

Community Development Department

Planning 101



Planning Commission – October 23, 2025

What is Planning?

Planning

Planning provides a vision for the community today — and what we want our community to be in the future.

GOAL: Maximize the health, safety, and economic well-being for all residents. Create communities of lasting value.

ACTION: Think about (and plan for) how we can move around our community, the businesses and attractions in our community, where we want to live, and opportunities for recreation.

ACTION: Establish land use regulations that control **land use** (i.e. residential, commercial, parks, schools) and **physical development** to protect public health, safety, and general welfare.



Planning

TYPES:

- **Long Range Planning** (policy) – Planning for the future, including developing and implementing land use policy
- **Current Planning** (implementation) Applying state/local codes on a daily basis



Landmark Land Use Cases

- **1926** : *Village of Euclid vs. Ambler Realty Co.* – Upholds the legality of local zoning powers
- **1978**: *Penn Central Transp. Co v. New York City* – Historic preservation and regulatory takings. Establishes test for determining when regulation constitutes a taking.
- **1987**: *Nollan V. California Coast Commission* – Establishes “essential nexus” test, requiring a connection between the permit condition imposed and the stated governmental interest.
- **1994**: *Dolan V. City of Tigard* – Introduced “rough proportionality” test for land use exactions.



Oregon Planning Program

OREGON LEGISLATIVE ASSEMBLY—1973 REGULAR SESSION

Enrolled Senate Bill 100

Sponsored by Senators MACPHERSON, HALLOCK

Established in 1973 by Senate Bills 100 & 101

- **Focus** Development in Urban Areas
- **Protect** Farm and Forest Lands
- **Citizen** Involvement
- **Statewide Planning Goals**
- **Cities & Counties** required to adopt comprehensive plans
- Land Conservation and Development Commission (LCDC)
 - Provides policy and legislative direction
- Dept. of Land Conservation and Development (DLCD)
 - State agency that implements land use program
- Land Use Board of Appeals (LUBA)
 - Appellate review body

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

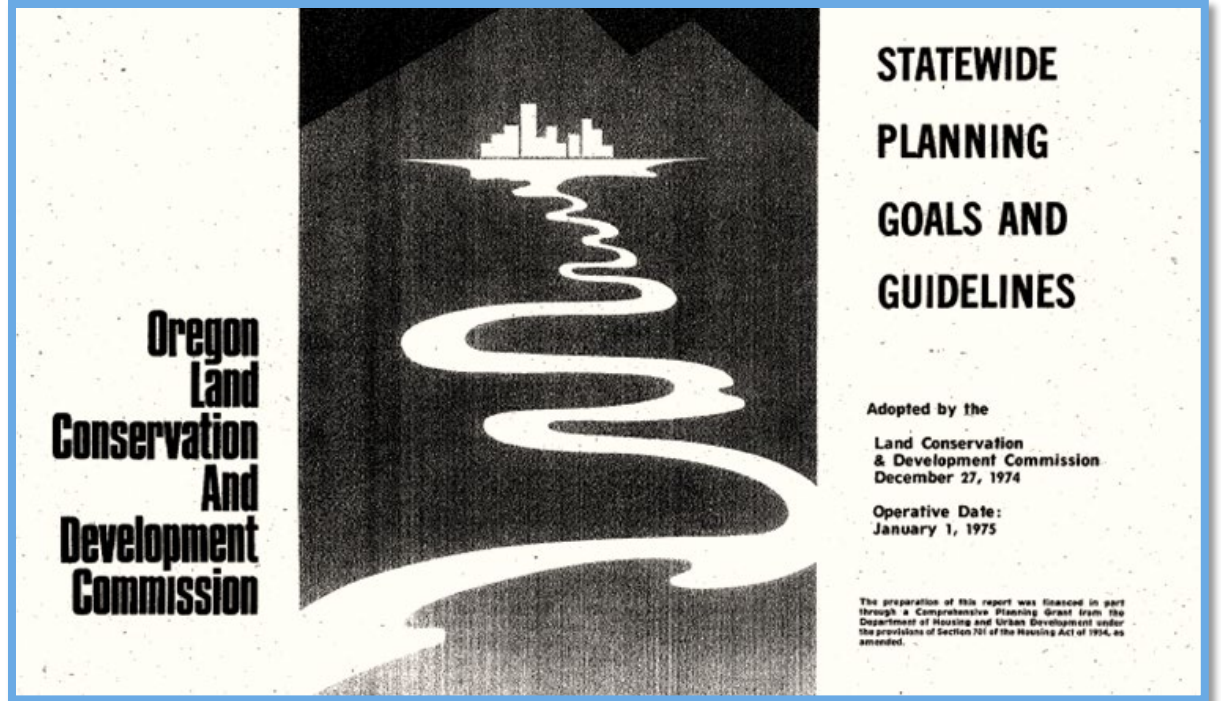


19 Statewide Planning Goals

Foundation of the Oregon Planning Program

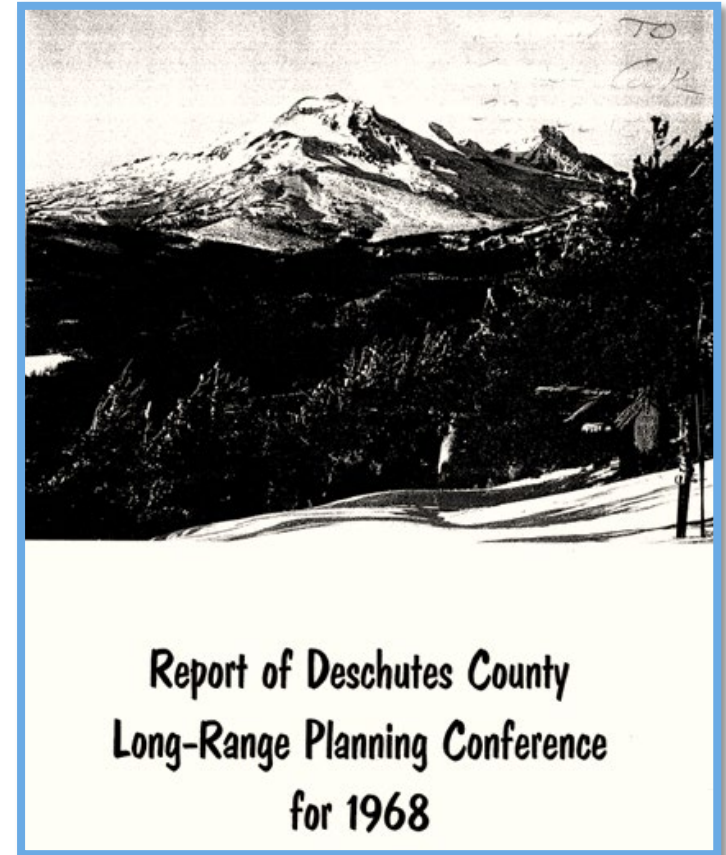
The goals express the state's policies on land use and related topics

Cities & Counties required to adopt Comprehensive Plans in compliance with the goals



County Planning History

- 1965:** Zoning ordinance established for part of County. Repealed by voters in 1968.
- 1970:** County adopted first Comprehensive Plan (Comprehensive Plan to 1990)
- 1972:** Adopted zoning ordinance that applied countywide
- 1979:** County updated Comprehensive Plan addressing Statewide Goals
- 1981:** State approved Comprehensive Plan
- 1988 to 2002:** Periodic Review and updates to Comprehensive Plan
- 2011:** "Deschutes County 2030" Comprehensive Plan Update
- 2023:** "Deschutes 2040" Comp Plan Update



Zoning

Zoning

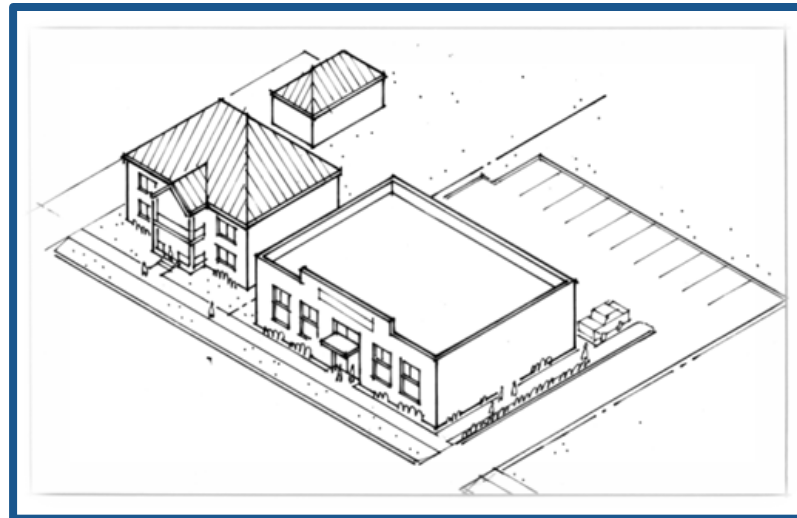
Zoning:

How land is used



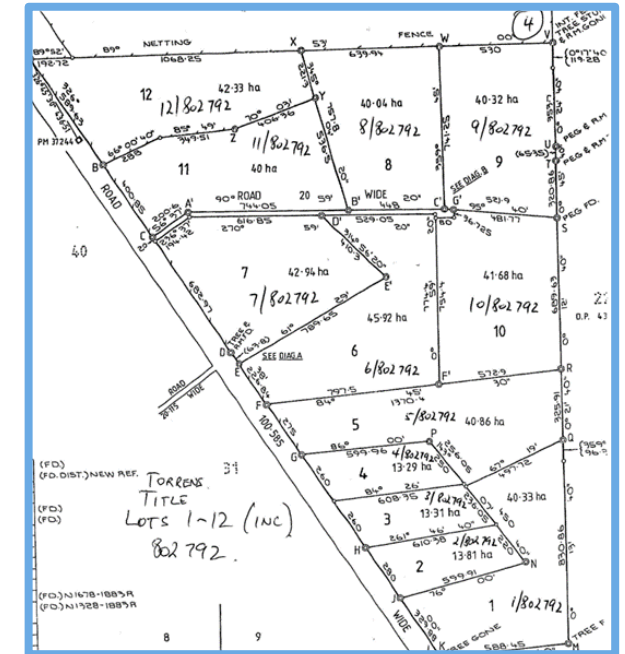
Development Standards:

How land is developed



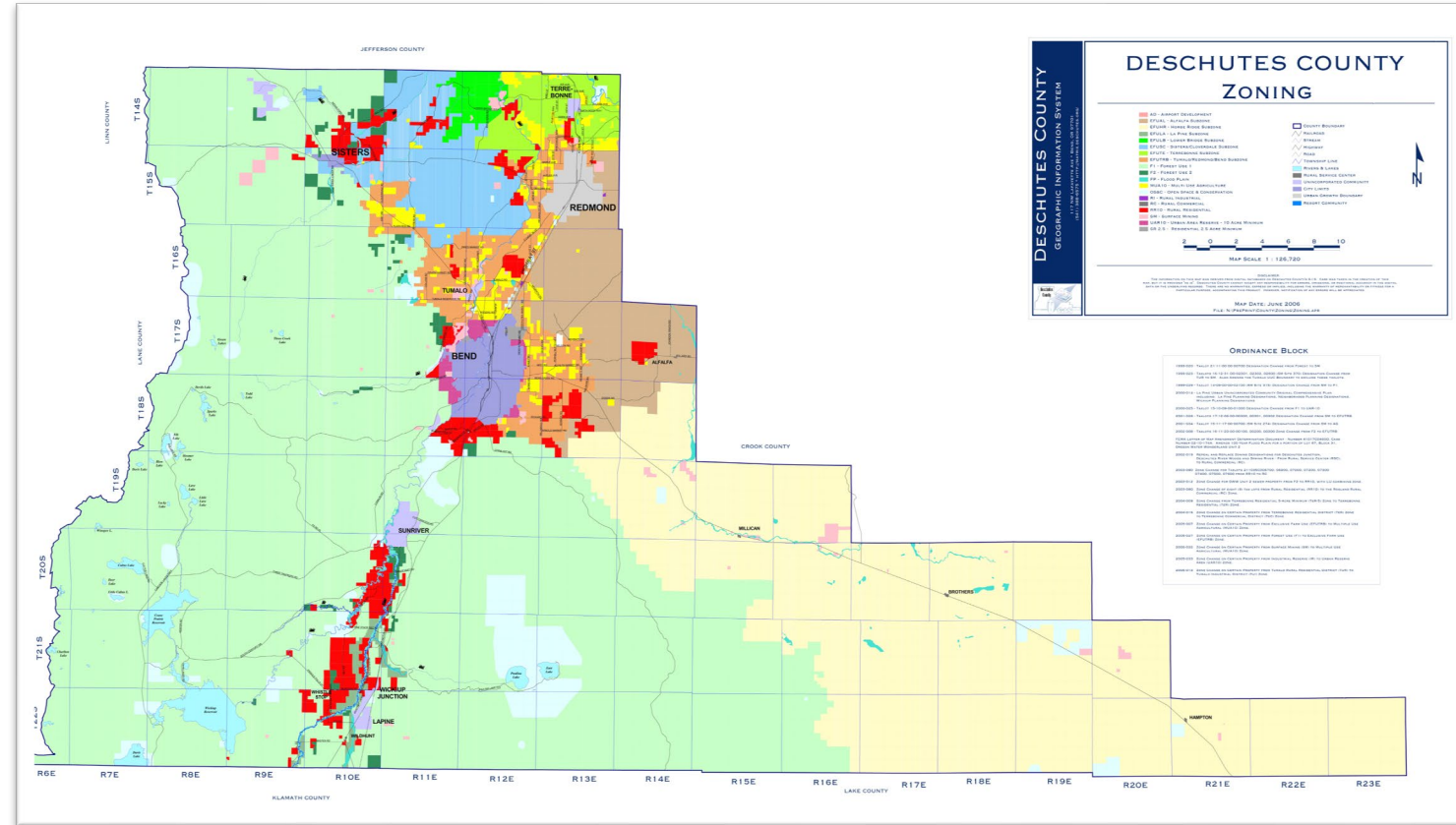
Land Divisions:

How land is divided



Base Zones

- Base zoning designations determine uses allowed on a piece of property
- 3 general categories for rural areas:
 - Resource Zones (Exclusive Farm Use, Forest Use, etc.)
 - Exception Areas (Residential)
 - Unincorporated Communities
- May include additional “combining” or “overlay” zones



Base Zones

Resource Zones

- Exclusive Farm Use
- Forest Use
- Surface Mine

Exception Areas

- Multiple Use Agricultural
- Rural Residential

Unincorporated Communities

- Tumalo & Terrebonne
- Rural Service Ctr.
- Resort Com.

Incorporated Communities

- Bend
- Redmond
- Sisters
- La Pine

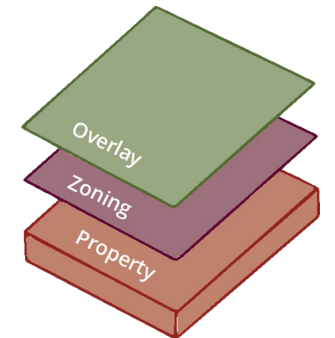
Less Development

More Development



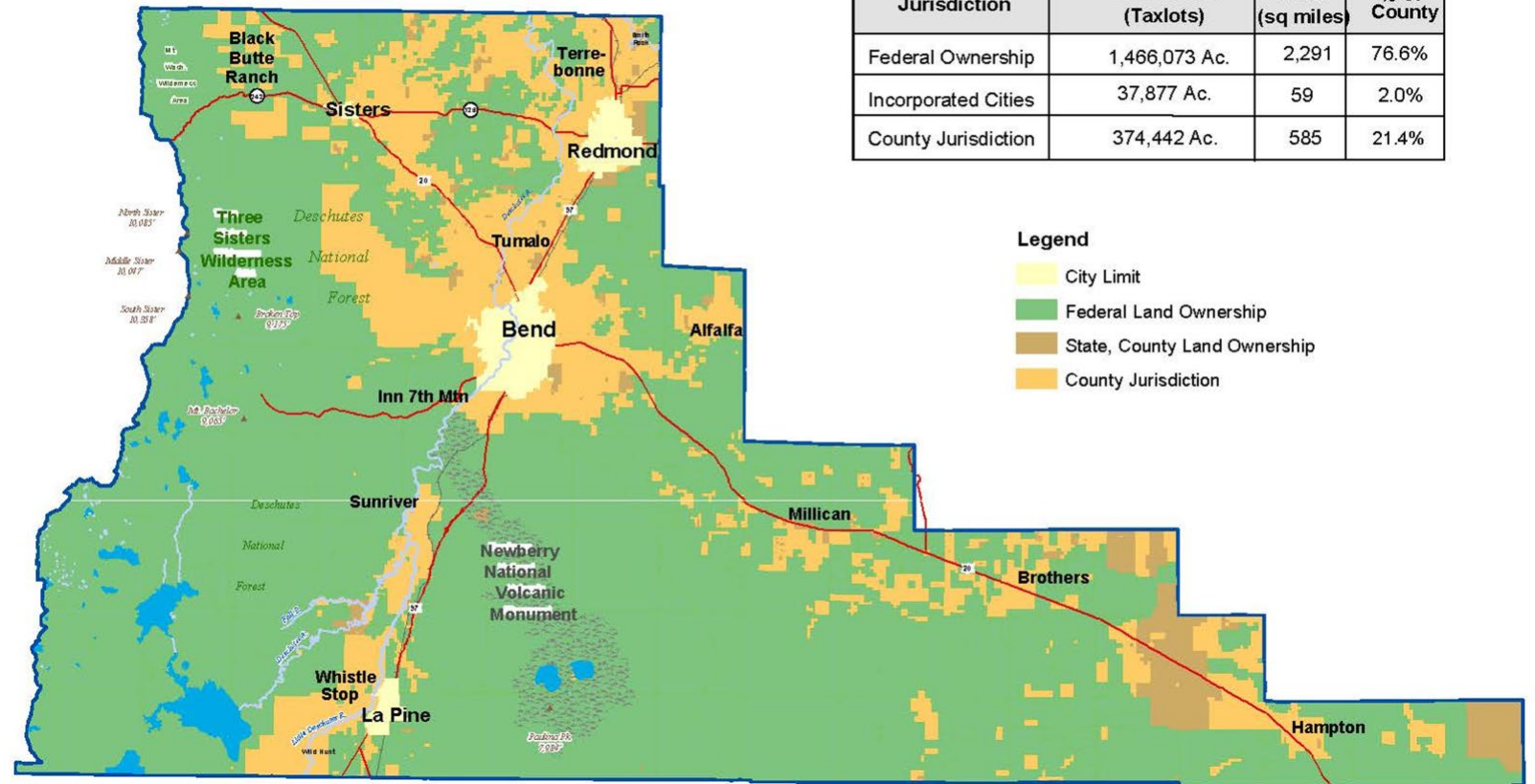
Combining Zones

- Additional or overlay zoning
- Modifies allowed land uses when necessary for sound and orderly planning
 - Landscape Management
 - Airport Safety
 - Surface Mine Impact Area
 - Wildlife Area
 - Sensitive Bird and Mammal Habitat
 - Sage Grouse



Federal Land

- Deschutes County federal lands (Forest Service, BLM, etc.) = **77%**
- Intergovernmental Agreement (IGA) - County does not regulate land uses or planning
- County Coordination for other permitting standards



Land Use Applications and Processing

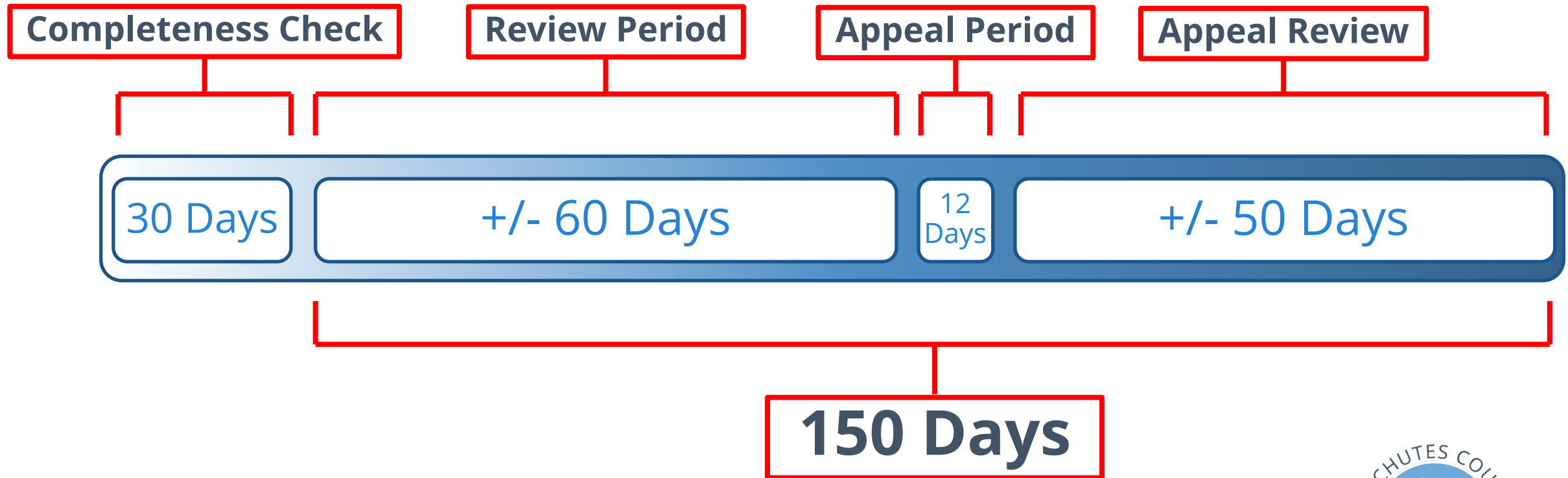
Quasi Judicial vs. Legislative

- **Quasi-Judicial:** Application of existing regulations to a specific proposal or factual setting.
 - Examples: Conditional Use Permit for a guest house, Plan Amendment/Zone Change for a particular property
 - 150-day “clock”
- **Legislative:** Broader, policy-making decision that sets framework for land development across a jurisdiction or specific zone.
 - Examples: Comprehensive Plan update, Zoning Code Text Amendment



Planning Review- Quasi-Judicial

Land use and planning review files - subject to a **150-day** review timeline, few exceptions to 150-day review



Local Review Process and Procedures

- Deschutes County Procedures Ordinance – Title 22 sets framework for processing of land use applications:
 - Who (neighbors, agencies) and how (mailed, property signage, radius) to Notice application or decision.
 - Order of Hearings Body
 - Public Hearing Procedures
 - Appeals
- Types of Action of Land Use Applications
 - Administrative Process (Planning Director)
 - Hearings Process (Hearings Officer, Planning Commission, Board of County Commissioners)



Planning Review- Appeals

- 12-day local appeal period
 - DCC 22.24.020 sets Hearing Body order on appeals
 1. Hearings Officer
 2. Planning Commission, in specific circumstances
 3. Board of County Commissioners
- Multiple levels in local appeal process
 - Board has discretion to accept or decline review of an appeal
 - Board considerations whether to decline or accept review of an appeal
 - If they decline, the lower hearings body decision becomes the final decision of the County



Planning Review- Appeals

- Oregon Land Use Board of Appeals (LUBA) – Established in 1979
 - Hears and rules on appeals of local land use decisions, considers evidence already in record
 - Three members - expert land use attorneys
 - Final Order & Opinion: Affirm, Reverse, Remand, Dismiss
 - 21-day appeal period



Planning Review- LUBA Remand

- “Return” to local government for further action on a specific set of issues identified by LUBA
- Local procedures in Title 22 for processing:
 - 180 days to initiate review
 - 120-day local review clock
 - Decision on remand returns to Hearings Body that made local decision
 - Closed vs. reopened record
 - Appeal Process; Local and Beyond



Planning Review- Appeals Beyond LUBA

1. Oregon Court of Appeals
2. Oregon Supreme Court
3. Federal Supreme Court



Planning Review – Legal Concepts

- Collateral Attack - Broadly defined as an attempt to challenge the validity of a prior, final decision in a separate proceeding not specifically for purpose of overturning, correcting, or modifying that decision.
 - For example, a challenge to a new development cannot question the procedural or substantive correctness of prior decisions that were not appealed.
- Law of Case
- Precedent



Thank you!

Questions?

