



# Land Use Training: Planning, Zoning, and Comprehensive Plan Overview



Source: [www.sweethome.gov](http://www.sweethome.gov)



## DLCD

## City of Sweet Home Joint Work Session - City Council & Planning Commission

May 12, 2026

Patrick Wingard, DLCD  
Southern Willamette Valley Regional Representative



# A Little History



Source: DLCD Photo Library

- 1913 – Oregon legislature establishes state’s 362 miles of shoreland as a public highway
- 1919 – Oregon legislature permits cities to zone private land
- 1947 – Oregon legislature permits counties to zone private land
- 1963 – Oregon legislature establishes the Exclusive Farm Use (EFU) zone and the uses it allows



# A Little History



Source: [www.sweethome.gov](http://www.sweethome.gov)

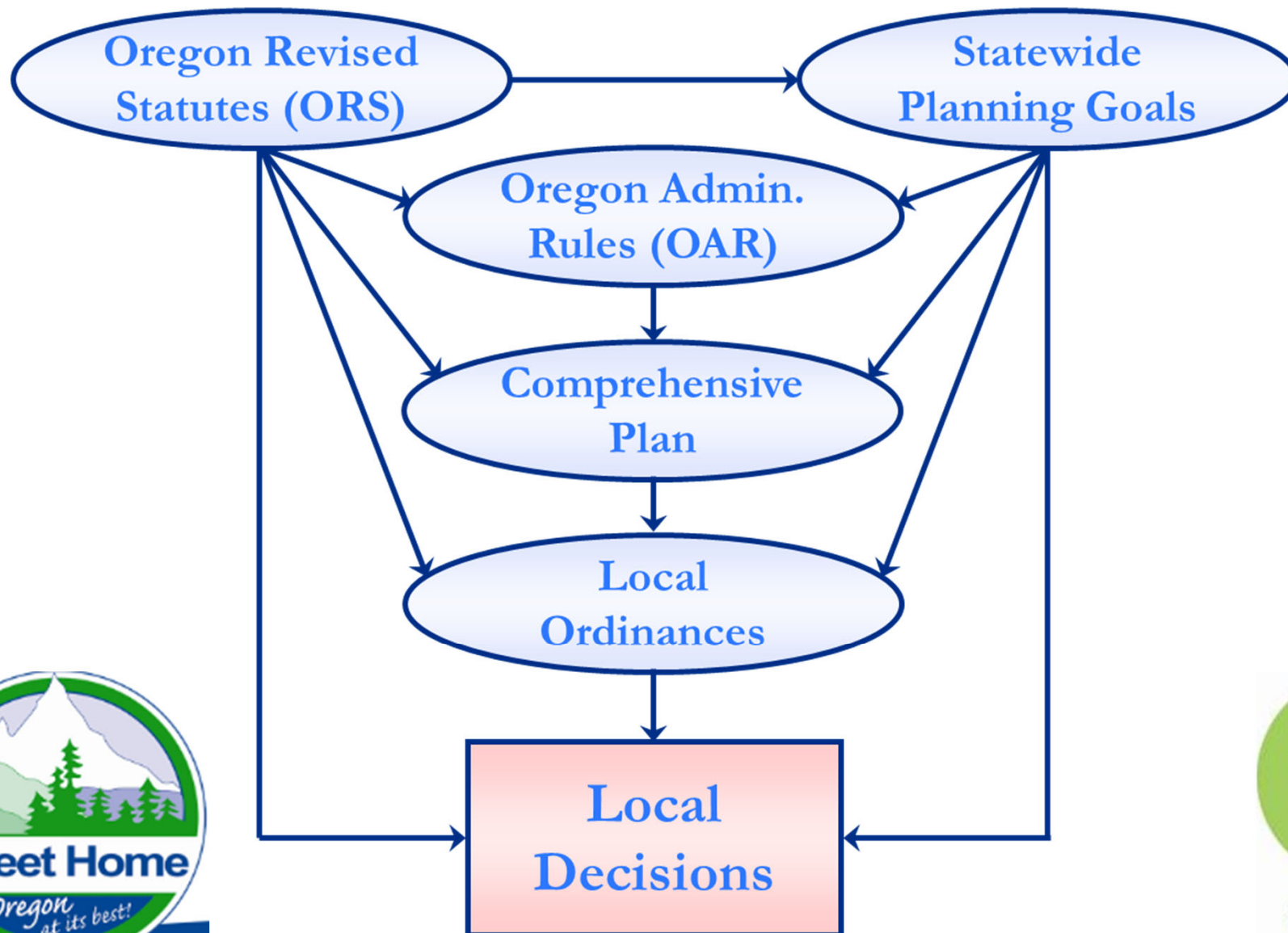
- 1973 – Senate Bill 100 creates the Land Conservation and Development Commission (LCDC) charging it with adopting statewide planning goals
- 1975 – First 14 statewide planning goals become effective
- 1976-86 – LCDC acknowledges all city and county comprehensive plans
  - April 15, 1982 Sweet Home Comprehensive Plan acknowledged

# STATEWIDE PLANNING GOALS

- **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 – Recreation 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



# HOW IT TIES TOGETHER





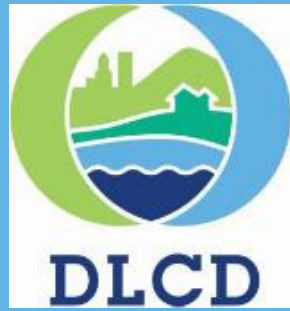
# Local and State Responsibilities



Source: DLCD Photo Library

## State

- Set land use policy (goals and rules)
- Acknowledge city and county plans
- Enforce goals
- Review plan amendments
- Administer periodic review requirements
- Provide technical assistance to cities and counties



# Local and State Responsibilities

2021 Streetscape Plan

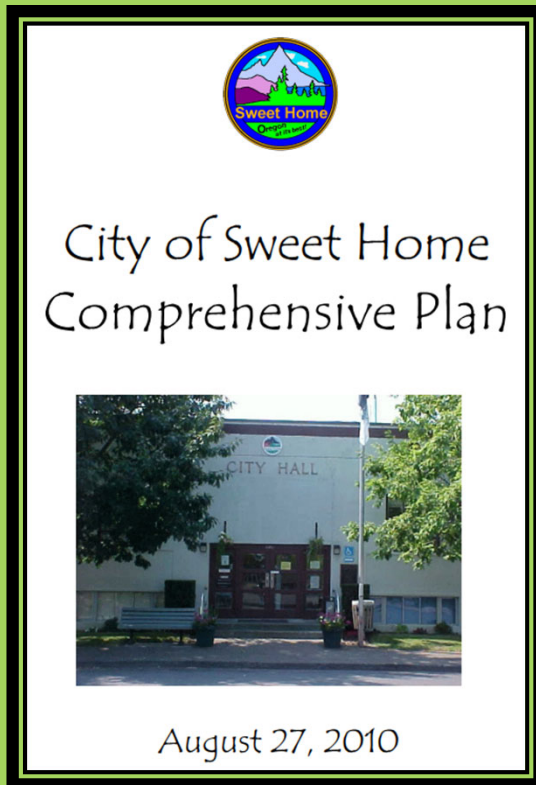


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## Cities and Counties

- Adopt plans and codes in compliance with statewide goals
- Address local vision and needs
- Make land use decisions
- Enforce codes and ordinances
- Provide assistance to the public

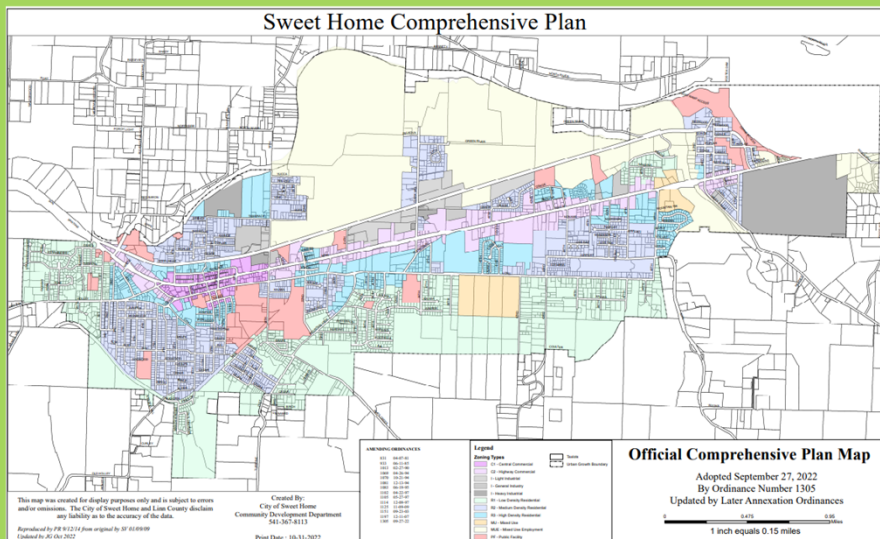
# Comprehensive Plan



Source: [www.sweethome.gov](http://www.sweethome.gov)

- Establishes a “vision”
- Guiding land use document for local government
- Comprehensive document that guides land use, infrastructure, development, conservation of natural resources, economic development, etc.

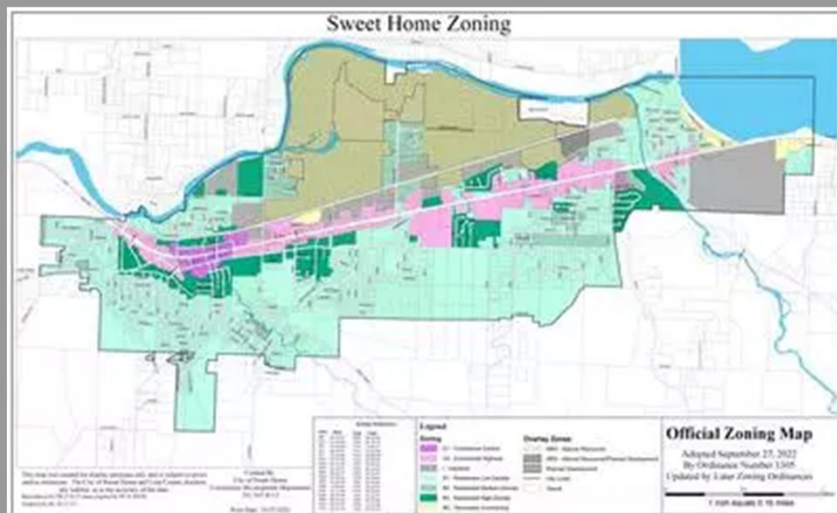
# Comprehensive Plan



Source: [www.sweethome.gov](http://www.sweethome.gov)

- A comp plan includes the following components:
  - Factual base – natural, social, and economic information
  - Goals and policies – statements of intent used to guide implementing measures
  - Maps – Plan designation map to indicate future land use

# Zoning & Development Code



Source: [www.sweethome.gov](http://www.sweethome.gov)

- Specific regulations designed to implement comprehensive plan policies
- Regulates uses, location, density, height, setbacks, etc.
- Sets forth the criteria or standards that each application must meet in order to be approved
- Includes zoning, permitting procedures, development standards, and subdivision and partition standards

# Types of Decisions

## Legislative Amendment (Type IV)



Source:  
DLCD  
Photo  
Library

- Comprehensive plan and development code text amendments
- Large geographic area, many impacted properties
- No decision is required
- Adopted by city council
- Role of planning commission is to make a recommendation
- Usually at least two hearings

# Types of Decisions

## Quasi-Judicial Map Amendment (Type IV)



Source:  
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Library

- Comprehensive plan map and zoning map amendments, also includes annexations
- Single property or small geographic area, one or few impacted properties
- Decision is required
- Adopted by city council
- Role of planning commission is to make a recommendation
- Usually at least two hearings

# Types of Decisions

## Quasi-judicial Land Use Decision (Type III)

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- Conditional use permits, variances, planned developments, etc.
- Application of pre-existing criteria and requiring exercise of discretion
- Single or few impacted property owners
- Action required
- Planning commission makes final decision; local appeal to city council possible
- Opportunity for a hearing is required



# Types of Decisions

## Administrative Review (Type II)

- Partitions and minor code adjustments
- Application of pre-existing criteria and requiring some exercise of discretion
- Usually one site
- Action required
- Notice to property owners within 100 feet of subject property
- Staff makes the decision, with opportunity for appeal to planning commission
- No hearing



# Types of Decisions

## Administrative Action (Type I)

- Property line adjustments, home occupations, code interpretations
- Application of clear and objective criteria requiring no exercise of discretion
- Usually one site
- Action required
- Staff makes the decision, with opportunity for appeal to planning commission
- No hearing



# Other Decisions

Ministerial Action  
(Type I)

- Building permits, signs, fences, temporary uses
- Application of pre-existing criteria and requiring no exercise of discretion
- Usually one site
- Action required
- Staff makes the decision, with no opportunity for appeal
- No hearing



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# Thank You!

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# Planning Commission Hearing


Quasi-judicial  
Procedures

Legislative  
Procedures




# Quasi-judicial Procedures

- Chair opens hearing
  - Chair describes proceedings
  - Raise-it-or-waive-it statement
  - Announcement of criteria
  - Declaration of ex parte contact, bias, conflict of interest
- Staff report
  - Proposed findings and recommendation




# Quasi-judicial Procedures

- Testimony
  - Applicant
  - Other Proponents
  - Opponents
  - Neutral
  - Applicant's rebuttal
- Requests for continuance and leaving the record open



# Quasi-judicial Procedures

- Chair closes hearing
- Decision
  - Discussion
  - Motion and second
  - Deliberation and amendments to motion
  - Vote
- After the hearing – written findings



# Quasi-judicial Procedures

- Certain Applications require Separate Hearings to be Held before the Planning Commission and City Council
  - Annexations
  - Comp Plan Amendments
  - Zone Changes
- Planning Commission forwards Recommendation to City Council
- City Council makes Final Decision



# Legislative Procedures

- Ensure everyone has the opportunity to participate
- No need to separate proponents and opponents
- No concerns with ex parte contact or bias, but conflict of interest concerns remain

**Findings**



# Findings Statements

- Relevant facts
- How each approval criterion is satisfied by the facts
- The facts relied upon and the justification for the decision



# Purposes of findings

- Aiding careful consideration of criteria by the reviewing body
- Establishing what evidence the reviewing body relied on
- Explaining how the conclusions are supported by substantial evidence



# Tips for Making Good Findings

- Identify all of the applicable criteria
- Address each criterion separately
- State the fact that leads to the conclusion
- Where there is inconsistent evidence, state there was conflicting evidence, but the hearings body believed certain evidence for certain reasons



# Tips for Making Good Findings

- Articulate the link between the project impact and the conditions being imposed
- Avoid findings that restate the law
- Put them in clear, understandable language



# Common Problems with Findings

- Failure to address each criterion
- Deferring a necessary finding to a condition of approval
- Generalizing or making a conclusion without sufficient facts
- Failure to establish causal relationship between facts and conclusions

**Fairness**

Ex Parte  
Contact

Conflict of  
Interest

Bias



# Ex Parte Contact

- Applies only to QJ decisions
- Must be declared and described at the outset of a hearing
- Site visits are ex parte contact
- Staff contact is not ex parte contact
- Doesn't necessarily lead to disqualification (appearance of bias)



# Conflict of Interest

- “Actual conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which **would be** to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated.



# Conflict of Interest

- “Potential conflict of interest” means any ... decision ... by a person acting in a capacity as a public official, the effect of which **could be** to the private pecuniary benefit or detriment of the person or the person’s relative, or a business ... unless the pecuniary benefit or detriment arises out of the following:



# Potential Conflict of Interest

- An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.
- Any action in the person's official capacity which would **affect to the same degree a class consisting** of all inhabitants of the state, or a smaller class consisting **of an industry, occupation or other group including one of which or in which the person**, or the person's relative or business with which the person or the person's relative is associated, **is a member or is engaged**.



# Potential Conflict of Interest

- Membership in or membership on the board of directors of a nonprofit corporation.



# Conflict of Interest

- Potential conflict of interest
  - Announce publicly the nature of the potential conflict prior to taking any action thereon
- Actual conflict of interest
  - Refrain from participating as a public official in any discussion, debate, or vote
  - Unless the vote is needed for a quorum



# Bias

- Prejudice or prejudgment of the facts to such a degree that an official is incapable of making an objective decision based on the merits of the case.
- Does not require recusal