



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

FAX (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

LCDC Policy Agenda for 2005-2007

(Updated February 15, 2006)

LCDC is required by law to adopt “statewide land use policies,” including statewide goals and administrative rules necessary to carry out Oregon’s land use program. It has long been the practice of LCDC to consider and approve a “policy agenda” – a list of the Commission’s policy and rulemaking initiatives – at the beginning of each biennium.

In September, 2005, and again on February 2, 2006, LCDC considered staff reports and public testimony suggesting ideas for improving state land use policies and rules. These ideas included suggestions to amend statewide goals or rules or to establish or participate in discussion groups examining statewide land use policies. In general, these ideas are aimed at streamlining and clarifying state land use procedures, encouraging economic development, or responding to recent legislation or court opinions.

In September, LCDC approved a policy agenda that includes some rulemaking, public discussion “forums”, and other policy projects. In February, following a progress report and additional public testimony, LCDC amended the policy agenda. The revised agenda adds a rule project underway since last biennium (UGB rules), a rule project concerning churches and community centers on farmland, and a project to clarify state parks rules. In general, LCDC decided to forego other major rulemaking this biennium in recognition of significant policy discussions expected to occur as part of the Senate Bill 82 Task Force on Land Use Planning, and also in recognition of the department’s workload responding to Ballot Measure 37. Furthermore, the commission directed the department to pursue “safe harbor” rules for the urban growth boundary (UGB) expansion process only if sufficient department staff resources are available, and suggested the project be divided into smaller parts to be pursued separately. LCDC also agreed to engage in further discussion with local governments about potential refinements to urban reserve rules and the Metro “subregional analysis” rules recently remanded by the Supreme Court.

The policy agenda includes the following rulemaking or goal amendment projects:*

1. **Exceptions Rule amendments** (OAR 660, Division 004) required by the enactment of HB 2438, allowing an exception for a use that is allowed by a goal but cannot meet approval standards.
2. **Agricultural Lands Rule amendments** (OAR 660, Division 004) several new laws regarding uses allowed in exclusive farm use (EFU) zones, including: SB 103 (farm worker housing); SB 863 (deferred replacement dwelling permits); HB 2069 (landscaping businesses); HB 2932 (existing veterans service uses); HB 3117 (existing law enforcement facilities in a rural areas).
3. **Forest Lands Rule amendments** (OAR 660, Division 006) required by HB 3313, clarifying requirements for “forest template dwellings.”

* At the time of this summary, LCDC has completed most of the housekeeping rulemaking projects on its 05-07 policy agenda, including projects 1-6 on this list.

4. **Goal 8 amendments** required by HB 1044, allowing counties to adopt or amend destination resort maps at times other than Periodic Review.
5. **Goal 14 amendments** and related rule amendments, required by HB 2458, allowing unrestricted industrial building types and sizes in industrial exception areas outside the Willamette Valley.
6. **Economic Development Rule amendments** (OAR 660, Division 009) initiated in 2004 in response to 2003 legislation and a Governor's Executive Order.
7. **Periodic Review rule amendments** (OAR 660, Division 025) regarding the periodic review process in response to HB 3310. Additional "housekeeping" amendments addressing other problems with periodic review rules will also be considered as part of this project.
8. **Transportation Planning Rule amendments** ("the TPR" – OAR 660, Div. 012), already underway based on a 2004 evaluation of the TPR. Amendments under consideration include goal exceptions rules (OAR 660, Div. 004) regarding transportation facilities, to consolidate these rules into the TPR.
9. **UGB Expansion Process Safe Harbor rules** (proposed at OAR 660, div 024), underway from the previous biennium. The proposed rules span a range of subjects, including population forecasts, economic development, and housing needs. The department may group these subjects and propose separate rule projects for consideration by LCDC.
10. **Rules for Park Uses on Farm and Forest Land in State Parks** (OAR 660-034-0035). Minor amendments to clarify the meaning and intent of current rules.
11. **Land Use Regulation of Religious Institutions on Farmland:** The Federal Religious Land Use and Institutional Persons Act (RLUIPA) resolve tension between the Goal 3 administrative rules and RLUIPA by addressing the treatment of churches and community centers in EFU zones.

As part of its policy agenda, LCDC also directed the department to schedule three "forums" – public discussions – to occur at one or more LCDC meetings during the biennium. These will address (1) the department's response to Measure 37, (2) Goal 10 and affordable housing, and (3) infrastructure funding.

LCDC directed the department to pursue the following projects that do not involve rulemaking:

1. **SB 82 Task Force on Land Use Planning.** The department budget for 2005-07 includes funding for staff and other support and assistance for the Task Force.
2. **M37 claims administration:** The legislature appropriated funds for some additional staff to support DLCDC's Measure 37 workload. In addition, a significant percentage of department staff and other resources this biennium will of necessity be devoted to processing Measure 37 claims.
3. **Aggregate/Agriculture Consensus Group.** Continue work to identify and obtain data and information. This group may explore consensus regarding future legislation and/or amended statewide land use rules to reduce aggregate and farmland conflicts.
4. **State and Local Economic Revitalization Teams:** Continue work with state and local Economic Revitalization Teams (ERT) to update buildable land inventories and Economic Opportunities Analyses and to increase the list of Certified Industrial Sites throughout the state.
5. **Ocean Policy:** Work with the Oregon Ocean Policy Advisory Council (OPAC), the Governor's Natural Resources Office (GNRO), local governments and state agencies on ocean policy issues.
6. **Increase Citizen Involvement in Land Use Planning:** Continue work with ongoing projects to improve citizen involvement statewide.

For questions or additional information about LCDC's 2005-07 Policy Agenda, contact Bob Rindy at 503-373-0050, Ext 229, or email at: bob.rindy@state.or.us