



# Oregon

Theodore R. Kulongoski, Governor

**Land Conservation and Development Commission**

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## MEETING NOTICE - REVISED

### LAND CONSERVATION AND DEVELOPMENT COMMISSION

**June 2-4, 2010**

**The Outpost**

**201 W Main Street**

**John Day, 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](mailto: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 May 28.** If you have written testimony you wish to present to the commission that you are not able to submit by May 28, please bring at least twenty copies for distribution to the commission and members of the public.

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**9:00 a.m. Wednesday, June 2, 2010**

1. **Tour of the John Day and Grant County area.** The tour will begin at the Best Western John Day Inn, 315 W Main Street, and will last until approximately 2:00 p.m. 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](mailto:lisa.howard@state.or.us).

**3:30 p.m. Wednesday, June 2, 2010 – Grant County Senior Center**

2. **Invited Guests will Join the Commission for a Discussion of Local and Regional Land Use Issues.** The Roundtable will be held at the Grant County Senior Center, 142 NE Dayton Street, John Day. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us).

**8:00 a.m. Thursday, June 3, 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](mailto:teddy.leland@state.or.us).

**8:30 a.m. Thursday, June 3, 2010 – The Outpost**

- \*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. **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.

**Review of director's decision to intervene in Rudell v. City of Bandon (LUBA 2010-037).** This LUBA case involves the City of Bandon's denial of a Conditional Use Permit and Plan Review for a proposed dwelling located in a Goal 18 (Beaches and Dunes) hazard area. The site is located south of the Coquille River south jetty in an area known as the Breakwater Addition. The City of Bandon has requested DLCD participation in the

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- appeal in support of their decision. For additional information, contact Laren Woolley at (541) 574-0811, [laren.woolley@state.or.us](mailto:laren.woolley@state.or.us).
- \*5. Local Officials Advisory Committee (LOAC) Update and Approval of By-Laws.** The department will update the commission on LOAC's recent work and ask for review of the proposed LOAC by-laws. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us).
- 6. Climate Change Strategy Update.**
- a.** Department staff will give the commission a status report on the implementation of the strategy to integrate climate change considerations into the statewide land use planning program. For additional information, contact Jim Rue at (503) 373-0050 ext. 223, [jim.rue@state.or.us](mailto:jim.rue@state.or.us).
- \*b.** Appointment of Senate Bill 1059 Target Rulemaking Advisory Committee. For additional information, contact Rob Hallyburton at (503) 373-0050 ext. 239, [rob.hallyburton@state.or.us](mailto:rob.hallyburton@state.or.us).
- \*7. Public Hearing and Possible Adoption of Proposed Rule Amendments to OAR 660 Division 33 Regarding the Religious Land Use and Institutionalized Persons Act (RLUIPA).** The purpose of this rule is to amend department agricultural lands rules with regard to uses on EFU zoned lands to be consistent with recent court decisions applying the federal RLUIPA regulations. For additional information, contact Michael Morrissey at (503) 373-0050 ext. 320, [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us).
- \*8. Public Hearing and Possible Adoption of Proposed Temporary Rule Regarding Private Campgrounds on Lands Planned and Zoned for Exclusive Farm Use.** The purpose of the rule is to help support construction workforces for large scale energy projects approved on agricultural lands, by allowing extended stays in new and existing private campgrounds for the duration of a construction project and creating an opportunity to establish temporary campgrounds. For additional information, contact Jon Jinings at (541) 318-2890, [jon.jinings@state.or.us](mailto:jon.jinings@state.or.us).
- \*9. Discussion and Update of the Commission's 2009-11 Policy Agenda.** The department will give a progress report on the policy agenda and discuss possible additional projects for the department for the biennium. For additional information, contact either Bob Rindy at (503) 373-0050 ext. 229, [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us) or Michael Morrissey at (503) 373-0050 ext. 320, [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us).
- \*10. Discussion and Acknowledgement of the Department's 2011-13 Policy Option 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 either Teddy Leland at 503-373-0050 ext. 237, [teddy.leland@state.or.us](mailto:teddy.leland@state.or.us) or Jim Rue at (503) 373-0050 ext. 223, [jim.rue@state.or.us](mailto:jim.rue@state.or.us).

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- 11. Performance Evaluation of the DLCD Director.** The Director's Performance Evaluation Subcommittee will report to the commission. The commission will review the compiled evaluation comments with the director in executive session, unless the director chooses not to have the review in executive session. The director will be given the opportunity to provide a self-evaluation to the commission. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us).

### **8:30 a.m. Friday, June 4, 2010**

- 12. 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](mailto:lisa.howard@state.or.us).
- 13. Commission Business and Reports.**
- a.** The Budget and Management Subcommittee will report to the commission.
  - \*b. Extension of Deadline for Submittal of TDR Pilot Project Proposals.** The commission will consider extending the June, 2010 deadline for local governments to nominate pilot projects under the Transfer of Development Rights (TDR) Pilot Program established by Oregon Laws 2009, chapter 636. For additional information, please contact Bob Rindy at (503) 373-0050 ext. 229, [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us).
- \*14. Update on Measure 49 and Request to Initiate Rulemaking for Senate Bill 1049.** The department will report to the commission regarding the status of the Measure 49 Services Division process. For additional information, contact Judith Moore at (503) 373-0050 ext. 373, [judith.moore@state.or.us](mailto:judith.moore@state.or.us).
- 15. Other.** The commission reserves this time, if needed, for other business or for further consideration of any item on the agenda.

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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 (subject to change):

July 22-23	Salem
September 1-2	Salem
October 20-22	Portland
December 1-3	Grants Pass

The next commission meeting will be July 22-23, at the Department of Land Conservation and Development, 635 Capitol Street NE, Basement Hearing Room, Salem, Oregon.

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