



Oregon

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May 8, 2014

TO: Land Conservation and Development Commission
FROM: Jim Rue, Director
SUBJECT: **Agenda Item 13, May 22-23, 2014, 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 DLCD to report to 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 3, 2014 and April 10, 2014, the department received 21 copies of notices of appeal filed with LUBA. The department filed none of these notices, and was not named as a party in any of these notices.

2. LUBA Opinions

Between February 4, 2014 and March 26, 2014, the department received copies of 20 recently issued LUBA opinions. Of these, LUBA dismissed seven, remanded six, reversed one, affirmed six, remanded in part and transferred none, invalidated none, and transferred no petitions to circuit court.

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

Goal 4, ORS 215.448, OAR 660-006-0025(4)(e)(A), Permitted Uses on Forest Land:
Linstromberg v. Lane County, LUBA No. 2013-096, issued February 13, 2014. LUBA reversed a decision by Lane County approving a special use permit to operate a commercial event venue on

property zoned for forest use. The approved permit would have allowed events including outdoor music concerts for up to 2,500 participants in association with camping for up to 2,000 persons at 250 campsites. The county had approved the use as a “private park and campground” as defined in OAR 660-006-0025(4)(e)(A). LUBA found that the facts of this case did not support the county’s conclusion that the proposed use qualified as a private park and campground under the administrative rule, which states that such a use is to be “designed and integrated into the rural and agricultural and forest environment in a manner that protects the natural amenities of the site, and also states that “[c]ampgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.” LUBA determined that the proposed event venue was a use similar to, and as equally inappropriate as, the examples of intensively developed recreational uses set forth in the rule.

Goal 14, OAR 660-014-0040, Urban Uses on Rural Lands: *Landwatch Lane County v. Lane County*, LUBA 2013-058, issued February 20, 2014. LUBA remanded a decision by Lane County approving a reasons exception to Statewide Planning Goal 14 (Urbanization) to allow urban levels of industrial development on existing rural industrial lands in the unincorporated community of Goshen. LUBA scrutinized the county’s findings adopted to show compliance with OAR 660-014-0040(3), setting forth standards for approval of an exception to Goal 14.

Under 660-014-0040(3)(a), LUBA found that the county had appropriately determined that the proposed urban industrial development in Goshen “could not be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities.” The county analyzed two alternative sites, within the existing Eugene and Springfield UGBs, and found that neither could accommodate the proposed use. However, LUBA sustained the petitioner’s objection that the county had not determined whether lands within the UGB or in other expansion areas could accommodate ancillary commercial uses which would also be allowed in the two industrial districts the county applied to the Goshen area. The county’s findings did not address this issue, and LUBA remanded the decision to allow the county to do so, commenting that it should not be difficult under the circumstances for the county to make affirmable findings on remand.

Under 660-014-0040(3)(b), the county is required to show that “the long-term environmental, economic, social and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands.” Because the county’s findings did not include any discussion of wetlands, LUBA remanded the decision so that the county could appropriately consider the environmental consequences of wetland impacts in Goshen versus such impacts on other undeveloped rural lands.

Finally, under 660-014-0040(3)(d), the county is required to show that “an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner.” The county found that one of the reasons justifying a Goal 14 exception was the inability of the Goshen industrial area to handle full industrial buildout without a community sewer system. The county addressed this problem its findings by noting that until development of a community

sewer system no development would be permitted on industrial properties in Goshen unless the sewage disposal needs of the development could be handled with on-site systems. The county's findings also stated that the county was pursuing study of the feasibility of development a public sewer system through grant opportunities. LUBA remanded the decision because the county's findings on the issue of sewage disposal were inadequate, directing the county to make a sufficient enough evaluation of the feasibility of providing a community sewer system to determine that sewage service would "likely be provided in a timely and efficient manner."

Goal 3, ORS 215.283(1)(d), OAR 660-033-0130(24), Accessory Farm Dwellings and Relative Farm Assistance Dwellings: *Aplin v. Deschutes County*, LUBA 2013-055, issued March, 12, 2014. LUBA remanded a decision by Deschutes County approving both an accessory farm dwelling and a relative assistance farm dwelling on a parcel zoned exclusive farm use. The petitioner asserted that the county had erroneously found that the persons occupying the accessory farm dwelling were "principally engaged in the farm use of the land," as required by OAR 660-033-0130(24) because one of the residents of the dwelling was employed full-time away from the farm, while the other resident was a homemaker, and the record did not include any substantial evidence that the resident spent significant time on farm duties. LUBA determined that the "principally engaged" test is met by first establishing the average number of hours each week required for a full time employee of the resident farm use, and then determining whether the person "principally engaged" in that farm use devoted a similar number of hours to farm work. LUBA agreed with the petitioner that the county's findings were inadequate and failed to establish whether either resident of the accessory farm dwelling was principally engaged in the farm use.

LUBA rejected the petitioner's assertion that the county inappropriately approved a relative assistance farm dwelling pursuant to ORS 215.283(1)(d). The county received conflicting evidence as to whether the "farm operator does, or will require the assistance of the relative in management of the farm use," as is required by the statute, and was entitled to choose between conflicting evidence as long as a reasonable person could rely on the evidence the county chose.

These decisions do not require goal or rule amendments.

3. Appellate Court Opinions

Between February 5 and April 9, 2014, the department received six opinions from the Court of Appeals. The Court affirmed five decisions; two of which were affirmed without opinion, and reversed in part and remanded in one opinion. None of these decisions concern the application or interpretation of a statewide planning goal or LCDC administrative rule.

4. Other Opinions of Interest

None.

5. Appeal Notices of Interest

Interpretation of Goal 5 Inventory of Historic Resources as Applied to Cline Falls Power Plant: *Pacificorp v. Deschutes County*, LUBA 2014-016, filed February 18, 2014. Appeal of a declaratory ruling by City of Deschutes County interpreting the Goal 5 historic resources inventory listing of the Cline Falls Power Plant.

Expansion of Port Westward: *Columbia Riverkeeper v. Columbia County*, LUBA 2014-017, filed February 19, 2014 and *Seely v. Columbia County*, LUBA 2014-018, filed February 19, 2014. Appeal of a decision by Columbia County amending the comprehensive plan and zoning of 957 acres to allow the expansion of Port Westward by the Port of St. Helens.

6. Measure 37/49

Other than the *Rosboro* case discussed in the Planning Services section below, there are no status updates for M 37-49 cases at this time.

B. GRANTS, INTERGOVERNMENTAL AGREEMENTS AND CONTRACTS

The department executed a contract with Red Hills Soils of Corvallis to perform a review of a soils report submitted under the commission's rules for challenging published soil information. The review has been completed.

See subsection II.B, "Community Services," for a description of activities in the General Fund grant program.

II. DEPARTMENT PROGRAM ACTIVITIES AND INITIATIVES

A. COASTAL MANAGEMENT PROGRAM

Ocean and Coastal Services Division (OCSD) staff are involved with numerous coastal and ocean issues. In March the state submitted comments to The National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) during the comment period for the NOAA and EPA proposed decision to disapprove Oregon's Coastal Nonpoint Source Pollution Program. NOAA and EPA are scheduled to make a final decision on Oregon's program in May. However, the federal agencies received 85 comments and are requesting an extension of time to make their decision.

Marine Issues: NOAA has approved the Territorial Sea Plan (TSP) Part Five as a routine program change to the Oregon Coastal Management Program (OCMP). This means that Part Five will be used as an enforceable policy under the federal consistency provisions of the federal Coastal Zone Management Act. The NOAA approval, together with the earlier Federal Energy Regulatory Commission (FERC) approval of Part Five of the TSP as a comprehensive plan they would use when making decisions, completes the process the state embarked on under the 2008 Oregon FERC MOU.

The OCMP has also submitted to NOAA a list of new or revised federal authorizations that will be included in its program for use under the federal consistency provisions. These include the recent Bureau of Ocean Energy Management (BOEM) rule changes and Federal Power Act provisions related to marine hydrokinetic renewable energy development. The timeline for submitting the Geographic Location Description (GLD) project has been extended to allow for NOAA to review and approve the new listings. Otherwise, work on the GLD is progressing as anticipated, and the OCMP should be prepared to submit the request to NOAA this fall.

Ocean Power Technologies (OPT) informed the state agencies on April 3rd that it will terminate the project it has been working on in Oregon since 2007. The company has already surrendered the preliminary FERC permit it held for the area off Reedsport that was intended to be the location of a large commercial facility. This area was a Renewable Energy Facility Suitability Study Area (REFSSA) under Part 5 of the TSP, but will revert to a Resources and Uses Conservation Area (RUCA) under the plan requirements. OPT has now informed the state and stakeholders that the company intends to surrender its FERC license for the non-grid connected 10 buoy project at the same location. Under the terms of the Department of State Lands (DSL) temporary use authorization for the project, OPT will now be required to decommission the site during the summer of 2014, once the grey whale migration season has ended. The DSL authorization will remain in place until all equipment is removed from the site and OPT is responsible for meeting the terms and conditions of the authorization until such time that they can demonstrate that the site has been fully restored to its natural condition. Once the site is restored, DSL will close the authorization and release the financial security instruments for \$845,000 held in conjunction with the authorization.

Principle Power, Inc. (PPI) is in the initial stages of the BOEM lease application process for the 30- megawatt pilot project using floating wind turbine technology located approximately 16 miles offshore of Coos Bay. The power from the proposed project is currently intended to supply the Jordan Cove Liquefied Natural Gas (LNG) facility. As a wind project, the project is not required to have a FERC license. BOEM is currently conducting a National Environmental Policy Act (NEPA) analysis, which includes opportunity for public comment, before making any final decision on lease issuance and plan approval. PPI is awaiting a decision on a second award from the US Department of Energy to support the full development.

The joint NOAA BOEM Pacific Regional Ocean Uses Atlas (PROUA) project, to assist BOEM in its marine renewable energy leasing program, is in the data review stage. The project is designed to document a full range of typical ocean uses on local, state, and regional planning scale. The PROUA maps for Oregon are currently in review by the project participants and NOAA has conducted several webinars with participants and others, many of whom have expressed dissatisfaction with the maps that have been produced to date and question their utility. NOAA and BOEM have asserted that the PROUA maps are to supplement those already produced by Oregon, which are available in Oregon MarineMap, and are to be used as indicators of use patterns and not to make decisions on specific sites.

The OSU Pacific Marine Energy Center (PMEC) BOEM lease application for the South Energy Tests site off of Newport has received a declaration of no competitive interest. The project is being handled as a marine hydrokinetic energy testing and research facility. PMEC has formed a workgroup consisting of state and federal agencies to assist it in developing its cable route, adaptive management and monitoring plans, among other permit required documents and plans.

Resolute Power and M3 Wave Energy Systems, are continuing to work with the Oregon Military Department to site separate temporary test projects at Camp Rilea. The test projects are planned for 2015. Both test devices will be fixed on the bottom below sea surface, will not be grid connected, and will also provide an assessment of the location for future development. The companies are conducting local outreach workshops with stakeholders and Clatsop County, and plan to contact state agencies soon for mandatory pre-application meetings.

Coastal Hazards and Climate Change: OCSD staff is taking additional steps in tsunami land use assistance. This includes development of detailed tsunami evacuation facilities improvement plan guidance. This added tool should further the productivity of the overall tsunami land use guide by providing significant assistance to local governments as they develop important financial and development code evacuation financing strategies and options. It should also facilitate more productive OCSD staff assistance to local communities in the future. The department anticipates that this tool will be complete within the next 6 months. In addition, staff is beginning to work with local governments on utilizing the tsunami land use guide in general. This work will be ongoing for a number of years. Related to this effort, OCSD staff has presented information on tsunami land use strategies to the Oregon Resilience Taskforce and will continue to follow up with taskforce members.

OCSD staff continues to assist Lincoln County and property owners in the Bayshore development near Waldport in addressing sand inundation issues by implementing the approved Bayshore Dune Management Plan. This is a challenging issue and it appears that progress is being made to not only stabilize the dune system but develop a more protective dune system.

OCSD continues to work with a NOAA Coastal Fellow who is studying an array of issues associated with beachfront protection and the related Goal 18 beachfront protective structure eligibility inventory. This information, developed over the next year, should assist in future policy discussions with applicable agencies and local governments. The NOAA coastal fellow and coastal shores specialist are also continuing to work with coastal local governments in Lincoln and Tillamook Counties to use and adopt the new Goal 18 beachfront protective structure inventories which provide benefits including simplified eligibility determinations, greater consistency, and enhanced public awareness.

OCSD staff will be complete work with the Department of Geology and Mineral Industries this summer to develop new erosion risk zone mapping along the Tillamook County coastline. The project implements new approaches in mapping beach and dune erosion hazard zones which can be used in local government hazard planning.

OCSD staff assisted in the development of two applications for funding under NOAA's coastal community resilience networks program. Both projects would strengthen west coast-wide networks to support state and local-level planning for the effects of future climate concisions.

OCSD staff also contributed a number of ideas for the Coastal States Organization to submit to a national-level climate change adaptation work group convened by President Obama. OCSD is starting up a joint project with Oregon Sea Grant to coordinate federal, state and local climate adaptation planning at the multi-county level. That project will build in part on the network established under a NOAA-funded "Coastal Community Resilience Networks Pilot Project", and will address adaptation in Tillamook and Clatsop counties. The local work groups for the resilience pilot project met in March and began to map areas of community vulnerability. OCSD staff is also finishing up another federal-funded climate-related project. This second project was to complete a climate change vulnerability assessment for the Coquille estuary. That vulnerability assessment concluded that coho salmon and tidal freshwater wetlands are the species and habitats, respectively that are most vulnerable to anticipated changes in climate that will affect the Coquille estuary by about mid-century. OCSD co-facilitated a meeting in late April to present the findings of the project to interested estuary management partners. OCSD staff is also participating in a couple of ad-hoc work groups to address specific aspects of planning for climate change. One of these groups seeks to build a policy framework in Oregon and elsewhere to foster sequestration of so-called "blue carbon", the other seeks to enhance the opportunities for restoration in planned infrastructure improvement projects. Finally, the OCSD will serve on the planning committee for the 5th annual Pacific Northwest Climate Science Conference held in Seattle in September 2014.

Federal Consistency: Through the Routine Program Change (RPC) process discussed in previous reports, the division is continuing to make progress identifying specific "enforceable policies" within the local comprehensive plans and networked state statutes that comprise the Oregon Coastal Management Program. NOAA has recently approved the RPCs seeking to incorporate updates to the Coos County, City of North Bend, and City of Coos Bay Comprehensive Plans and Ordinances into the OCMP, as well as the RPC incorporating Part Five of the Oregon Territorial Sea Plan. NOAA is reviewing RPCs for the cities of Astoria and Warrenton.

The department is involved in several high profile consistency reviews, including two coastal LNG export projects and U.S. Army Corps of Engineers federal navigation channel dredging in the Columbia River and coastal ports. The department and Oregon LNG have executed an agreement further staying DLCD's federal consistency review of the Oregon LNG project; DLCD's new decision deadline is July 2, 2014. The department anticipates receiving a federal consistency certification for the Jordan Cove Energy project sometime this spring. OCSD staff continues to work with partners in local, state, and federal agencies to coordinate federal consistency reviews.

Estuary Updates: OCSD staff held the last Estuary Project of Special Merit Technical Advisory Committee Workshop focused on the draft Coastal and Marine Ecological Classification Standard (CMECS) habitat products on March 14th. Our project team has been working on the design and implementation of the Quality Assessment and Quality Control process to review the products and provide guidance on appropriate use. The department has scheduled two local

government-focused training opportunities that are designed to inform the participants on the use of CMECS and the different ways that the products will be available for use. Planning for the trainings, staff amended the existing contract to allow our estuary habitat specialist to participate during the training, and also spend some additional time conducting QAQC work on the draft products.

B. COMMUNITY SERVICES

Community Development. Mid-Willamette Valley Regional Representative Angela Lazarean has been piloting a program of enhanced community development assistance with the City of Donald. Angela spent a half-day every other week in city hall providing capacity to city-led community development initiatives (her involvement has recently decreased due to other commitments). Angela has introduced the city to the Regional Solutions Team and the Oregon Main Street Program. She has also assisted the city in:

- Hosting a Community Design Workshop in partnership with UO grad students and professional planners (at little cost to the city) that resulted in a report that provides recommendations on revitalizing the downtown
- Successfully applying for grants totaling \$85,000 – a planning grant for the city and an economic development grant for a local employer
- Forming an enterprise zone with the cities of Aurora and Hubbard, and
- Joining the Woodburn Regional Chamber of Commerce
- Making an application to the University of Oregon for assistance through the RARE (Resource Assistance for Rural Environments) program

Her work has not gone unnoticed. The Governor sent a letter to Jim Rue commending Angela's contributions to Donald and other ongoing efforts. The letter says in part:

It has come to my attention that Angela has been doing a superb job over the past year. . . I understand that Angela is highly motivated and does not shy away from difficult assignments. . . Angela's energetic approach to tasks has been recognized by Mid-Valley communities. . . Her efforts have undoubtedly contributed to the success of the Regional Solutions program and increased wellbeing of our citizens. This letter of appreciation to both Angela and your Department is well deserved.

Donald's city manager, Heidi Blaine, sent the department a progress report (attached) with praise for Angela's work. This pilot has been so successful that the department is exploring like opportunities in other regions.

General Fund Grants Program: Nearly all available grant funds have been obligated through executed contracts. The department is still engaged in negotiating the project scopes with two grantees in addition to those explained below.

The March director's report stated that the Columbia River Gorge Commission was pursuing a legislative remedy to a problem it had encountered with accepting a DLCD grant this biennium. The 2014 legislature passed a bill that allows DLCD to award the allocated grant funds to an entity other than the Gorge Commission. The department is nearing completion of negotiations with the Oregon Consensus Program at Portland State University and the Ruckelshaus Center at Washington State University to execute grant contracts allowing them to receive funds to complete work related to urban planning in the Gorge.

The March report also stated that the department had released a request for proposals for a project to assist the department in development of model exclusive farm use and forest zones, and then to assist several counties in updating their zoning ordinances. The department received two proposals and selected Angelo Planning Group to complete the work. Work is expected to begin in May.

Periodic Review: The department approved tasks submitted by Benton County, Gresham, and Woodburn since the last director's report. The Benton County and Gresham approvals included their final tasks, so those periodic review work programs have been completed.

The city of Forest Grove submitted plan and ordinance amendments that complete its periodic review work program in April. The 21-day objection period is still open at the time of this report.

Urban Growth Boundaries: The department received a submittal from the City of Nyssa and Malheur County to include 171 acres of land currently zoned Industrial by the county in the Nyssa urban growth boundary. The 21-day objection period is still open at the time of this report. The department also received notice of an urban growth boundary amendment adopted by Vale, but that city's population is smaller than 2,500 so the department is not responsible for making a decision on this amendment.

C. DIRECTOR'S OFFICE

An oral update will be provided.

D. ADMINISTRATIVE SERVICES

Fiscal (Budget, Accounting, and Procurement): The fiscal team continues working with the director's office and division managers to ensure accuracy in financial reporting and timely expenditure projections for 2013-15, including creation of new financial reports reflecting information at a summary level. A department-wide financial model is presented at each LCDC Budget and Management subcommittee meeting.

The accounting team received 2013 Comprehensive Annual Financial Report Gold Star Certificate. It has started its efforts toward the meeting state financial reporting deadlines. The team continues to work closely with the federal programs in implementing the indirect cost rate structure for the next fiscal year.

Procurement continues working with department managers and project officers ensuring accountability and adherence to state procurement and leasing rules. The department has developed a shared services opportunity with the Department of Water Resources. Water Resources' Salem Opeifa provides procurement expertise on limited, as-needed basis. Most procurement activity resides with the administrative manager.

IT: The unit works closely with the Information Management Modernization Initiative Coordinator in the analyses and implementation of specific systems and modifications to current systems. An example of this effort includes continued migration of the PAPA/PR databases to SQL and in-house development of a SharePoint Intranet site. The unit also continues working with department management in evaluating and determining current and future technology needs for the department including evaluating teleconferencing capacity and potential changes based on department need.

E. PLANNING SERVICES

Transportation: The Transportation and Growth Management (TGM) program is accepting applications for grants through June 13. <http://www.oregon.gov/LCD/TGM/Pages/grants.aspx>

Natural Hazards: Progress continues on the Oregon Natural Hazards Mitigation Plan. The Interagency Hazard Mitigation Team met on April 17 to review draft sections, including a statewide risk assessment, and a table of proposed mitigation actions. Those documents and additional background information is available online: <http://www.oregon.gov/LCD/HAZ/pages/NHMP.aspx>

Measure 49: The rulemaking for transfer of development rights is described below. In the legal arena we learned that we will have to pay some attorney's costs in the Rosboro case. The Court of Appeals found that while the state's position on appeal was incorrect, it was a reasonable argument to make so no fees were awarded for the appeal. Unfortunately, this ruling does not extend to the attorney's fees that were previously awarded at the trial court, which come to approximately \$30,000 with interest. The substance of the Rosboro case was described in the Director's Report from November 2013.

III. DEPARTMENT ORGANIZATIONAL AND MANAGEMENT INFORMATION

A. NEW STAFF AND PROMOTIONS

None.

B. DEPARTING EMPLOYEES

Heather Awlasewicz, Office Specialist, unexpectedly resigned from the department on April 14. Heather has been with the department for years and we will miss her.

C. RECRUITMENTS

None.

IV. LCDC POLICY AND RULEMAKING UPDATES

Several projects on the department's Policy Agenda are underway, as described below:

A. CURRENT RULEMAKING

UGB Streamlining: The department convened its third meeting of the UGB rules advisory committee on April 17th. The committee approved proposals for key research necessary to support this rulemaking. The administrative rules charged to this committee must be adopted by LCDC by January 1, 2016. The rules will implement HB 2254, which requires LCDC to establish an alternative, simplified UGB amendment process. (See Agenda Item 15)

Population Forecasting: LCDC initiated a project to draft rules to implement HB 2253 (2013) regarding population forecasting. DLCD rules will primarily deal with transition from the "old" population forecasting program to new forecasts issued by PSU. On April 18 the department participated in the final meeting of the Rule Advisory Committee appointed by Portland State University's Population Forecasting Center. PSU is proceeding with publishing a formal draft rule for public comment. DLCD is in the process of convening its first meeting of a rules advisory committee appointed by LCDC in March (essentially the same committee as the one appointed by PSU).

Farm and Forest Rule Amendments: This rulemaking will involve minor and technical changes to farm and forest rules (div 6 and 33) to align them with new legislation enacted by the 2013 legislature (SB 960) involving agritourism. LCDC will be asked to initiate rulemaking at its July meeting.

Solar Siting: The commission initiated this administrative rule project in November 2013. Consideration of the existing rules regarding solar siting on farmland was requested by legislators. LCDC delegated to the department the authority to appoint individual members to the rules advisory committee (RAC). This project was delayed for a short time during December while department staff worked to ensure coordination with the Governor's Office. The necessary coordination has occurred and the rulemaking is moving forward. Conversations with the RAC members are underway and the department expects to present a proposed rule to the commission at its July meeting in Ontario.

Youth Camps: LCDC initiated this rulemaking at its March meeting. Members of the rules advisory committee (RAC) met on April 30 at the Washington Family Ranch and a second meeting is scheduled for May 20, 2014 in Bend, Oregon. The department expects to present a proposed rule to the commission at its July meeting in Ontario.

Ballot Measure 49 Transfer of Development Rights: The commission initiated rulemaking at the March meeting. The rulemaking began with a meeting of the rules advisory committee on April 23 to hear from committee members on their perspectives. Then second meeting is scheduled for June 5 to discuss “sending areas” (Measure 49 properties that are allowed to transfer development rights to “receiving areas”). One question is whether all M49 properties will be eligible, or whether there would be a test to determine if a site was buildable. Another question will be whether there should be bonus credits for sending areas where development would be especially detrimental.

B. OTHER POLICY ACTIVITIES

SageCon: The state has submitted its comments to BLM on the draft EIS addressing revision of the management plans for the four affected districts in Oregon. None of the comments directly address the statewide land use planning program. The effort looking forward will focus on the ODFW Sage Grouse plan to be provided to the USFWS regarding its listing decision. See agenda item 4.

Southern Oregon Regional Pilot Project: See Agenda Item 3

V. DLCD PROPOSED LEGISLATION FOR 2015 LEGISLATIVE SESSION

The department submitted three legislative concepts to DAS on May 2, including:

1. HB 2254 “fix-it bill” - Errors and Technical adjustments. HB 2254 enacted in the 2013 session (the Department’s UGB streamlining legislation) has a “drafting error” due to inadvertent omission of a key subsection. This legislative concept would insert the missing subsection and renumber subsequent sections.

2. Allow Land Divisions on Farm and Forest Land for Land That Straddles a UGB. The department is proposing legislation so that land straddling a UGB may be divided even if the portion outside the UGB is smaller than the statutory EFU minimum lot size. As an unintended result, the “urban” portions of properties that straddle the UGB are very difficult to annex and develop. The department is proposing legislation so that land straddling a UGB may be divided even if the portion outside the UGB is smaller than the minimum lot size. The legislation would ensure that the zoning of the outside portion remains in EFU use.

MEMO

To: DLCD
From: Heidi Blaine, Donald City Manager
Date: January 24, 2014
RE: Review: Angela Lazarean, Willamette Valley Regional Representative

The purpose of this memo is to provide you with a review and update on the progress of the work that Angela Lazarean has been involved with, during the last six months with the City of Donald. Overall, Angela has provided outstanding assistance and been a catalyst for positive change to the City. I think that it is important to thank the leadership and management at DLCD for agreeing to this partnership and allowing Angela to provide direct assistance to the City. I am greatly appreciative for the support that DLCD leaders have demonstrated. Lastly, as you read this review please remember that I am the only fulltime City Hall employee

The need

At our first meeting, Angela explained to me some of the resources that are provided by DLCD and her position. Sadly, I expressed to her my perceived notion at the disconnect that exists between small cities and State government. I had the notion that large cities have more employees and therefore can situate themselves to get more grant money and agency resources. Angela listened. She asked me about Donald and what I thought needed to be done. I had ideas for economic development and overall improving the quality of life but I couldn't figure out how to get them done. Angela had answers. She was able to be a direct resource and explain how to answer the City's needs. I explained that Donald doesn't have money (one of the lowest tax rates in Marion County at .87 per \$1,000 of assessed value – very low). She explained that DLCD had planning grants and offered the \$1,000, technical assistance grants, which I didn't know about. She introduced me to the Regional Solutions Team; who heard my concerns. As I began to work with Angela, I realized that we shared the same goal, to better Donald.

Is it Angela?

I am pretty sure that part of the success of this experiment is due to Angela's personality and character traits. This project might be able to be replicated with other reps. However, it will be important to have someone who is good at thinking creatively and understanding small cities limitations of time and money. Angela has a strong commitment for making positive changes in cities and helping citizens to live in happy communities. This is the key to success of this experiment. Angela is very knowledgeable, a great resource, positive, enthusiastic, hard worker, ability to see the bigger picture, a catalyst, a leader, good listener, easy to ask dumb questions to, and has the personality of a go-getter. She has made it very easy for me to stay motivated and believe that change is possible. In order to replicate this program in other cities, with other reps and perhaps in other State departments it will be vital to consider a person's personality and their willingness to be ok with change and thinking outside the box.

How it works

Angela came into City Hall on Fridays for a few hours every other week. We were able to spend quality time talking about the City's needs, failures, and future. It is like having a specialized consultant in the areas of economic development and planning for free. I was able to ask tough questions and get good answers. I developed my knowledge of the resources and requirements of DLCD. She was able to know the problems facing the City and suggest outside programs, resources, grant opportunities and the university programs. She also had experience knowing what worked in other similar cities. Angela and I prioritized and made a list of needs. She left me with a majority of the responsibility to get things done

but she was there for support and to answer questions along the way. She also offered direct skills like grant writing and editing documents and provided feedback to help make the City a better applicant.

What's changed? In just the last six months the City of Donald has changed... positively. There have been grants applied for, community events, a surge in the number of community volunteers, new community organizations, public improvement projects (both starting and some finished), and an overall heightened sense of community spirit. I will spare you the detailed list, since I know Angela has put one together for your review but the list of accomplishments over the last six months is impressive. Although one particular event I want to highlight is the Community Charrette (workshop). Without her help I would not have had any access to the key players of that event or been able to get it going. It was critical to have her support.

Recommendation

After experiencing the improvements in Donald these past six months, I fully recommend that DLCD have their regional reps meet on regular terms with city managers (or planners). In smaller cities having access to this resource is very valuable. Oftentimes, small cities lack the knowledge of existing programs and resources that the State has to offer. I believe that this program has a lot of potential to be mimicked by other State agencies. It would be great to have ODOT or DEQ take their time and provide on-the-ground help to make sure that the City is operating as best as possible. I believe that when State agencies and municipalities operate together a lot more can get done and in an effective and efficient matter. Together, we can make really great cities!