



Oregon

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September 10, 2015

TO: Land Conservation and Development Commission

FROM: Sadie Carney, Rural Policy Analyst and Communications Manager

SUBJECT: **Agenda Item 3, September 24-25, 2015, LCDC Meeting**

LCDC POLICY AGENDA

I. AGENDA ITEM SUMMARY

This item is intended for the Land Conservation and Development Commission (LCDC or commission) to consider and approve a policy agenda for the 2015-17 biennium. This is the second of two scheduled opportunities for the Land Conservation and Development Commission to discuss and make decisions about a policy and rulemaking agenda. Historically, the commission has approved a policy agenda at the beginning of each biennium, in late summer or early fall, to guide policy work of the Department of Land Conservation and Development (DLCD or department) for the biennium. The department is recommending the commission consider the public comment submitted (Attachment A), hear the testimony of those present and willing to comment, and reach a final decision on a policy agenda at the September 24-25, 2015, meeting.

“Policy projects” for purposes of this report means efforts that are intended to cause new or amended land use policies, including but not limited to rulemaking or goal amendments. Other types of policy projects include: task forces and workgroups convened (by DLCD or others) to recommend or refine policy ideas; research projects to gather information to inform future policy development; efforts toward the development of future agency legislative proposals; and other types of special projects that are expected to establish policy (such as the proposed special project for housing analysis, which interfaces with state land use planning in several places, and is mentioned as a priority in numerous public and stakeholder comments).

The proposed policy agenda seeks to establish the near-term policy agenda. The department is also presenting for consideration a small number of complex policy projects anticipated to extend beyond the 2015-17 biennium. These projects include a research phase that will precede rulemaking or actual policy development. Longer term projects and policy items are addressed in the [DLCD Strategic Plan](#)¹. Department proposals for the policy agenda are summarized in Section III of this report.

¹ Accepted version: http://www.oregon.gov/LCD/docs/publications/StrategicPlan2014-22_Draft.pdf

The recommended projects include some that are already underway and several new policy projects that are required by laws enacted during the 2015 legislative session. In addition, the department recommends consideration of several new policy projects that, while not required by law, are of significant importance and could be initiated this biennium if department resources permit.

This agenda item is a public hearing and the commission has the opportunity to receive input from the public about policy needs and priorities related to the land use program. The department solicited public input on the recommended policy agenda from a large and diverse group of stakeholders and the public through distribution using our listservs. The department also followed up with individual emails to those who submitted testimony on the 2013-15 Policy Agenda. Public comment received on or before August 27, 2015 has been included as part of Attachment A and has been evaluated in the revisions made to the policy agenda being considered today. Additional public comment appeared before the commission as outlined below:

- Comments received prior to September 10 were included in the initial packet for the September 24-25, 2015 LCDC meeting
- Comments received between September 10 and September 17 will be included in the supplemental packet
- Comments received between September 18 and September 23 will be hand carried
- Presentation of this staff report will be followed by a final opportunity for in-person public comment

For additional information about this report, please contact Sadie Carney, Rural Policy Analyst and Communications Manager at 503-934-0036, or at sadie.carney@state.or.us.

II. BACKGROUND

The statewide planning program faces policy challenges that frequently come into focus at the start of a biennium, in response to new legislation but also due to: recent court decisions interpreting the program, policy concerns that have surfaced in the course of LCDC reviews of local comprehensive plans and periodic reviews, and a variety of other circumstances.

In accordance with state law, the commission and the department are charged with maintaining, improving and updating the state land use program through rulemaking, legislative proposals, and other actions. In this role, the commission periodically monitors and assesses the status of the land use program and responds to current land use planning issues based on input from the public, the department, the governor and the legislature. More specifically, under ORS 197.040 LCDC must:

- Adopt, amend and revise goals consistent with regional, county and city concerns;
- Adopt and amend policies that the commission considers necessary to carry out state land use laws;
- Prepare, collect, or provide land use inventories (or cause to be provided);

- Appoint advisory committees to aid the commission in carrying out ORS chapters 195, 196 and 197, and to provide technical and other assistance, as the commission considers necessary, to each such committee; and
- Review the land use planning responsibilities and authorities given to the state, regions, counties and cities, review the resources available to each level of government and make recommendations to the Legislative Assembly to improve the administration of the statewide land use program.

The approval of a policy agenda is not a mandatory exercise for the commission, but it does provide a way to fulfill the requirements in law described above. While the agenda is intended to help the commission and the department identify, prioritize, schedule, and manage policy work, the commission's approval of a policy agenda does not bind the commission or the department to pursuing every project on the agenda, nor does it prevent the pursuit of additional projects not here listed. The commission typically revisits and updates its policy agenda halfway through the biennium.

When considering the policy agenda, and as it carries out projects on the agenda, the commission follows its [Citizen Involvement Guidelines for Policy Development](#).² The commission also invites comments and recommendations from local governments and other stakeholders. In recommending a policy agenda, the department considers agency's budget and staff levels, ongoing core responsibilities, and other needs and available resources.

III. REVISED POLICY AGENDA AND PUBLIC COMMENTS

Consistent with the Governor's Ten-Year Plan for Oregon and the DLCDC's Strategic Plan, the department recommends this policy agenda include policy projects for the 2015-17 biennium. For all policy projects, mandatory or otherwise, this report provides a summary of project intent. The department is prepared to provide additional detail.

Policy items in this section are organized as follows:

- With a summary of text original to the Proposed Policy Agenda report presented to the commission at the July 23-24, 2015 meeting,
- *public comments in italics*,
- amended policy recommendations proposed for adoption by the commission at this September 24-25, 2015 meeting.

These policy items have been broadly circulated for stakeholder and public comment. Comments received specific to a policy item are quoted or summarized. The full text of these and all public comments are available in Attachment A.

² <http://www.oregon.gov/LCD/docs/publications/citinvguidepoldev.pdf>

To summarize themes in the public comment received at the time of writing:

- *Multiple comments remarked upon the **scale of proposed undertakings**.*
- *Almost half of the commenters mentioned strong/urgent need for a focus on **housing**.*
- ***Citizen involvement and education** are important initiatives for many stakeholders.*
- *Multiple comments noted increasing, inappropriate development pressure on **farmland**.*
- *The **UGB rulemaking** process received attention from commenters who support the rapid adoption of rules, as well as from those who would prefer the process be delayed.*
- *Many comments commend the department and commission on the integration and use of the **Strategic Plan** in guiding and shaping a plan for the coming biennium.*

A. Ongoing Projects from 2013-2015 Biennium

The list below includes projects that are already underway from the previous policy agenda:

1. Southern Oregon Pilot Project

*DLCD Strategic Plan Goal 1
Medium Effort, Staff and Commission*

This was included in the 2009-2011 and 2013-2015 policy agendas as a pilot project consistent with 2009 legislation (HB 2229). That legislation was based on recommendations from the Big Look Task Force to explore regional decision making

Public comments:

- *Association of Oregon Counties (AOC): The Southern Oregon Regional Pilot Project (SORPP) has a great deal of potential to find efficiencies in local/regional land use decision making that could be implemented elsewhere, looking forward to completion.*
- *League of Women Voters (LVWV): The intent of Executive Order 12-07 was that new definitions of resource land would emerge. This has not occurred in the SORPP process. We are hopeful that the issue of carrying capacity can yet be addressed.*

Staff comments/proposed changes:

- It is currently anticipated that the final products for SORPP will be submitted by the participating counties by June of 2016. Once final products are submitted they will be reviewed by DLCD staff and LCDC to determine whether and how to proceed.

2. Review of Metropolitan Greenhouse Gas Emissions Targets

*DLCD Strategic Plan Goal 2
Complex Effort, Staff and Commission*

In 2011 the commission adopted rules setting greenhouse gas (GHG) reduction targets for metropolitan areas. This project will include a review of the targets as well as existing metropolitan transportation planning requirements to improve the regional transportation

planning process and make it easier for metropolitan areas to meet state, regional, and local objectives. This project will include rulemaking.

Public comments:

- *Oregon American Planning Association (OAPA): This is a priority, OAPA is eager to participate and provide input.*
- *LWVOR: We see urgency in this effort as our planet continues to warm.*

Staff comments/proposed changes:

- Change working title to “Metropolitan Area Transportation Planning”

3. Tsunami Resilience Planning

*DLCD Strategic Plan Goal 2
Complex Effort, Staff Only*

The department has been working with local governments along the coast to incorporate guidance from the publication “Preparing for a Cascadia Subduction Zone Tsunami: A Land Use Guide for Oregon Coastal Communities” into their plans. The department is providing technical assistance and financial resources where possible to assist local governments.

Public comments:

- *AOC: Please focus resources in this important area. DLCD and local governments need to be prepared to address newly proposed legislation with a strong, coordinated effort.*
- *OAPA: This is a priority, OAPA is eager to participate and provide input.*
- *LWVOR: A full natural hazards rulemaking is needed to address this public safety issue.*

Staff comments/proposed changes:

[none]

4. UGB Rulemaking (HB 2254)

*DLCD Strategic Plan Goal 2
Complex Effort, Staff and Commission*

Streamlining of the Urban Growth Boundary (UGB) expansion process will be implemented through LCDC rules adopted before January 1, 2016. This rulemaking began in 2013 after the passage of HB 2254 and has been very complex.

Public comments:

- *OAPA: Commission should prioritize UGB policy activity*
- *City of Pendleton: The content and appropriateness of these changes need to be considered using a lens that is inclusive to a greater variety of UGB expansion problems. While this project may address a small issue with the UGB expansion process, there is more work that needs to be done. Please continue to work on UGB issues.*
- *LWVOR: LCDC should contact the Governor’s Office and legislative leaders to extend the deadline until January 1, 2017.*

Staff comments/ proposed changes:

- The UGB RAC is currently discussing postponing work on at least two policy elements of the overall project: Replacement for periodic review for jurisdictions that use the new, simplified UGB amendment process; and a more concise set of requirements for Goal 5 planning within the new UGB process. [reflected on scheduling matrix]

5. Industrial Lands (Goal 9)

*DLCD Strategic Plan Goal 2
Complex Effort, Staff and Commission*

When the commission completed major amendments to the Goal 9 rules in 2005, they agreed that a “second phase” rulemaking should be considered with emphasis on resolving Goal 9 questions in the context of the Metro UGB. The department is in the process of evaluating different options and developing a recommendation to resolve the confusion for commission consideration during the biennium.

Public comments:

- OAPA: *Commission should prioritize Goal 9 policy activity*
- LWVOR: *We do not support moving forward with industrial lands policy efforts at this time. We believe this issue can wait until 2017.*

Staff comments/proposed changes:

- Staff recommends continued deferment of this issue. Addressing industrial lands would be difficult from a political, policy and internal capacity perspective. Without strong direction from the Governor and legislature to re-shape the relationship between state, Metro, local governments and other stakeholders it is doubtful that rulemaking by the commission would be both meaningful and successful.

6. Citizen Involvement and Land Use Program Outreach Improvements (with CIAC)

*DLCD Strategic Plan Goal 3
Low Effort, Staff and Commission*

The commission’s Citizen Involvement Advisory Committee has been tasked with recommending methods to further citizen involvement that do not cost local governments or that reduce costs for local government. Results of a committee designed survey are anticipated early in the 2015-17 biennium.

Public comments:

- OAPA: *All levels of government need the tools and resources necessary to do this work well, as it is vital to successful land use planning. Please devote adequate staff and resources to this work.*
- Michael Wagner: *State of Oregon should sponsor and organize comprehensive planning and zoning classes at the graduate level.*
- City of Bend: *We recommend including local government official and staff in this effort for their input and perspective, especially where they can help illustrate best practices.*

- *LWVOR: We are in strong support of this agenda item and hope you will give it as much attention as possible.*

Staff comments/proposed changes:

- Portland State University's "Planning Oregon", a new think tank planning forum, will be integrating their outcomes and work with that of the CIAC to help promote these efforts.
- Intentional integration of local government and stakeholder groups into the work of the CIAC is necessary, fostering an exchange that leads to productive outcomes for all involved.
- Stakeholders repeatedly express support for these efforts and a desire to see them expanded and improved. Limited staff resources make it challenging to address this issue as comprehensively as stakeholders would like to see.

7. Goal 5 Rule Amendments related to the Endangered Species Act and the National Flood Insurance Program

*DLCD Strategic Plan Goal 2
Complex Effort, Staff and Commission*

Two federal agencies have been engaged in consultation to determine how the National Flood Insurance Program (NFIP) will be revised to comply with the Endangered Species Act (ESA). The result of the consultation has not yet been released, but it is likely that it will result in local governments amending their development regulations to comply with federal requirements.

Public comments:

- *AOC: This is an important, high priority issue for counties. Help counties mitigate the burden of listed species.*
- *OAPA: This is a priority, OAPA is eager to participate and provide input.*
- *City of Bend: We recommend the commission complete this work to ensure local governments can implement their local regulations to protect Goal 5 resources in a manner that does not implicate the ESA.*
- *LWVOR: We are supportive of this policy item.*

Staff comments/proposed changes:

- New "requirements" under the NFIP will be phased in over time. For an interim period of at least two years NFIP communities will be offered technical assistance from the Federal Emergency Management Agency (with help from the department) to help local communities improve their policies and codes designed to comply with the Endangered Species Act.

8. Technical Amendments Concerning Road Alignments in Rural Areas

*DLCD Strategic Plan Goal 1
Low Effort, Staff and Commission*

In May 2015, the commission accepted the department's recommendation to amend the rural reserves rules to address an anomaly in the exceptions provisions for roads. The specific circumstance involves an extension for Arndt Road, where an exception has already been taken and approved, but the county would like to modify the location.

Public comments:

- *OAPA: This is a priority, OAPA is eager to participate and provide input*
- *Clackamas County: We appreciate addition of this item to the policy agenda. Please advise the county to anticipated timing of the project.*

Staff comments/proposed changes:

[none]

B. New Policy Projects Required by the 2015 Legislature

1. Align DLCD Rules with New Legislation: Passed legislation that would require either housekeeping or rulemaking to address statutory changes.

- **UGBs and Reserves**

- **HB 2457** – DLCD bill allowing county to create parcel smaller than minimum size standard in resource zone (where the existing parcel straddles the UGB). *Low Effort, Rulemaking*

Public comments:

- *[none]*

Staff comments/proposed changes:

[none]

- **HB 3282** – Requires director of DLCD, at request of a city, to allow periodic review as method for sequential review of work talks related to potential amendment of UGB. *Low Effort, Rulemaking.*

Public comments:

- *City of Bend offers to be part of this rulemaking effort*

Staff comments/proposed changes:

[none]

- **Other Urban Bills**

- **HB 3222** – Modifies provisions authorizing LCDC enforcement order with regard to clear and objective standards required for needed housing within UGBs. *Low Effort, Rulemaking.*

Public comments:

- *[none]*

Staff comments/proposed changes:
[none]

- **Industrial Lands**

- **HB 3214** – Requires DLCD to amend rules regarding built or committed residential exception areas to allow rezoning to commercial or industrial use without a new exception. *Low Effort, Rulemaking.*

Public comments:

- *[none]*

Staff comments/proposed changes:
[none]

- **Transportation**

- **SB 120** – Directs LCDC evaluate the transportation planning rules, and, if necessary, adopt or amend rules relating to transportation improvements. *Medium Effort, Rulemaking*

Public comments:

- *[none]*

Staff comments/proposed changes:
[none]

- **Farm and Forest**

- **HB 2831** – Clarifies that a property line adjustment may not be used to increase parcel sizes for M49 parcels in resource zones. *No Rulemaking*

Public comments:

- *[none]*

Staff comments/proposed changes:
[none]

- **HB 3400** – Medical and Recreational Marijuana. This is the major, but not only bill that describes how and where marijuana may be grown processed and sold. The bill contains limited land use provisions for marijuana cultivation, relating to dwellings on farmland, processing, and land use compatibility statements. *Medium Effort, Rulemaking*

Public comments:

- *Association of Oregon Counties: Existing marijuana land use policies are complex and incomplete. Support for local governments throughout rulemaking is necessary and appreciated.*

Staff comments/proposed changes:

- The small amount of rulemaking related to land use that needs to be done in relation to HB 3400 will be part of conformance rulemaking along with the 2015 legislative changes.

C. New Policy Projects Recommended by the Department

1. **Non-Resource Lands Rulemaking** *DLCD Strategic Plan Goal 1 Complex, Research and Rulemaking*

Develop a “non-resource lands” policy that is integrated with resource lands protection strategies, including consideration of carrying capacity, environmental and habitat protection, infrastructure requirements and availability and other factors. [Note: “Non-resource lands” are those rural lands that are not suitable for production of farm or forest products due to the physical properties of the land, e.g., poor quality soils.] There are currently no standards to guide counties in identifying and zoning non-resource lands. Rulemaking for non-resource lands is an urgent need; divisions 4 & 6 (possibly 33).

Public comments:

- *Deschutes County: County continues to express interest in implementation of HB 2229 (the “Big Look Bill”). A demonstrated, urgent need exists within the county for rulemaking in this area. The county requests an opportunity to serve on the rulemaking advisory committee associated with this work.*
- *Ethan Seltzer, Portland State University: “Non-resource” is a problematic land use designation and ill-fitting word to describe these areas, consider defining lands in this category to “noncontributing” or similar. Include guidance on how to interpret conflict areas between Goals 3 & 4(resource lands) and Goals 5 & 7.*
- *LWVOR: We support this rulemaking ONLY if the SORPP process provides a definition of carrying capacity that is useful.*

Staff comments/proposed changes:

- Staff agrees with all of the received public comments, including Mr. Seltzer’s observation that there may well be a better term to describe these lands. Furthermore, staff would not support modeling this rulemaking after any aspects of the SORPP process that are viewed as unproductive or lacking true value.

2. **Farmland Protection Improvements** *DLCD Strategic Plan Goal 2 Complex, Research and Rulemaking*

This rulemaking would research, define and potentially develop review criteria for commercial activities in conjunction with farm use as well as private parks (currently problem catch-alls for inappropriate uses), consider potential new agri-tourism-related uses, such as: more specific definition for “preparation” of farm products, an anchor date for tracts that qualify for the expansion of nonconforming uses on high-value farmland, as well as making minor or technical amendments. A more targeted project was identified as a 2013-15 priority but was later dropped because staff determined additional research as being necessary.

Public comments:

- *LWVOR: This is a higher priority item than defining “non-resource” lands.*
- *Mark Greenfield: An influx of new residents to the state has introduced a population that is uninformed about land use processes in Oregon, and ignorant of conflicts they are creating in Exclusive Farm Use (EFU) zones. Overnight stay opportunities, inappropriate commercial activity, events hosting, camping, and late night activities are all examples taken from near my home on Sauvie Island. Please increase protections for EFU.*

Staff comments/proposed changes:

- There are a number of potential areas in which farmland protection improvements could be made in rule. Staff recommends multiple changes to this policy item based on internal conversations and public input, dividing the larger policy objective into smaller, more manageable projects. While the objective remains the same, the timeline and complexity of various items varies. These changes are reflected in the staffing and schedule matrix (Attachment B).
- Newly defined Farmland Protection policy projects:
 - Minor and technical changes to EFU rules: These proposed changes are intended to provide technical clarifications, delete out-of-date references and make several other minor and technical amendments.
 - Research and Forum: Because many farmland protection improvements are related or overlapping, staff believes the best approach would be to begin with research, follow with a forum of stakeholders, and end with proposed rule amendments. A forum will assist staff in identifying new opportunities and issues of concern, and allow for presentation of an integrated package of proposed changes to the commission at its conclusion.
 - Rulemaking: Following conclusion of department research and a hosted forum, rulemaking would respond to the knowledge gained through forum participation and stakeholder identified issues. Rulemaking is anticipated to address most/all of the issues identified in the original policy item proposal. (E.g. commercial activity in conjunction with farm use, private parks, agri-tourism, etc.)

3. Periodic Review Clean-up

DLCD Strategic Plan Goal 2

Low Effort, Rulemaking

OAR chapter 660, division 25, “Periodic Review,” amendments will be initiated as a result of HB 3282 (2015) (see section B). While the division is open, the department proposes to make several amendments to procedural requirements to clarify existing provisions. The amendments are expected to be minor and technical, so no rules advisory committee is anticipated and the complexity should be low.

Public comments:

- LOWV: *If this work is to be “minor and technical” it should be pursued.*

Staff comments/proposed changes:

[none]

4. Forest Property Line Adjustment Fix³

DLCD Strategic Plan Goal X

Low Effort, Research, Rulemaking

Implement a standard that prevents serial property line adjustments (PLAs) from qualifying parcels for template dwellings that would otherwise not qualify for this use. Staff has become aware of proposed serial PLAs in forest zones on the coast that would “walk” existing, non-qualifying forest parcels to a location close enough to pre-1993 parcelization and dwellings so as to qualify the parcels for template dwellings. This use of PLAs would create development rights where none now exist. The potential adverse impacts of such use of the PLA process could be quite significant, particularly among current and former commercial forest land holdings. In addition to the potential loss of productive forest land, this use of PLAs could result in lot sizes well below ten acre and could jeopardize big game habitat protections. Staff proposes to research the potential for a rulemaking fix or, if necessary, a legislative fix and has identified this as an urgent issue of concern; division 6.

D. Special Projects

Projects listed here do not involve policy making, and therefore will not be reflected on the commission’s policy agenda. The department is listing these projects because they are important to achieving the goals of the statewide land use planning program and affect department workload.

1. Estuary Planning

DLCD Strategic Plan Goal 1

Medium Effort, Research and Collaboration

The department is in the middle of a major update of the estuary portion of the statewide planning program. Several projects will be starting this year to follow up on the work completed in the last biennium. These projects will feed into future updates of estuary

³ This item added after initial draft was circulated for public comment.

plans on the coast. The department will be starting a second Estuary Project of Special Merit this October that will further update estuary inventory information available to local government and the public. The department was also successful in matching with a new National Oceanic and Atmospheric Agency Coastal Fellow in September, 2015, who will develop an inventory of vulnerable estuarine shoreland resources.

Public comments:

- *[none]*

Staff comments/proposed changes:

[none]

2. Affordable Housing

*DLCD Strategic Plan Goals 2 & 4
Research*

Housing affordability issues interface with state land use planning in several places, as such, address can embrace multiple approaches. A Hatfield Fellow has started research on this issue. As timeliness, appropriateness, and resources allow, the fellow will consider best practices, innovative approaches, and case studies in regard to affordable housing. Research could include: review of current Transportation Growth Management and Code Assistance programs administered by the department for effectiveness, creation of a set of “best practices” promoting affordable housing; research of statutory or rule changes requiring housing “efficiency” measures to be implemented by cities (e.g. “unbundling” of housing and parking, mandatory minimum density requirements, mandatory allowance of accessory dwelling units, allowance of variations on “inclusionary” housing to be implemented by local governments); or research of statutory or rule changes requiring local governments to implement non-zoning incentives for affordable housing (e.g. property tax exemption, systems development charge reduction or elimination, changes to building standards that allow “tiny” houses).

Public comments:

- *OAPA: We are encouraged by this project. According to an OAPA statewide survey affordable housing is one of the most important issues we will face in the future.*
- *Morrow County: This work should not be limited to “affordable housing”, but should focus on all housing needs.*
- *LWVOR: Almost all Regional Solutions Committees have listed affordable housing as a barrier to economic development; this should be an issue of top importance to the department.*

Staff comments/proposed changes:

- Change title to “Housing”
- “Affordable” housing as defined by this special project is not limited to housing for low income households that are eligible under existing federal and state guidelines. This project will look at the lack of housing affordability for any household income level. In

communities with higher housing costs this includes households with incomes near or at the median level for a community – these housing problems are sometimes referred to as “workforce” housing issues.

3. Abandoned Mill Sites

*DLCD Strategic Plan Goal 2
Research*

ORS 197.719 creates a number of fully entitled industrial sites outside of UGBs across Oregon. DLCD is part of a community health/brownfield/land use project with the Health Authority, Department of Environmental Quality and Infrastructure Finance Authority that the organizations touted to the legislature during the 2015 session. Over the summer of 2015 a PhD candidate in land use at Portland State University will help us map abandoned mill sites, evaluate their utilization, evaluate the progress of communities impacted by closed mill sites, assemble a multi-layered Geological Information System map to inform policy discussions and explore new options to address re-use, community health and land use including (for the department) additional uses and a transfer of development rights program. Results will be presented in several ways beginning the autumn of 2015, including either the Association of Oregon Cities conference or the planning directors group.

Public comments:

- *[none]*

Staff comments/proposed changes:

[none]

IV. PREDICTED BASE WORKLOAD FOR THE DEPARTMENT

The department’s capacity to pursue policy projects is constrained by the availability of staff and other resources. While the department is funded and directed to pursue policy work described above, the majority of the agency’s staff and resources are focused on the core work of the department, especially ongoing technical assistance and advice to local communities. The policy agenda is in large part intended to focus limited department policy staff and resources on the key projects the legislature and commission considers necessary or highest priority in order to maintain and improve state statewide land use policy.

In recommending policy work, the department is mindful of the resources needed for the core responsibilities, DLCD's "base workload" for purposes of this report. DLCD's base workload is described below very summarily through rough estimates of the amount of program staff and other resources necessary to perform periodic review, technical assistance and a large number of other mandated responsibilities. In general, this workload is borne by program staff assigned to support these responsibilities, but much of this work also demands time and effort by the commission as well as grant resources.

A significant portion of the base workload (and a key constraint for the commission to consider in establishing the policy agenda) is indicated by the number of UGB decisions expected to be coming to LCDC for review over the next two years. For the 2015-17 biennium DLCD regional representatives have identified about ten cities currently working on UGB amendments and most are likely to be submitted to the department for review.

Other elements with significant weight in the base workload include:

- Staff managing technical assistance grants and plan amendments.
- Staff providing technical assistance to local governments, including review of plan amendments (given the current budget climate, DLCD staff's "hands-on" technical assistance plays a crucial role for many cities and counties).
- Staff development and first phase implementation of a communications plan
- Working with Department of Revenue to create an intergovernmental agreement to revise UGB amendment legal descriptions to ensure UGB amendments meet Department of Revenue standards.
- Completing UGB streamlining work.
- The base workload also includes projects and tasks managed by the Coastal and Planning Services divisions: National Flood Insurance Program, Federal Emergency Management Agency Map, Code Assistance, Quick Response, Education and Outreach, Climate Adaptation, and the like.

V. RECOMMENDATION

The department recommends the commission receive public testimony, suggest necessary language adjustments, and adopt the proposed policy agenda outlined in Section III of this report.

VI. ATTACHMENTS

A. Public Testimony

B. Staffing and Scheduling Matrix

C. DLCD Strategic Plan:

http://www.oregon.gov/LCD/docs/publications/StrategicPlan2014-22_Draft.pdf

D. Citizen Involvement Guidelines for Policy Development:

<http://www.oregon.gov/LCD/docs/publications/citinvguidepoldev.pdf>

E. DLCD Mission, Principles and Goals:

http://www.oregon.gov/LCD/pages/about_us.aspx

Abbott, Amie

From: Kellee Conner <k.conner@lwvor.org>
Sent: Tuesday, July 21, 2015 1:31 PM
To: Greg Macpherson; Abbott, Amie; Carney, Sadie
Cc: richard.m.whitman@oregon.gov; brian.shipley@oregon.gov; 'Peggy Lynch';
lwvturrill@mac.com; s.andrews@lwvor.org; 'Paula Hird'
Subject: Agenda Item 4. LCDC Policy Agenda Comments
Attachments: LCDC Policy Agenda Comments 2015 0723-NT.doc

Dear Mr. Macpherson and Members of the LCDC Committee,

The League of Women Voters of Oregon's respectfully submits the attached comments on the LCDC Policy Agenda Item 4.

We request that the committee consider the each of the components the League has addressed in this letter with regard to Item 4 of the Policy Agenda. We further request that these comments be included as part of the record at the upcoming meeting on July 23rd. Peggy Lynch will be present remotely in Salem via teleconference to testify on behalf of the League.

Please do not hesitate to contact me if you have any questions or concerns. Your assistance greatly appreciated.

Respectfully,

Kellee Conner
Support Specialist
Technology/Social Media/Education
League of Women Voters of Oregon

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**LEAGUE OF WOMEN VOTERS®
OF OREGON**

July 23, 2015

To: Land Conservation and Development Commission
Greg Macpherson, Chair
Members of the Committee
Amie.abbott@state.or.us
Sadie.carney@state.or.us

Re: Agenda Item 4, LCDC Policy Agenda – COMMENTS
(http://www.oregon.gov/LCD/docs/meetings/lcdc/072315/Item_4_2015-17_Policy_Agenda_Report.pdf)

Commissioners:

The League of Women Voters of Oregon is a nonpartisan, grassroots political organization that encourages informed and active participation in government. The League supports our statewide land use planning program with local implementation. Both components are necessary for the success of the program. We also have positions in support of many of the policies included in the state's Ten-Year Plan for a Healthy Environment, the Ten-Year Plan for Economy and Jobs, the state's Ten-Year Energy Action Plan and others. (<http://www.oregon.gov/10yearplan/Pages/index.aspx>) We engaged in the 2015-17 DLCD budget process, as well as other state agency budgets, not only natural resources, but education, housing and human services, health care, public safety, business and others. The interrelationship among agencies and between state agencies and their local and federal partners is critical to a livable Oregon.

We applaud the recent acceptance of DLCD's Draft 2014-22 Strategic Plan (http://www.oregon.gov/LCD/docs/publications/StrategicPlan2014-22_Draft.pdf) as a mechanism for connecting these priorities. We believe that this Policy Agenda should be more clearly linked with the department's Strategic Plan, as well as the state's Ten-Year Plans. As stated in the Strategic Plan, "*How communities are built and developed touches nearly every aspect of our lives: **how we get to work or school; and where we live, work, (shop), and play***". That Plan also reminds the department of its role in **responding to climate change and natural hazards**, major concerns of the League.

III. Preliminary Recommendation for Policy Agenda:

We look for closure to A.1. Southern Oregon Pilot Project. The intent/the promise of Executive Order 12-07 was that, because there were significant differences between the three counties' lands (Jackson, Josephine and Douglas) and the rest of the state, some new definitions of resource lands would emerge. It is clear that the premise was incorrect. Instead, one of the counties has pushed through its own agenda to convert large swaths of

resource land into rural residential lots. A second county has struggled to even have a planning program due to fiscal constraints among other reasons. The third county had already developed and adopted a regional land use planning program within its own county that they are now beginning to implement. We have appreciated the engagement of many state agencies in this work, but the outcome should recognize the failure of the premise, accept the reports from the counties and move on. We are still looking forward to the one area where the League was excited to see answers: the issue of carrying capacity.

We support A.2. Review of Metropolitan Greenhouse Gas Emissions Targets. Because transportation is a significant element of greenhouse gas emissions in Oregon, we are supportive of rulemaking AND of moving toward including the other Metropolitan Planning Organizations. We see urgency in this effort as our planet continues to warm.

We support A.3. Tsunami Resilience Planning and believe the addition to the Governor's staff of a policy advisor in this area should help. However, we believe that the department's publication guidance is only a beginning step. **A full natural hazards rulemaking is needed to address this public safety issue.**

We support A.4. UGB Rulemaking (HB 2254), but the effort needs more time than the legislation requires. **LCDC should contact the Governor's Office and Legislative Leaders to extend the deadline until January 1, 2017,** in order to assure wide stakeholder and public engagement in the final rules. We have a member sitting on the advisory committee. The research meant to help guide the rulemaking has just been completed. The committee has had little time to review and discuss the outcome of that research. The public, including cities that might take advantage of this proposed streamlined approach to boundary assessment, has not had sufficient time to consider any proposal—a proposal that is still not ready for public consumption.

We do NOT support moving forward with A.5. Industrial Lands at this time. A number of bills were passed in the 2015 session related to Industrial Lands, including monies to remediate brownfields. Other bills were passed related to employment lands. We believe this issue can wait until 2017.

Of course, we support A.6. Citizen Involvement and Land Use Program Outreach Improvements! We have always believed that broad involvement breeds ownership and support. We also believe that citizens, working together, assure that communities address *... "how we get to work or school; and where we live, work, (shop), and play"*. Like Goal 1, we would prefer this be the first item listed in your Policy Agenda.

We support A.7. Goal 5 Rule Amendments, not only related to the Endangered Species Act and the National Flood Insurance Program, but using this opportunity to address broader Goal 5 issues. Again, as we see our climate changing, natural resource issues cannot be ignored.

We have no comment on A.8. regarding Technical Amendments Concerning Road Alignments.

B. New Policy Projects Required by the 2015 Legislature:

We recognize the need for the Commission to address 2015 Legislation. Most issues have, as noted in the staff report, low effort and minimal rulemaking. The League worked to assure that the items listed under “A” above would be the major focus of the department and Commission’s policy work. It is substantive and critical to the health of the land use program AND the State of Oregon.

C. New Policy Projects Recommended by the Department:

We would support C.1. Non-resource Lands Rulemaking ONLY if the work done on carrying capacity in A.1. provides real guidance. Even then, we believe that the extension of A.4. UGB Rulemaking will not provide the department with the staffing for this project this biennium.

Should there be staffing and fiscal capacity, C.2. Farmland Protection Improvements has a higher priority for us than C.1. above.

IF C.3. Periodic Review Clean-up work proposed is “minor and technical,” then this work should be done to help the system. We are working now to assure that the elements of Periodic Review that exist in the current structure are not lost as we develop a streamlined UGB process.

D. Special Projects:

The list of projects which the department is already engaged in: **Estuary Planning, Affordable Housing and Abandoned Mill Sites**, seem like substantive work, making our recommendations above about what can be deleted even more important to consider. With the new state investment in affordable housing AND the fact that **almost all Regional Solutions Committees have listed affordable housing as a barrier to economic development, this issue should hold a top place in staff and resource usage by the department.**

The League appreciates the opportunity to provide input to the Commission as you consider your 2015-17 Policy Agenda. We look forward to partnering with you in the work and helping engage Oregonians in “...*how we get to work or school; and where we live, work, (shop), and play*”. Thank you for considering our testimony. Let us know how we might help.

Sincerely,



Norman Turrill
President



Peggy Lynch
Natural Resources Coordinator

Cc: Richard Whitman, Governor’s Natural Resources Policy Advisor
Brian Shipley, Governor’s Chief of Staff

Abbott, Amie

From: Mark J. Greenfield <markgreenfield@involved.com>
Sent: Thursday, July 23, 2015 8:35 AM
To: Carney, Sadie
Cc: McCurdy Mary Kyle; 1000 Friends of Oregon McCoy; Eber Ron; Benner Dick; Daniels, Katherine; Johnson Jim
Subject: 2015-17 Policy Agenda: Public/Stakeholder Input

I am concerned about impacts to agricultural land. I live on Sauvie Island, which has outstanding agricultural soils, and already I am seeing new (typically younger) people move onto the island and begin advertising on AirB&B to bring visitors to the island. These people have no background in the history of land use planning in Oregon and no understanding of the conflicts they may be creating. We are becoming a quasi hotel/motel zone here, and I suspect in other farming areas. Now there is an internet service for people to open up their properties to people for camping. In my mind, these activities are at serious odds with the protections for farm lands intended by the framers of Goal 3.

I am also concerned about the growth of farm stands. 25 years ago, efforts were made to make it easier to have farm stands so that new farmers could obtain extra income to expand their operations. Now entrepreneurs are purchasing farm land to set up farm stands so that they can hold events in agricultural areas, which I can tell you bring in a lot of money and provide much more bang for the buck than farming. Some of these new “farmers” seem more interested in importing crops for sale at their farm stands than actually growing them on their properties. The requirement limiting income from sales of incidental items (like baskets or hats) and from promotional events is a farce because it is unenforceable. Nobody keeps track of what items they sell are either crops or processed food as opposed to retail incidental items or fees from promotional events. There is no means for accurate accounting of this to counties or, if requested, DLCD. And promotional events are now going well into the evenings, sometimes with noise in farm zones continuing until 10 or 11 PM. I’ve had a commercial farmer complain to me that she can’t get the sleep she needs due to this noise.

One farm stand operation on the island has what appears to be over 25% of its property identified for events and parking. It may be closer to 50%. Recently the Multnomah County Planning Commission recommended to the Board of Commissioners a new policy that would limit the amount of land available for farm stand promotional events like corn mazes to 5 acres or 5% of the property, whichever is less, unless the applicant can show compelling reasons why more land is needed. The idea is that since the 25% rule is difficult if not impossible to enforce, let’s get to what really matters — preserving agricultural land for productive farm use. This policy, which I drafted together with former LCDC Commissioner Anne Squier, was endorsed by former LCDC Chair Bill Blosser, former DLCD Director Dick Benner and former DLCD agricultural lands specialist Ron Eber. So why isn’t DLCD doing something about this? It seems that every year or two, someone comes up with yet another idea to help erode the preservation of agricultural land or introduce new conflicting uses into the zone. Your strategic plan says the agency will “study” the issue. With increasing population pressures in urban areas, I am not sure that is good enough. LCDC and the Department need to start developing and adopting rules that restore the level of protections envisioned by former LCDC Commissioners like Hector MacPherson.

Mark J. Greenfield
14745 NW Gillihan Road
Portland, Oregon 97231
(503) 227-2979

markgreenfield@involved.com

Abbott, Amie

From: Daniels, Katherine
Sent: Friday, July 24, 2015 8:02 AM
To: 'Ron Eber'; Mark J. Greenfield; Carney, Sadie
Cc: McCurdy Mary Kyle; 1000 Friends of Oregon McCoy; Benner Dick; Johnson Jim
Subject: RE: 2015-17 Policy Agenda: Public/Stakeholder Input

Agreed, and camping for profit must go through the private campground provisions, also a sub 2 use and not allowed on HV farmland. Katherine

Katherine Daniels, AICP | Farm and Forest Lands Specialist
Community Services Division
Oregon Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Direct: (503) 934-0069 | Main: (503) 373-0050 | Fax: (503) 378-5518
katherine.daniels@state.or.us | www.oregon.gov/LCD

From: Ron Eber [mailto:ronaldeber@comcast.net]
Sent: Thursday, July 23, 2015 9:48 PM
To: Mark J. Greenfield; Carney, Sadie
Cc: McCurdy Mary Kyle; 1000 Friends of Oregon McCoy; Benner Dick; Daniels, Katherine; Johnson Jim
Subject: Re: 2015-17 Policy Agenda: Public/Stakeholder Input

Home occupations and room and board arrangements are both sub 2 uses in an EFU zone and require approval under 215.296. So AirB&Bs and camping are all subject to land use review. Wonder if the County is requiring this or has even thought of it.

No doubt such establishments need a business license and health department permits, but would be surprised if one arm of the county government knows that the other is doing. It was just this sort of think that led to the Blueberry Cafe mess.

Ron

----- Original Message -----

From: [Mark J. Greenfield](mailto:Mark.J.Greenfield@state.or.us)
To: sadie.carney@state.or.us
Cc: [McCurdy Mary Kyle](mailto:McCurdy.Mary.Kyle@state.or.us) ; [1000 Friends of Oregon McCoy](mailto:1000.Friends.of.Oregon.McCoy@state.or.us) ; [Eber Ron](mailto:Eber.Ron@state.or.us) ; [Benner Dick](mailto:Benner.Dick@state.or.us) ; [Daniels Katherine](mailto:Daniels.Katherine@state.or.us) ; [Johnson Jim](mailto:Johnson.Jim@state.or.us)
Sent: Thursday, July 23, 2015 8:34 AM
Subject: 2015-17 Policy Agenda: Public/Stakeholder Input

I am concerned about impacts to agricultural land. I live on Sauvie Island, which has outstanding agricultural soils, and already I am seeing new (typically younger) people move onto the island and begin advertising on AirB&B to bring visitors to the island. These people have no background in the history of land use planning in Oregon and no understanding of the conflicts they may be creating. We are becoming a quasi hotel/motel zone here, and I suspect in other farming areas. Now there is an internet service for people to open up their properties to people for camping. In my mind, these activities are at serious odds with the protections for farm lands intended by the framers of Goal 3.

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their properties. The requirement limiting income from sales of incidental items (like baskets or hats) and from promotional events is a farce because it is unenforceable. Nobody keeps track of what items they sell are either crops or processed food as opposed to retail incidental items or fees from promotional events. There is no means for accurate accounting of this to counties or, if requested, DLCD. And promotional events are now going well into the evenings, sometimes with noise in farm zones continuing until 10 or 11 PM. I've had a commercial farmer complain to me that she can't get the sleep she needs due to this noise.

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Mark J. Greenfield
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Portland, Oregon 97231
(503) 227-2979
markgreenfield@involved.com

Abbott, Amie

From: McCallister, Mike <MikeM@co.clackamas.or.us>
Sent: Tuesday, July 28, 2015 7:59 AM
To: Carney, Sadie
Cc: Donnelly, Jennifer; Chandler, Daniel; Buehrig, Karen
Subject: 2015-17 Policy Agenda: Public/Stakeholder Input

Sadie and Jennifer,

I have reviewed the LCDC policy agenda for 2015-2017. One of the priorities of the Clackamas County' Strategic Plan is job creation and employment lands. We appreciate the addition of the Arndt Road technical amendments (Item 8) on the agenda and the Commissions commitment to complete the project. That project will forward the County's objective to provide access from the I-5 corridor to the Canby area and related industrial lands. I would appreciate knowing if there is a anticipated timeline to initiate the project at your earliest convenience.

Thank you.

Mike McCallister
Planning Director
Planning & Zoning Division
Clackamas County
503-742-4522
MikeM@clackamas.us

Abbott, Amie

From: Evan MacKenzie <Evan.MacKenzie@ci.pendleton.or.us>
Sent: Tuesday, July 28, 2015 11:24 AM
To: Carney, Sadie
Subject: Comments re- LCDC Policy Agenda

Re: LCDC POLICY AGENDA

4. UGB Rulemaking (HB 2254): DLCD Strategic Plan Goal 2 Complex Effort, Staff and Commission Streamlining of the Urban Growth Boundary (UGB) expansion process will be implemented through LCDC rules adopted before January 1, 2016. This rulemaking began in 2013 after the passage of HB 2254 and has been very complex. The result will be a new UGB evaluation and amendment option for small and large cities, which must meet certain performance standard and ensures an adequate supply of land for development over a 14-year period. The rules require cities to demonstrate at least seven years of serviceable lands within the UGB (rather than the current 20-year supply of land that is not necessarily serviceable), and that all land added to the UGB using the new method is suitable for urbanization. The rules also require cities to plan and zone lands to meet requirements for needed housing, and to avoid significant adverse effects on key transportation facilities.

I have expressed concerns with the UGB expansion process before, but I want to reaffirm those concerns. Please be aware that although I have discussed this issue with my superiors and elected/appointed officials, my comments should not be construed as a formal position on behalf of the City of Pendleton.

There is a direct conflict in the ORS. 197.298(b) directs cities to expand into nonresource land, but 197.340 states "local governments shall give the goals equal weight in any matter in which the goals are required to be applied." In other words, the mandate to preserve resource lands should be given no more weight than a city's need to balance land use, transportation, public facility and other (Goal-related) concerns for an urban area and future growth thereof.

In the early days of Oregon land use planning, different cities took different approaches to establishment of their UGBs. Some took it as an opportunity for a land grab, while others were more constrained. Nobody really thought about how difficult it would be to expand the UGB 20 or 30 years on. While Oregon's primary goal was to preserve agricultural land, one result of that effort was to force cities to grow into land that was undesirable and inefficient for urban growth and provision of services.

Oregon's land use laws do not take local and regional conditions into account. High growth areas tend to have higher land prices, which makes higher densities (smaller lots) a natural response to market pressure. Lower growth areas, where land costs are lower, show very high price elasticity when it comes to the cost to develop constrained lands. Those with the lowest development costs will get developed, but unlike in high growth areas, any lands with higher than average development costs may remain undeveloped for decades. This results in a large inventory of land that is unlikely to be developed because the finished product will not be able to sell for a price the local market can bear, which is in direct conflict with Goal 10 (Housing).

In Pendleton's case, we have a large inventory of land with steep slopes and shallow soils. The cost to clear/grade a site for private development can be double or triple that of unconstrained ground, not to mention requiring additional area to do so. The cost to provide public facilities such as streets, water and sewer can likewise require significant additional area and investment. Again, this may not be as big a concern in a high growth area, where land costs are already high enough that the marginal cost to develop constrained lands does not result in significantly higher finished costs. But in rural areas with generally lower incomes and land acquisition costs, it's a killer, stopping

development entirely. When development does occur, it is impossible, or at least impractical, to meet the minimum density standards that were imposed upon the City through Periodic Review.

Yes, lower densities are generally incompatible with “Smart Growth” strategies and do result in higher costs per unit for infrastructure. But the alternative, at least in our case, is a large supply of land that counts in our inventory but is unlikely to be developed in the short term as well as the long term. Lower density allowances do, however, allow local builders to construct housing that is desirable for a local population that values (and in fact moves here for) a more rural development pattern.

Much of the land inside our UGB is constrained, while a lot of land directly outside the UGB is not. We cannot construct roads or utilities outside our UGB, which means we end up with public facilities that are costly and inefficient both for the City directly and our local population indirectly.

If and when we expand our UGB, ORS. 197.298(b) directs us to lands that will be difficult to provide services to, and will force all traffic onto a two lane State highway with no real alternatives. On top of that, expanding the UGB into an area that is already developed with rural residential housing will put our goal of urbanization in direct conflict with that of the people already there, which is to keep it rural. Why should we be forced to pick that fight, when we can expand into areas where we will not have those conflicts?

Another issue faced by smaller cities and towns is consolidated ownership of undeveloped lands. There are fewer than 10 parties who control the majority of the undeveloped land within Pendleton’s UGB. If they don’t want to sell (for a price the local market can bear), we will see no development. We can’t force people to sell, and we can’t force them to sell at a price that will actually result in development people can afford. But it is a market pressure issue that our land use laws do not address.

Owing to the complexities of the legislative process I don’t have a solution to propose, but I think it is important to air my concerns. It is not my intent to suggest that we overturn any of our State Goals, or local jurisdictions’ need to comply with them and implementing Statutes. I would simply like to see the language in 197.340 be considered as equal to if not more important than that in 197.298(b), so that cities can take a more holistic approach to urban growth and UGB expansion.

-Evan

Evan MacKenzie
Planner
City of Pendleton Community Development Department
500 SW Dorion Avenue (2nd floor)
Pendleton, OR 97801
541-966-0261

www.pendleton.or.us Go to: Departments / Community Development / Planning
Access the Planning Department page directly:
<http://www.pendleton.or.us/community-development/planning-department>

Abbott, Amie

From: Nick Lelack <Nick.Lelack@deschutes.org>
Sent: Tuesday, August 04, 2015 4:12 PM
To: Carney, Sadie
Cc: Tom Anderson; Peter Gutowsky; Mark Nystrom
Subject: Deschutes County Comments on LCDC Policy Agenda 2015-17
Attachments: 5-6-15 HB 2229 - LCDC Rulemaking Ltr.pdf

Hi Sadie,

Please include this letter from the Deschutes County Board of Commissioners, dated May 15, 2016 to Director Jim Rue, in strong support of LCDC Policy Agenda item **C. New Policy Projects Recommended by the Department, 1. Non-Resource Lands Rulemaking.**

We understand this policy agenda item may or may not directly result in the implementation of HB 2229. However, the issues related to non-resource lands and HB 2229 implementation are similar, and rulemaking is necessary to provide clarity to implement state laws (non-resource lands and HB 2229).

In addition, Deschutes County requests to participate in this rulemaking project.

Please does not hesitate to contact me if you have any questions.

Thank you.

Nick Lelack, AICP, Director
Deschutes County Community Development Department
PO Box 6005
117 NW Lafayette
Bend, OR 97708-6005
Office: 541.385.1708 / Cell: 541.639.5585 / Fax: 541.385.1764
www.deschutes.org/cdd

From: Mark Nystrom [<mailto:mnystrom@oregoncounties.org>]

Sent: Tuesday, August 4, 2015 3:14 PM

To: Tamra Mabbott

Cc: Carla McLane; McCallister, Mike; HOWE Kent (PW); Adam Barber; Alvin Scott; Andy Back; Angie Brewer; Ann Beier; Austin McGuigan; Bill Adams; Bill Zelenka; Brandon McMullen; Brandon Reich; Bryan Pohl; Darwin Johnson; Dave Pratt; Dennis Lewis; Georgia MacNab; greg.j.verret@co.benton.or.us; Hanley Jenkins; Hansen, Heather; Harold Black; Hilary McNary; Holly Kerns; Hunt-Thompson, Robin; Jill Rolfe; Joe Fennimore; John Roberts; Karen Schilling; Keith Cubic; Kelly Madding; Ken Friday; Lindsey NESBITT; Mark Gallagher; Mark Nystrom; Matt Laird; Michelle Colby (michelle.colby@co.gilliam.or.us); Mike Brandt; Nick Lelack; Onno Husing; Peter Gutowsky; Robert Wheeldon; Scott Hartell; Susie Anderson; Todd Dugdale; Warren Jackson

Subject: Second message from DLCD/LCDC

Interested Persons:

The proposed 2015-17 Land Conservation and Development Commission (LCDC or commission) Policy Agenda is being presented at the July 23-24 meeting in Burns, Oregon. The commission will begin the discussion at the July meeting and reach a final decision on a policy agenda at the September 24-25, 2015, meeting.

The proposed policy agenda seeks to establish the near-term direction and policy projects pursued by DLCD staff during the 2015-17 biennium. Long term projects and policy items are addressed in the DLCD Strategic Plan. The public and



Board of County Commissioners

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www.deschutes.org
board@deschutes.org

Tammy Baney
Anthony DeBone
Alan Unger

May 6, 2015

Mr. Jim Rue, Director
Oregon Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, OR 97301

Re: HB 2229 / LCDC Rulemaking

Dear Mr. Rue:

Thank you for visiting Deschutes County on April 17, 2015 to discuss among other items, non-resource lands and the challenges with implementing House Bill (HB) 2229. The Board of County Commissioners, following a recommendation from the Planning Commission, respectfully request the Land Conversation and Development Commission (LCDC) initiate rulemaking to implement the legislation and clarify processes for:

1. Updating farmlands and forestlands for land use planning;
2. Phasing;
3. Regional approaches to resolving land use problems;
4. Non-resource lands containing ecologically significant natural areas or resources;
5. Carrying capacity of the lands; and,
6. Significantly adverse effects.

HB 2229, Section 2(b)(B) directs LCDC to adopt rules that,

Consider the variation in conditions and needs in different regions of the state and encourage regional approaches to resolving land use problems.

Since the law took effect, Deschutes County has continually expressed interest in implementing HB 2229, also known as the "Big Look Bill," as evidenced by its participation in a 2010 Association of Counties panel discussion with state agency officials and subsequent conversations with the Department of Land Conservation and Development (DLCD). Most recently, Deschutes County requested input on a phased approach and clarification of key issues relating to five pre-platted subdivisions with farm and forestland designations. Rob Hallyburton, DLCD Community Services Division Manager wrote in a letter on January 8, 2015:

While we do not find that the county must review all land in the county, we would be most inclined to approve a work program that includes some major region defined by geographic characteristics rather than by property or subdivision boundaries.

Additionally, the county may not pre-determine specific areas for review, as subsection 5(3) requires the county to provide an opportunity for all farm and forest land to be considered. If the county receives a request to review an area that is not included in the original proposal, the county must review it. As explained above, we believe that this area must be a geographic area of the county and not individual properties or subdivisions.

Considering other aspects of HB 2229 not related to your question, the department has been unable to determine the nature and scope of the mapping error the county intends to address. It is not apparent why the areas the county has shared with the department were incorrectly zoned at acknowledgment, and this is a fundamental aspect of the bill. If the county chooses to move forward with a work program, the county will need to demonstrate that the HB 2229 process is an appropriate vehicle for addressing the county's needs.

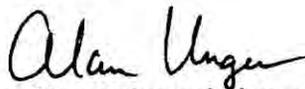
Based on Mr. Hallyburton's letter, there remain differences of opinion whether HB 2229 is targeted exclusively to properties with mapping errors or if it also applies to updating farm and forestland designations based on changed circumstances. Without administrative rules, undertaking a work plan is fraught with legal uncertainty. It is also extremely difficult to gauge staffing resources and timelines.

Lastly, we respectfully request Deschutes County be provided the opportunity to participate on the Rules Advisory Committee. Thank you for considering this request.

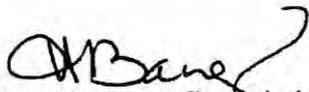
THE DESCHUTES COUNTY BOARD OF COMMISSIONERS



Anthony DeBone, Chair



Alan Unger, Commissioner



Tammy Baney, Commissioner

Abbott, Amie

From: Ethan Seltzer <dkes@pdx.edu>
Sent: Thursday, August 06, 2015 4:56 PM
To: Carney, Sadie
Subject: Re: 2015-17 Policy Agenda: Public/Stakeholder Input

Sadie...

Thanks! Yes, it helps. I think the problem is that "resource" is a term largely applied to goals 3 and 4. It might be useful to create a new term for goals 5 and 7, say "noncontributing" or something like that, and then to include some language for how to interpret potential conflicts or gray areas arising between goals 3/4 resource land and goals 5/7 noncontributing areas. Anyhow, just a thought. Best!!

EThan

On Thu, Aug 6, 2015 at 4:35 PM, Carney, Sadie <sadie.carney@state.or.us> wrote:

Hi Ethan,

Thank you for the feedback. If I am reading your email correctly, we may need to look at how clearly written our material is!

While I am not the original author of this policy item, my understanding is that we currently have a "non-resource" designation for land that is outside a UGB, and not zoned EFU or Forest. Many of these "non-resource" lands are areas unsuitable for farming or forest practice, but provide other assets (e.g. habitat: as non-managed lands, they are often more biodiverse and therefore more suitable). Non-resource lands are problematic because they lack the same kind of regulation we have for farm and forest land. At DLCD, we are finding counties have diverse treatment of lands with a "non-resource" designation, rulemaking would be an attempt to provide more consistent guidelines across the state. In one instance we have seen non-resource land rezoned and divided into parcels as small as 5 acres, below the 10acre minimum for rural residential areas. In almost all instances, the result of a zoning change in non-resource areas leads to rural residential development. At best, this change directs development outside a UGB. At worst it creates conflicts with existing uses, makes wildfire management even more challenging, increases transportation costs, and puts habitat at risk. The hope is that we can recognize/establish what resources might be worth preservation in these "non-resource" areas, and create rules that allow for consistent, appropriate development.

The rulemaking interface would bear on Statewide Planning Goals 5 and 7 most directly.

Does that add any clarity to what you were reading in our Proposed Policy Agenda? If so, let me know if you would like to revise your comment or have it submitted to record as is.

It is such a thrill working here. I am learning as much as I did at PSU! (Which hardly seems possible.) ☺

Very Best,

Sadie

Sadie K Carney | Rural Policy Analyst/Communications Manager

Director's Office

Oregon Dept. of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540

Direct: [\(503\) 934-0036](tel:5039340036) | Cell: [\(503\) 383-6648](tel:5033836648) | Main: [\(503\) 373-0050](tel:5033730050)

sadie.carney@state.or.us | www.oregon.gov/LCD/

From: Ethan Seltzer [<mailto:dkes@pdx.edu>]

Sent: Saturday, July 25, 2015 3:20 PM

To: Carney, Sadie

Subject: 2015-17 Policy Agenda: Public/Stakeholder Input

Sadie...

Greetings! Thanks for sending along the info regarding the policy agenda. My only concern is with Section C, Subtask 1: Non-resource Lands Rulemaking. Though there isn't a lot of information provided, this sounds an awful lot like the next coming of a very long chain of very difficult and somewhat odd efforts in the history of the program: exception lands, marginal lands, and now non-resource lands. Unless I'm missing something here, this ground has been plowed pretty thoroughly and opening up rural lands to a new "non-resource" designation seems both counterproductive and without respect to the historic context for Oregon's approach to managing its rural lands. Without first building in protections for resource lands and resource use, including off-site requirements in both urban and rural areas, what is being proposed sounds too much like a huge new loophole for non-resource-related rural development, and it ought to be put on hold. Consequently, please count me with those suggesting that this is not a useful direction for the department or the program, or for that matter, for the State.

Thanks!



PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

August 18, 2015

Jim Rue, Director, DLCD
Sadie Carney, Rural Policy Analyst/Communications Manager, DLCD
Greg Macpherson, Chair, LCDC
635 Capitol Street North East, Suite 150
Salem, Oregon 97301-2540

RE: 2015- 2017 LCDC Policy Agenda
Preliminary Recommendation for Policy Agenda
Special Projects
Affordable Housing

Dear Mr. Rue, Ms. Carney and Mr. Macpherson:

Thank you for the opportunity to provide comment to the 2015 - 2017 LCDC Policy Agenda. It is certainly a robust undertaking for the next two years. The purpose of this letter is to draw your attention to an oversight that both the Land Conservation and Development Commission (LCDC) and the Department of Land Conservation and Development (DLCD) have made. Under D. Special Projects 2. Affordable Housing has been identified and called out as a need. I would share that you have underestimated the need from both a breadth and width perspective.

Attached to this letter is Goal 10 which states that communities should work "to provide for the housing needs of citizens of the state." And while 'affordable housing' is a component of Goal 10 it is not the only housing need that should be addressed.

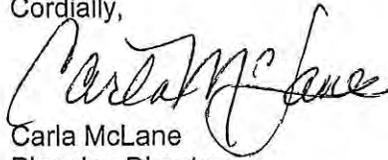
Morrow County is a small eastern Oregon county with a population of about 11,500 people and we are not yet required to undertake work under Goal 10, but we will as part of a Comprehensive Plan update that we have initiated. Here in Morrow County there was never a boom prior to the economic downsizing of 2007 - 2008, so we did not experience the bust like many communities with large numbers of vacant housing units. Now as the economy is slowly turning around and new jobs are being created we find that we are lacking in housing units, in particular workforce housing units.

You will also find attached to this letter five of the eleven Regional Priorities from around Oregon representing 19 counties. A common thread in the ones that I have attached is that they all identify a need for housing - workforce housing, housing, housing rehabilitation/housing for vulnerable populations, attainable housing, and housing and manufactured housing. All of these regions chose language other than 'affordable housing,' and I believe did so for a reason.

I would like to request that you amend you 2015 - 2017 LCDC Policy Agenda to identify "housing" as defined by Goal 10 and engage in work beyond 'affordable housing.'

Thank you again for the opportunity to comment. Please feel free to contact me at 541-922-4624 or by email at cmclane@co.morrow.or.us.

Cordially,



Carla McLane
Planning Director

attachments: Goal 10; Regional Priorities (5 of 11 Regions)

cc: Grant Young, Eastern Region Representative, DLCD
Scott Fairley, Governor's Representative, Regional Solutions, Greater Eastern Region

Oregon's Statewide Planning Goals & Guidelines

GOAL 10: HOUSING

OAR 660-015-0000(10)

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Buildable Lands -- refers to lands in urban and urbanizable areas that are suitable, available and necessary for residential use.

Government-Assisted Housing -- means housing that is financed in whole or part by either a federal or state housing agency or a local housing authority as defined in ORS 456.005 to 456.720, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

Household -- refers to one or more persons occupying a single housing unit.

Manufactured Homes -- means structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.), as amended on August 22, 1981.

Needed Housing Units -- means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

GUIDELINES

A. PLANNING

1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include: (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels; (3) a determination of expected housing demand at varying rent ranges and cost levels; (4) allowance for a variety of densities and types of residences in each community; and (5) an inventory of sound housing in urban areas including units capable of being rehabilitated.

2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.

3. Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.

4. Plans providing for housing needs should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

B. IMPLEMENTATION

1. Plans should provide for a continuing review of housing need projections and should establish a process for accommodating needed revisions.

2. Plans should take into account the effects of utilizing financial incentives and resources to (a) stimulate the rehabilitation of substandard housing without regard to the financial capacity of the owner so long as benefits accrue to the occupants; and (b) bring into compliance with codes adopted to assure safe and sanitary housing the dwellings of individuals who cannot on their own afford to meet such codes.

3. Decisions on housing development proposals should be expedited when such proposals are in

accordance with zoning ordinances and with provisions of comprehensive plans.

4. Ordinances and incentives should be used to increase population densities in urban areas taking into consideration (1) key facilities, (2) the economic, environmental, social and energy consequences of the proposed densities and (3) the optimal use of existing urban land particularly in sections containing significant amounts of unsound substandard structures.

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.



REGIONAL SOLUTIONS OFFICE
GOVERNOR KATE BROWN

Greater Eastern Region (Gilliam, Wheeler, Morrow, Umatilla, Grant, Harney and Malheur Counties)
Regional Priorities

- **Increased Productivity from Federal Forest Lands**
 - Policy and resources to improve forest health and sustain/grow rural economies
 - Develop technology for biomass utilization
- **Skilled Workforce Availability**
 - Increase availability of training/certification programs
 - Increase vocational/career technical education availability
 - Address interstate certification reciprocity issues
 - Address community livability issues
 - Commercial kitchens to support rural entrepreneurship
- **Avoid/Mitigate Sage Grouse Endangered Species Act Listing**
 - Resources to avoid sage grouse listing or mitigate impacts of listing
- **Water Management and Development**
 - Water storage projects
 - Infrastructure/distribution systems in critical groundwater areas
- **Infrastructure to serve industrial sites**
 - Funding for infrastructure to support Umatilla Chemical Depot redevelopment
 - Preserve rail infrastructure to Pilot Rock
- **Unmanned Aviation Vehicle Industry**
 - Support efforts to identify a regional test site(s)
- **Marketable Industrial Land**
 - Funding and technical assistance to ensure a supply of marketable industrial lands
- **Workforce Housing**
 - Create a housing loan fund to assist with market rate rural housing financing
 - Address appraisal (lack of comparables) issues for rural market rate housing financing
 - Funding for housing rehabilitation
- **Regulatory Technical Assistance**
 - Increase technical assistance to local governments on land use planning and infrastructure upgrades
- **Mining/Metals Extraction**
 - Streamline permitting process
 - Assessment of regional mineral resources
- **FEMA National Flood Insurance Program Changes**
 - Investigate opportunity for local/state insurance pools



REGIONAL SOLUTIONS OFFICE
GOVERNOR KATE BROWN

Central Region (Jefferson, Crook and Deschutes Counties)
Regional Priorities

- Establishment of four year university (OSU Cascades)
- Job retention and growth; respond to emerging opportunities
- Ensure that the region has land and infrastructure available to retain/attract employers
- Regulatory integration/streamlining
- Water availability
- Sewer infrastructure
- Central Oregon Transit System
- Strengthen regional agriculture
- Improve forest health and increase access to timber resources
- Support for arts and culture
- Housing



REGIONAL SOLUTIONS OFFICE
GOVERNOR KATE BROWN

South Central Region (Klamath and Lake Counties)
Regional Priorities

- Infrastructure
 - Water systems
 - Water storage
 - Sewer
 - Natural gas
 - Rail
 - Highways 97 and 140
 - Airports
 - Broadband
 - Active transportation
- Work force training
- Availability and marketability of industrial land
- Downtown revitalization
- Business retention, expansion, and attraction
 - Energy efficiency
 - Food processing/value added agriculture
 - Wood stove change out/improve air quality
 - Aviation
 - Health care
 - Renewable energy
- Improve forest health and access federal timber resources
- Support for entrepreneurship
- Housing rehabilitation/housing for vulnerable populations
- Regulatory integration/streamlining
- Respond to immediate, emerging opportunities



REGIONAL SOLUTIONS OFFICE
GOVERNOR KATE BROWN

North Central Region (Wasco, Hood River and Sherman Counties)
Regional Priorities

- Infrastructure focus
 - Waste water
 - Water
 - Telecommunications/broadband
 - Public transportation, access, freight
- Providing support for business clusters
 - Value added agriculture
 - Fermentation sciences (wine, beer, distilling, cider, cheesemaking) (subset of value added agriculture)
 - Technology
 - Arts and culture
 - Health care
 - Renewable energy
 - Tourism and recreation
- Work force training
- Attainable housing
- Availability of industrial land
- Urban area boundaries in the National Scenic Area and need for clarity from Columbia Gorge Commission re: amendments
- Regulatory integration/streamlining



REGIONAL SOLUTIONS OFFICE
GOVERNOR KATE BROWN

South Valley / Mid Coast (Benton, Lane, Lincoln and Linn Counties)
Regional Priorities

- Housing and Manufactured Housing
- Entrepreneurialism and Southern Willamette research corridor
 - Encourage business incubation, acceleration, manufacturing and new technologies
 - Encourage and support an entrepreneurial culture and ecosystem
 - Access to capital strategy – Develop resident capital and access to capital investment
 - Venture Capital and Commercialization – support mentoring related to capital access and product development, as well as networking opportunities with other innovators. Support both emerging entrepreneurs and established companies.
 - Promote regional workforce readiness
- Improve the readiness of industrial land
 - Addressing uncertainty and permit streamlining on wetlands
 - Support rural industrial development opportunities
 - Encourage creation of quality industrial flex-space
 - Increase number of certified industrial sites
 - Support time to market initiatives
- Improve access to markets via improved transportation systems
 - Transportation systems
 - All modes
 - Rapid Rail
 - Transit
 - Air
 - Ports
 - Infrastructure
- Support alternative fuel and energy industry and alternative energy advancement

Abbott, Amie

From: Abbott, Amie on behalf of Rue, Jim
Sent: Friday, September 04, 2015 1:45 PM
To: Carney, Sadie
Subject: FW: MY strategic Plan Comments

Amie Abbott | Executive Assistant to the Director & Commission
Director's Office
Oregon Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Direct: (503) 934-0045 | Cell: (503) 383-8911 | Main: (503) 373-0050
amie.abbott@state.or.us | www.oregon.gov/LCD

From: Brian Lightcap [mailto:lightcap8@aol.com]
Sent: Saturday, August 29, 2015 2:03 PM
To: Rue, Jim
Subject: Fwd: MY strategic Plan Comments

Whoops. Sending again as your email address got compromised, plus I wasn't very observant. Sorry. Brian

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: MY strategic Plan Comments
From: Lightcap8@aol.com
To: amie.abbott@state.or.us, jim.rue@state.or.hallenge
CC:

Dear Mr. Rue:

I sent an email to you and Amie last week asking to preserve my opportunity to comment. The following are my comments including the email I sent last week.

Page four. Bullet 4 - Resilient communities. I note that such communities outside the UGB are resilient when these communities take steps to create organizations such as the Skyline Ridge Neighbors. The landowners in such organizations never seem to get much support from, at least Multnomah County. The next generation of potential modest income land managers, such as my son's family, can't really be involved in this property to help their 71 year old dad until I die. In order for them to become familiar with what happens here, they would have to live on the property and help out and learn from me. When I die the challenge of taking over is very steep and disruptive. County restrictions and knowledge of ways to keep conservation minded families working on these lands is non-existent. The net result is these lands get sold to the next highest bidder who has no deep interest in conservation or the land ends up with Metro because there never was a county policy of keeping families on the land. Doing so would help maintain resilient communities.

Modest income landowners and their families who truly are conservation minded and don't sell out for the highest dollar, need far better support from their county. In this specific instance the county felt a second home should be placed right by an existing barn or next to the road where either the pastures were the best or would seriously conflict with farm forest activities.

Goal 1 (Ag and Forest land). The challenges and incentives for actually using goal 1 lands as zoned, for example, commercial forest parcels less than 40 acres, is very small. Such parcels end up as unprofitable hobby acreages that the wealthy can easily hold on to with minimal management. They, however, end up being rather efficiently managed wildlife habitat, compared to high overhead for Metro accomplishing the same. In other words, the opportunity for sustainable harvest for any profit on small parcels is very difficult to do. In order that my current farm and forest efforts have some hope of being profitable, we planted some higher value tree crops 40 years ago such as chestnut, cedar and walnut. Also, established over time were ways to be visible, practical and efficient with activities such as log storage, access to manure for sales and general movement of materials and equipment.

I say all of these things as a forestry graduate who dutifully managed 53 acres and has had a forest management plan and a conservation plan for over 25 years. Thus, a few of us who have committed to conservation decades ago, are treated as if we were a family or individual who had no other objective other than to live in the country with horse in the backyard. We bought this property in 1975, immediately made natural resource and lifestyle commitments and purposely bought the land to thwart large scale housing developments. We talked the talk and walked the walk. Now at this point with threat the developments like Forest park Estates no longer a threat, I think it's time for counties to know how to support a resilient rural community.

Page 6. Strategic plan. Non-resource lands. If things keep as difficult as I've explained above, small parcels zoned farm or commercial forest are essentially "non-resource lands", as least as it pertains to tree harvests that at least pay their way. These lands certainly provide wildlife habitat for which our family has done quite a lot to support, in spite of having some sheep and llamas. They keep this place clear of blackberries and help a lot by making fire lane breaks for fire control. They create "edge" in the forest environment as well as pasture and areas to hay.

Finally, I ask DLCD, what actions can you take to help out landowners who truly are committed to handing down their conservation ethic to children and grandchildren? We as a group are so small that we don't seem to exist in the world of profit motivated real estate sales.

Below I have cut and pasted my earlier email sent last Thursday.

Sincerely,

Brian Lightcap

On Thursday, August 20, 2015 10:04 PM, "Lightcap8@aol.com" <Lightcap8@aol.com> wrote:

Mr. Rue,

I wish to preserve my right to provide comments to the strategic plan. I have comments I have prepared tonight. These thoughts have come as a result of long conversations with my fellow board members on the West Multnomah Soil and Water Conservation district (WMSWCD). Districts support private landowners on land stewardship matters.

We have learned that these people can be very efficient at implementing conservation strategies. But, urban agriculture seems to get more attention than state and county support for thousands of conservation minded landowners that surround the UGB.

I am attempting to clearly construct some comments that articulate these landowners essentially own non-resource lands because they do not have acreage sufficient to be anything other than a large hobby farm or forest that can't justify filing for Federal taxes, much less making any money as might be implied by a "commercial forest" designation. These people end up only managing for wildlife, with virtually no recognition or compensation. ODFW has very limited capacity to review any of these lands for tax deferrals.

Essentially, the large urban constituency has no appreciation for this very small rural group of landowners who succumb to Metro purchases because they are so burdened with County restrictions, albeit for wildlife. These landowners are unique and too small in numbers to be heard amongst the din of cries to expand the UGB.

I personally have spent 35 years of my life devoted to conservation on my 52 acres with no hope of passing this on to my sons to continue and expand this place called Forest Farm. My name is not Dorothy English, nor do we have the money

to fight the County as that family did. However, my family is truly skilled at conservation and forest management and we are invested here "working on this ground".

At this point tonight I do not have the time to properly make comments tonight that direct my comments to specific language in the "Strategy".

I would like to get another week to do this so I can go to coast and celebrate my birthday.

August 21, 2015

TO: Land Conservation and Development Commission
FROM: Mark Nystrom, AOC Energy, Environment and Land Use Policy Manager
SUBJECT: Preliminary Recommendation for Policy Agenda

Thank you for the opportunity to provide feedback on the Preliminary Recommendation for Policy Agenda. The Association of Oregon Counties' steering committees have not met since the recommendations were made so the comments here represent AOC's policy manager. The recommendations set forward are focused on important issues and lay out an ambitious year. A few projects deserve specific comments:

1. **Southern Oregon Pilot Project** AOC supports and looks forward to the completion of the Southern Oregon Pilot Project. The project has a great deal of potential to find efficiencies in local/regional land use decision making that could be implemented in areas around the state.
2. **Tsunami Resilience Planning:** AOC encourages LCDC to focus resources in this important area. The 2015 legislative session had a number of well-intentioned legislative concepts aimed at addressing tsunami resilience. It was clear that more education and outreach is necessary to ensure that state decision makers are well informed of ongoing efforts and how local governments need support. Having the legislature cut local government grants and DLCD technical support staff in the 2015-17 budget was not helpful. This issue will be playing a larger role in coming years because of the release of the New Yorker "The Really Big One" and the subsequent discussion of the risks of earthquakes and tsunamis in popular and social media. DLCD and local governments need to be prepared to address newly proposed legislation and this will require strong coordination.
3. **Endangered Species Act and the National Flood Insurance Program:** AOC views this as one of its priority issues and appreciates the support that DLCD has provided. Decisions made by federal agencies could have enormous effects on local government and AOC encourages LCDC to continue to address this issue to try to mitigate these burdens.
4. **Medical and Recreational Marijuana:** The land use policies spelled out in HB3400 for medical and recreational marijuana are complex and at times incomplete. Continued support for local governments throughout rulemaking is appreciated.

Thank you again for the opportunity to provide feedback. Please contact Mark Nystrom at mnystrom@oregoncounties.org with any questions.



American Planning Association
Oregon Chapter

PO Box 28454 Portland, OR 97228

PHONE: (503) 626-8197

oapa@oregonapa.org • <http://www.oregonapa.org>

Making Great Communities Happen

August 25, 2015

Land Conservation and Development Commission

Delivered via email to Sadie Carney, DLCD Rural Policy Analyst and Communications Manager

Dear Chair Macpherson and Members of the Land Conservation and Development Commission,

The Oregon Chapter of the American Planning Association (OAPA) represents over 850 professional and citizen planners in the State of Oregon. Our mission is to promote the art and the science of planning in Oregon.

Thank you for the opportunity to comment on the 2016-17 LCDC Policy Agenda.

OAPA would like to express our overall support for the proposed 2015-17 Land Conservation and Development Commission (LCDC) Policy Agenda that was distributed by Sadie Carney in July. The alignment of the LCDC Policy Agenda with the 2014-2022 Department of Land Conservation and Development (DLCD) Strategic Plan is an important step to ensure a logical and orderly approach to policy changes.

OAPA believes that LCDC has an important responsibility to see the Southern Oregon Pilot Project through to completion. This is an important multi-year study to take an updated look at appropriate use and development of current resource and non-resource lands. It should not be a license to circumvent the Oregon land use resource lands goals (Goals 3 and 4) and LCDC should closely monitor the proposals that come out of this project.

OAPA is particularly interested in participating in policy activities that can roughly be organized into the following categories:

- **UGB and Goal 9 policies.** LCDC should prioritize UGB policies activities, specifically the UGB Rulemaking (HB 2254) and the Industrial Lands (Goal 9) "second phase" rulemaking.
- **Technical changes.** The Policy Agenda lists multiple activities that are a priority for OAPA, including: Review of Metropolitan Greenhouse Gas Emissions Targets, Tsunami Resilience Planning, Goal 5 Amendments to the ESA and NFIP, and Technical Amendments Concerning Road Alignments in Rural Areas. We support work in these areas and are eager to participate and provide input.
- **Citizen involvement and Land Use Program Outreach Improvements.** Oregon's land use plans are often only as good as the public involvement that went into them. While some jurisdictions do a very good job of involving and informing citizens, many others do not have the expertise, resources, or sometimes the political will, to involve citizens in legislative decision making in a meaningful way. OAPA believes that state, regional, and local governments should have the tools, resources, and time to ensure that all Oregonians can provide meaningful contributions to land use plans and planning activities in their communities. Please ensure that adequate staff and resources are devoted to this work.

Finally, we are encouraged by the proposed research on affordable housing. OAPA recently completed a survey of planners across the state and affordable housing was among the most important issues that they will be facing in the future. We encourage you to devote the necessary resources to better understand affordable housing issues in Oregon and provide the tools and resources to provide housing for all income levels in all communities.

We make one final comment here on resources. The Policy Agenda before you is substantial, and includes a number of significant projects. Please ensure that each is adequately staffed so this work does not interfere with the other important work of the Department, including the review of amendments to comprehensive plans.

OAPA and our members have actively participated in LCDC and DLCDC policy activities in the past and we look forward to having a robust presence in policy activities in the future. Thank you again for the opportunity to provide input into the 2016-17 LCDC Policy Agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Franklin". The signature is fluid and cursive, with a prominent initial "J" and "F".

Jason Franklin, AICP
OAPA President

Abbott, Amie

From: Michael Wagner <mwagner@molalla.net>
Sent: Tuesday, August 25, 2015 9:41 AM
To: Carney, Sadie
Subject: Re: DLCD Policy Agenda - 2015-17

Without reading the entire Plan, I would recommend that the State of Oregon sponsor and organize Comp Planning and Zoning classes at the graduate level.

I am amazed at how little time the planning schools spend on these subjects.

When I last looked there were only six hours of instruction at PSU on in these two important items.

You would be surprised at how little education staff planners at cities and counties have in these two areas.

Thank you for the opportunity to comment.

Michael J. Wagner
26173 S. Milk Creek Circle
Mulino, OR 97042
503-829-5124

From: Carney, Sadie
Sent: Tuesday, August 25, 2015 8:52 AM
To: <mailto:mwagner@molalla.net>
Subject: DLCD Policy Agenda - 2015-17

Good morning!

I am getting ready to refine the draft policy agenda presented to the LCDC at their July meeting, incorporating ideas presented in the stakeholder comments we have received. The Policy Agenda was sent out to stakeholders for comment at the end of July (in a few cases, the email was bounced by our internal server and didn't go out until early August). I have copied the text of the original email, with embedded links, below.

Reviewing our previous (2013-15) Policy Agenda, I see that you submitted written testimony that was presented to the commission for their consideration along with the Policy Agenda. To ensure a thorough process, I wanted to follow up and be sure you were aware of the possibility to comment, and the deadlines for doing so. If you have already submitted comment or do not wish to do so, please disregard this email.

- Comments received prior to September 10 will be available to the commission in their initial packets
- Comments received between 9/10 and 9/17 will be available in the supplemental packet
- Comments received between 9/18 and 9/23 will be hand carried
- The September 24-25 LCDC meeting in Astoria will include a public hearing for the Policy Agenda on 9/24 (finalized agenda will be available [here](#))

If you have any questions about our process or the timeline this year, don't hesitate to email or call me.

Very Best,
Sadie



Oregon

Kate Brown, Governor

Department of Forestry

State Forester's Office
2600 State Street
Salem, OR 97310-1336
503-945-7200
FAX 503-945-7212
www.oregon.gov/ODF



"STEWARDSHIP IN FORESTRY"

August 31, 2015

**To: Oregon Land Conservation and Development Commission,
Department of Land Conservation and Development**

From: John Tokarczyk, Oregon Department of Forestry

**Re: Oregon Land Conservation and Development Commission
2015-17 Policy Agenda**

The Oregon Department of Forestry (ODF) greatly appreciates the work and contributions of the Land Conservation and Development Commission (LCDC) and the Department of Land Conservation and Development (DLCD) related to land use on resource lands. Recognizing the importance and value of this ongoing and future work, ODF is interested in commenting on the LCDC 2015-17 Policy Agenda.

This interest is driven by the mission of the ODF which is to "*serve the people of Oregon by protecting, managing, and promoting stewardship of Oregon's forests to enhance environmental, economic, and community sustainability.*" The agency is successful in achieving this mission when Oregon has healthy forests providing a sustainable flow of environmental, economic, and social outputs and benefits. Beyond this, ODF is directed by statute to act on all matters pertaining to forestry including collecting and sharing information about the condition of Oregon's forests, protecting forestlands and conserving forest resources.

Recognizing these interests and obligations, the policies and work undertaken by LCDC and the DLCD are of considerable interest and value to realizing ODF's ongoing mission. Accordingly ODF has and continues to be a willing partner where collaboration or assistance is requested and or appropriate.

In review of the LCDC 2015-17 Policy Agenda, ODF has several comments. These comments relate to several sections of the agenda and include:

Ongoing Projects from 2013-2015 Biennium

Southern Oregon Pilot Project

ODF has participated in this project providing technical assistance to counties as they have worked to "develop consensus on interpreting appropriate use and development of resource and non-resource land." In addition ODF has participated in reviewing and commenting on county proposals.

ODF recognizes that the relationship of this project in determination of resource lands notably forest land, underlines the importance of the pilot project. Subsequently, ODF will continue to participate in the work as necessary for completion and will provide technical assistance and assessments of potential impacts this process and any future iterations may have on ensuring that sustainable forestry and forest operations persist. Critical interests surrounding this project include potential for reductions in forest land through conversion, increased forest fragmentation, and subsequently heightened potential for operating conflict. Other considerations that arise as a function of the project include heightened wildfire risk and cost associated with Wildland Urban Interface expansion.

New Policy Projects Recommended by the Department

Non-resource Lands Rulemaking

Development of a non-resource lands policy is of significant interest to the Oregon Department of Forestry.

The capacity of a non-resource land policy to inform resource determinations is expected to affect forest land classifications which in turn could inform and impact current and future forest land uses. The impact of these policies could affect fragmentation and conversion, forest health and fire, and commercial productivity. Collectively these issues and other considerations must be recognized in the course of a resource or non-resource land policy in order to ensure that Oregon forest are capable of sustainably providing environmental, economic, and community benefit now and in the future.

ODF would appreciate the opportunity to collaborate in this work with DLCD and provide support to the effort where appropriate.

Special Projects

Abandoned Mill Sites

The subject of abandoned mill sites and opportunities for renewal, redevelopment, and utilization is an ongoing interest shared not only by ODF, but other entities as well. This effort is expected to have long ranging benefit and will be a meaningful effort in informing economic development in communities where locations are found.

ODF appreciates the opportunity to provide comment on the 2015-17 agenda.

Sincerely,

John Tokarczyk, PhD
Oregon Department of Forestry
Resources Planning



CITY OF BEND

BY ELECTRONIC MAIL

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MAYOR

Jim Clinton

MAYOR PRO TEM

Sally Russell

CITY COUNCILOR

Nathan Boddie

Barb Campbell

Victor Chudowsky

Doug Knight

Casey Roats

CITY MANAGER

Eric King

August 31, 2015

Greg Macpherson, Chair
Oregon Land Conservation and Development Commission
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

RE: Comments from the City of Bend on the 2015-2017 Draft Policy Agenda.

Chair Macpherson and Members of the Commission:

Thank you for the opportunity to provide comments on the Draft Policy Agenda. This letter provides comments on several projects in the draft Agenda and recommends another topic for your consideration.

First, we want to share our appreciation for the work that was completed during the 2013-2015 biennium. The City provided comments on the prior Policy Agenda for 2013-2015, with a particular focus on the rulemaking projects to implement legislation on population forecasting (HB 2253) and UGB streamlining (HB 2254). The Population Research Center has prepared and issued their first round of population forecasts that include Bend and Central Oregon. We were pleased with the process and the ease with which we were able to participate with the PRC in their work. Thank you for your support of this new population forecasting program.

Regarding the proposed Policy Agenda, we have comments on the following projects:

1. UGB Streamlining (#4). Bend staff have been serving on the rules advisory committee for this project, and we support the commission completing the project on schedule to wrap up by the end of this year.

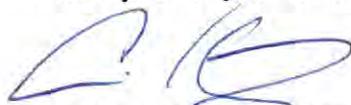
2. Citizen Involvement (#6). We recommend including local government officials and staff in this project to provide input and perspective on how cities and counties are successfully engaging their citizens, especially where good examples can provide a model for a best practice.

3. Goal 5, the Endangered Species Act (ESA), and National Flood Insurance Program (#7). This is a project the Commission should continue and complete. We have seen recent notices of intent to sue filed with the Bureau of Reclamation (BOR) and three local irrigation districts over whether their activities are requiring additional scrutiny and need to comply with the ESA. We recommend the commission complete this work to ensure local governments can implement their local regulations to protect Goal 5 resources in a manner that does not implicate the ESA.

4. HB 3282 implementation and Periodic Review rule Clean Up. Bend staff worked with Representative Buehler on HB 3282, and with DLCDD staff on the version that passed as HB 3282A. We intend to participate in reviewing the changes in rules to implement the bill and would appreciate the opportunity to participate on any rulemaking committees that are formed to assist in this effort.

In addition to the above projects, we want to raise a potential project for your consideration: coordinating **infrastructure planning** with **planning for growth in urban growth boundaries**. Fast growing cities such as Bend are currently making large sewer and water infrastructure investments that will serve these communities for generations. Of particular interest to the City, is that our engineering team and consultants look at longer time periods (50 years) and consider larger forecasts of population for planning water and sewer infrastructure. This is sometimes in conflict with planning for urban growth in UGBs, which must be based on a 20 year population forecast and limited to the UGB as it is before considering efficiency measures and potential UGB amendments. We're interested in finding ways to ensure that planning for infrastructure can occur in way that is not inconsistent with planning for growth in UGBs and allow for sound long term investments by cities.

Thank you for your time and consideration.



Eric King, City Manager

Staffing and Scheduling Matrix - 2015-17 Policy Agenda

					2015						2016						2017																	
LCDC Rulemaking and Policy Recommendations: 2015-17					Priority	Divison	Action	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun			
Ongoing Projects from 2013-15 Biennium	Southern Oregon Pilot Project	H	CSD	Possible Rulemaking	[Medium Effort]						[Medium Effort]																							
	Metropolitan Area Transportation Planning	H	PSD	Rulemaking	[Complex Effort]						[Complex Effort]																							
	UGB Rulemaking	H	DO	Rulemaking	[Public Hearing]	[Medium Effort]					[Public Hearing]	[Medium Effort]																						
	Citizen Involvement/Outreach Improvement (w/ CIAC)	M	DO		[Easy Effort]																													
	Goal 5 Rule Amendments related to ESA and NFIP	H	PSD	Rulemaking							[Complex Effort]																							
	Technical Rule Amendments Concerning Road Alignments in Rural Areas	M	DO		[Easy Effort]																													
New Policy Projects Required by 2015 Legislature	HB 2457 - Parcel straddling UGB allowed to be created below minimum lot size	H	CSD	Rulemaking							[Easy Effort]																							
	HB 3282 - Allows periodic review as a methof for sequential review of work in potential UGB amendment	H	CSD	Rulemaking							[Easy Effort]																							
	HB 3214 -Allowing rezoning in built or committed residential exception areas to commercial or industrial use without new exception	H	CSD	Rulemaking							[Easy Effort]																							
	SB 120 - Evaluation of TPR, possible amendment of rules relating to transportation improvements	M	PSD	Rulemaking	[Medium Effort]						[Medium Effort]																							
	HB 3400 - Describing where and how medical marijuana can be grown	H	CSD	Rulemaking							[Easy Effort]																							
New Policy Recommendations	Non-Resource Lands Rulemaking	M	CSD	Research and Policy Development							[Complex Effort]																							
	Farmland Protection Improvements: Minor and Technical Changes	M	CSD	Rulemaking							[Easy Effort]																							
	Farmland Protection Improvements: Research and Forum	H	CSD	Research and Policy Development							[Complex Effort]																							
	Farmland Protection Improvements: Rulemaking	H	CSD	Rulemaking																														
	Periodic Review Clean-up	L	CSD	Rulemaking	[Medium Effort]																													

