



Edward J. Sullivan

503-793-0291

esulliva@gmail.com

Edward Sullivan specialized in land use law for over 45 years and is now retired from practice. Before going into private practice, he served as Assistant County Counsel and County Counsel for Washington County, Oregon, and as Legal Counsel to the Governor of Oregon. Over the course of Mr. Sullivan's career, he has taught and mentored countless law and land use planning students, as well as published a body of work that aims to explain land use law in Oregon and beyond.

Education

- ▶ St. John's University, B.A., 1966
- ▶ Willamette University College of Law, J.D., 1969
- ▶ Portland State University, M.A., History, 1973
- ▶ Portland State University, Urban Studies Certificate, 1974
- ▶ University College (London), LL.M., 1978
- ▶ University College (Oxford), Diploma in Law, 1984
- ▶ University of Durham, M.A., Political Thought, 1998

Admissions

- ▶ District of Columbia, Oregon and Washington Bars (All Inactive)

Professional Activities

- ▶ Oregon Chapter of the American Planning Association; Chair, Legislative and Policy Affairs Committee, 2000-2010, Member 2010-present
- ▶ Member, American Planning Association Amicus Curiae Committee, 2003-present
- ▶ Member, American Planning Association, Legislative and Policy Committee, 2014-present
- ▶ Regional Vice President, Ninth Circuit North, International Municipal Lawyers Association (IMLA); Member, the International, Awards, and Planning, Zoning and Land Development Committees; Chair, Planning, Zoning and Land Development Committee, 2005-2006; Co-Chair, Annual Meeting Host Committee, 2006
- ▶ Chair, Section on State and Local Government Law, American Bar Association, 2006-2007; Vice-Chair, 2004-2005; Secretary, 2003-2004; Council Member, 2000-2008; Member and Vice-Chair, Land Use Committee, 2002-2003; Chair, Subcommittee on Comprehensive Planning and Urban Growth, 2002-2005, Chair, Subcommittee on Comprehensive Plan, 2005-present
- ▶ Chair, Housing Land Advocates, 2004-2009, Member of Governing Board, 2004-present
- ▶ Chair, , Urban Lawyer Advisory Committee (Law Review for American Bar Association Section on State and Local Government Law)
- ▶ Chair, 120-Day Club, 1991-2014
- ▶ Editor, Land Use, Oregon State Bar Continuing Legal Education publication, 1975, 1982, 1988,

1994, 2000 and 2010 Editions

- ▶ Contributor and Associate Editor, Oregon State Bar Real Estate and Land Use Law Digest, Oregon State Bar, 1979-2013, Contributor and Editorial Board Member 2013-present
- ▶ Adjunct Professor, Urban Studies and Planning, Portland State University, 1973-present; Administrative Law, 1980-2000; Oregon Land Use Law, 2000-present
- ▶ Instructor, Planning Law, Lewis & Clark Law School, 1987-present
- ▶ Instructor, Planning Law, Willamette University, 1984 -1988 and 2012-present

Community Activities

- ▶ Chair, Parish Council, St. Patrick's Catholic Parish, Portland, 1984-2009
- ▶ Secretary, Oxford and Cambridge Society of Oregon, 1984-2008
- ▶ Planning Law Columnist, Portland Daily Journal of Commerce, 2005-present

Publications

LAW REVIEW ARTICLES

- ▶ "Climate Change and Oregon Law: What Is to Be Done?" (with Steven R. Schell and Alan K. Brickley) (forthcoming, 2018, *Journal of Environmental Law and Litigation*)
- ▶ "Protecting Oregon's Estuaries," (forthcoming 2018, *Ocean and Coastal Law Journal*)
- ▶ "The Challenge of Housing Affordability in Oregon: Facts, Tools and Outcomes," (with Professor Paul Diller) (forthcoming 2018, *Journal of Housing and Community Development*)
- ▶ "Shorelands Protection in Oregon," (forthcoming, 2018, *Journal of Environmental Law and Litigation*)
- ▶ "Public Regulation of Non-Commercial Speech in the United States and United Kingdom: A Comparison," (with Alexia Solomou) 49 *Urban Lawyer* 415 (2017)
- ▶ "Population Forecasting and Planning Authority," 48 *Urban Lawyer* 47 (2016)
- ▶ "The Connection between Land Use and Transportation: The Oregon Experience," 48 *Urban Lawyer* 839 (2016)
- ▶ "Urbanization in Oregon: Goal 14 and the Urban Growth Boundary," 47 *Urban Lawyer* 165 (2015)
- ▶ "Urban Growth Management in Portland, Oregon," 93 *OR. L. Rev.* 455 (2014)
- ▶ "Regional Problem Solving in Action: Lessons from the Greater Bear Creek Valley RPS Process," 46 *Urban Lawyer* 269 (2014)
- ▶ "The "Parcel as a Whole" in Context: Shifting the Benefits and Burdens of Economic Life - or Not," 30 *Truro Law Review* 431 (2014) (with Karin Power)
- ▶ "Substantive Due Process Through the Just Compensation Clause: Understanding Koontz's "Special Application" of the Doctrine of Unconstitutional Conditions by Tracing the Doctrine's History," 46 *Urban Lawyer* 569 (2014)
- ▶ "Smart Growth: State Strategies in Managing Sprawl," 45 *Urban Lawyer* 349 (2013)
- ▶ "A Timely, Orderly, and Efficient Arrangement of Public Facilities and Services - The Oregon Approach," 49 *Willamette L. Rev.* 411 (2013)
- ▶ "Coming Affordable Housing Challenges for Municipalities After the Great Recession," 21 *Journal of Affordable Housing and Community Development* 297 (2013) (with Karin Power)
- ▶ "An Economic Analysis of the Competing Viewpoints in Oregon Land-Use Regulation," 9 *U. S. - China L. Rev.* 230, (2012)
- ▶ "The Quiet Revolution Goes West: The Oregon Planning Program 1961-2011," 45 *John Marshall Law Review* 357, (2012)
- ▶ "Alternative Dispute Resolution in Land Use Disputes—Two Continents and Two Approaches," 43

- Urban Lawyer* 1035, Fall (2011)
- ▶ "Preserving Forest Lands for Forest Uses - Land Use Policies for Oregon Forest Lands," *Sullivan & Solomou*, 26 *J. ENVTL. L. & LITIG.* 179 (2011)
 - ▶ "The Augean Stables: Measure 49 and the Herculean Task of Correcting an Improvident Initiative Measure in Oregon," 46 *Willamette L. Rev.* 577, (2010)
 - ▶ "The Long and Winding Road: Farmland Protection in Oregon 1961-2009," 18 *San Joaquin Ag. L. Rev.* 1, (2009)
 - ▶ "Through a Glass Darkly: Measuring Loss Under Oregon's Measure 37," 39 *Urban Lawyer* 563, (2007); 16 *SE Env. L. J.* 113, (2008); *Zoning and Planning Law Handbook* 433, (2008)
 - ▶ "Year Zero: The Aftermath of Measure 37," 36 *Environmental Law* 131, (2006)
 - ▶ "Cudgels and Collaboration: Commercial Development Regulation and Support in the Portland, Oregon - Vancouver, Washington Metropolitan Region," 2005 Symposium, Small Town America in an Era of Big Box Development, *Vermont Journal of Environmental Law*, (2005)
 - ▶ "The Role of the Comprehensive Plan in Infrastructure Financing," (with Isa Lester) 37 *Urban Lawyer* 53 (2005)
 - ▶ "Making the Continent Safe for Investors - NAFTA and the Takings Clause of the Fifth Amendment of the American Constitution," 35 *Urban Lawyer* 1, Winter (2004)
 - ▶ "Ramapo Plus Thirty: The Changing Role of the Plan in Land Use Regulation," (with Matt Michel) 2003 *Institute on Planning, Zoning and Eminent Domain Law*, reprinted in 35 *Urban Lawyer* 1, 75 (2003)
 - ▶ "Making It Up - 'Original Intent' and Federal Takings Jurisprudence," 35 *Urban Lawyer* 1, Winter (2003)
 - ▶ "Out of the Chaos: Towards a National System of Land Use Procedures," 2002 *Institute on Planning, Zoning and Eminent Domain Law*, reprinted in 34 *Urban Lawyer* 449, (2002)
 - ▶ "The Return of the Platonic Guardians: Nollan and Dolan and the First Prong of Agins," 34 *Urban Lawyer* 39, (2002)
 - ▶ "Of Emperors and Clothes: The Genealogy and Operations of the Agins' Test," 33 *Urban Lawyer* 343, (2001)
 - ▶ "Reviewing the Reviewer: The Impact of the Land Use Board of Appeals on the Oregon Land Use Program 1979-1999," *Willamette Law Review*, (2000)
 - ▶ "The Rise of Reason in Planning Law: Professor Mandelker and the Relationship of the Comprehensive Plan in Land Use," 3 *J. Law & Policy* 323, (2000)
 - ▶ "Remarks to University of Oregon's Symposium Marking the Twenty-Fifth Anniversary of S.B. 100," 77 *Oregon Law Review* 3, (1998)
 - ▶ "Dolan and Municipal Risk Assessment," 12 *J. Law Env. Pol.* 1, (1997)
 - ▶ "Substantive Due Process Resurrected Through the Takings Clause: Nollan, Dolan and Ehrlich," 25 *Environmental Law* 155, (1995)
 - ▶ "Land Use and the Oregon Supreme Court: A Recent Retrospective," 25 *Willamette Law Journal* 259, (1989)
 - ▶ "The Rise of State Constitutional Limits on Planning and Zoning Powers," 1988 *Institute on Planning, Zoning and Eminent Domain* (1988)
 - ▶ "Spectre at the Celebration: Will San Diego Gas Hinder Oregon's Ten-Year-Old Land Use Program?" 14 *Environmental Law* 661, (1984)
 - ▶ "The Oregon Example: Prospects for the Nation," 14 *Environmental Law* 843, (1984)
 - ▶ "Book Review: 'Managing Oregon's Growth: The Politics of Development Planning'," 15 *Urban Lawyer* 684, (1983)
 - ▶ "Property, Philosophy and Regulation: The Case Against the Natural - Law Theory of Property Rights," 17 *Willamette Law Journal* 527, (1981) (with Susan Leeson)
 - ▶ "The Missing Link: Fairness, British Natural Justice and American Planning and Administrative Law," 11 *Urban Lawyer* 75, (1979)
 - ▶ "Twenty Years After - Renewed Significance of the Comprehensive Plan Requirement," 9 *Urban*

- Law Annual* 33, (1975) (with Laurence Kressel)
- ▶ "Symposium: 'The Land Use Law, The Taking Issue'," 5 *Environmental Law* 515, (1975)
 - ▶ "Book Review: 'The Taking Issue: An Analysis of the Constitutional Limits of Land Use Control'," 6 *Environmental Law* 355, (1975)
 - ▶ "From Kroner to Fasano: An Analysis of Judicial Review of Land Use Regulation in Oregon," 10 *Willamette Law Journal* 358, (1974)
 - ▶ "Araby Revisited: The Evolving Concept of Procedural Due Process Before Land Use Regulatory Bodies," 15 *Santa Clara Lawyer* 50, (1974)
 - ▶ "The Greening of the Taxpayer: The Relationship of Farm Zone Taxation in Oregon to Land Use," 9 *Willamette Law Journal* 1, (1973)
 - ▶ "Suburbia Lost - Constitutional and Other Challenges Regarding the Municipal Income Tax of Non-Residents," 5 *Willamette Law Journal* 295, (1968)

BOOK CHAPTERS

- ▶ "Eminent Domain Use for Densification in the United States in Compulsory Property Acquisition for Urban Densification" (forthcoming 2018, Routledge Press)
- ▶ "Oregon's Measure 37." 2007 Zoning and Planning Law Handbook (Salkin, Ed.) (Thompson West)
- ▶ "Answered Prayers: The Dilemma of Binding Plans" in Planning Reform in the New Century, (Mandelker, ed.) Planner's Press, 2005
- ▶ "Taming the 'Shameless Threat'" in Planning the Pacific Northwest (*Sterrett et al., eds.*), 2005
- ▶ "Review on the Record Below" in How to Litigate a Land Use Case (*Larry J. Smith, ed.*) American Bar Association, 1999
- ▶ "The Legal Evolution of the Oregon Planning System" in Planning the Oregon Way (*Abbott, Howe, and Alder, eds.*) Oregon State University Press, 1994
- ▶ "Oregon Blazes a Trail" *State & Regional Comprehensive Planning* (*Buschsbaum and Smith, eds.*) American Bar Association, 1993

SHORTER ARTICLES

- ▶ "The Farmer's Dilemma: Issues of Public Use and Valuation in the Acquisition of Rural Lands for Urban Uses by Eminent Domain" (forthcoming, 2018, *Zoning and Planning Law Report*)
- ▶ "The Slow Evolution of Energy Planning – One State's Experience, 40 *Zoning and Planning Law Report* No. 3 (2017)
- ▶ "Reconsidering the Land Use and Taxation Impacts of One Aspect of the "Sharing Economy" in the United States, 40 *Zoning and Planning Law Report* No.7 (2017)
- ▶ "When Will They Ever Learn? -A Lament Over the Ohio Supreme Court Decision in *Apple Group, Ltd v. Granger Township Board of Zoning Appeals*. *Zoning and Planning Law Report*, Thompson Reuters, Volume 39, Issue 2, February (2016)
- ▶ "Resolving Urban Land Disputes: Lessons from the Portland, Oregon" Region, 38 *Zoning and Planning Law Report* No. 8 (2015)
- ▶ "Father Does Not Know Best: A Response to Justice Anderson's Concurring Opinion in *RDNT, LLC v. City of Bloomington*" (with John Baker) 38 *Zoning and Planning Law Report* No. 9 (2015)
- ▶ "Substantive Due Process and American Planning Law," *Journal of Planning and Environmental Law*, (November 2012)
- ▶ "Judicial Review of Land Use Decisions-Two Courts, Two States and Two Views," *Zoning and Planning Report*, Vol. 34, No.7, (July/August 2011)
- ▶ "Protecting Our Farmlands: Lessons from Oregon 1961-2009" (with Ronald Eber) 62 *Planning and Environmental Law*, No. 5 (2010)

- ▶ "The Time for State and Local Governments to Consider the ABA Model Legislation for Land Use Procedures Is Now!" *Administrative & Regulatory Law News*, Volume 34, No. 2, (Winter 2009)
- ▶ "Due Process in Local Land Use Decision Making: Is the Imperfect Way of Doing Business Good Enough or Should We Radically Reform It?" (with Professor Michael Asimow and Dwight H. Merriam, 29 *Zoning and Planning Law Report No. 1* (2006)
- ▶ "Oregon's Measure 37 - Crisis and Opportunity for Planning," 57 *Journal of Planning & Environmental Law*, No. 3, (2005)
- ▶ "Too Clever for Words: The Demise of Oregon's Measure 7," *Land Use Law and Zoning Digest*, (2002)
- ▶ "Measure 7 and the Politics of Land-Use Planning in Oregon," *Land Use Law & Zoning Digest*, June 2001
- ▶ "A Brief History of the Takings Clause, Washington University School of Law Collection of Law Review Articles, 1995 at law.wustl.edu/landuselaw/articles/brief—hx—taking.htm

RECENT DEVELOPMENTS IN COMPREHENSIVE PLANNING ARTICLES

- ▶ "Recent Developments in Comprehensive Planning (2016)," (with Jennifer Bragar) 49 *Urban Lawyer* 521 (2017).
- ▶ "Recent Developments in Comprehensive Planning (2015)," (with Jennifer Bragar) 48 *Urban Lawyer* 615 (2016).
- ▶ "Recent Developments in Comprehensive Planning (2015)," (with Jennifer Bragar) 47 *Urban Lawyer* 457 (2016)
- ▶ "Recent Developments in Comprehensive Planning (2014)," (with Jennifer Bragar) 46 *Urban Lawyer* 685 (2015)
- ▶ "Recent Developments in Comprehensive Planning (2013)," (with Jennifer Bragar) 45 *Urban Lawyer* 727 (2013)
- ▶ "Recent Developments in Comprehensive Planning (2012)," (with Jennifer Bragar) 44 *Urban Lawyer* 615 (2012), reprinted in *At the Cutting Edge 2012* (Merriam, ed.) 2012
- ▶ "Recent Developments in Comprehensive Planning Law (2011)" Summer 2011
- ▶ "Recent Developments in Comprehensive Planning Law" (2010), 43 *Urban Lawyer* 823 (2011), reprinted in *At the Cutting Edge (Merriam, ed.) 2010*
- ▶ "Recent Developments in Comprehensive Planning (2009)," 42 *Urban Lawyer* 665 (2010)
- ▶ "Recent Developments in Comprehensive Planning Law" (2008), reprinted in *At the Cutting Edge 2009, (Merriam, ed.)* (2009)
- ▶ "Recent Developments in Comprehensive Planning (2007)," 40 *Urban Lawyer* 549 (2008)
- ▶ "Recent Developments in Comprehensive Planning (2006)," 39 *Urban Lawyer* 681 (2007)
- ▶ "Recent Developments in Comprehensive Planning (2005)," 38 *Urban Lawyer* 685 (2006)
- ▶ "Recent Developments in Comprehensive Planning (2004)," 37 *Urban Lawyer* 595 (2005)
- ▶ "Recent Developments in Comprehensive Planning (2003)," 36 *Urban Lawyer* 541 (2004)
- ▶ "Recent Developments in Comprehensive Planning (2001)," 34 *Urban Lawyer* 945 (2002)
- ▶ "Recent Developments in Comprehensive Planning Law (2000), 33 *Urban Lawyer* 713 (2001) reprinted in *Hot Topics in Land Use Law* (Salkin and Frielich eds.) 2000
- ▶ "The Evolving Role of the Comprehensive Plan," (1999) 32 *Urban Lawyer* 813 (2000), reprinted in *Hot Topics in Land Use Law*, American Bar Association Section of State and Local Government Law (1999)
- ▶ "The Role of the Comprehensive Plan," (1998) 31 *Urban Lawyer* 915 (1999)
- ▶ "The Evolving Role of the Comprehensive Plan," (1997) 30 *Urban Lawyer* 699 (1998)
- ▶ "The Evolving Role of the Comprehensive Plan," (1996) 29 *Urban Lawyer* 363 (1997)
- ▶ "Comprehensive Planning and Growth Management" (1995) 28 *Urban Lawyer* 819 (1996)
- ▶ "Comprehensive Planning and Growth Management" (1994) 27 *Urban Lawyer* 781 (1995)

- ▶ "The Plan as Law" (1993), 26 *Urban Lawyer* 753 (1994)
- ▶ "The Plan as Law" (1992), 25 *Urban Lawyer* 869 (1993)
- ▶ "The Plan as Law" (1991), 24 *Urban Lawyer* 881 (1992)
- ▶ "The Plan as Law" (1990), 23 *Urban Lawyer* 845 (1991)

Professional Recognition

- ▶ Named Best Lawyers® Portland, OR, "Lawyer of the Year," in the area of Administrative Law, 2012, 2015; Litigation - Land Use & Zoning, 2013
- ▶ Named by peers to Best Lawyers© in the area of Land Use & Zoning Law, 2007-2015; Administrative Law, 2011-2015
- ▶ Award of Recognition, Oregon City Attorneys Association, May 4, 2012
- ▶ Named by peers as a "Super Lawyer" in Oregon Super Lawyers magazine, 2006-2014; named among the Top 50 Oregon Super Lawyers, 2007-2013; named among the Top 10 Oregon Super Lawyers, 2010 Named as a "Super Lawyer" in Super Lawyers Business Edition, 2014
- ▶ Voted by peers to receive "Best of the Bar" Award in the area of Real Estate and Land Use in Portland Business Journal, 2005
- ▶ Martindale-Hubbell AV/5.0 Peer Review Rated (2014)
- ▶ Jefferson B. Fordham Lifetime Achievement Award, American Bar Association Section of State and Local Government Law
- ▶ Dallaire Public Service Award, Garvey Schubert Barer
- ▶ Joseph J. Mulligan Jr. Distinguished Public Service Award, International Municipal Attorneys Association, 2014
- ▶ Career Achievement Award, Oregon Chapter, American Planning Association