



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Land Conservation and Development

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April 26, 2012

TO: Land Conservation and Development Commission  
FROM: Jim Rue, Acting Director  
SUBJECT: **Agenda Item 11, May 10-11, 2012, LCDC Meeting**

### DIRECTOR'S REPORT

#### I. INFORMATION UPDATES

##### A. PARTICIPATION IN APPEALS, AND RECENT LUBA AND APPELLATE COURT OPINIONS

ORS 197.090(2) requires the Director of the Department of Land Conservation and Development (DLCD) to report to the Land Conservation and Development Commission (the commission or LCDC) on each appellate case in which the department participates, and on the position taken in each such case.

ORS 197.040(1)(c)(C) requires LCDC to review recent Land Use Board of Appeals (LUBA) and appellate court decisions to determine whether goal or rule amendments are needed.

#### 1. Department participation in appeals

Between February 16, 2012 and April 04, 2012, the department received copies of 16 notices of appeal filed with LUBA. The department filed one of these notices:

- Goal 3 (Agricultural Lands), OAR 660-004-0020: *Central Oregon Landwatch and Department of Land Conservation and Development v. Jefferson County* 2011-109; issued February 23, 2012. LUBA reversed a county decision that approves an exception to Statewide Planning Goal 3 (Agricultural Lands) and amends the county's comprehensive plan and zoning maps to allow rural residential development of agricultural land.
  - The property lies outside the city's UGB and city limits, but a majority of the subject property lies within an area that the city has designated as an Urban Reserve. The property is located in an EFU zone. The statutory EFU zone, Goal 3 and LCDC rules that implement the statute and Goal 3 allow a number of uses, but generally those laws require preservation of agricultural land for farm use and would not permit the property to be divided for rural residential development.

- Because a majority of the 189.5-acre property is designated Urban Reserve, the county decision to approve an extension and change the comprehensive plan and zoning map designations to Rural Land and RR-10 respectively, to divide the property into 10-acre lots and develop them as an equestrian themed rural residential development, violates OAR 660-021-0040(4) and is prohibited as a matter of law.

## 2. LUBA opinions

Between February 16, 2012 and April 04, 2012, the department received copies of eight recently issued LUBA opinions. Of these, LUBA dismissed two, remanded one, reversed one, affirmed four, remanded in part and transferred none, invalidated no local decisions, and transferred no petitions to circuit court.

Two decisions concern the application or interpretation of a statewide planning goal or LCDC administrative rule:

- Goal 3, ORS 197.175(2)(a) Agricultural Land exception: Waste Not Of Yamhill County, et al., v. Yamhill County 2011-091; issued April 05, 2012. LUBA affirmed the county's adoption of a legislative text amendment to the Yamhill County Zoning Ordinance adding expansion of an existing solid waste disposal facility to the list of uses allowed in the county's EFU zone.
  - Petitioners alleged that the county had to demonstrate the standard of review set out in ORS 197.835(7) (b), where a local government is obliged to apply the statewide planning goals when amending an acknowledged land use regulation.
  - LUBA concludes that so long as a local government is amending its EFU zone to more closely align the county EFU zone with the EFU zone set out in statute and refined by the LCDC rule, which is the case here, the county does not have to show consistency with the statewide planning goals.
- Goal 3 OAR 660-004-0018(4) and Goal 12 OAR 660-010-0060 Travel Center: Devin Oil Co., v. Morrow County and Love's Travel Stop & Country Stores, Inc., LUBA No. 2011-107; issued March 07, 2012. LUBA affirmed county decision that approved comprehensive plan text and map amendments, a zone map amendment, and a conditional use permit to allow a travel center to be built. The amendments required new reasons exception to statewide planning goals 3 (Agricultural Land) and 14 (Urbanization) to rezone property to allow tourist commercial uses such as the proposed travel center.
  - This decision is on remand from LUBA and the Court of Appeals that the county cannot rely on conditional zoning to limit uses, density, public facilities and services, but must instead use the county's Limited Use (LU) overlay zone, which was adopted for that specific purpose.

- The decision was also remanded for not addressing how the development of the travel center would not “significantly affect” the transportation facilities TPR at OAR 660-010-0060.
- On remand the county applied the LU overlay to ensure compliance with OAR 660-004-0018(4).
- With respect to the TPR, on remand the county concluded that if development of the Travel Center is limited to the Travel Tourism zone, than it would not significantly affect any transportation facility within the planning period. Further the county adopted alternative findings that even considering the capacity as taken up by the travel center, it does not exceed the carrying capacity of the county’s transportation system.

None of these decisions require goal or rule amendments.

### **3. Appellate court opinions**

Between February 16, 2012 and April 04, 2012, the department received three opinions from the Court of Appeals. The Court affirmed all three decisions; none of the decisions concerns the application or interpretation of a statewide planning goal or LCDC administrative rule.

### **4. Other opinions of interest**

- None

### **5. Appeal notices of interest**

### **6. Measure 37/49**

- None

### **7. Other**

- Rural residential farm forest activities *Rob Schneider et al., v. Clackamas County* LUBA No 2012-013 Appealed March 07, 2012. This appeal is on a conditional use permit for mining, operating a wholesale composting facility and performance reclamation in a rural residential farm forest – 5 acre zone (RRFF-5).
- Wind Energy Facility *James Robert Jepsen v. Morrow County Court* LUBA No 2012-015 Appealed March 07, 2012. This appeal is on the decision of Morrow County Court affirming the application for development of a wind energy facility.
- Goal 3, Transmission Line on EFU Lands *WKN Chopin, LLC, v. Umatilla County* LUBA No 2012-017 Appealed March 14, 2012. This appeal is on the denial of an application to site a transmission line on over 12 miles of EFU land in Umatilla County. The record shows that there are three feasible alternatives that would significantly reduce the disruption of farm uses and EFU land. The applicant failed to provide sufficient credible

evidence to demonstrate that the preferred alternative is feasible or that the three alternatives are infeasible in the context of Goal 3's directive to preserve farm land.

- Goal 11, Public Water Facility Project *Central Oregon Landwatch, v. City of Bend* LUBA No 2012-024 Appealed March 27, 2012. This appeal is on a resolution modifying Bend's water source, directing a limited re-evaluation of certain aspects of the surface water improvement project to increase flows in the Tumalo Creek.

## **II. DEPARTMENT PROGRAM ACTIVITIES AND INITIATIVES**

### **A. COASTAL MANAGEMENT PROGRAM**

Coastal staff have continued to be engaged in the Territorial Sea Plan update process. Since the last LCDC meeting in Newport, OPAC has met and forwarded recommendations for the updated plan to the department and the Territorial Sea Plan Advisory Committee. This advisory group to the commission will start to meet and deliberate on the recommendations with two meetings in May on the 8<sup>th</sup> and 28<sup>th</sup>.

Coastal staff met with representatives of most coastal cities and counties at two Coastal Planner Networking Meetings at Bandon and Pacific City. The agendas included an hour and a half presentation on DOGAMI's tsunami program; updates on the Department's recently released on-line training program, (<http://www.coastalatlant.net/training/>), estuary plan improvement project and Territorial Sea Plan (TSP) process and a coastal planner roundtable.

Coastal staff are very involved with a number of coastal resiliency projects on the Oregon coast including work with erosion control in Neskowin, sand management at Bayshore on the north side of Alsea Bay and a Coquille estuary climate change assessment that is funded by a U.S. Fish and Wildlife Services (USFWS) grant. The department is coordinating with DOGAMI and the release of new tsunami inundation maps on the coast. To further this work on coastal resiliency the department intends to apply for a NOAA coastal resiliency grant to work with several jurisdictions on the north coast. The department is coordinating with the city of Seaside as they seek to move all of the schools in the school district to a site outside of the tsunami inundation zone. The area which will accommodate all of the schools is immediately outside the Seaside urban growth boundary.

### **B. COMMUNITY SERVICES**

Our Central Oregon staff, Jon Jinings and Karen Swirsky, moved to the Regional Solutions Center in mid-April. The RSC is located in an Oregon State University facility at 650 SW Columbia Street, Bend. All of the Regional Solutions Team members in Central Oregon are now co-located here. This is the last Regional Solutions Center planned to be established.

As conveyed in the last director's report, Rob Hallyburton became the Community Services Division manager at the beginning of April. Since that time, completing the Metro UGB staff

report has been nearly all-consuming. With that project wrapped up, Rob will begin catching up with the general funds grant program, becoming familiarized with where jurisdictions are in completing their periodic review work programs and acknowledgment compliance schedules and completing tasks to implement the 2011 industrial lands legislation (SB 766).

### **C. DIRECTOR'S OFFICE**

Key Performance Measures (KPMs)—Please see the attachment for this item related to a recommendation to the Department of Administrative Services/Budget and Management to discontinue three existing KPMs in the department package.

### **D. ADMINISTRATIVE SERVICES**

The fiscal team continues working with the director's office and the administrative services manager to ensure financial reporting accountability. Division managers analyze and ensure timely expenditure projections for 2011-13 through review of detailed division budget and actual expenditure reports, including detailed reports on accounting activities. A department-wide model is presented at each LCDC BAM Subcommittee meeting.

2013-15 state budget development processes are changing and are now part of a 10-Year Plan for Oregon Project. Budget development processes will be more condensed this time. The department will request conceptual approval of its Agency Request Budget as a separate agenda item during the May commission meeting.

The information technology unit continues working with department management in evaluating and determining current and future technological needs for the department. Statewide migration activities are occurring for all state agency websites. The department migrated its information to the new SharePoint site. If you experience any issues or concerns please contact us.

The operations manager and key staff of the department continue long term efforts toward better department-wide information management. The coordinator is working with the administrative manager, the department's GIS and SharePoint workgroups and other key staff in implementing better department-wide information management.

### **E. PLANNING SERVICES**

Matt Crall became the manager of the Planning Services Division as of April 1. The first month has included orientation on administrative topics such as budgeting, accounting, purchasing, payroll, information technology and human resources. Additional orientation has included natural hazards planning and Measure 49, since Matt already has experience in the Transportation and Growth Management (TGM) program and familiarity with the Oregon Sustainable Transportation Initiative (OSTI).

### **III. DEPARTMENT ORGANIZATIONAL AND MANAGEMENT INFORMATION**

#### **A. NEW STAFF AND PROMOTIONS**

The Community Services Division recently hired Gordon Howard as the new Urban Planning Specialist, starting April 9. Gordon received a Bachelor's degree in Political Science from the University of California at San Diego, a Master's degree in Urban Planning from UCLA and a Law degree from Lewis and Clark. Gordon comes to DLCD from the Oregon Legislature where he was a Deputy Legislative Counsel. Prior to that position, he was city attorney and senior planner/interim planning director at the City of West Linn. He also worked as a planner for Multnomah County, the City of Chula Vista, and San Diego County. Gordon and his wife Emily have four children, a son who is an accountant in Portland and three daughters who are in college. Gordon enjoys outdoor activities, particularly bicycling, and loves going to u-picks for fresh berries in the summer.

The Ocean and Coastal Services Division recently hired Patrick Wingard as the new North Coast Regional Representative, starting April 10. Patrick received a Bachelor's degree in civil engineering from Michigan State University. Patrick was most recently self-employed providing project management and land use consulting services for public agencies and private sector clients on the north coast. Prior to that, he worked as a Principal Planner for Clatsop County, the Planning Director for City of Warrenton, and a City Planner for Myrtle Creek. Patrick enjoys traveling and spending time with his family while exploring all of the diverse regions of Oregon, the Pacific Northwest and beyond. Patrick's family includes wife, Mary, two children, Davis and Lindsey, an energetic Border Terrier, Juno and a very lazy cat, Sanders. Patrick will be based out of the Tillamook Regional Solutions Office.

#### **B. DEPARTING EMPLOYEES**

Steve Oulman, the Willamette Valley Regional Representative, resigned from his position March 31 to move to Washington and pursue other interests.

#### **C. RECRUITMENTS**

The Community Services Division is recruiting for a new Willamette Valley Regional Representative, to replace Steve Oulman who resigned effective March 31. The recruitment period closed on April 23, and we received 31 applications. Candidates will be selected for advancement to the interview stage over the next couple of weeks.

### **IV. LCDC POLICY AND RULEMAKING UPDATES**

#### **A. CURRENT RULEMAKING**

1. Large-lot Industrial Sites in Central Oregon: Following an oral report by the department, the commission initiated this rulemaking at its March meeting and authorized the

department to appoint a rule workgroup. The rulemaking is an element of settlement negotiations about a LUBA appeal initiated by 1000 Friends of Oregon, concerning the Central Oregon regional project for large-lot industrial sites. A description of this rulemaking is provided in Attachment B to this report.

1. Territorial Sea Plan An update on this rulemaking is provided under Item 7 of this agenda. Also, the commission is asked to appoint a replacement for a member of the advisory committee (TSPAC). That issue is described in Attachment C to this report.
2. Federal Consistency Administrative Rules: See Item 5 on the agenda.
3. Solar Rulemaking: See Item 6 on the agenda.
4. Metro Scenario Planning Rulemaking: In December 2011, the commission approved establishment of a rulemaking advisory committee (RAC) to assist with the administrative rule required by HB 2001 (2009). The rule will guide Metro and local governments in the Portland area as they develop and select a “land use and transportation scenario” to meet the targets for reducing greenhouse gas emissions adopted by the commission in May 2011.

The director appointed RAC members in January and Commissioner Lidz serves as the chair. The RAC has met three times – February 13, March 19 and April 23 – to review relevant statutory requirements, to guide the department in developing a detailed rule outline and to comment on a draft statement of need and fiscal impact. A summary of the scenario development and selection process is provided in Attachment D to this report. The RAC also received a briefing from Metro staff about the scenario planning work Metro is conducting as part of its Climate Smart Communities project. A fourth, and possibly final RAC meeting is scheduled for May 21. Agendas and meeting materials are available online:

[http://www.oregon.gov/LCD/Rulemaking\\_MSP\\_2012.shtml](http://www.oregon.gov/LCD/Rulemaking_MSP_2012.shtml)

The department anticipates providing rulemaking notice to the Secretary of State by August 15 to allow for a public hearing at the September commission meeting and adoption at the November meeting. This would meet the HB 2001 deadline of adoption by January 1, 2013.

## **B. OTHER POLICY ACTIVITIES**

1. Legislative Concepts: The department is working with two workgroups made up of key stakeholders, with regard to changes to core elements of the land use program: population forecasting and UGB amendments. Ideas from these workgroups will be included in legislative concepts for the 2013 session. The department is required to file legislative concepts for the 2013 session by May 1, 2012. At the time of this report four concepts are being prepared for filing. One of these relates to population forecasting, and the other three are elements of the amended UGB process under discussion by a workgroup

appointed by Richard Whitman, the Governor's Natural Resource Advisor. Mr. Whitman has suggested that the various ideas for changing the UGB system might be divided into three topic areas, and therefore, for purposes of the initial proposals to DAS, the department will file three placeholder concepts. These concepts are not complete at the time of this report. The department will provide copies to the commission prior to the May 10 meeting.

2. Parks Land Use Forum: The department is engaged with state agencies – Department of Parks and Recreation (OPRD) and Department of Agriculture (ODA) – and other interests (park districts, cities, counties, and farmers) in a “Forum” concerning local parks and land use. The Forum was initiated by OPRD and is being facilitated by Oregon Consensus. Staff attended two forum discussions and several additional meetings on this topic. Two more forum sessions are planned at the time of this report. There will be a report and perhaps a series of recommendations at the end of the forum. Issues under discussion include determination of park needs and land use procedures and requirements.

**V. ATTACHMENTS**

- A. Recommended Changes to Key Performance Measures
- B. Rulemaking Regarding Central Oregon Regional Industrial Sites
- C. Territorial Sea Plan Advisory Committee
- D. Metro Scenario Rulemaking



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DATE: April 26, 2012

TO: Jim Rue, Acting Director

FROM: Michael Morrissey, Policy Analyst

SUBJECT: Recommendation for Changes to Key Performance Measure (KPM) Targets for 2014 and 2015

Requests to revise the department's Key Performance Measures (KPMs) are due to DAS by April 30, 2012, as part of the 2013-15 budget development process. I am recommending that the department propose deletion of three individual Key Performance Measures as reflected below. I am not recommending that the department submit requests to changes to other KPMs at this time.

This is the same request we made during the budget submittal for the current biennium. In that case, the Department of Administrative Services (DAS) and the 2011 legislative Ways and Means Committee approved deletion of the department's key performance measure related to Measure 49. DAS recommended, and the 2011 legislature agreed, that the department should not delete additional performance measures, recognizing that a new statewide method for measuring performance would likely occur at a later date.

After the department submits its request, the department enters into discussion with DAS Budget and Management (BAM) analysts to determine whether support for the department's request.

Key Performance Measures (KPMs) proposed for deletions are:

**KPM #9: NATURAL RESOURCE INVENTORIES**—Percent of urban areas that have updated buildable land inventories to account for natural resource and hazard areas.

| DATA   | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|--------|------|------|------|------|------|------|------|------|------|------|
| Target | 9    | 9    | 10   | 11   | 6    | 6    | 6    | 6    | Del  | Del  |
| Actual | 8    | 5    | 13   | 5    | 3    | NA   | NA   |      |      |      |

**Data Source:** Periodic review approval orders and post-acknowledgement plan amendments related to buildable lands inventories tracked through DLCD data base.

**Issues:** This KPM is ascribed to the goal of resource protection, but is probably better seen as related to a development goal. In addition this KPM reflects aspects of Goals 5, Natural Resources, Scenic and Historic Areas, and Open Spaces, and Goal 7, Areas Subject to Natural Hazards as required for completed buildable lands inventories. The KPM was originally intended to meet the limited objective of assuring that cities were not ignoring natural resource and natural hazards limitations, when analyzing the amount of buildable lands available for development at a given time. As such, this KPM has achieved its purpose and should be eliminated.

**Recommendation:** Delete this KPM. If it is retained, targets should be established that are in line with other KPMs that reflect the percentage of cities or urban areas that have adequate supplies of a certain type of land, or that have updated an aspect of their comprehensive plan.

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**KPM# 13: PERIODIC REVIEW REMANDS**—Percent of periodic review work tasks that are returned to local jurisdictions for further action.

| DATA   | 2006  | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|--------|-------|------|------|------|------|------|------|------|------|------|
| Target | 0     | 15   | 15   | 15   | 15   | 15   | 15   | 15   | Del  | Del  |
| Actual | 13.04 | 8    | 0.0  | 11   | 0.0  | NA   | NA   |      |      |      |

**Data source:** Department Records

**Issues:** Two periodic review tasks were remanded by the department out of 18 submitted by local jurisdictions in 2009. As the department has not received negative feedback regarding this activity, staff feel that this KPM's value has been reduced over time.

**Recommendation:** Delete this KPM.

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**KPM # 14: TIMELY COMMENTS**—Percent of DLCD concerns or recommendations regarding local plan amendments that are provided to local governments within the statutory deadlines for deadlines for such comments.

| DATA   | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|--------|------|------|------|------|------|------|------|------|------|------|
| Target | 100  | 100  | 100  | 100  | 100  | 100  | 100  | 100  | Del  | Del  |
| Actual | 100  | 100  | 82   | 100  | 100  | NA   | NA   |      |      |      |

**Data Source:** Department Records.

**Issues:** 100% target has been met for 5 out of last 6 years.

**Recommendation:** Delete this KPM.

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April 26, 2012

TO: Land Conservation and Development Commission

FROM: Jim Rue, Acting Director  
Tom Hogue, DLCDC Economic Development Specialist

SUBJECT: **Attachment B to Agenda Item 11, May 10-11, 2012, LCDC Meeting**

**APPOINTMENT OF RULES ADVISORY COMMITTEE TO CONSIDER  
AMENDMENTS TO ADMINISTRATIVE RULES REGARDING URBAN  
GROWTH BOUNDARIES ECONOMIC DEVELOPMENT**

**I. AGENDA ITEM SUMMARY**

At the Land Conservation and Development Commission's March 15-16 meeting, the department requested initiation of rulemaking associated with the ongoing regional large-lot industrial project in Central Oregon. These rule amendments would provide for the local implementation of this "pilot project" currently under consideration by a three-county region. The project would, among other things, provide for amendment of comprehensive plans to identify and designate large-lot industrial land to meet short and long term land needs in the region. In response, the commission authorized the department to initiate this rulemaking project and to appoint a work group to advise the rulemaking.

This rulemaking was requested by Deschutes County and other parties engaged in settlement negotiations initiated in response a LUBA appeal initiated by 1000 Friends of Oregon. The rules under consideration concern Urban Growth Boundaries (OAR 660, division 24) and Economic Development (OAR 660, division 9). Rule amendments are necessary in order to provide clarification, procedures and requirements related to the regional large lot industrial land need proposals related to the project.

**A. Recommended Commission Action**

The commission's Citizen Involvement Guidelines for Policy Development (the CIG) was approved by LCDC in order to "provide and promote clear procedures for public involvement in the development of commission policy on land use." The CIG states that "the commission may authorize the department to establish an advisory committee that includes affected parties,

technical experts and other knowledgeable individuals in order to provide advice and assistance to the director and the department on a particular policy issue, prepare options or alternatives, and provide advice and information on the political, practical, technical, and scientific aspects of a potential new or amended policy.” The CIG also provides that meetings of such “workgroups” shall be open to the public. Finally, the CIG requires that “the department shall report to the commission when it appoints a workgroup in order to provide an opportunity for the commission to consider and, if necessary, amend the group.”

This report describes this project and the department’s recommended advisory committee to consider amendments to administrative rules. As per the CIG, this agenda item provides an opportunity for the commission to consider and, if necessary, amend the recommended advisory committee.

#### **B. Staff Contact Information**

For additional information on this project, please contact Tom Hogue at 503-373-0050 Ext. 323, or by e-mail at [thomas.hogue@state.or.us](mailto:thomas.hogue@state.or.us) .

### **II. RECOMMENDATION**

The director recommends that the commission consider and approve the department’s recommended workgroup. The rule amendments subject to consideration by this group would clarify and, as necessary, provide procedures and standards for amendments to city and county comprehensive plans in the three-county Central Oregon region as necessary to implement the provisions of the large lot industrial employment land need pilot project currently underway in that region.

### **III. BACKGROUND**

On November 30, 2011, the Deschutes County Board of Commissioners gave final approval to an amendment to the county comprehensive plan intended to define a need for a limited and managed supply of large-lot industrial sites across a three-county region. Deschutes County is acting first, but Crook and Jefferson Counties are expected to subsequently adopt the plan. The plan will authorize cities in the region that do not have a qualifying site to add one of six authorized large-lot industrial sites to their UGB in the future, providing certain conditions are met. The adopted plan included requirements and restrictions concerning:

- Allowed uses on the identified large-lot industrial sites
- Land divisions allowed regarding the sites,

- Infrastructure funding commitments,
- Joining the regional management structure, and
- Conduct of local site inventories and location analyses necessary to comply with the applicable land use requirements.

A participant in the planning effort (1000 Friends of Oregon) filed a Notice of Intent to Appeal with the Land Use Board of Appeals. At its January 2012 meeting, the commission approved a department request to intervene in the LUBA appeal. Richard Whitman, the Governor's Natural Resource Advisor, subsequently offered to conduct settlement negotiations. All parties accepted the offer, and series of meetings were held in February and March to explore common interests. As a result of these negotiations, the LUBA appeal has been temporarily stayed.

The main points of a settlement of this appeal have been agreed to by the parties, and they continue to collaborate on particular details. In response to a request from Deschutes County, agreed to by the parties, the department agreed to request that LCDC initiate "narrow rule-making" necessary to clarify certain procedural issues that will arise in the future as cities interested in implementing the regional plan consider formal plan amendments.

As part of a settlement, all parties have agreed to collaborate and support a rule-making project in order to enable cities to confidently proceed with creation of the regional governance structure and the implementation of UGB amendments that would derive from the plan.

Because the requested rule changes would affect Crook, Deschutes and Jefferson counties, and cities within those counties, at least one public hearing on the proposed rule amendments must be held in the region. The department will be suggesting that a hearings officer be appointed for this purpose, but at a later date.

#### **IV. PROPOSED RULE ADVISORY COMMITTEE**

The appointment of a rules advisory committee is proposed by the department, to include the following members:

1. Laurie Craghead (Deschutes County), alternate Peter Gutowsky (Deschutes County)
2. Pam Hardy (1KF), alternate Mark Kyle McCurdy (1KF)
3. Heather Richardson (Redmond)
4. Gary Firestone (Bend), alternate Brian Rankin (Bend)
5. Mollie Eder (CIAC)
6. Phil Stenbeck (Jefferson & Crook counties)

7. Steve Hultberg (EDCO)
8. Sharon Smith (La Pine and Madras)
9. Mike Williams (OBDD)
10. Andrew Spreadborough (COIC)
11. Linda Ludwig (LOC)
12. Mike Eliason (AOC)

The department has committed to hold all meetings in central Oregon, most likely in Bend. These will be public meetings advertised in accordance with the open meetings law and related requirements.

The department expects to propose draft rule amendments to the commission approximately July, 2012.



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April 26, 2012

TO: Land Conservation and Development Commission  
FROM: Paul Klarin, Marine Affairs Coordinator  
SUBJECT: **Agenda Item 11 Attachment C, May 10-11, 2012, LCDC Meeting**

## **UPDATE APPOINTMENTS TO THE TERRITORIAL SEA PLAN ADVISORY COMMITTEE**

### **I. SUMMARY**

The department is currently working with the Ocean Policy Advisory Council (OPAC) to amend the Oregon Territorial Sea Plan (TSP). This is the second phase of an amendment process that resulted in the adoption of Part Five of the TSP by the commission in November of 2009. This phase will involve the adoption of maps that will designate specific areas for the development of marine renewable energy facilities, and the conditions for the use of those areas as needed. The commission has authorized the Territorial Sea Plan Advisory Committee (TSPAC) to produce recommendations for its consideration. The membership of the committee needs to be updated to replace the Oregon Coastal Zone Management Association (OCZMA) representative on the advisory committee.

#### **A. Type of Action or Commission Role**

The commission needs to replace the OCZMA representative on TSPAC by appointing a new committee member.

#### **B. Staff Contact**

If you have any questions about the Territorial Sea Plan Advisory Committee, please contact Paul Klarin, Marine Affairs Coordinator at (503) 373-0050 ext. 249 or [paul.klarin@state.or.us](mailto:paul.klarin@state.or.us).

### **II. RECOMMENDED APPOINTMENTS**

The department recommends that the commission appoint the following member to the TSPAC: Peter Huhtala to replace Onno Husing as the representative of OCZMA.

### **III. BACKGROUND**

In October 2008, LCDC authorized the creation of the TSPAC, with Commissioner Tim Josi as chair, and approved the membership of the group at the December meeting that followed. TSPAC was created to consider and propose amendments to OAR 660, division 36 (Ocean Planning), to amend the Territorial Sea Plan for marine renewable energy generation facilities in state waters. The plan is now being amended to designate specific locations in the territorial sea for that type of new use, in accordance with Section B.1 (a) addresses the siting of areas designated for renewable energy facilities development in state waters by referencing the maps that will be incorporated into the TSP as appendix C. The process now underway will result in recommendations to LCDC from TSPAC.

### **IV. DEPARTMENT RECOMMENDATION**

The department recommends that the commission approve the replacement of OCZMA representative on the Territorial Sea Plan Advisory Committee.

Proposed Motion: I move that the commission replace and appoint a new member to the Territorial Sea Plan Advisory Committee in accordance with the list provided above in Section II: Recommended Appointments.

### **ATTACHMENTS**

- A. TSPAC membership list

## Summary of Proposed Scenario Planning Process for Portland Metropolitan Area

*(Objective: Integrate scenario planning required by HB 2001 into existing process for coordinated regional and local planning in the Portland metropolitan area)*

| <b>Scenario Planning Steps</b>           |  |   |   |   |  |  |   |
|--|--|---|---|---|--|--|---|
|  | <b>Selection of Preferred Scenario</b>   | <b>Regional Implementation</b>  | <b>Local Implementation</b>   |   |  | <b>Monitoring</b>  | <b>Update of Preferred Scenario</b>   |
| <b>HB 2001</b>                           | Section (2)(b) & (8)   | Section (8) & (8)(d)  | Section (3), (8) & (8)(a),(b) & (d)   |   |  | Section (8) & (8)(c)   | Section (8)(c)  |
| <b>Responsible Agency</b>                | Metro  |   | Cities & Counties   |   |  | Metro  |   |
| <b>Action</b>                            | Amendment to Regional Framework Plan; Growth Concept   | Adopt or amend Functional Plans, <u>including the Regional Transportation System Plan</u>   | Update / Amend Comprehensive Plans  | Update /Amend Transportation System Plans   | Other Plan Amendments  | Performance Measure Report to LCDC   | Amendment to Regional Framework Plan  |
| <b>Timing (Estimated)</b>                | By December 2014   | Within 1 year of LCDC Approval of Preferred Scenario <b>(Early 2016)</b>  | Within two years of Metro adoption of Functional Plan amendments or as otherwise specified in Metro’s Functional Plans <b>(Early 2018)</b>  |   | Starting 1 year from Metro adoption of preferred scenario <b>(December 2015)</b> | Every two years <b>(December 2017)</b><br>Most recent report was December 2011.  | In conjunction with Urban Growth Report, UGB review <b>(2020)</b>   |
| <b>Standards</b>                         | Land use and transportation concept map, policies programs that achieves GHG reduction targets; sets performance measures and targets for implementation | Amendments consistent with and adequate to implement relevant parts of the preferred scenario including requirements and timelines for local comp plan and TSP amendments | Consistent with and implements preferred scenario, including <ul style="list-style-type: none"> <li>- population and employment by design types</li> <li>- plan and zone changes to implement design types</li> </ul> | Implement relevant regional policies for transportation: <ul style="list-style-type: none"> <li>- street connectivity</li> <li>- street design</li> <li>- parking management</li> <li>- TDM</li> <li>- Transit</li> </ul> | Consistent with preferred scenario   | <ul style="list-style-type: none"> <li>- Evaluates progress in implementing preferred scenario and performance measures</li> <li>- Assesses whether additional or corrective actions are needed</li> </ul> | <ul style="list-style-type: none"> <li>- Revise preferred scenario to meet updated targets for new planning period</li> <li>- Focus on additional actions and programs to implement growth concept in the preferred scenario</li> </ul> |
| <b>Review</b>                            | By LCDC “in manner of periodic review”   |   | Local amendments reviewable as provided by Metro in functional plans and to LUBA  |   |  | Reports to LCDC  |   |
| <b>Link to existing regional process</b> | Scenario planning is new, but Regional Framework Plan is to be updated every 7 years.  | Functional plans are Metro’s method to implement framework plan, provide direction to locals  | Process and timeline for local implementation corresponds with existing arrangement for implementation of functional plan amendments  |   |  | Expands scope of report currently required by ORS 197.301  | Ties review and update of preferred scenario to UGB monitoring and update required by ORS 197.299   |