



Department of Land Conservation and Development

Program Overview

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INTRODUCTION

Oregon's leaders were bold and visionary when they adopted the statewide land use planning program in 1973.

Thousands of Oregonians across the state participated in shaping the planning goals that framed the vision of what we wanted to achieve with land use planning. And there was an excitement about what the program would bring to the state.

Today, 36 years later, we are witnessing exciting times of a different nature as leaders of the statewide planning program. During the biennium the director and his staff have traveled to most parts of the state, meeting with local officials and concerned citizens. Likewise, the Land Conservation and Development Commission (LCDC) has continued to meet in a variety of communities, taking a first-hand look at some of the major land use issues in cities and counties in every region of the state.

Through these efforts and the daily work of its regional representatives, the agency is keeping in close contact with the diverse needs, desires and experiences of people in all corners of Oregon – to encourage experimentation while also making the land use program more than the sum of its parts.

The 2007-09 biennium has also been a time to focus on completing the work required by a series of recent initiatives from the legislature and the voters, including: Oregon ballot measures 37 and 49, as well as the Oregon Task Force on Land Use Planning, and the Portland Metro Urban and Rural Reserves effort directed by SB 1011. At the same time, the department has begun to work on several major newly-emerging challenges including climate change and changes in land markets that threaten our working forests.

Work on these major initiatives has been carried out even as the core work of the department has continued, with an emphasis on coordinating the land use system with the Governor's economic development agenda, and renewing periodic review of the comprehensive plans of larger communities.

As we head into more difficult economic conditions, we will be challenged to complete the work the legislature has set out for us while also continuing to meet the evolving needs of communities to plan for sustainable futures. With challenge comes opportunity, and the agency is committed to playing an active role in helping to build the foundation for long-term improvement in our economy, while preserving the quality of life that makes Oregon such a special place to live.

DLCD's Mission

Support all of our partners in creating and implementing comprehensive plans that reflect and balance the statewide planning goals, the vision of citizens, and the interests of local, state, federal and tribal governments.

DLCD's Vision

Our purpose is to guide land use policy to:

- Foster livable, sustainable development in urban and rural communities;
- Conserve coastal resources;
- Protect farm and forestlands and other natural resources; and
- Improve the well-being and prosperity of citizens, businesses and communities throughout Oregon.

As we move through the fourth decade of statewide land use planning, DLCD is committed to:

- Making a positive contribution to the state's economic competitiveness;
- Working to always earn the public's trust;
- Aspiring toward innovative and sustainable urban development;
- Balancing resource protection and growth management;
- Respecting the interests of all our partners; and
- Maintaining national recognition as a leader in the arena of land conservation and development.

Oregon's Statewide Planning Goals

DLCD manages the statewide planning program that has one basic purpose: to protect and advance Oregon's quality of life. For most people, that quality of life is a combination of bountiful natural resources, livable communities, affordable housing, a robust economy, clean air and water, and efficient, low-cost public services.

Because Oregon's quality of life has all those components and more, the program to protect it is equally diverse. The program rests on a foundation of 19 statewide planning goals. The goals are broad statements of state policy for local governments to use in developing their comprehensive plans and land use ordinances.

To develop the goals, LCDC and DLCD conducted a yearlong public outreach effort in 1974*. More than 100 public hearings and workshops were held; more than 10,000 Oregonians participated.

Oregon's 19 planning goals state the following:

1. Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

2. Land Use Planning

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. Agricultural Lands

To preserve and maintain agricultural lands.

4. Forest Lands

To conserve forest lands by maintaining the forestland base and to protect the state's forest economy.

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

* Goal 15 was adopted in 1975. Goals 16-19 were adopted in 1976.

To protect natural resources and conserve scenic and historic areas and open spaces.

6. Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

7. Areas Subject to Natural Hazards

To protect life and property from natural disasters and hazards.

8. Recreational Needs

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. Economic Development

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. Housing

To provide for the housing needs of citizens of the state.

11. Public Facilities and Services

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. Transportation

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

13. Energy Conservation.

To conserve energy.

14. Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

15. Willamette River Greenway

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. Estuarine Resources

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. Coastal Shorelands

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.

18. Beaches and Dunes

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. Ocean Resources

To conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.

ORGANIZATION

The Land Conservation and Development Commission

Like many of Oregon's state agencies, a citizen commission – the Land Conservation and Development Commission (LCDC) – directs DLCD. The Commission's seven members are appointed by the governor and confirmed by the Senate.

Most of LCDC's seven volunteer members are now or were formerly officials of cities or counties across Oregon.

Photo
Not
Yet
Available

LCDC sets agency policy, develops regulations, and oversees the management and operations of the agency.



Marilyn Worrix
Real Estate Broker,
McMinnville



Tim Josi
County Commissioner,
Tillamook

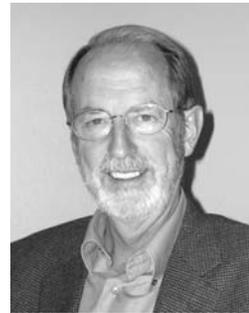
Hanley Jenkins,
County Planning Director,
Union

John VanLandingham,
Chair
Attorney, Eugene



Greg Macpherson,
Attorney, Lake Oswego

Dennis Derby
Real Estate Developer,
Builder, Portland



Christine M. Pellett
Real Estate Appraiser,
Rose Grower,
Central Point



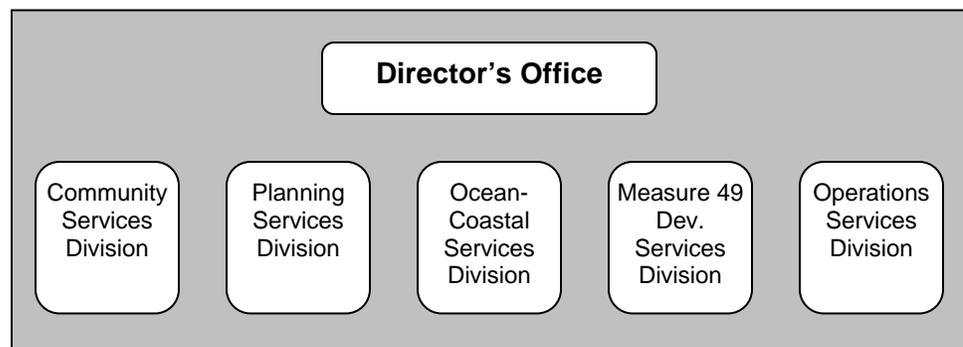
DLCD's Organization

Many agency staff are based in Salem, in the north wing of the Agriculture Building. DLCD has a Portland field office with six employees. DLCD also has field offices in Newport (3 employees), Bend (3), Springfield (1), La Grande (1) and Central Point (1).

The Department of Land Conservation and Development has five divisions:

- **Community Services Division**
- **Planning Services Division**
- **Ocean-Coastal Services Division**
- **Measure 49 Development Services Division**
- **Operations Services Division**

Each division has a manager who reports to the director and deputy director. Policy analysis, legislative liaison functions, rules coordination, LCDC support and communications are in the director's office.



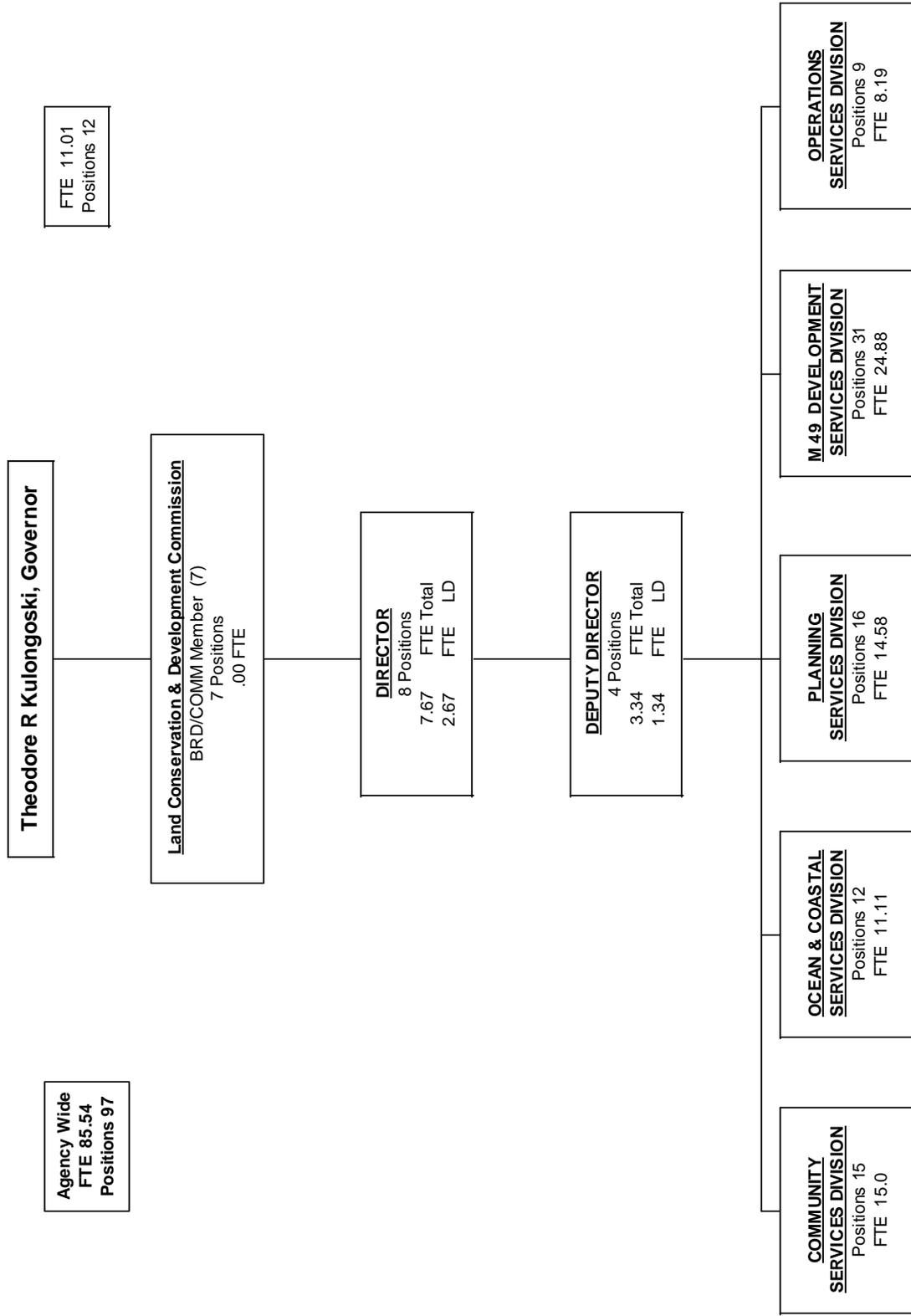
Current Organization

DLCD's 2007-09 budget, as approved by the 2007 and 2008 Legislative Assemblies, authorizes 85.54 FTE.

The Governor's Recommended Budget for 2009-11 includes 79.68 FTE.

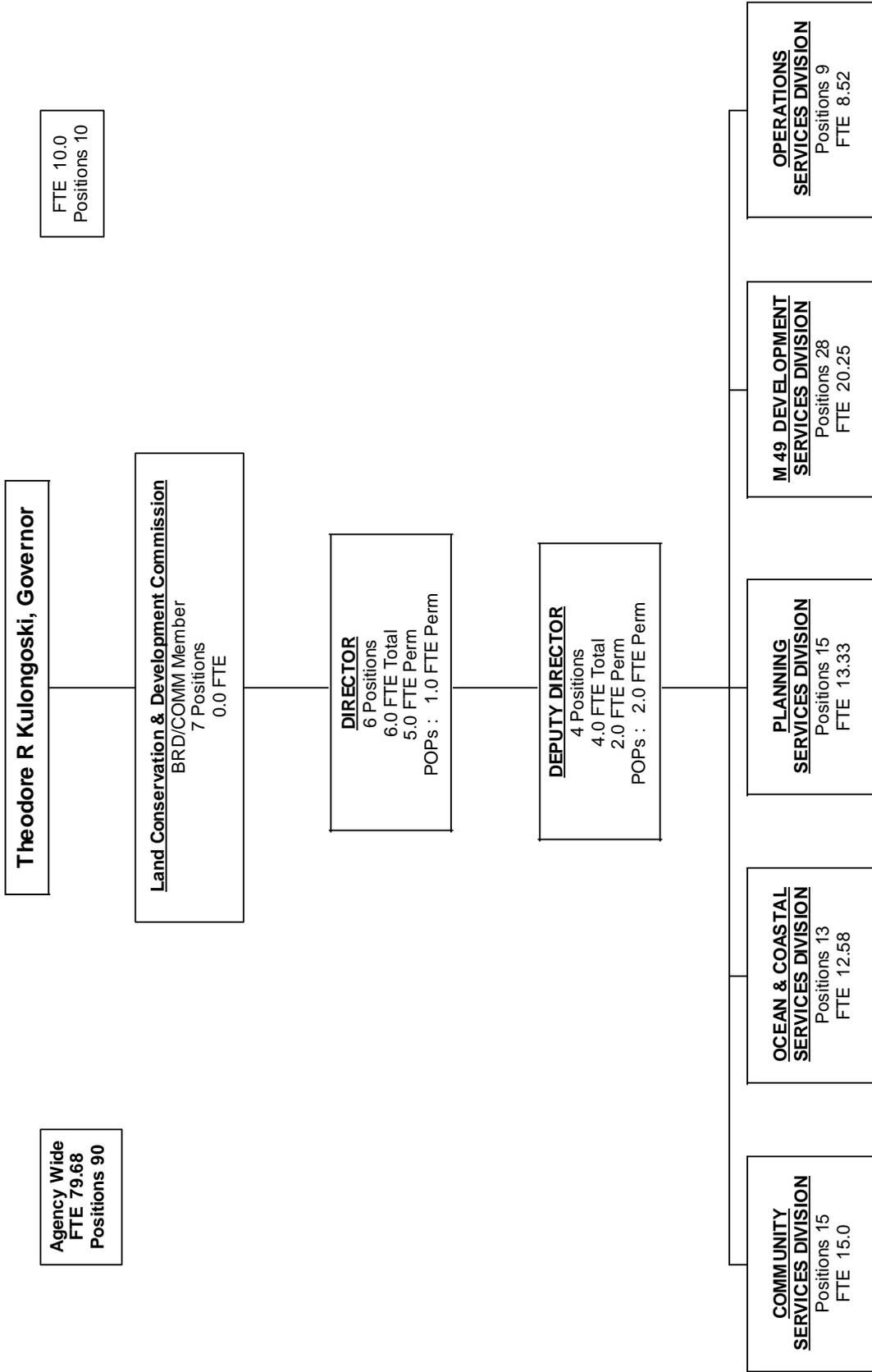
DLCD's 2007-09 structure is shown in the organization chart on the next page (page 9). The agency's structure, in accordance with the Governor's Recommended Budget for 2009-11, is shown on page 10.

2007-2009 DLCD ORGANIZATION CHART



* positions established 3/1/2008

2009-2011 DLCD ORGANIZATION CHART



How DLCD's Organization Relates to the Budget

The Governor's Recommended Budget for DLCD has two budget units:

- **Planning and Administration** (all program services)
- **Grants to Local Governments** (funding assistance for local governments, no staffing)

Communities of Interest We Serve

Oregon's statewide planning program addresses a wide array of issues and interests. Each community in the state has unique needs. DLCDC identifies its program functions based on services to these communities:

Citizens

Statewide planning Goal 1 empowers Oregon citizens to participate in all phases of local and state land use planning process. We provide information to help citizens participate through our website, publications and through direct assistance. DLCDC also provides staff support to the Citizen Involvement Advisory Committee (ORS 197.160), which advises local governments and LCDC on how to improve citizen participation.

Local Governments

Oregon's cities and counties are our partners and implement the land use program through local land use plans, zoning ordinances, development ordinances and other regulations. We support them by providing direct technical assistance grants. DLCDC also provides staff support to the Local Officials Advisory Committee (ORS 197.165).

The Oregon Legislature

The legislature maintains oversight authority for the land use enterprise. We provide information, serve on legislative committees and help inform the legislature's decisions.

Development Interests

The department's economic development team and field service staff provide technical assistance to development interests that do business in Oregon's communities.

Agriculture and Natural Resource-Based Economies

Natural resource-based industries are pillars of Oregon's economy and way of life, particularly in rural areas. We provide technical assistance to the natural resource industries to help them address their land use issues.

Housing and Development Economies

A key function of the land use enterprise is to ensure that communities have a range of housing types.

State Agencies

State agencies have responsibilities and authorities related to land use and development.

Federal Agencies

Federal agencies own or manage more than 53 percent of the state's land area. Some have significant regulatory programs that influence state and local land planning.

Tribal Governments

Oregon's tribal governments are increasingly assuming management responsibility for lands and resources and are carrying out a variety of community development activities on these lands. We work with the tribes through the Government-to-Government program (SB 770, 2001).

Ports and Special Districts

Oregon's 23 port districts are local governments that serve both public and private purposes. Ports own land to support a variety of economic enterprises. We work with ports to address their specific land needs.

Integrating Transportation and Growth

The Transportation and Growth Management (TGM) program supports community efforts to expand transportation choices for people. By linking land use and transportation planning, the program works in partnership with cities and counties to create vibrant, livable places in which people can walk, bike, take transit or drive where they want to go.

Managing Oregon's Coastal and Ocean Resources

The Oregon Coastal Management Program receives federal Coastal Zone Management funding to provide a variety of services to meet the challenge of balancing growth and development with the responsibilities of protecting coastal resources enjoyed by all Oregonians.

Natural Hazards Planning

Planning for natural hazards requires up-to-date maps and information. DLCD has been working with the Federal Emergency Management Agency (FEMA) since 2005 to modernize all flood hazard maps statewide so that local

governments and property owners have the most accurate information via digital maps on the Internet.

Federal Consistency Review

DLCD reviews proposed federal projects and permits affecting the coastal zone (west of the crest of the Coast Range) to ensure that federal actions and permitted activities are consistent with Oregon's Coastal Management Program.

Key Tools

DLCD uses an array of tools to help local governments address planning issues and solve problems. Key tools are briefly described below. A more extensive explanation of each tool is found in this presentation's detailed discussion.

Technical Assistance

Many cities, counties and individual citizens depend on DLCD staff for vital information and advice regarding planning and development issues. This comes in the form of verbal consultation as well as development and distribution of handbooks. DLCD's regional representatives and planning specialists are the key agents for this work.

Grants to Local Governments

DLCD offers grants to local and regional governments for a variety of activities, including economic development opportunities analyses, buildable lands inventories and planning for growth. The grants help cities and counties adopt, apply, and update their plans and ordinances, meet statutory obligations and comply with the statewide goals.

Periodic Review

To be most useful, local comprehensive plans must be periodically updated. LCDC establishes a schedule for plan updates and DLCD works with local governments to complete the updates. (ORS 197.628 – 197.636)

Plan Amendment Review

Each year, DLCD reviews hundreds of amendments to local comprehensive plans and land use ordinances. DLCD staff works with local governments on most of these amendments to attain compliance with the statewide planning goals. In the 2005-07 biennium, local governments filed 1,474 adopted plan updates, comprising 38,204 amendments.

DLCD staff worked proactively with local governments on most of these amendments to help attain compliance with the statewide planning goals. On rare occasions, the department appeals a local government proposal; during the 2005-07 biennium, the department appealed nine locally adopted plan amendments. (ORS 197.610 - 197.625)

Process Streamlining

DLCD works with local governments to make the statewide planning goals and administrative rules efficient, clear, consistent with new legislation and case law, and responsive to the needs of local governments. The agency also works with local governments to streamline their regulations and ensure that the regulations do not hinder desired development. (Executive Order 01-03)

Agency Collaboration

The agency director and key staff actively participate in the Economic Revitalization Team (ERT), working with state agencies and local governments to solve specific local problems. DLCD also has coordination agreements with 26 state agencies that have programs affecting land use (ORS 197.180).

Landowner Notification

Ballot Measure 56 (1998) requires notification to property owners when a regulation is adopted or amended that may affect the value of their property. DLCD provides written notices about changes in land use laws and reimburses local governments for their costs of mailing the notices to affected landowners.

PERFORMANCE MANAGEMENT

Long-term Strategic Goals

The goals below, along with the vision and mission statement at the beginning of this presentation (Page 4), form DLCD's Strategic Plan. LCDC approved the plan in 2002 after a series of stakeholder meetings. The goals are a statement of DLCD's aspirations over the next six to 10 years.

1. Promote Economic Development and Quality Communities

Increase projects that improve economic development and enhance livability and sustainability in communities statewide.

2. Secure Oregon's Legacy

Protect farm, forest, coastal and other natural and economic resources.

3. Improve Collaboration

Establish a network of public- and private-sector partners to identify and promote shared interests.

4. Deliver the Highest Level of Customer Service Possible

Improve workforce excellence and deliver the highest level of customer service possible.

5. Streamlining

Strive to make the statewide land use system less process-oriented and more outcome-oriented.

Short-term Strategic Initiatives

DLCD has identified a set of short-term initiatives. These initiatives are part of the agency's business plan, which has a two-to-four year timeframe. In the 2007-09 and 2009-11 biennium, DLCD will focus on these 11 strategic initiatives, consistent with available funding.

1. Implement Ballot Measure 49 (2007): Implement provisions of Ballot Measure 49, the state's property rights

compensation and conservation program. Resolve claims and provide support, customer service and technical assistance.

2. 30-Year Review of the Statewide Planning Program:

Support the Task Force and implement its recommendations. The task force was charged with the responsibility to study and make recommendations on (a) the effectiveness of Oregon's land use planning program in meeting current and future needs of Oregonians in all parts of the state; (b) the respective roles of state and local governments in land use planning; and (c) land use issues specific to areas inside and outside of urban growth boundaries and at the interface between areas inside and outside urban growth boundaries.

3. Land Supply/Sustainable Economic Development:

Continue to work with local governments and state agencies to assure an adequate supply of developable land for housing (including affordable housing), commerce, and employment in urban areas (and appropriate rural areas), especially shovel-ready industrial sites necessary for employment and economic development statewide. Lead state involvement in implementing Senate Bill 1011 (urban and rural reserves effort in the Portland metropolitan area).

4. Government Streamlining: Continue to work with stakeholders (including state, federal, tribal, and private entities) to coordinate and integrate policies and programs, and the Office of Regulatory Streamlining to identify and implement cost-effective improvements in order to streamline statewide requirements and procedures.

5. Urban Transportation: Continue to collaborate with the Oregon Department of Transportation and local governments to preserve and improve the performance of transportation systems in urban areas.

6. Farm/Forest Programs: Develop non-regulatory tools to complement regulations designed to ensure a sustained land supply for Oregon's agricultural and forest industries.

7. Coastal Resources: Carry out a variety of programs with local governments and state agency partners to protect and manage estuarine resources, coastal shorelands, beaches and dunes, and ocean resources. Prepare a plan for ocean wave energy development, assist the Commission with

administrative rules to adopt that plan as an amendment to the Oregon Territorial Sea Plan, and submit the adopted plan to the National Oceanic and Atmospheric Administration for approval as an amendment to the Oregon Coastal Management Program.

8. Hazards Planning: Assist local governments in identifying and providing appropriate plans and measures to protect people and property from natural hazards, including floods, earthquakes, tsunamis, landslides, wildfires, and the effects of climate change. Work with stakeholders to help local governments plan for adaptation to the negative effects of climate change; add staff and grant funds to help accomplish this work.

9. Environmental Protection: Work with state and federal agencies and local governments to complete inventories and protection programs for key environmental resources.

10. Outreach: Through education in new forums and outreach to existing partners, increase awareness and civic engagement in land use planning statewide.

11. DLCD Services: Improve the department's services to citizens, local governments, and agencies by enhancing workforce and workplace productivity, emphasizing service to our constituents, and enhancing agency capacity for information management and delivery.

Performance Measures

The department's progress on its current performance measures can be found in the DLCD's 2008 Annual Performance Progress Report (Appendix N).

BUDGET OVERVIEW

Major Budget Issues

Building Economic and Community Development Capacity in DLC

Oregon's statewide planning program is fundamental to the state's economic prosperity. The program helps local governments plan for economic development and to make land available for housing, industrial and other employment and community needs.

Measure 49

Measure 49 was referred by the 2007 Legislature, approved by the voters on November 6, 2007, and became effective on December 6, 2007. It "modif[ies] Ballot Measure 37 (2004) to ensure that Oregon law provides just compensation for unfair burdens while retaining Oregon's protections for farm and forest uses and the state's water resources." The measure replaces the two alternate remedies of Measure 37 (a waiver of land use regulations or the payment of compensation) with an approval for claimants to establish a specific, but limited, number of home sites. This remedy is available only for claimants who filed Measure 37 claims on or before June 28, 2007. In addition to modifications to Measure 37 claims, Measure 49 allows for new claims to be filed, but only against land use regulations that are adopted after January 1, 2007.

The Measure 49 Development Services Division leads the department's implementation of Measure 49 (2007). The division coordinates the mailing and return/receipt of Measure 49 election packets and new Measure 49 claims. Working closely with the Director's Office and the Oregon Department of Justice, as well as counties and relevant state agencies, it evaluates and resolves elections and claims submitted to the state under the measure. The division also works closely with the Measure 49 Compensation and Conservation Ombudsman to ensure a high level of customer service to claimants.

The measure has had, and will continue to have, a significant impact on department workload, as well as staffing and Attorney General (and related) costs.

The Governor's Policy Package 101: Measure 49, or a revised version of it as necessary, will fund the department's continued Measure 49 processing efforts and any related litigation costs.

Dependence on General Funds

DLCD depends principally on General Funds for its core activities, including technical assistance to local governments and grants to local governments.

Diminishing Resources on the Local Level

Oregon's statewide planning program is, in essence, a system of local comprehensive plans. Local governments, however, face increasing problems with funding the work that goes into developing and updating these plans. Many cities and counties have little or no funds to support planning services to meet local needs. Fees rarely cover actual costs, let alone comprehensive planning. During the 1990s, local governments suffered large reductions in General Funds. As a result, cities and counties have not had the resources to do planning projects, even though an up-to-date plan is a key tool to support sustainable communities.

Balancing Staff and Grants for Local Needs

Any significant reduction in General Fund expenditures would result in a reduction of staff or grants to local governments. Reducing staff affects services to communities that rely on the department for planning assistance. At the same time, local governments depend on grants from DLCD to update their plans. In making the hard choices about priorities, the state has tried to find a balance that will maintain the highest level of services to local governments.

Increasing Demands for Urban Planning Assistance

DLCD's workload has also increased due to a greater need to provide technical and financial assistance to local governments facing urban planning issues. DLCD staff work closely with local planners to address complex urban issues such as economic development and transportation systems. Agency professionals are more effective if they can be proactive on these issues. It is also important to note that a two biennia moratorium on periodic review was lifted at the

beginning of the 2007-09 biennium. Approximately 20 jurisdictions became subject to periodic review in July 2007 and more will become eligible during the 2009-11 biennium. Each will likely need assistance developing and carrying out a work program for plan updates.

Governor's Recommended Budget Summary

DLCD is funded through General Fund, Federal Funds and Other Funds. Federal Funds come from the Federal Emergency Management Agency (FEMA) for floodplain management work. They also come from the National Oceanic and Atmospheric Administration (NOAA) for coastal planning and management. Other Funds, derived from federal transportation funds, come through the Oregon Department of Transportation.

The chart below shows a summary of DLCD's Legislatively Approved Budget for the 2007-09 biennium and the Governor's Recommended Budget for 2009-11.

	Legislatively Approved Budget 2007-09	Governor's Recommended 2009-11
General Fund	\$20,794,123	\$19,735,869
Federal Funds	6,363,069	6,808,291
Other Funds	798,687	1,146,814
Total Funds	\$27,955,879	\$27,690,974
Positions	97	90
Full-time Equivalents	85.54	79.68

The Governor's Recommended Budget includes four policy packages listed below.

- Policy Package 104: Ocean Planning (1.00 FTE - \$326,969 Other Funds)
- Policy Package 105: Flood Hazard Map Modernization (1.25 FTE - \$299,730 Federal Funds)
- Policy Package 107: Measure 49 (19.25 FTE - \$5,964,826 General Fund)
- Policy Package 108: Ocean and Coastal Reconciliation (0.47 FTE - \$68,213 Federal Funds)