



Oregon

Theodore R. Kulongoski, Governor

Land Conservation and Development Commission

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

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

MEETING NOTICE

LAND CONSERVATION AND DEVELOPMENT COMMISSION



April 21-23, 2010

City Hall, Council Chambers

801 SW Highway 101

Lincoln City, Oregon

The meeting location is accessible to persons with disabilities. To request an interpreter for the hearing impaired or for other accommodations for persons with disabilities, please make requests at least 48 hours before the meeting to Lisa Howard at (503) 373-0050 ext. 271, lisa.howard@state.or.us, or by TTY: Oregon Relay Services (800) 735-2900.

Public Testimony: The commission places great value on testimony from the public. Those items on the agenda with an asterisk (*) are ones where public comment will be accepted.

People who wish to testify are requested to:

- *Provide written summaries (20 copies to the Commission Assistant prior to the agenda item)*
- *Recognize that substance, not length, determines the value of testimony*
- *Endorse, rather than repeat, testimony of other witnesses with whom you agree*
- *The chair may limit time for testimony on any item and may set time limits for individual speakers (usually 3 minutes)*

Thank you for taking the time to present your views.

Because of the uncertain length of time needed, the commission may deal with an item at any time in the meeting, except those set for a specific time. Anyone wishing to be heard on an item without a set time should arrive when the meeting begins to avoid missing an item of interest.

Topics not on the agenda may be introduced and discussed during the Director's Report, Commission Business and Reports, or Other.

The commission may continue its meeting through lunch to deliberate on matters on the agenda. In that event, those persons whose attendance is necessary for any matter of business undertaken during lunch will be required to attend.

Please note that staff may not be able to distribute written comments received after April 19. If you have written testimony you wish to present to the commission that you are not able to submit by 5:00 p.m. on April 19, please bring at least twenty copies for distribution to the commission and members of the public.

12:00 p.m. Wednesday, April 21, 2010

Budget and Management Subcommittee. The subcommittee will report to the full commission during Commission Business and Reports. For additional information, contact Teddy Leland at (503) 373-0050 ext. 237, teddy.leland@state.or.us.

12:30 p.m.-3:00 p.m. Wednesday, April 21, 2010

1. **Tour of the Lincoln City Area.** The tour will begin at City Hall, 801 SW Highway 101. Seating is limited on the tour and preference will be given to invited guests. Members of the public and the media may attend as space allows, or may provide their own transportation. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, lisa.howard@state.or.us.

3:30 p.m.-5:00 p.m. Wednesday, April 21, 2010

2. **Invited Guests will Join the Commission for a Discussion of Local and Regional Land Use Issues.** The Roundtable will be held at City Hall, Council Chambers, 801 SW Highway 101, Lincoln City. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, lisa.howard@state.or.us.

8:15 a.m. Thursday, April 22, 2010

- *3. **Public Comment.** This part of the agenda is for comments on agenda items and topics not scheduled for public comment elsewhere on the agenda. The chair will set time limits (usually 3 minutes) for individual speakers. The maximum time for all public comments under this agenda item will be limited to 30 minutes.
4. **Citizen Involvement Advisory Committee (CIAC) Update.** The CIAC will update the commission on its recent work. For additional information, contact Cliff Voliva at (503) 373-0050 ext. 268, cliff.voliva@state.or.us.
5. **Local Officials Advisory Committee (LOAC) Update.** The department will update the commission on LOAC's recent work. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, lisa.howard@state.or.us.

9:00 a.m. Thursday, April 22, 2010 (time certain)

- *6. **Public Hearing and Possible Adoption of Proposed Permanent Rules Regarding the Metolius Area of Critical State Concern Management Plan.** The purpose of this rule is to adopt the management plan for the Metolius Area of Critical State Concern in new Division 43 Areas of Critical State Concern. The legislature approved the management plan under House Bill 3298, and directed LCDC to adopt the plan, by administrative rule,

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- with no changes, except for three specific changes contained in the legislation. For additional information, contact Michael Morrissey at (503) 373-0050 ext. 320, michael.morrissey@state.or.us.
7. **Update on Measure 49.** The department will report to the commission regarding the status of the Measure 49 Services Division process, including recent trends on the department's issuance of preliminary evaluations and final orders. For additional information, contact Judith Moore at (503) 373-0050 ext. 373, judith.moore@state.or.us.
- *8. **Public Hearing and Possible Adoption of Proposed Temporary Administrative Rules and Rule Amendments to Implement Senate Bill 1049 – Relating to Ballot Measure 37/49 Claims.** The proposed temporary rules and amendments to OAR 660, Division 41, add one new rule that addresses DLCD coordination with counties for purposes of identifying claims that are the subject of Section 6 of Senate Bill (SB) 1049. Other rules and amendments provide for fee collection and process for SB 1049 claims, clarify that the same notification standards apply to authorizations for single dwellings under SB 1049 as applied to authorizations for home site approvals, and update the department's explanation of the lawfully permitted analyses that were affected by SB 1049 as they pertain to pre-acknowledgment and post-acknowledgment claims with no minimum lot sizes. For additional information, contact either Michael Morrissey at (503) 373-0050 ext. 320, michael.morrissey@state.or.us; or Judith Moore at (503) 373-0050 ext. 373, judith.moore@state.or.us.
9. **Request to Appeal pursuant to ORS 197.090(2) and (3), and OAR 660-001-0201 to -0230.** State law requires commission approval of the director's decision to seek review of a local government land use decision, expedited land division, or limited land use decision. Only the director or department staff on the director's behalf, the applicant, and the affected local government may submit written or oral testimony concerning commission approval of a director's recommendation to file or pursue an appeal, or an intervention in an appeal, of a land use decision, expedited land division, or limited land use decision.
- **Linn County.** The department has filed a state agency brief in an appeal filed by the Linn County Farm Bureau challenging a Linn County decision to the Land Use Board of Appeals. The decision involved the county approval of a conditional use permit (CUP) allowing a local park on 175 acres of county land zoned Exclusive Farm Use. Approximately 60 acres of the park will be used for an RV park. The county approved the CUP without an exception or park master plan. The director seeks approval from the commission under OAR 660-001-0210(2) to continue to pursue the appeal. For additional information, contact Katherine Daniels at (503) 373-0050 ext. 329, katherine.daniels@state.or.us.
10. **Report on the Department's Proposed 2011 Legislative Concepts.** For additional information, contact Bob Rindy at (503) 373-0050 ext. 229, bob.rindy@state.or.us.

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- 11. Presentation and Discussion Regarding Department's 2011-13 Agency Request Budget - Conceptual Summary of all Policy Option Packages for Preliminary Approval.** Discussion of the department's 2011-13 Policy Packages. The department will summarize its proposal for the 2011-13 Agency Request Budget Policy Packages. Policy packages reflect proposed additions to the department's 2011-13 base budget. For additional information, contact Teddy Leland at 503-373-0050 ext. 237, teddy.leland@state.or.us.
- *12. Discussion of the Department's 2011-13 Performance Measures; Targets for 2012 and 2013.** The department requests review of key performance measure targets for 2012 and 2013. For additional information, contact Michael Morrissey at (503) 373-0050 ext. 320, michael.morrissey@state.or.us.
- *13. Public Hearing and Possible Adoption of Proposed Amendments to Rules Regarding Planning of Urban and Rural Reserves in the Portland Metro Area (OAR 660, division 27).** The proposed rule amendments would modify the current prohibition of future amendments to land use regulations applied to lands designated as urban or rural reserves. *This is the last of three public hearings on the proposed amendments.* For additional information, contact Bob Rindy at (503) 373-0050 ext.229, bob.rindy@state.or.us.
- 14. Director's Report.** The director will report to the commission regarding the recent operations of the department, including participation in appeals and court opinions; program activities and initiatives; organizational and management information; and policy and rulemaking updates. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, lisa.howard@state.or.us.
- 15. Commission Business and Reports.**
- Budget and Management Subcommittee Report
 - Appointment to the Budget & Management Subcommittee
 - Territorial Sea Plan Advisory Committee Appointments
- 16. Appeal of DLCD Director's Remand of the City of Bend's Urban Growth Boundary.**
- The commission will meet to hear eleven appeals of the Director's Decision. The meeting will be conducted according to the procedures in OAR 660-025-0085 and 660-025-0150 to 0160. Oral argument will be limited to appellants and the local governments. The chair may limit time for testimony and may set a time limit (usually 3 minutes) for individual speakers. For additional information, contact Mark Radabaugh at (541) 318-2899, mark.radabaugh@state.or.us.

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8:15 a.m. Friday, April 23, 2010

17. **Other.** The commission reserves this time, if needed, for other business or for further consideration of any item on the agenda.

Oregon's seven-member Land Conservation and Development Commission, assisted by the Department of Land Conservation and Development, adopts state land use goals, assures local plan compliance with the goals, coordinates state and local planning, and manages the coastal zone program. Commissioners are unpaid citizen volunteers appointed by the governor and confirmed by the senate. Commissioners are appointed to four-year terms and may not serve for more than two consecutive terms. The statute establishing the commission, ORS chapter 197, also directs that members be representative of the state. The commission meets approximately every six weeks to direct the work of the department.

Current commissioners:

Bart Eberwein (Portland)
 Hanley Jenkins (Union)
 Tim Josi (Tillamook)
 Greg Macpherson (Lake Oswego)
 Christine Pellett (Central Point)
 John H. VanLandingham, Chair (Eugene)
 Marilyn Worrix, Vice-Chair (McMinnville)

Meeting dates for 2010:

June 2-4	John Day
July 21-23	Portland
September 1-2	Salem
October 20-22	Grants Pass
December 1-3	Salem

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