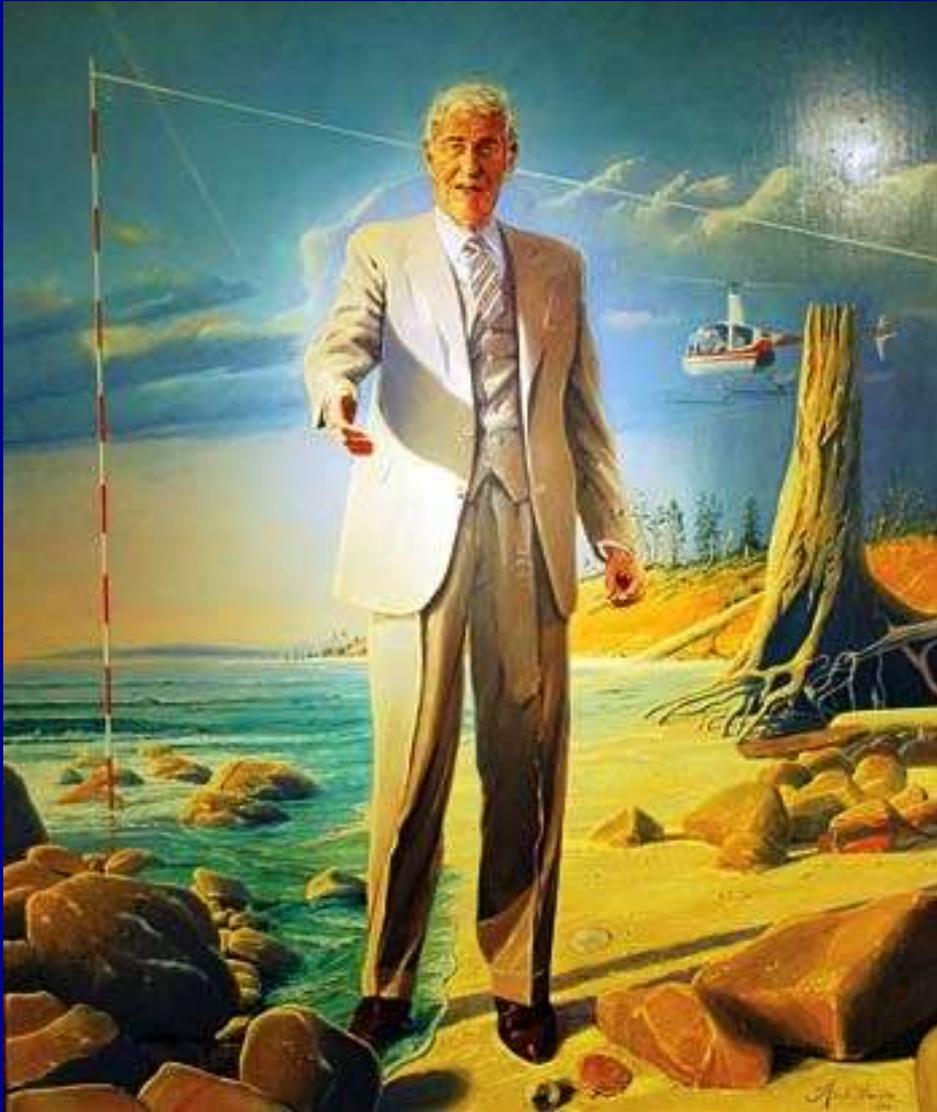
The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

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.

Federal Planning Requirements and Related Land-Use Initiatives

- Regional Councils of Governments review local government applications for federal money for consistency with regional plans
- Land use
- Highway and transit projects
- Housing, including government assisted housing
- Air quality
- Water and sewer projects
- Open space
- Law enforcement
- Health facilities

Federal Planning Requirements and Related Land-Use Initiatives



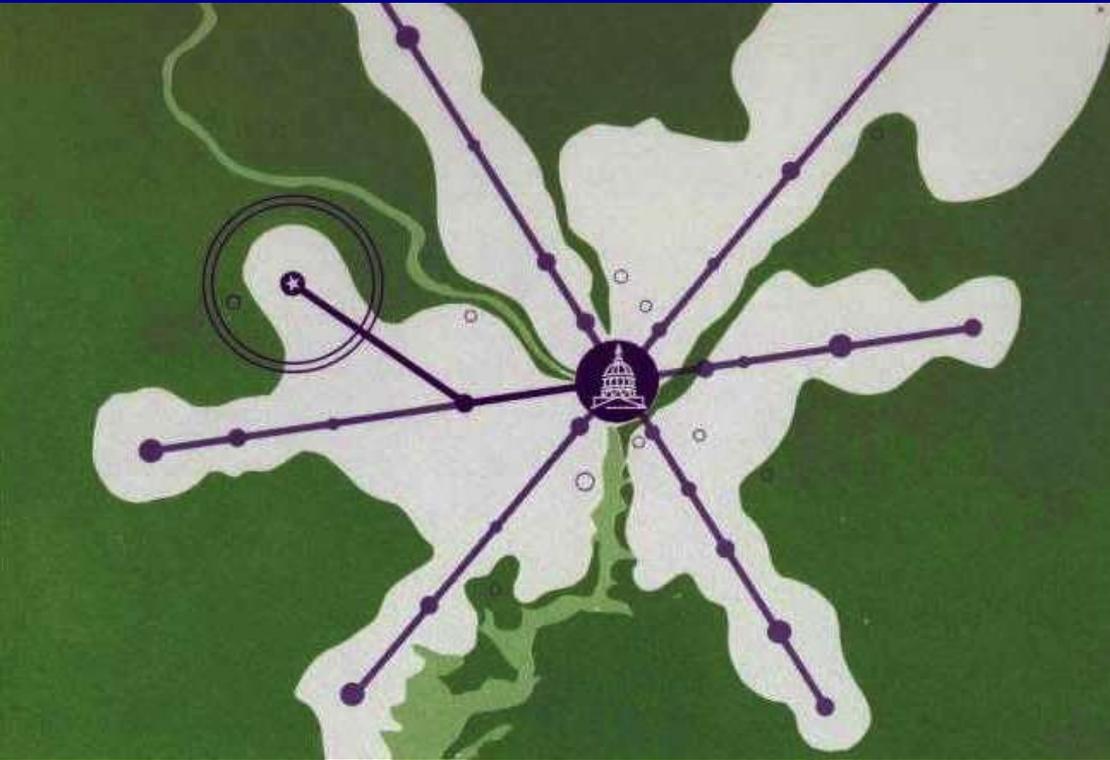
Coastal Zone Management (1972)

Money to produce and implement a coastal zone management plan was critically important for the Oregon statewide program

Almost: National Land Use Policy (1970-75)

Governor McCall strongly advocated Congressional passage because it would mean money to plan for Oregon and Federal support for politically controversial state and local land-use changes

Regional Planning Nationally



Similar metropolitan form objectives were appearing in regional plans across the U.S. and in other countries

In line with what was happening around the country, the two most prominent metropolitan form alternatives being discussed in the Portland metropolitan area starting in the mid-1960s were known locally as “radial corridors” and “regional cities”

New Relationships between State and Local Governments

The Quiet Revolution in Land Use Control.

Prepared for the U.S. Council on Environmental Quality (1971)

Innovative efforts in Hawaii, Vermont, Wisconsin, the San Francisco Bay Area, Massachusetts, Maine, Minneapolis-St. Paul and elsewhere to deal with problems associated with sprawling patterns of development



New Relationships between State and Local Governments

A Model Land Development Code.
The American Law Institute

Activities of critical statewide significance

Areas of critical statewide concern

Developments of regional impact



Florida

Oregon Going Beyond SB 10, but Along the Path the Legislature Started to Carve in the Early 1960s



Governor McCall argued that SB 10 had provided "*the framework for land use planning in Oregon . . . [and had] made planning and zoning clean words . . .*"

The legislature had taken the heat off local officials, several of whom suffered recall over planning and zoning decisions."

Oregon



Senator Hector Macpherson

"Counties were doing their own thing. Some of them were doing a fairly good job; others were doing a lousy job. It was time to get some statewide standards set up to make a more credible job of the planning process."

Oregon

Going Beyond SB 10, but Along the Path the Legislature Started to Carve in the Early 1960s



"The closer you get to the grassroots the harder it is to do these things that you can do more easily as a State or . . . as the Federal government, because of the parochialism and whipsawing that comes when the neighbors don't want to do this to old Tom, and they all meet in the election club and they are all friends. So we need a strong sword of Damocles that the Federal government can provide . . .

When some county commissioners do some things under state law that are unpopular, they can blame it on [the Governor], and [the Governor] can blame it on the Feds. It is sort of convenient. They say this is what they ordered us to do. It gives you leverage in trying to do something that ought to be done."

Mandated local planning and zoning that had to be acknowledged by a new state agency (LCDC) as consistent with statewide planning goals

Plans and zoning completed by one year after adoption of statewide planning goals

LCDC authorized to take over planning and zoning if a local government is unwilling or unable to get it done by the deadline

Enrolled
Senate Bill 100

Sponsored by Senators MACPHERSON, HALLOCK

CHAPTER.....

AN ACT

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-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.

POLICY STATEMENT

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 plans;

(4) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans; and

As originally introduced, SB 100 created regional district planning councils that would coordinate city and county planning processes and review local plans and regulations for compliance with LCDC goals before submission to LCDC for review

Enrolled
Senate Bill 100

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As originally introduced, SB 100 contained a lengthy list of areas of critical statewide concern

A list of activities of critical statewide significance that LCDC was authorized to regulate, and for which it was authorized to issue permits

Enrolled
Senate Bill 100

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Oregon

Neither areas of critical statewide concern nor activities of critical statewide significance were designated in SB 100 as amended and passed

Required regional coordination was eliminated; counties were assigned the coordination role

Unlike in Hawaii, Vermont, and Florida, LCDC would not produce a state plan

Enrolled
Senate Bill 100

Sponsored by Senators MACPHERSON, HALLOCK

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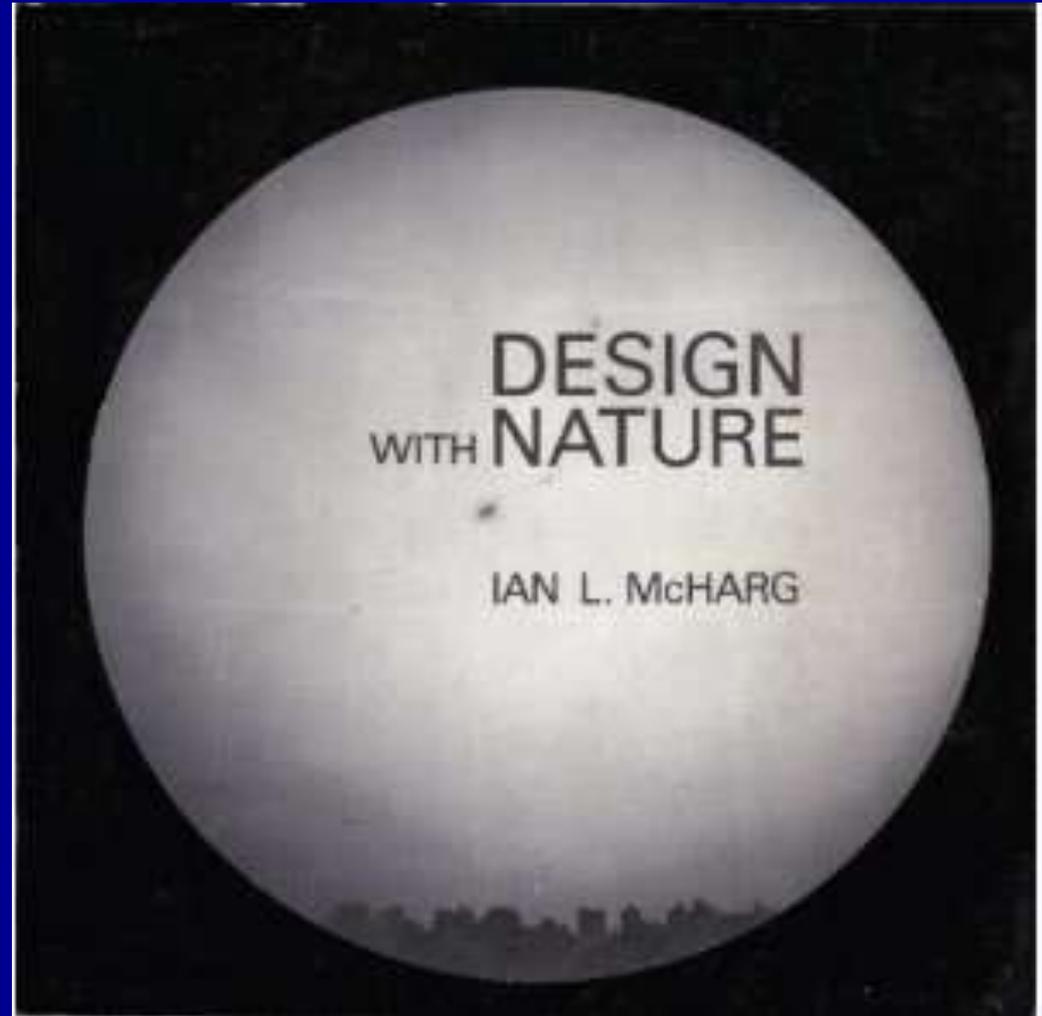
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Social and political movements

Environmentalism

Active in Oregon during the late 1960s/early 1970s:

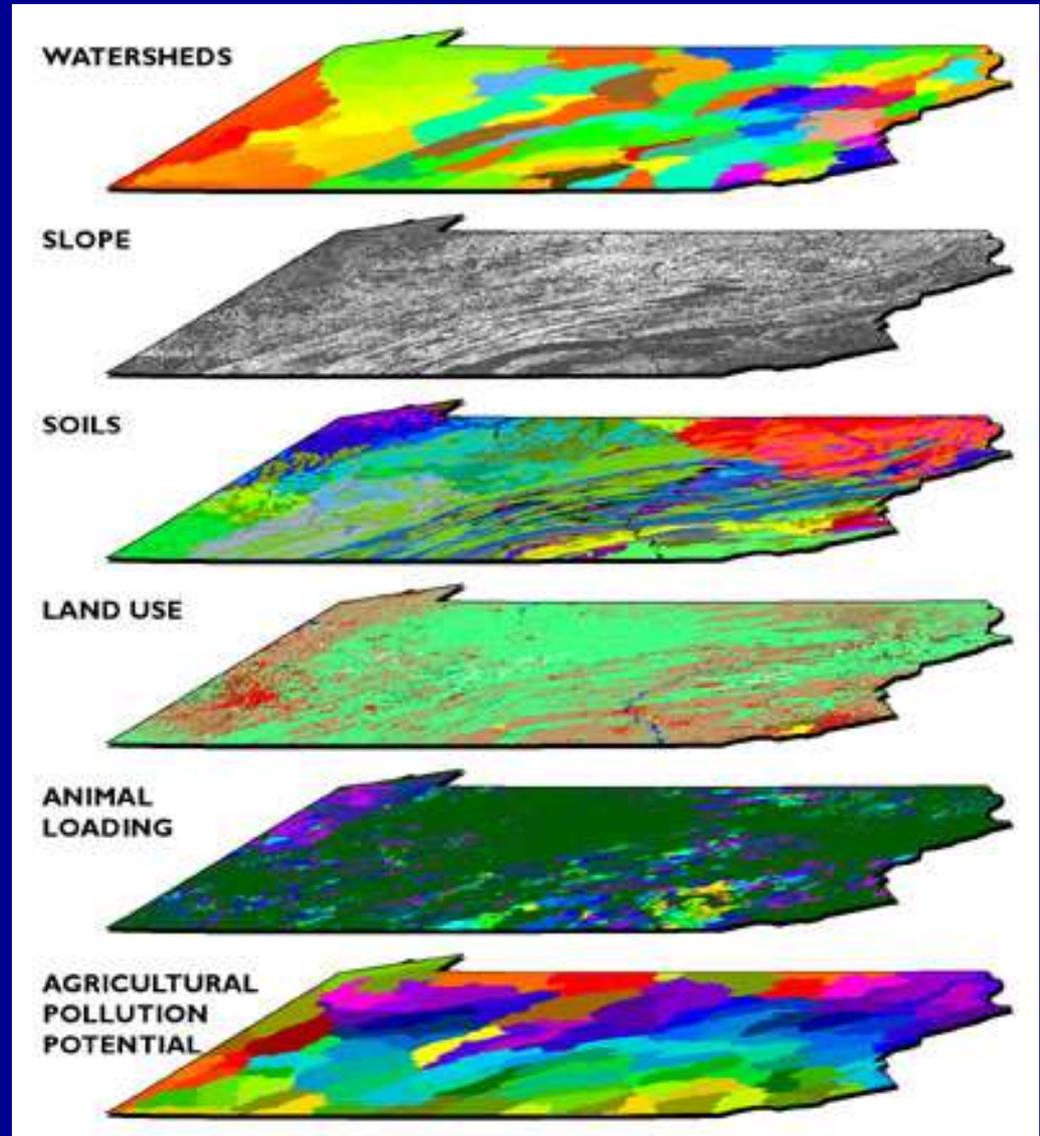
- *Oregon Environmental Council*
- *OSPIRG*
- *Northwest Environmental Defense Center*
- *Sierra Club*



Social and political movements

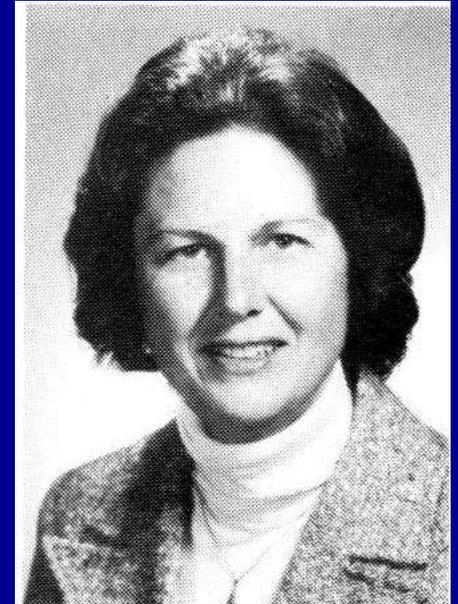
Environmentalism

Advances in Geographic Information Systems (GIS) technology



Social and political movements

- Representative Nancy Fodeley, chair of the House Environment and Land Use Committee in the 1973 legislative session:
- *The environment was seen as a women's issue*



Social and political movements

Advocacy Planning

Planners support:

- communities resisting displacement by freeways and urban renewal projects
- increasing the supply of affordable housing
- social and economic equity
- environmental protection



Social and political movements

Advocacy Planning

B.J. Rogers, Springfield mayor and Oregon Association of Realtors leader, pushed back:

"Most planners have never done anything except go to school and work for the government, and unfortunately the same was true of their teachers . . .

Why should they care if their plans bring an entire industry to a halt, and in the process price the average working man out of the market."

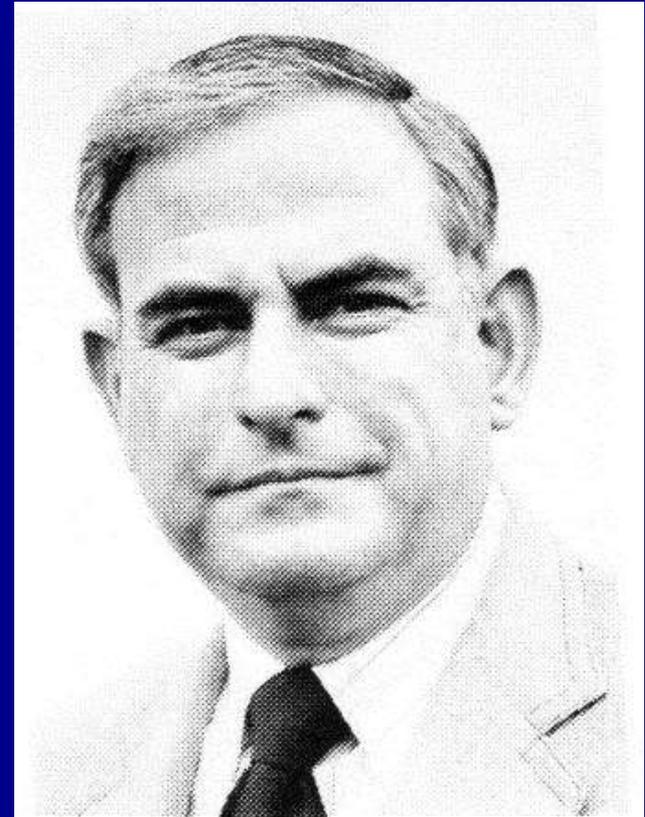


Social and political movements

Advocacy Planning

Rogers also told LCDC Chair L.B. Day:

"Quite frankly, planners and planning have and continue to give us the best forum for keeping the attention of our people. I must confess to you that we will probably continue to pick on them in some fashion far into the foreseeable future. If this effort shows them to be too sensitive or too thin skinned, then you may have more of a problem than we will."



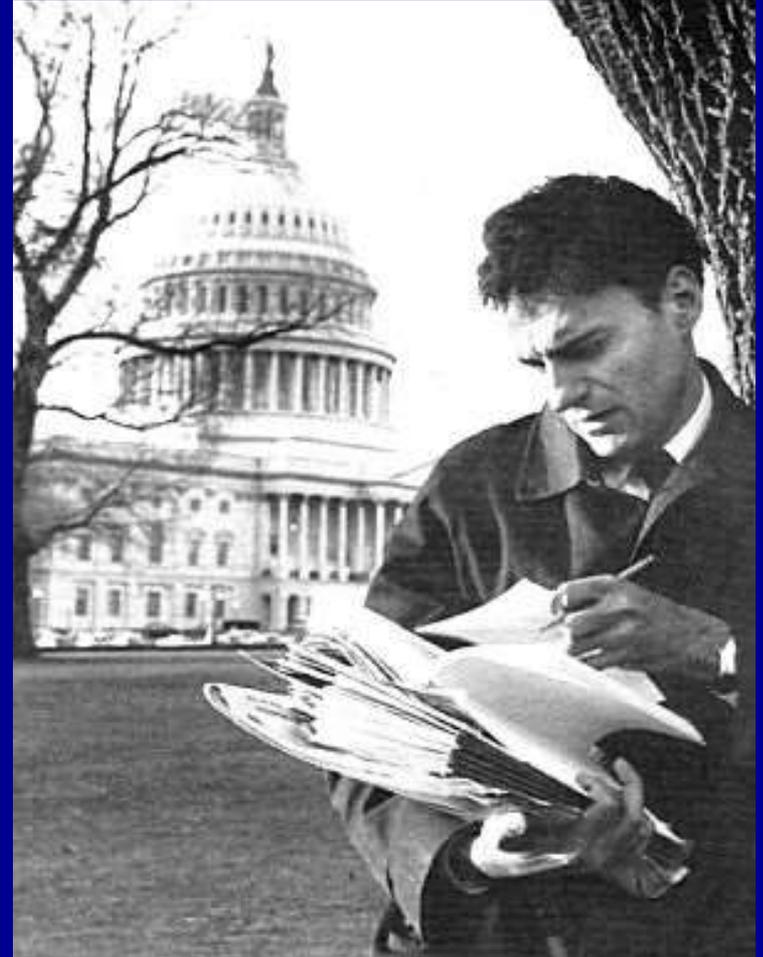
Day assured him that his own "hide is well thickened."

Social and political movements

Public Interest Law

Inspired by Ralph Nader

National organizations funded by the Ford Foundation, such as the Natural Resources Defense Council, which included Oregonians among its founders



Social and political movements

Public Interest Law

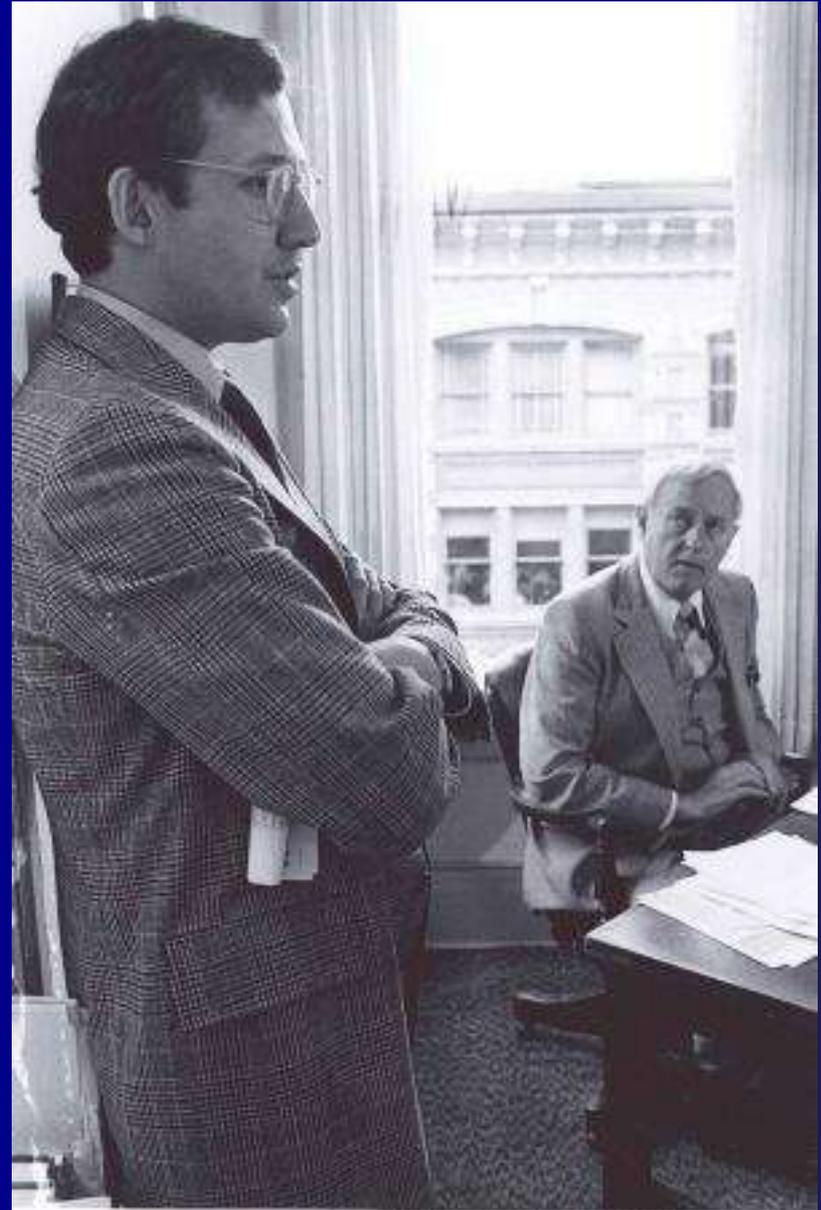
"Every public body needs a counter force and one specializing in land use is most needed at this time."

Hector Macpherson

"We are convinced that Oregon now needs a statewide, full-time professionally staffed citizen organization whose sole purpose is to urge state and local bodies of government to make good land use planning decisions."

Henry Richmond

1000 Friends of Oregon, established in 1975, as a land-use, rather than an environmental organization



Social and political movements

Public Interest Law

1000 Friends' growth management approach, rather than a uniformly oppositional stance, led a widespread reorientation by environmental organizations around the country

That approach facilitated strategic alliances with farmers, homebuilders and other industry leaders, and planners

1,000 Friends of OREGON NEWSLETTER

A monthly forum on land use in Oregon

Vol. 1, No. 6
March, 1976

Prospects for Federal Land Use Planning Dim

Senator Bob Packwood

I have long supported federal funding assistance to state and local governments for the purposes of land use planning. Many times conflicting and unwise land uses and scattered irrational sprawl have led to serious environmental, social and health problems. A number of groups have created the false impression that the Land Resources Planning Assistance Act, which has been considered by the House and Senate Interior Committees, imposes federal land use planning on state and local governments. Nothing could be further from the truth.

In fact, the Act simply authorizes a grant program for the purpose of states' voluntarily developing state land use programs. About \$100 million annually would be granted by the Secretary of the Interior to state and local governments for planning state and non-federal lands. The states must have land use legislation or an orderly state program for planning to receive the grants. The Act requires inventory of important land resources, such as coastal areas, lands rich in raw materials and key agricultural regions as well as energy facility planning. Oregon's LCDC program meets these requirements.

The grants program is voluntary; states are not required to participate. So that the federal government may not pre-empt local planning decisions because of the grants, the Act contains lists of activities and concerns with which the Secretary of the Interior may not interfere.

For Oregon the bill would provide federal funding without strings for planning.

House Committee Support Weak

However, the support which formerly existed in the House Interior Committee for land use planning has changed dramatically. Either by Committee reappointments, election defeats, or death, the Congressmen who pledged support for land use planning assistance to states and counties and served on the House Interior Committee are now gone. The uphill fight to get a bill reported to the House floor has been lost because of this reason and other complications of a tight budgetary year. The House, as a whole, would probably pass such legislation, but the threshold is getting a bill out of the House Interior Committee.

On the Senate side, it is an entirely different story. The Senate has easily passed a bill in two separate Congresses, but in this Congress, the Senate Interior Committee waited for the House to act, recognizing it would not be worth our time if the House were unsuccessful.

There have been few issues of this Congress which have received the attention within one Committee as the land use planning issue. Lobbyists crying federal land use intervention, private land condemnation, federal land use ordinances and the like pervaded and swept away the attention of a number of key Congressmen from the issue, whereas the issue is simply this: is the investment in land use planning worth the benefits down the road?

I believe it most assuredly is worth the investment to assure an orderly, procedural process in making the many land use decisions which are so important to the longterm welfare of our state and nation. Accordingly, I have worked vigorously on land use issues in the Senate.

BLM to Coordinate Plans

Considering the fact that over half of Oregon is in federal ownership it is crucial that public, state and local officials cooperate. When the Senate recently considered the BLM Organic Act, (National Resource Lands Management Act), S. 507, I offered an amendment to provide that federal land use planning must be coordinated with state and local land use planning efforts.

Each district Bureau of Land Management (BLM) manager would have to make every effort to coordinate the uses of BLM lands with local and state plans, though, because of the pre-eminence of federal powers, BLM plans would not have to be consistent with local plans. This amendment was unanimously adopted in the Senate, and I believe it will be retained in this legislation when the House passes the Senate bill.

Apart from the importance of this amendment being added to such a mammoth federal land use planning bill for federal lands, it signals the philosophical disposition of the Senate. That is, state and local governments must be fully consulted in federal land use planning and left to manage their own lands at their own governmental levels.

While the prospects are not ripe for federal assistance this year, the issue is one which will grow in importance as the losses due to poor land use planning continue. Whether we are talking about major energy facilities siting, strip-mining, or other major land use issues which the Congress has attempted to deal with, no-strings-attached funds for state and local governments have been narrowly defeated in this Congress. But, the chances for victory remain, particularly in the Senate, and you have my assurances of continued support. Without adequate planning, there cannot be wise land use. Without wise land use, the adverse consequences are obvious.

U.S. Senator Bob Packwood is on the Senate Finance, and Banking, Housing and Urban Affairs Committees.

Social and political movements

Citizen Empowerment



A new generation of civic activists aim to transform the dynamics of urban development.

They form neighborhood associations, and many run for – and often win – local and state elections.

Homeowner associations, especially in suburban areas, also become active.

Social and political movements



Strong support for public involvement in plan-making and implementation:

Key role played by League of Women Voters; Dorothy Anderson

Some movement impacts on Oregon statewide planning goals

- Goal 1: Public involvement gets top billing
- Goal 10 prohibits exclusionary zoning
- Goal 12 aims to reduce principal reliance on the automobile
- Goal 13 Energy Conservation
- Carrying Capacity and Shorelands protection goals are nearly adopted
- The Agricultural Lands and Urbanization Goals, and their integrated implementation, reflect substantial movement influence
- Integrated implementation of Goals 3 and 14 was the core innovation of the Oregon planning program during its early years

Goal 1 Citizen Involvement

Goal 2 Land Use Planning

Goal 3 Agricultural Lands

Goal 4 Forest Lands

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 6 Air, Water and Land Resources Quality

Goal 7 Areas Subject to Natural Hazards

Goal 8 Recreational Needs

Goal 9 Economic Development

Goal 10 Housing

Goal 11 Public Facilities and Services

Goal 12 Transportation

Goal 13 Energy Conservation

Goal 14 Urbanization

Goal 15 Willamette River Greenway

Goal 16 Estuarine Resources

Goal 17 Coastal Shorelands

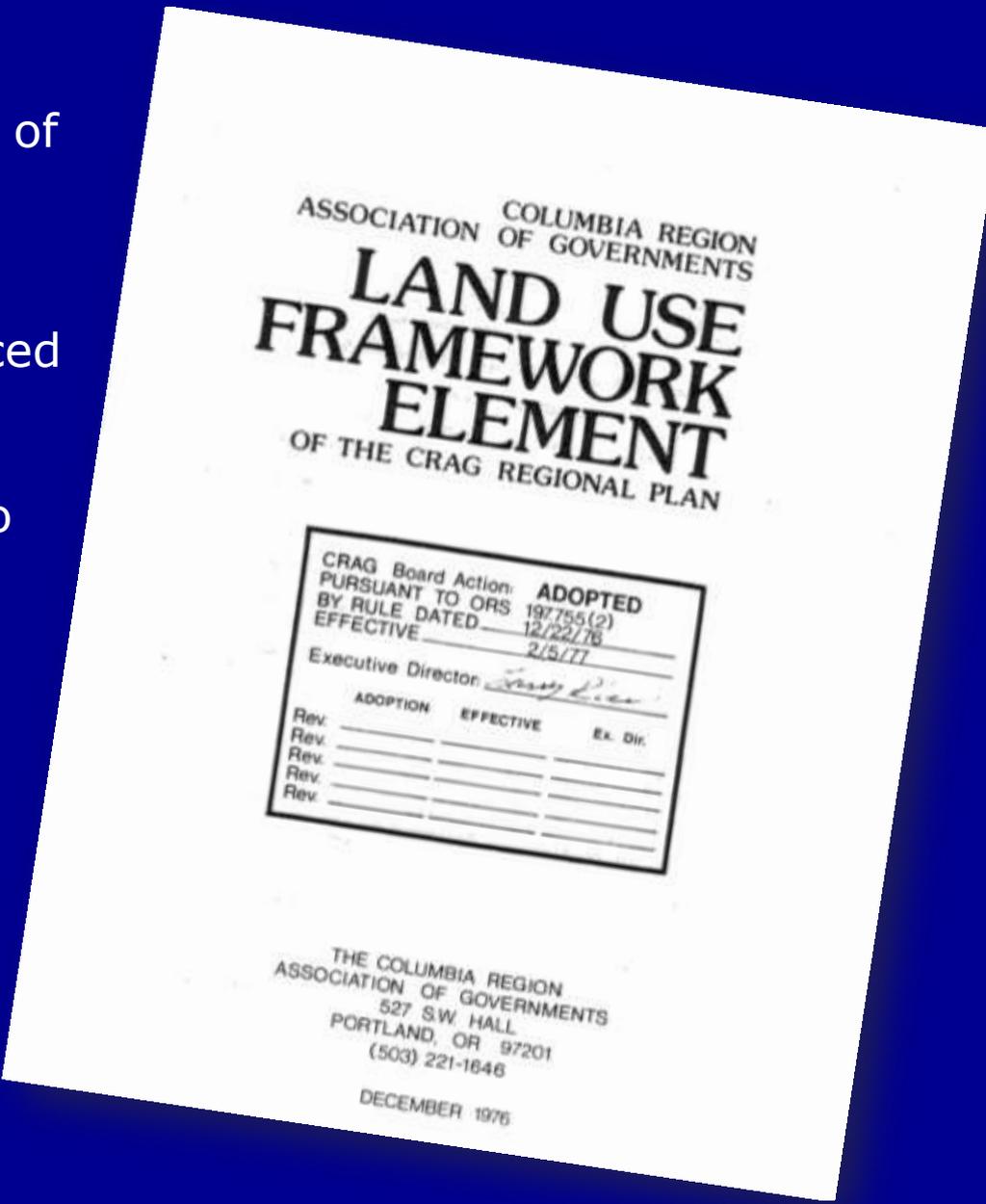
Goal 18 Beaches and Dunes

Goal 19 Ocean Resources

LCDC and the Portland Metropolitan Area

The Columbia Region Association of Governments (CRAG), as reconfigured by SB 769 (1973), embodied at the regional level much of what SB 100 as introduced and strongly supported by Governor McCall and Senators Macpherson and Hallock aimed to achieve

CRAG's regional planning and implementation powers, in conjunction with LCDC's goals, positioned CRAG to more effectively address urban sprawl-related problems than any other metropolitan agency in the country



1975 and After

State-level interest in establishing growth management programs wanes for several years

- Governor Straub's support for a substantial amount of money to implement SB 100 during an economic downturn was crucial for the survival of the statewide land use planning program
- However, changes to LCDC's budget proposal shifted money away from agency programs to work on critical areas and activities, carrying capacity in a regional context, and the development of a state growth policy, and towards financial support for local comprehensive planning

