

BEFORE THE DEPARTMENT OF ADMINISTRATIVE SERVICES,  
THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT OF  
THE STATE OF OREGON

IN THE MATTER OF THE CLAIM FOR	)	FINAL ORDER
COMPENSATION UNDER ORS 197.352	)	CLAIM NO. M118410
(BALLOT MEASURE 37) OF	)	
John and Radah Bentson CLAIMANTS	)	

Claimants: John and Radah Bentson (the Claimants)

Property: Tax lots 191 and 194, Township 1N, Range 3W, Section 24, Washington County (the Property)

Claim: The demand for compensation and any supporting information received from the Claimants by the State of Oregon (the Claim).

Claimants submitted the Claim to the State of Oregon under ORS 197.352. Under OAR 125-145-0010 *et seq.*, the Department of Administrative Services (DAS) referred the Claim to the Department of Land Conservation and Development (DLCD) as the regulating entity. This order is based on the record herein, including the Findings and Conclusions set forth in the Final Staff Report and Recommendation of DLCD (the DLCD Report) attached to and by this reference incorporated into this order.

ORDER

The Claim is approved as to laws administered by DLCD and the Land Conservation and Development Commission (LCDC) for the reasons set forth in the DLCD Report, and subject to the following terms:

1. In lieu of compensation under ORS 197.352, the State of Oregon will not apply the following laws to John and Radah Bentson's division of the 11.47-acre and 5.34-acre parcels or to the establishment of a single-family dwelling on each parcel created: applicable provisions of Statewide Planning Goal 3, ORS 215, and OAR 660, division 33, enacted after August 15, 1974. These land use regulations will not apply to John and Radah Bentson's use of their property only to the extent necessary to allow the claimants to use the property for the use described in this report, and only to the extent that use was permitted when they acquired the property on August 15, 1974.
2. The action by the State of Oregon provides the state's authorization to the claimants to use their property for the use described in this report, subject to the standards in effect on August 15, 1974. On that date, the property was subject to applicable provisions of the Interim

Goals (ORS 215.515, 1973 edition) as required under ORS 197.175(1) and 197.280 (1973 edition).

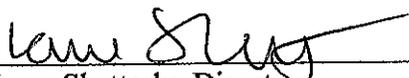
3. To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the property may not be used without a permit, license, or other form of authorization or consent, the order will not authorize the use of the property unless the claimants first obtains that permit, license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, a permit as defined in ORS 215.402 or ORS 227.160, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the property imposed by private parties.

4. Any use of the property by the claimants under the terms of the order will remain subject to the following laws: (a) those laws not specified in Condition 1 above; (b) any laws enacted or enforced by a public entity other than the Commission or the department; and (c) those laws not subject to ORS 197.352 including, without limitation, those laws exempted under ORS 197.352(3).

5. Without limiting the generality of the foregoing terms and conditions, in order for the claimants to use the property, it may be necessary for them to obtain a decision under ORS 197.352, from a city and/or county and/or metropolitan service district that enforces land use regulations applicable to the property. Nothing in this order relieves the claimants from the necessity of obtaining a decision under ORS 197.352, from a local public entity that has jurisdiction to enforce a land use regulation applicable to a use of the property by the claimants.

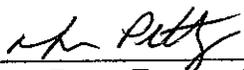
This Order is entered by the Director of the DLCD as a final order of DLCD and the Land Conservation and Development Commission under ORS 197.352, OAR 660-002-0010(8), and OAR 125, division 145, and by the Deputy Administrator for the State Services Division of the DAS as a final order of DAS under ORS 197.352, OAR 125, division 145, and ORS 293.

FOR DLCD AND THE LAND CONSERVATION  
AND DEVELOPMENT COMMISSION:

  
\_\_\_\_\_  
Lane Shetterly, Director  
DLCD

Dated this 20th day of March, 2006.

FOR the DEPARTMENT OF ADMINISTRATIVE  
SERVICES:

  
\_\_\_\_\_  
Dugan Petty, Deputy Administrator  
DAS, State Services Division  
Dated this 20th day of March, 2006.

## **NOTICE OF RIGHT TO APPEAL OR OTHER JUDICIAL RELIEF**

You are entitled, or may be entitled, to the following judicial remedies:

1. **Judicial review under ORS 293.316:** Judicial review under ORS 293.316 may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review under ORS 293.316 is pursuant to the provisions of ORS 183.482 to the Court of Appeals.
2. **Judicial review under ORS 183.484:** Judicial review under ORS 183.484 may be obtained by filing a petition for review within 60 days from the service of this order. A petition for judicial review under ORS 183.484 may be filed in the Circuit Court for Marion County and the Circuit Court in the county in which you reside.
3. **A cause of action under Oregon ORS 197.352:** A present owner of the property, or any interest therein, may file a cause of action in the Circuit Court for the county where the property is located, if a land use regulation continues to apply to the subject property more than 180 days after the present owner made a written demand for compensation.

(Copies of the documents that comprise the record are available for review at the Department's office at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301-2540)

### **FOR INFORMATION ONLY**

The Oregon Department of Justice has advised the Department of Land Conservation and Development that "[i]f the current owner of the real property conveys the property before the new use allowed by the public entity is established, then the entitlement to relief will be lost."

**BALLOT MEASURE 37 (ORS 197.352)  
CLAIM FOR COMPENSATION**

**OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
Final Staff Report and Recommendation**

March 20, 3006

**STATE CLAIM NUMBER:** M118410

**NAMES OF CLAIMANTS:** John and Radah Bentson

**MAILING ADDRESS:** 5375 Northwest Jackson School Road  
Hillsboro, Oregon 97124

**PROPERTY IDENTIFICATION:** Township 1N, Range 3W, Section 24  
Tax lots 191 and 194  
Washington County

**OTHER CONTACT INFORMATION:** Hal Keever  
W&H Pacific  
9755 Southwest Barnes Road, Suite 300  
Portland, Oregon 97225

**DATE RECEIVED BY DAS:** May 11, 2005

**180-DAY DEADLINE:** March 26, 2006<sup>1</sup>

**I. SUMMARY OF CLAIM**

The claimants, John and Radah Bentson, seek compensation in the amount of \$2,509,260 for the reduction in fair market value as a result of certain land use regulations that are alleged to restrict the use of certain private real property. The claimants desire compensation or the right to divide two non-adjacent parcels, containing 11.47 acres and 5.34 acres, into an unspecified number of parcels and to develop a dwelling on each parcel. The property is located east of Glencoe Road, in Washington County. (See claim.)

**II. SUMMARY OF STAFF RECOMMENDATION**

Based on the findings and conclusions set forth below, the Department of Land Conservation and Development (the department) has determined that the claim is valid. Department staff recommends that, in lieu of compensation, the requirements of the following state laws enforced by the Land Conservation and Development Commission (the Commission) or the department

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<sup>1</sup> This date reflects 180 days from the date the claim was submitted as extended by the 139 days enforcement of Measure 37 was suspended during the pendency of the appeal of Macpherson v. Dep't of Admin. Servs., 340 Or \_\_\_, 2006 Ore. LEXIS 104 (February 21, 2006).

not apply to John and Radah Bentson's division of the property for residential development: applicable provisions of Statewide Planning Goal 3 (Agricultural Lands), ORS 215 and OAR 660, division 33. These laws will not apply to the claimants only to the extent necessary to allow John and Radah Bentson to use the property for the use described in this report, to the extent that use was permitted at the time they acquired the property in 1974. (See the complete recommendation in Section VI. of this report.)

### **III. COMMENTS ON THE CLAIM**

#### **Comments Received**

On June 2, 2005, pursuant to OAR 125-145-0080, the Oregon Department of Administrative Services (DAS) provided written notice to the owners of surrounding properties. According to DAS, two written comments, evidence or information were received in response to the 10-day notice.<sup>2</sup>

One of the comments does not address whether the claim meets the criteria for relief (compensation or waiver) under ORS 197.352. Comments concerning the effects a use of the property may have on surrounding areas generally are not something that the department is able to consider in determining whether to waive a state law. If funds do become available to pay compensation, then such effects may become relevant in determining which claims to pay compensation for instead of waiving a state law.

The second comment is relevant to whether the restriction of the claimants' use of the property reduces the fair market value of the property. The comments have been considered by the department in preparing this report. (See comment letters in the department's claim file.)

### **IV. TIMELINESS OF CLAIM**

#### **Requirement**

ORS 197.352(5), requires that a written demand for compensation be made:

1. For claims arising from land use regulations enacted prior to the effective date of the Measure (December 2, 2004), within two years of that effective date or the date the public entity applies the land use regulation as an approval criteria to an application submitted by the owner, whichever is later; or
2. For claims arising from land use regulations enacted after the effective date of the Measure (December 2, 2004), within two years of the enactment of the land use regulation, or the date the owner of the property submits a land use application in which the land use regulation is an approval criteria, whichever is later.

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<sup>2</sup> The 10-day notice period was suspended for 139 days during the pendency of the *Macpherson v. Dep't of Admin. Servs.*, 340 Or \_\_\_, 2006 Ore. LEXIS 104 (February 21, 2006), which suspended all Measure 37 deadlines.

## **Findings of Fact**

This claim was submitted to DAS on May 11, 2005, for processing under OAR 125 division 145. The claim identifies several local and state regulations, including 1991 and 1994, amendments to administrative rules on dwellings in farm zones and “HB 3661 1993” as laws that restrict the use of the property as the basis for the claim. Only laws that were enacted prior to December 2, 2004, the effective date of Measure 37, are the basis for this claim. (See citations of statutory and administrative rule history of the Oregon Revised Statutes and Oregon Administrative Rules.)

## **Conclusions**

The claim has been submitted within two years of December 2, 2004; the effective date of Measure 37, based on land use regulations adopted prior to December 2, 2004, and is therefore timely filed.

## **V. ANALYSIS OF CLAIM**

### **1. Ownership**

ORS 197.352 provides for payment of compensation or relief from specific laws for “owners” as that term is defined in ORS 197.352. ORS 197.352(11)(C) defines “owner” as “the present owner of the property, or any interest therein.”

### **Findings of Fact**

The property was first acquired by Norman and Radah Ralston on January 23, 1967, as a 20.53-acre parcel. A portion of the property was sold to another party, leaving 16.81 acres in two parcels. On August 15, 1974, the Ralston’s deeded the 16.81-acre property (in two, non-adjacent tax lots) to Radah and John Bentson, their daughter and son-in-law. A title report dated March 4, 2005, demonstrates that John and Radah Bentson are the current owners of the subject property. (See claim).

### **Conclusions**

The claimants, John and Radah Bentson, are “owners” of the subject property, as that term is defined by ORS 197.352(11)(C), as of August 15, 1974. Norman and Radah Ralston, “family members” of the claimants, acquired the property on January 23, 1967.

### **2. The Laws that are the Basis for this Claim**

In order to establish a valid claim, ORS 197.352(1) requires, in part, that a law must restrict the claimant’s use of private real property in a manner that reduces the fair market value of the property relative to how the property could have been used at the time the claimant or a family member acquired the property.

## **Findings of Fact**

The claim cites state statutes and regulation affecting EFU lands adopted between 1991 and 1994 that restrict the use and value of the property as the basis for the claim.

The claim is based, generally, on Washington County's current Exclusive Farm Use (EFU) zone and the applicable provisions of state law that require such zoning. The claimants' property is zoned EFU as required by Goal 3, in accord with OAR 660, division 33, and ORS 215 because the claimants' property is "agricultural land" as defined by Goal 3.<sup>3</sup> Goal 3 became effective on January 25, 1975, and required that agricultural lands as defined by the Goal to be zoned EFU pursuant to ORS 215.

Current land use regulations, particularly ORS 215.213, 215.263, 215.780 and OAR 660, division 33 as applied by Goal 3, do not allow the subject property to be divided into parcels less than 80 acres and establish standards for allowing the existing or any proposed parcels to have farm or non-farm dwellings on them.

ORS 215.780 established an 80-acre minimum size for the creation of new lots or parcels in EFU zones and became effective November 4, 1993 (Chapter 792, Oregon Laws 1993). ORS 215.263 (2003 edition) establishes standards for the creation of new parcels for non-farm uses and dwellings allowed in an EFU zone.

OAR 660-033-0135 (applicable to farm dwellings) became effective on March 1, 1994, and interprets the statutory standard for a primary dwelling in an EFU zone under ORS 215.283.<sup>4</sup>

OAR 660-033-0130(4)(e) (applicable to non-farm dwellings in marginal lands counties) became effective on August 7, 1993.

The claimants' family acquired the subject property in 1967, prior to the adoption of the Statewide Planning Goals and their implementing statutes and administrative rules. Certain provisions of ORS 215 were enacted in 1963, prior to the claimants' family's acquisition of the property, and applied to properties located in qualified farm zones under that statute. Depending on the local zoning in effect at that time, those provisions of ORS 215 may have been applicable to the claimants' family when they acquired the property in 1967.

## **Conclusions**

The zoning requirements, minimum lot size and dwelling standards established by Statewide Planning Goal 3 and provisions applicable to land zoned EFU in ORS 215 and OAR 660, division 33, were all enacted after John and Radah Bentson's family acquired ownership of the subject property in January 1967, and do not allow the division of the property, thereby

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<sup>3</sup> The claimant's property is "agricultural land" because it contains Natural Resources Conservation Service (NRCS) Class I-IV soils.

<sup>4</sup> The subject property is composed of "high-value farmland" soils. (Washington County Soil Survey.)

restricting the use of the property relative to the uses allowed when the property was acquired by John and Radah Bentson's family in 1967. Depending on the local zoning in effect in 1967, the property may have been subject to applicable provisions of ORS 215 then in effect.

This report addresses only those state laws that are identified in the claim, or that the department is certain apply to the property based on the uses that the claimants have identified. There may be other laws that currently apply to the claimants' use of the property, and that may continue to apply to the claimants' use of the property, that have not been identified in the claim. In some cases, it will not be possible to know what laws apply to a use of property until there is a specific proposal for that use. When the claimants seek a building or development permit to carry out a specific use, it may become evident that other state laws apply to that use.

### **3. Effect of Regulations on Fair Market Value**

In order to establish a valid claim, ORS 197.352(1) requires that any land use regulation described in Section V.(2) of this report must have "the effect of reducing the fair market value of the property, or any interest therein."

#### **Findings of Fact**

The claim includes offers for the two parcels totaling \$2,800,000; this is shown as evidence of the property's fair market value, in the absence of current regulations. The claim also includes tax statements showing the current value of the parcels as \$290,740. The difference between the price established in a purchase option agreement and the property's assessed value is \$2,509,260. (See claim).

#### **Conclusions**

As explained in Section V.(1) of this report, the current owners are John and Radah Bentson whose family acquired the property on January 23, 1967. Under ORS 197.352, John and Radah Bentson are due compensation for land use regulations that restrict their use of the subject property in a manner that reduces its fair market value. Based on findings and conclusions in Section V.(2) of this report, laws adopted since the claimants' family acquired the property restrict the division and development of the subject property. The claimants estimate the reduction in value due to the restrictions to be \$2,509,260.

Without an appraisal or other documentation, it is not possible to substantiate the specific dollar amount the claimants demand for compensation. Nevertheless, based on the submitted information, the department determines that it is more likely than not that there has been some reduction in the fair market value of the subject property as a result of land use regulations enacted or enforced by the Commission or the department.

#### **4. Exemptions under ORS 197.352(3)**

ORS 197.352 does not apply to certain land use regulations. In addition, under ORS 197.352(3), certain types of laws are exempt from ORS 197.352.

#### **Findings of Fact**

The claim is based on state land use regulations that restrict the use of the property relative to what would have been allowed in 1967, when the property was acquired by John and Radah Bentson's family. These provisions include Statewide Planning Goal 3, and applicable provisions of ORS 215 and OAR 660, division 33, which Washington County has implemented through its EFU zone. With the exception of provisions of ORS 215 in effect on August 15, 1974, which may have applied to the property, none of these laws appear to be exempt under ORS 197.352(3)(E). If applicable under the local zoning at the time, provisions of ORS 215 enacted before January 23, 1967, are exempt under ORS 197.352(3)(E), which exempts laws in effect when the claimants' family acquired the property.

#### **Conclusions**

Without a specific development proposal for the property, it is not possible for the department to determine what laws may apply to a particular use of the property, or whether those laws may fall under one or more of the exemptions under ORS 197.352. It does appear that the general statutory, goal and rule restrictions on residential development and use of farm land apply to the claimants' use of the property, and for the most part these laws are not exempt under ORS 197.352(3)(E). If applicable under the local zoning in effect in 1967, provisions of ORS 215 in effect when the claimants' family acquired the property in 1967 are exempt under ORS 197.352(3)(E) and will continue to apply to the property.

Laws in effect when the claimants' family acquired the property are exempt under ORS 197.352(3)(E) and will continue to apply to the claimants' use of the property. There may be other laws that continue to apply to the claimants' use of the property that have not been identified in the claim. In some cases, it will not be possible to know what laws apply to a use of property until there is a specific proposal for that use. When the claimants seek a building or development permit to carry out a specific use, it may become evident that other state laws apply to that use. And, in some cases, some of these laws may be exempt under ORS 197.352(3)(A) to (D).

This report addresses only those state laws that are identified in the claim, or that the department is certain apply to the property based on the uses that the claimants have identified. Similarly, this report only addresses the exemptions provided for under ORS 197.352(3), that are clearly applicable given the information provided to the department in the claim. The claimants should be aware that the less information they have provided to the department in their claim, the greater the possibility that there may be additional laws that will later be determined to continue to apply to their use of the property.

## VI. FORM OF RELIEF

ORS 197.352(1) provides for payment of compensation to an owner of private real property if the Commission or the department has enforced a law that restricts the use of the property in a manner that reduces its fair market value. In lieu of compensation, the department may choose to not apply the law in order to allow the present owner to carry out a use of the property permitted at the time the current owner acquired the property. The Commission, by rule, has directed that if the department determines a claim is valid, the director must provide only non-monetary relief unless and until funds are appropriated by the legislature to pay claims.

### Findings of Fact

Based on the findings and conclusions set forth in this report, laws enforced by the Commission or the department restrict the claimants' ability to divide the property for residential development. The claim asserts that the laws enforced by the Commission or department reduce the fair market value of the subject property by \$2,509,260. However, because the claim does not provide an appraisal or other specific documentation for how the specified restrictions reduce the fair market value of the property, a specific amount of compensation cannot be determined. Nevertheless, based on the record for this claim, the department acknowledges that the laws on which the claim is based likely have reduced the fair market value of the property to some extent.

No funds have been appropriated at this time for the payment of claims. In lieu of payment of compensation, ORS 197.352 authorizes the department to modify, remove or not apply all or parts of certain land use regulations to allow John and Radah Bentson to use the subject property for a use permitted at the time they acquired the property on August 15, 1974.

The claimants acquired the property on August 15, 1974, after enactment of Senate Bill 100, but before the adoption of the Statewide Planning Goals and their implementing statutes and regulations. During the period between October 5, 1973, when SB 100 became effective, and January 25, 1975, when the Statewide Planning Goals became effective, ORS 197.175(1) and 197.280 (1973 edition) required, in addition to any local plan or zoning provisions, that cities and counties exercise their planning responsibilities (including implementation of their comprehensive plan) in accordance with the "interim" land use goals set forth in ORS 215.515 (1973 edition). *Petersen v. Klamath Falls*, 279 Or 249 (1977); *Meecker v. Board of Comm'rs*, 287 Or 665 (1979) (review of a subdivision is an exercise of planning responsibilities requiring application of the Goals); *State Housing Council v. Lake Oswego*, 48 Or App. 525 (1981) (Land use planning responsibility is not defined in ORS 197). The Supreme Court has interpreted "land use planning responsibility" to include "annexation approvals, subdivision approvals and partition approvals." The use proposed here is to subdivide the land. As a result, if the claimants had sought to create that use when they acquired the property on August 15, 1974, as a matter of law the use would have been subject to the Interim Planning Goals at ORS 215.515. (See endnote <sup>1</sup>.)

One of the Interim Goals directly applicable to this claim is: "(d) to conserve prime farm lands for the production of crops," (ORS 215.515, 1973 edition). Soil types are a determinant of prime farm land. The subject tax lots may be predominantly composed of soils rated as "prime" by the

Natural Resource Conservation Service (NRCS).<sup>5</sup> The cited Interim Goal applies to the portion of the property in tax lot 191 with Chehalis (prime) soils. The department does not have adequate information to determine whether the other portions of the property are drained or subject to flooding, so a precise determination cannot be made regarding whether the areas underlain by Aloha and McBee soils are prime farm land. If the land is prime farm land, this Interim Goal applies to that portion of the property.

The division and development of that portion of the property considered "prime" farm land would not "conserve prime farm lands for the production of crops" as required by the Interim Goals at the time the claimants acquired the property in 1974. No information has been provided to demonstrate whether or to what extent dividing the remaining portions of the subject property for residential use complies with the Interim Planning Goals set forth in ORS 215.515 (1973 edition).

### **Conclusion**

Based on the record, the department recommends that the claim be approved, subject to the following terms:

1. In lieu of compensation under ORS 197.352, the State of Oregon will not apply the following laws to John and Radah Bentson's division of the 11.47-acre and 5.34-acre parcels or to the establishment of a single-family dwelling on each parcel created: applicable provisions of Statewide Planning Goal 3, ORS 215, and OAR 660, division 33, enacted after August 15, 1974. These land use regulations will not apply to John and Radah Bentson's use of their property only to the extent necessary to allow the claimants to use the property for the use described in this report, and only to the extent that use was permitted when they acquired the property on August 15, 1974.
2. The action by the State of Oregon provides the state's authorization to the claimants to use their property for the use described in this report, subject to the standards in effect on August 15, 1974. On that date, the property was subject to applicable provisions of the Interim Goals (ORS 215.515, 1973 edition) as required under ORS 197.175(1) and 197.280 (1973 edition).
3. To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the property may not be used without a permit, license, or other form of authorization or consent, the order will not authorize the use of the property unless the claimants first obtains that permit, license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, a permit as defined in ORS 215.402 or ORS 227.160, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the property imposed by private parties.

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<sup>5</sup> The subject property is composed of Aloha silt loam (prime farm land if drained), Chehalis silty clay loam (prime farm land), Cove silty clay loam (not prime farm land), and McBee silty clay loam (prime farm land if not frequently flooded during the growing season). Chehalis soils comprises about 20 percent of the lot, Aloha and McBee soils comprise about 60 percent of the lot, and Cove soils the remainder. Tax lot 194 is nearly evenly divided between Aloha and Cove soils. (<http://websoilsurvey.nrcs.usda.gov/app/WebsoilSurvey.aspx>)

4. Any use of the property by the claimants under the terms of the order will remain subject to the following laws: (a) those laws not specified in Condition 1 above; (b) any laws enacted or enforced by a public entity other than the Commission or the department; and (c) those laws not subject to ORS 197.352 including, without limitation, those laws exempted under ORS 197.352(3).

5. Without limiting the generality of the foregoing terms and conditions, in order for the claimants to use the property, it may be necessary for them to obtain a decision under ORS 197.352, from a city and/or county and/or metropolitan service district that enforces land use regulations applicable to the property. Nothing in this order relieves the claimants from the necessity of obtaining a decision under ORS 197.352, from a local public entity that has jurisdiction to enforce a land use regulation applicable to a use of the property by the claimants.

## VII. COMMENTS ON THE DRAFT STAFF REPORT

The department issued its draft staff report on this claim on October 14, 2005. OAR 125-145-0100(3), provided an opportunity for the claimant or the claimant's authorized agent and any third parties who submitted comments under OAR 125-145-0080 to submit written comments, evidence and information in response to the draft staff report and recommendation. Comments received have been taken into account by the department in the issuance of this final report.

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<sup>1</sup> The "Interim" land use Goals are set forth in ORS 215.515(a) to (j) as follows: (a) "To preserve the quality of the air, water and land resources of the state," (b) "To conserve open space and protect natural and scenic resources," (c) "To provide for the recreational needs of citizens of the state and visitors," (d) "To conserve prime farm lands for the production of crops," (e) "To provide for the orderly and efficient transition from rural to urban land use," (f) "To protect life and property in areas subject to floods, landslides and other natural disasters," (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," (h) "To develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development," (i) "To diversify and improve the economy of the state," and (j) "To ensure that development of properties within the state is commensurate with the character and the physical limitations of the land." (ORS 215.515, 1973 edition.)