



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

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



## LCDC Policy Agenda for 2009-11

In August 2009, the Land Conservation and Development Commission (LCDC) approved a list of policy projects it intends to pursue in the 2009-11 biennium. LCDC also indicated its intent to revisit its policy agenda in the spring of 2010. LCDC's policy agenda is a list of projects to improve and update statewide land use policies and rules, including changes necessary to respond to recent legislation, executive orders, and litigation. State law (ORS 197.040) requires LCDC to adopt, amend and revise statewide planning goals, land use policies and administrative rules as "necessary to carry out Oregon's statewide land use planning program." The commission's 2009-11 policy agenda includes:

### A. Projects Required by the Legislature, the Governor or the Courts

1. In response to recent court decisions applying the federal Religious Land Use and Institutionalized Persons Act (RLUIPA), work with an appointed workgroup to consider amendments to LCDC's farmland rules (OAR 660, division 33) regarding uses that involve the assembly of people. (Scheduled for fall/winter of 2009).
2. Revise the Oregon Territorial Sea Plan to include an element concerning alternative energy resources in the territorial sea, as ordered by a Governor's Executive Order (Text amendments scheduled for October 2009; map amendments will be scheduled in 2010).
3. With the Oregon Department of Transportation, staff the Metropolitan Planning Organization (MPO) Greenhouse Gas Emissions Task Force to prepare legislative recommendations as required by House Bill 2186. (Task Force report due Jan. 2010; may continue through 2010).
4. Adopt state greenhouse gas emissions reduction "goals" for purposes of the Portland Metro Area "scenario planning" land use patterns to meet the reduction goals, as required by House Bill 2001 (administrative rules by June 2011; other work 2011-14).
5. Adopt the Metolius Area of Critical State Concern Management Plan by administrative rule, including minor amendments, as required by House Bill 3286 (hearings Dec. 2009).
6. Adopt procedural amendments to LCDC's Measure 49 implementing rules to carry out adjustments to the claims process enacted by House Bill 3225 (temp. rules done, permanent rules in late 2009 or early 2010).
7. Adopt "housekeeping" amendments to LCDC's farmland rules to make the rules consistent with recently amended statutory provisions in House Bill 3099 regarding farm uses (scheduled for Nov. 2009).
8. Update LCDC rules (OAR 660, division 35) that implement the "consistency requirements" of the Federal Coastal Zone Management Act to address changes to NOAA's federal consistency rules and other changes since the last update (1988) of division 35 (expected mid 2010)
9. Adopt procedural rules for DLCD's Transfer of Development Rights Pilot Project authorized under House Bill 2228 (early to mid 2010)

**B. High Priority Policy and Rulemaking Projects (scheduling is dependent on resources; expectation is that some, but not all, of these will be done in 2009-11 biennium)**

1. Begin to assist communities in preparing for the effects of climate change, in coordination with other state agencies and other stakeholders. This will include work on a state-level climate change *adaptation* plan, in coordination with state agencies through a state agency workgroup. It also includes statewide climate change *mitigation* planning, as described above; HB 2001 and HB 2186. (initial coordination meeting held Oct. 2009).
2. Conduct a public “policy forum” (or a series), including stakeholders and legislators, to consider the following topics and determine consensus and future direction:
  - Consider public facility finance and planning issues facing local governments, including those raised by the Big Look Task Force and the Revenue Restructuring Task Force, as well as by local governments, and consider land use strategies and policy amendments to address these concerns.
  - Explore changes to streamline and update statewide policy regarding urban growth management, including the priority of lands statutes, urban reserve requirements, population forecasting, Goals 9 and 10, governance and related topics (biennium).
3. Work with ODOT and the OTC to review implementation of the Transportation Planning Rule (TPR), including OTC work on alternative mobility standards, STIP criteria and the requirements of House Bill 3379. (beginning Oct. 2009)

**C. Projects to be Pursued only if DLCD Resources are Available (expectation is that few, if any, of these items will be undertaken in the 2009-11 biennium)**

1. Continue consideration of potential policy actions suggested by LCDC’s 2008 Affordable Housing Work Group, including possible rulemaking and/or legislation.
2. Consider and, if necessary, adopt rules regarding “nonresource land,” especially as may be necessary to guide implementation of farm and forest resource land rezoning authorized for individual counties under House Bill 2229. Study and, if necessary, clarify the “forest lands” definition in Goal 4, and address possible rule inconsistencies (in OAR 660, division 6) related to that definition.
3. As authorized by House Bill 2230, amend rules under OAR 660, divisions 30 and 31, and take other actions necessary to update and streamline state agency coordination.
4. Reconvene a “farm stands work group” to consider concerns about farm stand sales of wine products.
5. Analyze criteria for zoning of farmland.
6. Revise agency procedures as necessary, to implement Environmental Justice Task Force requirements in 2007 (Senate Bill 420).

For questions or additional information about LCDC’s 2007-09 Policy Agenda, contact Bob Rindy at 503-373-0050, Ext. 229, or e-mail at: [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us), or Michael Morrissey at 503-373-0050 Ext. 320 or e-mail [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us).