



# Oregon

Theodore R. Kulongoski, Governor

**Oregon Task Force on Land Use Planning**

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## APPROVED MEETING MINUTES

### OREGON TASK FORCE ON LAND USE PLANNING

November 13, 2006

Gresham City Hall

Oregon Trail Room

1333 NW Eastman Parkway

Gresham, OR 97030

(track 1)

Chair Thorne calls the meeting to order at 8:30 a.m. on November 13, 2006.

Members present:

Chair Mike Thorne

Vice-Chair Nikki Whitty

Director Lane Shetterly

Ken Bailey

David Bragdon

Steve Clark

Jill Gelineau

Judie Hammerstad

Wes Hare

Gretchen Palmer

Excused: Cameron Krauss

#### **Agenda Item 1 – Review and approval of October 23-24, 2006 Task Force Minutes**

Chair Thorne – Asks the Task Force if there are any comments or suggestions for the October 23-24, 2006, minutes (**Exhibit A**).

**Motion – Task Force Member Hammerstad moves to adopt the minutes.**

**Palmer seconds.**

**Vote – 8-0, no objection. Wes Hare excused.**

(track 2)

#### **Agenda Item 2 – Announcements**

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Steckler – Shares that Marian Parsons, RARE participant, is no longer with the department. Discusses and submits a map and a table showing zoning in Oregon (**Exhibits B and C**). Talks about the Oregon Forest Futures Conference, the Grantmakers of Oregon/SW Washington Conferences and Student Planning Day.

Director Shetterly – Discusses the request for proposal (RFP) for the project manager/consultant. States that the RFP is out and there is about a three week turn around. Suggests that the Task Force share any suggestions for the position with Steckler.

Hammerstad – Asks if the RFP for the website has been finalized.

Steckler – States that once she discusses the website RFP with Hammerstad, it will be finalized.

Chair Thorne – Discusses the zoning in Oregon table.

Steckler – Points out several items of interests on the map and table of Oregon zoning.

Director Shetterly – Discusses the 2007-09 budget approval status for the Task Force.

(track 3)

**Agenda Item 3 – Mission statement discussion**

Chair Thorne – Asks Clark if there are any further thoughts or comments regarding the submitted memo of revised mission statement (**Exhibit D**).

Clark – Recommends using the second mission statement option.

Chair Thorne – Asks if there are any other suggestions or concerns about the mission statement.

Task Force discusses the mission statement options and/or a possible revised version. Discuss the need for a mission statement.

**Motion – Task Force Member Clark moves to adopt the revised second option of the mission statement:** The mission of the Oregon Task Force on Land Use Planning is to make recommendations to ensure that the state's land use system sustains the quality of our environment and the beauty of our landscape while building an economy that assures the prosperity of Oregon's citizens and communities. The Task Force believes these outcomes will be achieved by investing in future as well as present generations and by insisting upon timely, adaptable and reasonable programs and policies that recognize regional differences and emphasize partnerships between our people and businesses and state, regional, and local governments to provide the best public services.

**Hare seconds.**

**Vote – 9-0, no objection.**

Director Shetterly – States that the mission statement will be useful to the Task Force.

Clark – Shares that he will provide a copy of the revised second option of the mission statement to Steckler and Haury.

(track 4)

#### **Agenda Item 4 – Metro 2040 Growth Concept Overview**

Chair Thorne – Shares that Andy Cotugno will be presenting an overview of the Metro 2040 Growth Concept and states that the Task Force has the Metro 2040 Growth Concept Plan (**Exhibit E**).

**Andy Cotugno, Metro** – Presents an overview of the Metro 2040 Growth Concept and the Regional Framework Plan (**Exhibit F**). Shares the history of the proposed Western Bypass, connecting I-5 to Hillsboro. Discusses how the 2040 project started. Talks about regional centers, high density areas, land use needs, transportation issues and urban growth boundary (UGB) expansions.

**Robin McArthur, Metro** – Continues presentation of the Metro 2040 Growth Concept and the Regional Framework Plan. Discusses Metro's vision and shares the six elements of their comprehensive plan. Talks about transportation, housing issues, and UGB expansions.

Bragdon – Discusses the panel of local officials that the Task Force will hear from. Talks about the City of Gresham; its size, urban renewal and the UGB. Discusses an article submitted on Pleasant Valley (**Exhibit G**). Shares some of the topics the panel of local officials will discuss.

(track 5)

#### **Agenda Item 5 – Welcome from local officials**

**Charles Becker, Mayor of Gresham** – Discusses the City's urban renewal efforts and Pleasant Valley and Springwater UGB amendments. Talks about density and transportation issues for the City. Discusses quality of life concerns, public safety and environmental protection.

**Alice Rouyer, City of Gresham** – Discusses transforming historic downtown, the civic neighborhood and Rockwood. Talks about Pleasant Valley and Springwater. Discusses the submitted article regarding a funding gap Gresham is experiencing in support of Pleasant Valley Phase 1 development.

**John Hartsock, Council President, City of Damascus** – Talks about the creation of the City of Damascus. Discusses the incorporation and infrastructure finance challenges in a new jurisdiction brought into the UGB. Submits and discusses the Davis, Hibbits and Midghall report (**Exhibit H**). Discusses the *City of Damascus, Guidance for a New City* newspaper and the *Damascus/Boring Concept Plan, Executive Summary* (**Exhibits I and J**).

**Alice Norris, Mayor of Oregon City** – Shares Oregon City's history. Discusses urban renewal and infrastructure finance challenges in an established jurisdiction.

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**Craig Dirksen, Mayor of Tigard** – Discusses the challenges of annexation in an established jurisdiction surrounded by unincorporated territory. Talks about rural park, library, and police service funding. States the need for Oregon to create solutions for the future.

Chair Thorne – States that the information provided will assist several of the work groups.

Hammerstad – States that the role of cities is not well understood by legislators. Asks how to present the issues in a way that they will understand it. Shares that she would like to hear more about this issue.

Chair Thorne – Talks about funding for this issue. Asks if anyone has tried to quantify what it would take to bring the services up in unincorporated areas to a level that communities could agree to.

Craig Dirksen – Asks if Chair Thorne is referring to internal infrastructure.

Chair Thorne – States both infrastructure and services.

Craig Dirksen – Shares that the City of Tigard attempted to annex the entire area of Bull Mountain two years ago using the process that was in place but the City was unsuccessful. Discusses a feasibility study the City did on the issues. Talks about different tax rates.

Chair Thorne and Craig Dirksen discuss city tax rates.

Clark – Suggests inviting the panel to several of the work group meetings. Discusses Aloha, Oregon's largest unincorporated area.

Director Shetterly – Shares that the League of Oregon Cities, Association of Oregon Counties, Special Districts and others have looked at an annexation policy. Suggests inviting some of the groups to speak to the Task Force.

(track 6)

### **Agenda Item 6 – Work group meetings**

#### **Growth Management and Role of State & Local Government**

Members present:

Ken Bailey  
David Bragdon  
Steve Clark  
Judie Hammerstad  
Gretchen Palmer  
Mike Thorne  
Nikki Whitty

**Rex Burkholder, Metro** – Presents on Oregon's emerging metropolitan regions (**Exhibit K**). Discusses Metro's twenty year plan. Talks about the Metropolitan Planning Organization (MPO).

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**Rod Park, Metro** – Discusses and submits maps on Oregon’s emerging super regions (**Exhibits L, M, N, O and P**). Talks about transportation issues throughout Oregon. Discusses long term stability for infrastructure.

Bragdon – Asks what the capacity of MPO’s are.

Rex Burkholder – Talks about the newer and older MPO’s. Shares that MPO’s are the one place that regions come together to discuss issues.

Rod Park – Discusses MPO authority.

Bailey – Asks how important it is to align various types of state regions.

Rex Burkholder – Discusses how communities live within governing structures.

Rod Park – Shares that cities want to stay independent. Talks about communication issues.

Bailey – Discusses the Grants Pass connection.

Hammerstad – Discusses flexibility at the local level. Asks Rex Burkholder how he would offer more flexibility at the local level without causing chaos and what kind of configuration would he use.

Rex Burkholder – Talks about metro growth and economics.

Rod Park – Discusses MPO sizes, flexibility on local issues, and housing issues.

Clark – Shares the need to be careful when comparing economic numbers/percentages. Talks about monitoring transportation management. Asks what recommendations Rex Burkholder and Rod Park have for presenting reforms to the land use system to the legislature.

Rex Burkholder – States that Metro is trying to identify common issues throughout the state, such as transportation and housing. Discusses the growth rate of Bend. States the need for better connections within government. Talks about Oregon Department of Transportation (ODOT) issues.

Rod Park – Discusses freight and shipping issues. Talks about land use issues being discussed in a consortium.

Rex Burkholder – Discusses the consortium reviewing transportation issues. States that he will share the consortium discussion with the Task Force.

(track 7)

### **Growth Management**

Members present:

Ken Bailey  
David Bragdon

Steve Clark  
Gretchen Palmer

Bailey – Shares that if Rob Hallyburton doesn't have enough time for this meeting, he is welcome to join the growth management work group meeting in Salem on November 20, 2006.

**Rob Hallyburton, Department of Land Conservation and Development (DLCD)** – Discusses UGB case studies, periodic reviews and projects for potential studies. Submits potential case studies of UGB and periodic review processes memo, Senate Bill 543 booklet and House Bill 3310 (**Exhibits Q, R and S**). Asks work group if there is anything specific that they want to discuss.

Bailey – Asks Rob Hallyburton to discuss the various case studies and suggests any additional case studies that he thinks the work group should review.

Bragdon – Asks Rob Hallyburton to discuss case studies related to growth within UGB's.

Rob Hallyburton – Discusses the submitted potential case studies of UGB and periodic review processes memo.

Palmer – Asks Rob Hallyburton what the review/appeal period is.

Rob Hallyburton – States that if DLCD has approved a decision, the appeal period is twenty-one days to the Land Conservation and Development Commission (LCDC). Shares that the appeal period on a LCDC decision is sixty days to the Court of Appeals. Continues discussion on the submitted potential case studies of UGB and periodic review processes memo.

Bailey – Discusses a possible case study on the City of The Dalles.

Work group discusses the various case study subjects that they would have an interest to hear about.

Bailey – Asks Rob Hallyburton to share any interesting case studies that come up, at the November 20, 2006, work group meeting.

Rob Hallyburton – Discusses case studies that are up for periodic review. Talks about Senate and House Bills that have affected periodic review.

Bragdon – Shares his interest in the role of LCDC in periodic review and the role of the commissioners compared to DLCD.

Andy Cotugno – Discusses the growth management work group fundamental issue: how well does the state land use program work for us to manage growth. States that the work group is looking at what periodic review is and asks if it is doing what it's suppose to do.

Palmer – Asks for a comprehensive look at what periodic review is today and how it's working. Discusses the annexation issue.

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Bragdon – Discusses Oregon’s future population growth and how it relates to periodic review and UBG expansions.

Clark – Talks about periodic review and annexation policies for the future.

(track 8)

### **Role of State & Local Government**

Members present:

Judie Hammerstad

Mike Thorne

Nikki Whitty

Hammerstad – Shares that she has invited Bill Wagner to discuss Councils of Government (COG), why they were formed and how well they are doing. Asks if COG’s have applicability for land use. Discusses an e-mail sent by Bob Rindy with DLCD, regarding a Washington model for many Land Use Board of Appeals (LUBA) which may not be very effective.

Whitty – Asks how many regions don’t have COG’s.

**Bill Wagner, Cascades West Council of Government** – States that Coos, Curry, Klamath Lake and most of eastern Oregon doesn’t have a COG.

Director Shetterly – Shares that Douglas County’s COG isn’t very active either.

Hammerstad – Submits proposed DLCD legislative concepts (**Exhibit T**) and a synopsis of what was discussed at the last role of state and local government work group meeting. Shares that she went through the comprehensive questions that were given to the work group by Andy Cotugno. States that there were some issues related to COG’s and she highlighted some public comments that were received. Asks Bill Wagner to discuss COG’s.

Bill Wagner – Shares his background. Asks Cynthia Sulley to share her background.

**Cynthia Sulley, Cascades West Council of Government** – Shares her background.

Hammerstad – Asks what counties their COG covers.

Bill Wagner – States that their COG covers Linn, Benton, and Lincoln Counties but that there are some cities within those counties that aren’t part of their COG. Shares that the two port districts are in their COG: Toledo and Newport. States that the Confederated Tribes of the Siletz Indians are also members.

Cynthia Sulley – Shares that one of things they do as a COG is staff and provide administrative support for other intergovernmental entities. Discusses other entities that they support.

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Bill Wagner – Discusses why there are COG's and if they are useful terms for the work group. Talks about the COG's budget and that the majority of the budget is being driven by contracts. States that the contracts impact the purpose of the COG's. Discusses MPO's and the Area Commission on Transportation (ACT). States that COG's have a broad agenda. Discusses regional authority.

Whitty – Asks if the two or three areas, that don't have COG's, have economic districts.

Bill Wagner – States that those areas do have economic districts. Shares that there are regions that have economic development. Discusses the low income division of two parallel regional agencies within their region.

Cynthia Sulley – Shares that their COG has worked with a lot of groups. States that a fixed structure, no matter what the boundaries, may make the most sense. Discusses various issues their COG is working on. Talks about dealing with boundary issues.

Work group and Bill Wagner discuss how a COG is created, intergovernmental agreements, and what ORS 190 states.

Chair Thorne – Asks if two jurisdictions wanted to form a COG, can they go somewhere in the state and ask how to do so.

Whitty – States that it is easy.

Bill Wagner – Shares that all of their local governments probably have ten to a hundred of COG's but they aren't called COG's.

Chair Thorne – Asks if there is a statewide association of COG's that speak of how they work and offer guidelines.

Bill Wagner – States that there isn't an association.

Chair Thorne – States that by agreement COG's can band or change.

Bill Wagner – States that is correct and everything is guided by ORS 190.

Chair Thorne – States that he believes that was part of the original concern, that COG's can change.

Bill Wagner – Shares that Cynthia Sulley feels that COG's can be good conveners because they know most of the stakeholders on most of the issues that are being discussed but she's not sure if they should be a decider. Discusses who should convene over COG's.

Hammerstad – Discusses local flexibility. Talks about COG's convening/recommending decisions on select local government zoning issues that would then go to LCDC.

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Bill Wagner – States that he agrees with COG’s convening/recommending decisions on select local government zoning issues that would then go to LCDC. Shares how he would see it working.

Whitty – Asks Bill Wagner if he recommends changing state laws to create more boundaries and then leaving the decisions to the locals.

Bill Wagner – Answers yes.

Director Shetterly – States that he is describing what is currently taking place in regional problem solving (RPS). Discusses staffing for various COG’s. Talks about Goal 3. Discusses land use zoning issues and areas that could be rezoned and still meet Goal 3.

Hammerstad – States that you can’t do it on a case by case basis because it causes appeals.

Director Shetterly – Shares that you can do it but Hammerstad is right, it invites challenges to be made.

Whitty – Discusses a prior comment made to come up with a different way to measure land other than soil types.

Cynthia Sulley – Shares that lack of information is one of the points they wanted to make. Discusses lack of information issues. Talks about a housing job study that they previously did. Discusses affordable housing issues.

Hammerstad – Discusses a paper by Tyler Smith. Talks about identifying incentives for individuals to address issues within the land use purview. Asks that once you’ve done RPS does that region stay in place and how do you force the implementation of the decisions.

Director Shetterly – States that on the land use side, the regional agreement becomes the test against which all of the local comprehensive plan and land use decisions are made. Shares that the statute requires the RPS agreement includes measurements over time to ensure that it’s functioning.

Chair Thorne – Shares that there needs to be a mechanism that triggers a RPS or COG formation and there needs to be a mechanism to make sure that the agreements are carried out. States the need to understand what role, responsibilities, and authorities the commission has in order to deal with those issues.

Hammerstad – States that they are getting to an idea where the mechanisms for triggering the RPS may include incentives. Talks about LCDC being more of a planning assistance body than a regulatory body. Discusses rezoning causing a periodic review process. Talks about resource issues.

Bill Wagner – States that if more flexibility is provided, more data is necessary. Shares examples of how to do that (wetland litigation, Benton County wants to do a natural recourses

area and affordable housing).

Work group and Bill Wagner discuss his examples.

**Tyler Smith, Department of Land Conservation and Development** – Talks about who makes the determination on problem's that are going to be addressed in a RPS process. Discusses incentive issues.

Whitty – Asks Director Shetterly if there has been a really big success in doing some incentives.

Director Shetterly – Answers no and that to his knowledge, it has only been done three times (one failure (Lane County), one worked (LaPine) and one is currently still in process (Rogue Valley)).

Whitty – States that a barrier to the program is that if one partner pulls out, the whole thing falls apart. Shares that she would like to see that changed.

Tyler Smith – Discusses incentive issues.

Hammerstad – Talks about incentives being different between various regions. Discusses volunteering issues.

Work group and Bill Wagner discuss volunteers entering into the program.

Director Shetterly – Discusses enforcement issues for the program.

Cynthia Sulley – Talks about resource issues for the program. Discusses volunteer issues.

Hammerstad – States that the work group is trying to frame issues in order to take them out for public comment and they don't have to make recommendations but they do have to provide options and then raise questions. Discusses what incentives to offer, who provides the incentives and what are the consequences.

Chair Thorne – Discusses incentive and volunteer issues.

Bill Wagner – Discusses how their COG dealt with a transportation issue. States the need to have a plan on how to make it work.

Hammerstad – Shares that she would like to follow up with the work group by way of conference call regarding what they have heard, especially the issue of RPS and where it could be applicable.

Chair Thorne – Suggests Director Shetterly being included in the discussion.

Hammerstad – States her agreement and asks Tyler Smith to also join. Asks Bill Wagner to be in touch with the work group to share any further thoughts. States that all of the COG director's

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that has joined them have had their own perspective and have been very honest about how it works. Shares that there is at least one COG that doesn't work.

(track 9)

### **Benefits & Burdens**

Members present:

Jill Gelineau  
Wes Hare

Gelineau – Provides an overview of why the work group invited Ron Eber and John Pinkstaff.

**Ron Eber, Department of Land Conservation and Development** – Presents the information in his memorandum describing policy related to exceptions, non-resource lands, marginal lands, exclusive farm use zones, dwellings, non-farm dwellings, lot-of-records dwellings, and more (**Exhibit U**).

Gelineau – Asks Eber how well he thinks the exceptions process works.

Ron Eber – Responds that there has to be an exceptions process, but the current process could stand review. Asks, in what situations you want development outside of UGB's. How extensive do you want the alternatives test? Who gets to make the decision and what kind of scrutiny is it subjected too? Exceptions are adopted by local government, and the Department can comment on them, but there is no formal review process for the state. Provides an example of the state considering the use of a state hearings officer. A hearings officer was hired at the Department of Agriculture to determine the soil types, though the position was short-lived. Need to decide if these are the right standards. These are good standards for large acreage. But they don't work as well with smaller parcels. Cases with smaller parcels tend to have a high remand rate.

John Pinkstaff – States that he comes from a perspective of representing local governments. States that Rob Eber has been helpful in understanding the process. The language isn't bad, it just takes a lot of people to decide what it means. The system is so complex that he finds himself apologizing for the program. There is a pattern of intervention by the legislature. Believes that the safety values aren't spreading enough opportunities to Oregonians. Notes that only 15% of exceptions are affirmed (that are challenged), believes this isn't right. Provides an overview of his memorandum (**Exhibit V**). Definitions of agriculture and forest lands are broadly applied and the exceptions are narrowly interpreted.

Ron Eber – Discusses cases where applications for exceptions made sense, but then they are opposed by neighbors.

Gelineau – Asks about the exceptions that were approved in Jackson County.

Hare – States that on the tour in Jackson County, speakers talked about some of the problems created by creating exception areas between Jacksonville and Medford. That created problems with water and septic service.

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Ron Eber – States that the system doesn't do a good job of addressing rural residential development.

Gelineau – Agrees with Eber that the program doesn't do a good job of dealing with rural residential development.

Hare – States that the program does a good job on dealing with cities, but not rural areas.

John Pinkstaff – Says that the problems are someone else's rural residential dream. Discusses the tension between state and local decision making. Believes that SB 100 addressed local concerns in planning. But the state role expanded and today, almost everything is a statewide concern.

Ron Eber – Says that Pinkstaff's point emphasizes his point about how rural residential should be regulated. There isn't a coherent policy on rural development that ensures that it doesn't infringe on productive farm and forest areas.

John Pinkstaff – Says, if you go to rural areas, there are still a few old lawyers that state the locals should not have lost control. Asks if the work group has heard of federal land use planning. Says that Oregon should not say what different counties should look like. The county is a laboratory for ideas and it is responsive to the people that live in its boundaries. One of the earliest complaints with LCDC is that the members weren't elected. The system didn't consider elections or compensation. Says he thinks we need to take an entirely new look at the system, and look at why we can't have local control again, in a way that each county could have comprehensive planning and come up with its own system. Suggests the use of an ESEE (Environmental, Social, Economic, and Energy) analysis instead of the exceptions processes. We have a different economy now. So we need a more balanced approach to the goals. Why should Goals 3 and 4 predominate?

Gelineau – Notes that the task force is looking at state and local relationship in land use. Asks Pinkstaff to clarify if there was more local control, then it would be a more effective "safety valve" for land use.

John Pinkstaff – Suggests that the locals determine what develops and what doesn't develop. It should be up to the County to decide how to develop.

Ron Eber – Says there should be some statewide parameters. Notes that some soils may not be the most productive for that county, but they may be some of the best soils in the state or the country. Notes that one of the reasons the statewide program was created was because local decision makers are vulnerable to local pressure. Says that the state sets policy and locals administer it. SB 100 was set up as a partnership between the state and local government. Notes that there is a tension between the state interests and local citizens and the decision makers that are caught in between.

John Pinkstaff – Suggests that the local government could be more restrictive than state law as long as they go through a planning process and an ESEE. Gives an example in West Linn. The state rules could provide safe harbor guidelines. Suggests that local governments should be able to deviate from the state program.

Ron Eber – Says locals can be more restrictive. Notes that there were originally six additional uses in farm land. Over the years, the legislature has expanded that list to over 50 uses. Says he isn't sure if the

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ESEE with the current language will work is necessarily better given existing language.

John Pinkstaff – Says that instances when local governments are more restrictive and citizens go to the legislature, however, that happens within the context of the state setting all of the rules and telling the counties what they can and can't do. Suggests the counties should be able to determine what they can and can't do. Gives examples of when people or businesses move to “vote with their feet.”

Ron Eber – Continues to provide overview of memorandum starting with non-resource lands.

John Pinkstaff – Asks why we are protecting non-commercial farming.

Ron Eber – Responds that he doesn't think that the state program is doing that. Says that if we had gone by the profitability standard, then Yamhill County wouldn't have a wine industry today. Try to find resource lands based on the quality of the land, not short-term economics. Suggests you need a more precise standard for resource lands, but doesn't suggest going to a purely economic standard. If you talk to Department of Forestry or Agriculture, staff will tell you that you can't cut up land like Swiss cheese and expect it to be productive. Foresters and farmers often lease and buy land to make a fully economic unit. Once you start allowing development then conflicts start to occur and the impacts expand. Notes that the program protects higher value farmland. High value farmland is 25% of farmland. Discusses recent work with Department of Agriculture.

John Pinkstaff – Suggests that the kind of development he is talking about is self-limiting. Need one acre for a septic tank. Most people don't want to live in the country. A good example is Clark County, which allows 1-5 acre parcels. It is not ruined. By commercial agriculture, he suggests using a “reasonable man” standard; if a reasonable person would not invest in an area, it shouldn't be protected. Discusses regional problem solving.

Ron Eber – Discusses the reasonable man standard. Describes the creation of farm use for a farm dwelling. Notes that before the change in the standard prior to 1994 75% of those parcels where a house was allowed were minimally or not farmed at all, which resulted in the \$80,000 rule. Says that you can't use the reasonable man test anymore. It is now more clear and objective, which means that it is less litigious.

Ron Eber – Talks about a few programs, such as the coastal program, that coordinates the state and federal land use programs.

Hare – Thanks the invitees and asks, how can we know what to study.

John Pinkstaff – Discusses the go-below process. Describes generally an experience trying to do a go-below in Medford. The safety valves are only as good as the people applying them.

Ron Eber – Notes that the Department has a lot of data and information.

Work group discusses invitation for brainstorming session (**Exhibits W, X and Y**). Gives approval for sending the invitation out to invitee list.

Work group – Recesses the meeting at 12:33 p.m.

**Agenda Item 7 – Bus tour of Gresham**

Task Force took a tour of Gresham Civic Station, historic downtown, and UGB expansion areas in Pleasant Valley and the Springwater Corridor.

(track 10)

Work group – Reconvenes the meeting at 2:42 p.m.

**Agenda Item 8 – Work group meetings**

**Economy**

Members present:

Ken Bailey  
Steve Clark  
Nikki Whitty

Clark – Asks Bruce Laird to provide a perspective on a forecast of the future for industrial land and land for jobs and for any recommendations regarding land use reform.

**Bruce Laird, Oregon Economic and Community Development Department (OECDD)** – Discusses the changes in the forecast. Discusses and submits a list of very large distribution box projects (**Exhibit Z**). Talks about large site issues. Discusses the role of distribution issues.

**Marian Haines, Portland Business Alliance** – Discusses issues being addressed by the regional business plan and the task force associated with it, the need for developmental land, job growth issues, land cost issues, transportation issues, and process issues. Shares that some businesses might not locate in Oregon.

Whitty – Asks why business might not locate in Oregon.

Marian Haines – Shares that it is due to energy costs, land costs, and regulation fees. Discusses distribution issues. Talks about regional financial issues. Discusses expansion concerns. Suggests including market costs when looking at UBG decisions and that the soil hierarchy needs to be addressed. States that sub regional analysis is helpful. Discusses infrastructure finance issues. Suggests streamlining judicial review. States the need for a decision making matrix and the need to strengthen industrial sanctuaries.

Clark – Discusses land use availability issues. Asks if the land use system is flexible in identifying land.

Whitty – Asks Bruce Laird if his identified industrial sites have everything needed to develop.

Bruce Laird – States that to a certain level. Discusses land use site issues.

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Clark – Talks about state super siting. Asks if it's possible for jurisdictions to promptly expedite the process to compete in the super siting marketplace.

Bruce Laird – States that he doesn't know. Discusses the need for larger land use sites.

Whitty – Asks Bruce Laird, if he could have a thousand-acre site anywhere in Oregon where would it be.

Bruce Laird – Discusses the north of Wilsonville area. Talks about employment issues.

Marian Haines – Discusses identifying and preserving land use sites for development.

Clark – Asks if the state is in a position to succeed economically by going after large industries or if the state would be more successful with medium size industries. Asks where the state should try to compete.

Marian Haines – Shares that she doesn't want to limit the state's potential by not being open to all economic opportunities.

Bailey – States that Oregon is limited to the Portland Metro region due to workers.

Whitty – Shares that in her small county, the sites are still being looked at even though the employment size is astronomical.

Bruce Laird – Discusses the Coos County port.

Clark – Asks what the Task Force could recommend to the legislature for other markets throughout the state.

Whitty – States that Marian Haines' previous mentioned recommendations were very good.

Marian Haines – Discusses the uses of industrial land.

Bailey – Asks how to maintain a large site when it possibly should be broken up into smaller sites.

Bruce Laird – Discusses the market demand for different site sizes. Talks about the Port of Portland's logistic load centers.

Marian Haines – Discusses lot sizes being identified for specific uses.

Bailey – Discusses urban and rural land use reserves.

Whitty – Talks about open zone sites.

Clark – Asks how important choice is for having numerous sites for a site locator to evaluate.

Bruce Laird – States that it's a personal choice. Discusses the importance of having choices.

Clark – Talks about the Hillsboro airport.

Bruce Laird – Discusses a situation involving the Hillsboro airport.

Clark – Talks about personal choices affecting livability and employment issues. Asks how often personal choices enter into the decision.

Bruce Laird – Discusses personal choices affecting site location decisions.

Whitty – Asks what the name is of the organic business started down by Medford.

Bruce Laird – Answers, Amy's Kitchen Project.

Whitty – Asks if he knows how many acres would need to be farmed in for someone to make a living.

Bruce Laird – States that he doesn't know. Discusses Amy's Kitchen Project.

Marian Haines – Shares that she feels that personal choice is very important in making decisions.

Clark – Asks Marian Haines to send a copy of her comments and suggestions to Steckler and himself.

**Jeff Stone, Oregon Association of Nurseries** – Talks about Oregon's nurseries. States that nurseries don't go by soil type.

Whitty – Asks what nurseries go by if not soil type.

Jeff Stone – States that some nurseries are on gravel, burlap, or in greenhouses. Discusses the importance of agriculture to the economy.

Rod Park – Discusses Oregon's water rights law and water issues. Talks about nursery labor issues. Shares transportation cost concerns.

Jeff Stone – States his agreement with Rod Park on the water issues. Discusses nursery employment.

Bailey – Discusses transportation costs and asks if regional transportation centers need to be created due to transportation costs.

Jeff Stone – Discusses the labor intensity of loading trucks.

Rod Park – Talks about loading Christmas tree trucks.

Bailey – Discusses the issues of lane sizes for large trucks.

Jeff Stone – States that some truck haulers won't go to a nursery due to road/lane issues.

Rod Park – Talks about the turn radius on trucks.

Jeff Stone – Discusses the transportation initiative.

Whitty – Asks Jeff Stone about the water rights legislative proposal.

Jeff Stone – Discusses the water rights legislative proposal.

Clark – Discusses the work group reviewing the future of agriculture land use.

Bailey – States that both Jeff Stone and Rod Park are resources to the work group due to their knowledge of land use.

Jeff Stone – Discusses fuel cost issues.

Bailey – Talks about the value of development. Asks what an adequate supply of agricultural land is and how to preserve that land.

Whitty – Asks if Jeff Stone and Rod Park have reviewed any Measure 37 claims.

Jeff Stone – Talks about individuals building one home on their property and the issues surrounding that. Discusses insurance issues for agricultural land.

Andy Cotugno – Asks if there is a certain amount of acreage that needs to be maintained in the East Clackamas or East Multnomah area or is it all served by the Willamette Valley.

Rod Park – States that it depends on the type of commodity. Discusses horticultural supply.

Andy Cotugno – States that if localized services in Gresham go away if the critical mass goes away.

Rod Park – Discusses horticultural supply issues.

Jeff Stone – Asks what the twenty year land supply for agriculture is.

Bailey – Discusses small farm urban agriculture and commercial agriculture.

Clark – Talks about the upcoming meeting for the economy work group on November 20, 2006.

(track 11)

### **Infrastructure, Finance, and Governance**

Members present:

David Bragdon

Wes Hare

Mike Thorne

Gresham, Oregon

Bragdon – Reviews previous discussion from the Medford meeting. Says that the task force got a lot out of the discussion with the Mayors and Councilor earlier in the meeting. Discusses the proposed work program (**Exhibit AA**), case studies, and suggests making recommendations for speakers for the full task force.

Bragdon – Describes potential case studies. The first is Mid-Multnomah County in the 1980s. Describes infrastructure retrofits that were necessary in the 1990s. It is difficult to retrofit after development comes in. The second potential case study is Bull Mountain. Development occurred without development of parks and other services. Due to annexation rules, the area is in a stalemate and not part of any city. Third potential case study is the role of special districts in the Metro area.

Hare – Suggests looking at Bend as a case study and look at urban service provider annexation. The law allows cities to annex their UGB's, after they study what it would take to provide services to those areas. The law was vague, but said the jurisdiction had to have an election. Bend did a simple majority election. It passed 3:1 in city, and failed 3:1 outside of the city. No one challenged the annexation. Says he asked League of Oregon Cities (LOC) to verify that Bend's process was appropriate. Efforts were made to change annexation laws in the last legislative session, but they were not successful.

**Ron Papsdorf, City of Gresham** – Describes the current annexation process regarding the simple majority requirement in state law.

Bragdon – Suggests looking at Corvallis or Lebanon as a case study. There are commute-shed issues between these two communities.

Work group and guests discuss the definition of MPO's.

Hare – Suggests Albany as a case study for how communities are dealing with big infrastructure projects for water and waste water projects. In addition, Albany is trying to serve a major new industry.

Bragdon – Says that this work group needs to keep in mind the land use planning system in relation to the system of finance, infrastructure, and governance.

Chair Thorne – Asks about the mechanisms to finance infrastructure. Is it possible to get a primer on these mechanisms? Discusses Oregon City and Damascus and their use of different financing tools.

Bragdon – Asks if the question is a question of financing, or funding.

**John Hartsock, Damascus City Councilor** – Says that private developers will sometimes finance infrastructure and get paid back over time. Notes that a city can't bond against system development charges (SDC). Other places around the country and world work with private investors to fund infrastructure.

Chair Thorne – Asks if the problem is a cash flow problem. Why does it work for the private sector and not the public sector? Says that sometimes it is a timing issue.

John Hartsock – Suggests the work group talk to someone from the Macquarie Infrastructure Group.

Gresham, Oregon

**Rob Zako, 1000 Friends of Oregon** – Suggests the Dundee bypass project as a case study.

Chair Thorne – Discusses issues related to the Dundee bypass.

Work group discusses the issues related to the Dundee bypass, tolling on the bypass and the 99W, and commute patterns.

**Max Talbot, Alpha Community Development** – Says that they are working with the City of Gresham in Pleasant Valley and the issue is the upfront cost of infrastructure and two major trunk lines, which has to happen almost three years before SDC's will be collected. The infrastructure costs are still going to be more than what the SDC's will cover. Other areas will have the same problem.

John Hartsock – Says that most of the long-term funding is from retirement funds, such as CalPERS.

Hare – Says that regarding speakers, it would be good to hear from infrastructure service providers such as cities, counties, and special districts.

Bragdon – Suggests talking to Burton Weist.

Chair Thorne – Suggests talking to John Carter.

John Hartsock – Suggests Bill Blossser, now at CH2MHill.

Bragdon – Suggests Mike Gleason.

Steckler – Suggests that Terry Moore might have suggestions for the work group.

Chair Thorne – Says that the work group really needs to focus on infrastructure, annexation, or other issues related to long-term planning.

Bragdon – Clarifies that planning and funding for infrastructure or annexation issues are done separately. Discusses some financial tools, like vertical tax abatement.

Hare – Describes vertical tax abatement, an 80% tax abatement for 10 years for residential housing.

Bragdon – Discusses that tools are sometimes needed to realize the potential development as planned. Oregon doesn't do a good job of thinking about funding when we think about planning.

Hare – Asks, given the task force's role, how does the task force make recommendations for infrastructure to the legislature.

Bragdon – Says the local government took an active role to ensure that the financing was in place to revitalize the Civic Neighborhood in Gresham and the Pearl District in Portland that connects the fiscal tools with planning goals.

Chair Thorne – Says that he wants a success story for a case study. Let's look at one or more case

studies that successfully used a non-regulatory tool.

Bragdon – Notes that most investment is private, so how can the public sector help shape that development.

Hare – Says that the public sector often tries to “bridge the gap” to make a project feasible, but at the same time the public doesn’t want to create a windfall for developers.

Chair Thorne – Asks if there are certain developments that the public sector doesn’t have the tools to implement.

Bragdon – Says that there should be a way to review the ROI (return on investment) and then understand the spatial impacts of development would be helpful.

Hare – Gives an example of a blighted area in La Grande where the City purchased the property. Redmond used a similar strategy for its industrial park.

*Note: Audio no longer available.*

**Kelly Ross, Special Districts Association** – Suggests that the work group look at case studies across the country. Says that Melo Roos Bonds were good, though he doesn’t know how they work. They are used in Texas and Las Vegas. He also suggests the work group talk to Greg Deloretio from the Tualatin Valley Water District.

Rob Zako – Suggests that the work group look at cash flow issues as well as cases where there just isn’t enough money to provide services.

Hare – Suggests hearing from a public works director. Suggests Dave Rouse from the City of Gresham.

Bragdon – Mentions information that Rob Zako sent him from the Brookings Institute. Invites him to talk about it.

Rob Zako – Provides an overview of the Book *Taking the High Road: A Metropolitan Agenda for Transportation Reform* by Bruce Katz and Robert Puentes, Editors, the Brookings Institute.

Bragdon – Says that the issues here relate to the work of MPO’s that work on transportation plans.

Rob Zako – Notes that most MPO’s can adopt transportation plans, but they have no control over the land use planning. Gives an example in the Springfield/Eugene area MPO.

**Richard Ross, Oregon Chapter of the American Planning Association (OAPA)** – Says that there is an infrastructure lag and suggests that the work group look at the level of service. Is there a uniform level of service? Notes that City of Portland has a wide range of levels of service, such as no sidewalks in some areas. This was due to development that occurred at a different standard before it was incorporated.

Gresham, Oregon

Bragdon – States there is an issue of creating more of these areas that aren't properly served.

Rob Zako – Says there is a benefits and burden issue; should areas that don't pay receive services.

Hare – Notes that many areas remain underserved.

John Hartsock – Says that Gresham can't plan the next round of annexations outside of the UGB, which inhibits their ability to plan for appropriate capacity in some areas.

Ron Papsdorf – States that this is an urban reserve area. Oregon's land use planning program doesn't assume that land outside of the UGB will change uses. It is difficult to make provision of logical extension of utilities over long periods of time

Bragdon – Reviews schedules for the work groups.

Chair Thorne – States that another approach is to have significant information. It will be helpful to hear from experts. He thinks the work groups are on the right track.

Bragdon – Notes that annexation and UGB expansions are in separate legislation, as well as financing and taxation. Doesn't think you can make reforms to the land use program without addressing these issues.

Rob Zako – Says that comprehensive plans aren't useful unless they can be realized.

Bragdon – Says the plans need to be validated. Asks why other communities aren't using all available tools, such as vertical housing tax abatements.

Chair Thorne – Says he would like to see a list of developments that have been built in Oregon under economic development programs where there has been some sort of public benefit and a public tool was used. Gives examples of industrial parks and development of railroads. What tools are available today that can shape the development of plans?

Bragdon – Suggests that there will be a need to update existing tools.

Hare – Mentions that the Benefits and Burdens work group is going to invite a TDR (transfer of development rights) expert to come to talk to the task force.

Chair Thorne – Comments on how long it will take to develop Pleasant Valley and Springwater.

Bragdon – Notes that there is a lot of capacity in the Civic Neighborhood of Gresham.

Chair Thorne – Says that there is an interesting revitalization project taking place in downtown Pendleton. Says there are older buildings that need to be redevelopment. It is often easier to develop on the edge, instead of redeveloping in built up areas. It would be helpful to have a larger tool chest to encourage desired development.

Gresham, Oregon

Max Talbot – Says that there needs to be a balance of funding for centers and suburban style areas. There has been more funding for centers.

Bragdon – Says that the City made a policy decision to include Pleasant Valley.

Max Talbot – Agrees with Bragdon that these decisions about financing and funding have to be included.

John Hartsock – Discusses issues related to coordination among state agencies. Asks why he has to get involved with the ERT team.

Chair Thorne – Says that the Role of State and Local Government work group will probably look at these issues. That work group may make a recommendation to be forward thinking and able to respond to emerging issues.

Bragdon – Says he will follow up with Andy Cotugno.

Rob Zako – Says he works with the Oregon Department of Transportation (ODOT) and DLCDC and they tend to point the finger back and forth noting that there is a tension between the agencies.

Hare – Notes that state agencies work together as well as local governments do.

**Lisa Nell, Oregon Department of Transportation (ODOT)** – says that the relationship is much more complicated than ODOT and DLCDC. Says she is sensitive these comments because some of the people in the room don't have the background to put the comments in context.

Ron Papsdorff – Says that the UGB decisions and land speculation process helps drive some of the problems with infrastructure costs. Land prices decided and options secured before the infrastructure planning is done. This issue might be related to the Role of State and Local Government.

(track 12)

### **Citizen Involvement**

Members present:

Jill Gelineau  
Judie Hammerstad  
Gretchen Palmer

Palmer – Asks Bill Kloos and Corinne Sherton what their land use background is.

**Corinne Sherton, Attorney** – Shares her background in land use.

**Bill Kloos, Attorney** – Shares his background in land use.

Hammerstad – Asks Bill Kloos and Corinne Sherton to share their experience with Post

Acknowledgement Plan Amendments (PAPA).

Bill Kloos – States that he likes PAPAs. Discusses the PAPA process.

Hammerstad – Asks if the public involvement process of PAPA is sufficient.

Bill Kloos – Discusses two categories of PAPAs, one that is privately initiated and one that is sponsored by local government. Talks about each categories process.

Palmer – Asks Corrine Sherton her opinion on the PAPA process.

Corrine Sherton – States that she likes the PAPA process. Discusses the PAPA rules process. Talks about local government's adopting significant legislative documents through the PAPA process rather than doing a periodic review. Shares an example of the PAPA Process.

Hammerstad – States her understanding from Bill Kloos and Corinne Sherton, that they like the PAPA process because it is prescriptive and rather streamlined.

Bill Kloos – Discusses the PAPA and periodic review processes.

Hammerstad – Talks about the argument between hearing officers and city council.

Bill Kloos – Shares that every city or county has their own process.

Palmer – Asks if that is something that could be changed to a streamlining process.

Bill Kloos – States that it could be but he's not sure what the answer is. Talks about the citizen initiative from 1996.

Corrine Sherton – States that it's more appropriate for permitting decisions on non amendments to be decided by hearings officer and discusses why.

Bill Kloos – Shares his agreement with Corrine Sherton on that. Talks about planning decisions.

Corrine Sherton – Talks about small city funding for planning decisions. Discusses the appeal process.

Hammerstad – States that right now they have a permissive policy that allows either and asks Corrine Sherton if she can see any reason to change that.

Corrine Sherton – Asks if Hammerstad means allows you to a local appeal.

Hammerstad – Talks about using an administrative decision, hearing's officer, or planning commission to make decisions. Those decisions can be appealed to the governing body.

Gelineau – Clarifies with Hammerstad that she is saying that the agency can choose how they want to handle it.

Gresham, Oregon

Hammerstad – Shares that she has had experience using a hearing's officer and a county commission. States that she found the hearing's officer to be much more efficient but shares that it would depend on the size of the county. Discusses the processes and the reasons to use them.

Bill Kloos – States that from a citizen's perspective, why should you have to go to LUBA to get a remand to direct the local government.

Gelineau – Shares that she thinks Hammerstad is suggesting that the political body makes the decisions knowing that it might not be sustained.

Hammerstad – Discusses the work group conference call with the advisory committee at LCDC. Talks about her experience with the appeals process.

Corrine Sherton – Discusses citizen involvement in the appeals process due to government approving things rather than denying them. Shares her experience from being with LUBA regarding the appeals process.

Bill Kloos – States that appealing a denial to LUBA is hard.

Hammerstad – States that normally they will give deference to the local government.

Corrine Sherton – Shares that in recent years there have been a lot more remands of denials from LUBA due to local government not adequately explaining its basis for denial.

Palmer – Asks Bill Kloos and Corinne Sherton how they see the citizen involvement process working or not working in the PAPAs process.

Corinne Sherton – States that it has worked fairly well in the legislative ones but sometimes in the quasi-judicial ones where it has been initiated by a property owner only limited notice is provided.

Gelineau – Asks Corinne Sherton if she has an opinion on that.

Corinne Sherton – Talks about the lack of people in a rural area.

Bill Kloos – States that you can have a person that is an applicant who is in control of the land in the notice area.

Hammerstad – Shares that this is one of the reasons the work group was in touch with the citizen advisory committee. Discusses the citizen advisory committee suggestions.

Corinne Sherton – States that statute currently says that notice has to be given to community organizations. Talks about a suggestion for Goal 1.

Bill Kloos – Talks about community organizations.

Hammerstad – Discusses public involvement early in the process. Talks about community planning

organizations possibly having a mandatory program for citizen involvement/education.

Bill Kloos – States that he would be very skeptical of giving local governments a charge to educate citizens about land use law. Shares what he finds on the local government level is that there isn't a learning curve at the staff level on a basis of land use law. Suggest having a hand book of land use law that covers the basics that all planners of the city should understand; shares that we aren't even close to that. Questions who would be in charge of educating the public when there is so much confusion with the city planners themselves.

Gelineau – Asks Corinne Sherton if she agrees with Bill Kloos.

Corinne Sherton – States that she agrees. Shares an experience she had with LUBA.

Gelineau – Asks if the others feel that government has the power, so they can just stand there and not change their mind no matter who tells them to. States that Hammerstad may have a different perspective.

Bill Kloos – Shares his agreement with Gelineau. States that LCDC should be tracking this stuff and that DLCD should be publishing the hand book of land use law for Oregon planners and tracking local governments to make sure they are doing it right.

Director Shetterly – States that due to the number of PAPAs being filed, it would be hard to keep track.

Gelineau – Asks Hammerstad to comment on her previous statement about government power.

Hammerstad – Discusses the perspectives she has on it.

Director Shetterly – Shares his agreement with Bill Kloos regarding DLCD training Oregon planners on land use law.

Bill Kloos – Discusses Eugene's land use coding law and their process.

Corinne Sherton – Asks if that is a land use decision.

Bill Kloos – States that he doesn't think so. Discusses land use appeals.

Gelineau – Shares that she is surprised that after so many years, different answers are still received regarding land use laws. States that because of that, many citizens are disenchanting with the system. Asks what could be done to make it better.

Palmer – Talks about code interpretation issues.

Corinne Sherton – Discusses local government ordinance interpretation issues.

Palmer – Discusses the idea of having different levels of citizen involvement. Asks Corinne Sherton if she has any thoughts on that concept.

Gresham, Oregon

Corinne Sherton – States that it sounds logical in an abstract sense but in actuality you'll come across quasi jurisdictional PAPAs. Discusses staff reports and public education on land use issues.

Bill Kloos – States that there is a seven day minimum requirement for staff report releases. Talks about staff reports.

Hammerstad – Discusses the way Lake Oswego's staff reports are written.

Bill Kloos – Asks if their staff report is released seven days prior to the hearing.

Hammerstad – Answers, probably. States that it would be easier to release the staff reports via e-mail.

Bill Kloos – Shares that he thinks staff reports get a lot more use out on the streets.

Hammerstad – Asks how to improve citizen involvement issues related to the land use hearing process, offers an example of a annexation hearing, when citizens want to testify regarding zoning issues but can't due to the process of the hearing.

Bill Kloos – Shares that he is familiar with that kind of a situation, talks about Eugene's process.

Gelineau – Asks what could be done to avoid that problem.

Corinne Sherton – Talks about voter annexation. States that some areas process the annexation at the same time as the zoning. States that a plan amendment could also be processes at the same time as the others.

Hammerstad – Talks about the decision making hierarchy.

Bill Kloos – Discusses the process used by Corvallis.

Hammerstad – States that for voter approved annexation, you have to follow the Corvallis process.

Corinne Sherton – Talks about voter annexation in Salem. Shares that she doesn't think everything should have to be bundled up in order to make a decision. Talks about annexation and zoning being a combined process.

Bill Kloos – States his agreement that annexation and zoning could be combined but there shouldn't be a need to include development plans as well in that process.

Corinne Sherton – States that if the development plans were included in the combined process, it asks a lot financially from the developer.

Palmer – Talks about developers that are denied when they have followed all of the rules because of political decisions. Asks how to deal with that issue.

Bill Kloos – States that you leave the implementation to the hearings officials and the planning

director's and you leave all of the policies and plan amendments to the politicians.

Corinne Sherton – Suggests that permit decisions, that aren't plan amendments or zoning changes, be made by the staff and have an appeal to a hearings official and not go to the governing body. Discusses making that a requirement based on population sizes.

Bill Kloos – Talks about using the statute as another way to avoid politics.

Bill Kloos and Hammerstad discuss an expedited process. Talk about the pros and cons of using it, why it's used and how it's being used.

Bill Kloos – Talks about how land use statutes are written. Discusses various development code issues.

Hammerstad – Asks Palmer what her experience is with development code issues.

Palmer – Discusses new city codes that increased cost for housing. Talks about master neighborhood plans. States the process becomes very complex due to various development codes.

Bill Kloos – Talks about a developer that has to apply for a planning development and meet a list of standards or objectives which then conflict, the developer is then at the mercy of the city/county. Discusses developers put in that position.

Palmer – Asks if standing issues should be changed and asks Bill Kloos and Corinne Sherton to describe various situations of it working or not working.

Corinne Sherton – Asks if Palmer is referring to the LUBA process.

Gelineau – Answers, any place in the land use process.

Director Shetterly – Asks how does one participate at the local level and what right does that confer to appeal local decisions.

Hammerstad – Discusses a suggestion for quasi judicial decisions that should only be allowed for people who are adversely affected.

Corinne Sherton – States that she has always been opposed to decisions like that. Discusses LUBA appeal standing.

Bill Kloos – States his strong agreement with Corinne Sherton regarding decisions like that. Talks about the difference of appearing and participating in the appeal process. Discusses the difference of process between appealing a PAPA or periodic review versus a site specific decision.

Hammerstad – Asks if a violation of Goal 1 occurs at the local level and the decision is appealed, is it enough to have a Goal 1 violation to satisfy that appeal.

Corinne Sherton – Clarifies that Hammerstad is referring to a remand.

Gelineau – Asks if Hammerstad is asking about a failure to give adequate notice.

Hammerstad – Answers, or to prevent citizen involvement in some way.

Director Shetterly – Asks, or to burden citizen involvement.

Hammerstad – Answers, yes. States that this has been brought up in some materials they have received.

Corinne Sherton – Discusses case law and compliance requirements. Talks about citizen involvement programs.

Gelineau – Asks if those programs talk about giving public notice.

Corinne Sherton – Answers, yes. States that they generally talk about having a public hearing for a plan amendment; usually in the code, the notice provision will be spelled out. Talks about a case she recently won at LUBA.

Bill Kloos – Discusses how notice is given if there is an error in how the procedures are carried out.

Corinne Sherton – Talks about the time given to give notice to LUBA for an appeal. Discusses procedural process errors.

Gelineau – Asks Hammerstad if Lake Oswego has a citizen involvement program.

Hammerstad – Answers, yes.

Gelineau – Asks Hammerstad if the Lake Oswego citizen involvement program is a written report and if individuals read it.

Hammerstad – Answers, yes.

Gelineau – Asks Hammerstad if she thinks that is typical for every jurisdiction.

Hammerstad – Answers that Lake Oswego is more in depth than others that she knows. States that she doesn't know what the appropriate level is.

Work group and Corinne Sherton discuss jurisdictional citizen involvement programs.

Hammerstad – Asks Palmer for a review of where the work group is in regards to information being received, the website redesign, e-mail notification, requiring recognition of local organizations and standing. Talks about the suggestion to have LCDC train and track planners having some testing and standards might be worth pursuing. States that the work group doesn't have to make recommendations but they are trying to offer options for public comment.

Palmer – Talks about framing some options.

Gresham, Oregon

Gelineau – States that they are trying to understand what the options are and what their trade offs are.

Bill Kloos – Asks that when talking about training basic land use law for planners, include the public work staff too.

Hammerstad – States that it would be desirable to have the training sessions also keyed to elected officials.

Gelineau – Asks Director Shetterly if regular training is offered.

Director Shetterly – States that there isn't a regular training. Talks about federal funds in the coastal program for training. States that there is a regular planning commission training program. Shares that for the rest of the state it's a resource and staffing issue.

Hammerstad – States that the average city councilor won't yearn for it.

(track 13)

**Agenda Item 9 – Work group update to task force**

Hammerstad – Shares the discussion from the role of state and local government's work group meeting, jurisdiction issues, under funding for LCDC and DLCD. States that Bill Wagner joined the discussion. Shares that the work group is moving forward.

Bailey – Asks if Hammerstad has any comments on the MPO presentation.

Hammerstad – Shares that the MPO presentation was very helpful. Discusses flexibility issues for local governments.

Palmer – Discusses the citizen involvement work group meeting. States that the work group's next step is to synthesize the information received.

Bragdon – Shares the infrastructure, finance and governance work group meeting discussion. Talks about how infrastructure and finance affect land use planning system. Shared that they discussed various case studies. Shares the need to have technical work commissioned, particularly on some of the financial tools that relate to growth management.

Bailey – Talks about the MPO presentation made to both the growth management work group and the role of state and local governments work group. States that Rob Hallyburton joined the work group discussion.

Clark – Discusses the economy work group meeting. Shares that Bruce Laird, Marian Haines, Jeff Stone and Rod Park joined the work group discussion. Talks about industrial land opportunities. Discusses Oregon competing for employment opportunities. Talks about land use site issues. Discusses the land use considerations and water and transportation issues for the nursery industry. Shares what the work group will work on when they meet on November 20, 2006.

Gresham, Oregon

Hammerstad – Asks if the work group discussed the DLCDC proposed legislative issues; encouraging local governments to provide additional prime industrial land, both inside UGB's as industrial reserves, outside but adjacent to UGB's.

Clark – States that the work group didn't discuss it due to time constraints but it is a very interesting subject.

Hammerstad – States that it's pertinent because if there are coincidental legislative issues that the Task Force members want to weigh in on, because of the work groups that they are associated with, it would be good to know what some of those are. Shares that water rights might be an issue that work groups will want to weigh in on.

Bragdon – Asks if much progress has been made in the forestry issue.

Clark – States that the work group will be discussing it at an upcoming meeting and then sharing with the entire Task Force at the next meeting.

Gelineau – Shares that Ron Eber and John Pinkstaff joined the benefits and burdens work group meeting. States that the work group will be inviting ten to twelve individuals to come and speak to the work group in Salem on December 8, 2006, regarding the top ten land use regulations that they feel are the most unfair. States that they finalized a list of people for an advisory committee that will work with the work group for the next few months.

Chair Thorne – Asks Steckler if there is anything that she has to add.

Steckler – States that she will be contacting the chairs for each of the work groups to see if they need anything for the upcoming meetings and to gather any information that should/could be shared on the web.

(track 14)

### **Agenda Item 9– Next Steps**

Chair Thorne – Asks Andy Cotugno to inform the work groups if they aren't staying on schedule.

Andy Cotugno – States that the work groups are on the right track but that they should take a step back and look at the framing questions to make sure they are the work groups framing questions, not his. Talks about the need for key speakers for the entire group and when does the Task Force want to hear from them.

Chair Thorne – Asks Steckler who is presenting at the December Task Force meeting.

Steckler – States that Jim Johnson with the Department of Agriculture will be presenting at the December Task Force meeting.

Director Shetterly – States that someone with Forestry will be at the January meeting.

Gresham, Oregon

Gelineau – States that they would like someone to come and talk about transfer development rights in March, tentatively.

Steckler – Shares that a national expert from Pennsylvania will be attending the March meeting.

Director Shetterly – States that he assumes the tours are worth the time spent.

Chair Thorne – Shares that he thinks the tours are of value and that the Task Force should continue to take them.

Director Shetterly – States that the Task Force could possibly do an agricultural tour of Marion County in December.

Bailey – States that the tours provide information.

Hammerstad – Volunteers Lake Oswego as the location for the June 2007 Task Force meeting. Shares that Lake Oswego has a nice meeting site to offer.

Chair Thorne – Accepts Hammerstad's offer. Asks Director Shetterly to find out what the Governor's Officer's schedules are before the December 15, 2006, meeting.

Director Shetterly – States that it will be difficult to arrange anything for the December 15, 2006, Task Force meeting. Shares that they will see what can be put together for another date, if December 15, 2006, won't work. Asks if they are looking at the week of December 10<sup>th</sup>.

Chair Thorne – States that the week of December 10<sup>th</sup> would be the most convenient for him.

Bailey – Shares that it would be convenient to have the meeting the day prior to the Task Force meeting.

Chair Thorne – Asks Director Shetterly to let the Task Force know when the meeting has been set.

Bragdon – Shares that there will be committees assigned to land use.

Chair Thorne – Asks Director Shetterly to let the Task Force know who the presiding officers for the land use committees are as soon as they are chosen.

Director Shetterly – States that he will let the Task Force know.

Bragdon – Suggests Task Force members branch out and use legislator contacts for their different areas.

Chair Thorne – Agrees with Bragdon's idea.

Palmer – Shares that she would like to know how LCDC feels about annexation.

Steckler – States that LCDC has finished their report on annexation.

Director Shetterly – Talks about having LCDC join a Task Force meeting.

Hammerstad – Requests a copy of the LCDC report on annexation before the next meeting.

Clark – Suggests having a list of key issues to discuss with legislative contacts.

Chair Thorne – States that he would discuss the framing questions, the work plan, and the mission statement with his contacts. Shares that he would explain what each of the six work groups are working on.

Clark – States that he wants to explain the importance of this Task Force to them.

Chair Thorne – Asks Clark if there is something that he would like Steckler, Director Shetterly, or Andy Cotugno to do.

Clark – Asks for a two sentence explanation of the Task Force's importance.

Director Shetterly – States that the Governor's charging letter can be used.

Chair Thorne – Asks Director Shetterly to put that together and then e-mail it to the Task Force members.

Director Shetterly – States that the Task Force members will have plenty of face time with the legislators during the next six months.

Chair Thorne – Discusses a letter received from the governor (**Exhibit BB**). Asks Director Shetterly to keep the Task Force advised if anything comes up that the Task Force needs to do.

Hammerstad – Asks what legislation is being proposed.

Director Shetterly – States that the legislation hasn't been seen yet.

Hammerstad – Discusses a letter received from 1000 Friends of Oregon which suggests posting all materials/handouts on the website, taking time at each meeting to acknowledge comments that have been submitted and recommends meeting with local officials (**Exhibit BB**). Discusses meeting for two days instead of one.

Chair Thorne – Discusses submitted revised 2007 Task Force meeting dates (**Exhibit CC**).

Task Force discusses locations and possible meeting dates. Decide to meet in Salem on January 11<sup>th</sup> and 12<sup>th</sup>, 2007, and February 20, 2007; meeting in Hood River on March 15<sup>th</sup> and 16<sup>th</sup>, 2007; meeting in Coos Bay on April 20<sup>th</sup> and 21<sup>st</sup>, 2007; meeting in Salem on May 24<sup>th</sup> and 25<sup>th</sup>, 2007; meeting in Bend on June 18<sup>th</sup> and 19<sup>th</sup>, 2007.

Chair Thorne – Adjourns the meeting at 5:12 p.m.

Submitted By:

Jody Haury,  
Department of Land Conservation and Development

**Exhibit List:**

- A. Agenda Item 1, Draft Meeting Minutes – DLCD Staff, 52 pgs.**
- B. Agenda Item 2, Zoning in Oregon Map – DLCD Staff, 1 pg.**
- C. Agenda Item 2, Zoning in Oregon Table – DLCD Staff, 1 pg.**
- D. Agenda Item 3, Revised Mission Statement – Wes Hare & Steve Clark, 1 pg.**
- E. Agenda Item 4, Metro 2040 Growth Concept Plan – Metro, 18 pgs.**
- F. Agenda Item 4, Metro 2040 Growth Concept Presentation – Andy Cotugno, 6 pgs.**
- G. Agenda Item 4, Gresham Article – City of Gresham, 2 pgs.**
- H. Agenda Item 5, Davis, Hibbits & Midghall Report – John Hartsock, 2 pgs.**
- I. Agenda Item 5, Damascus/Boring Concept Plan – John Hartsock, 4 pgs.**
- J. Agenda Item 5, City of Damascus Newspaper – John Hartsock, 8 pgs.**
- K. Agenda Item 6, Oregon’s Emerging Metropolitan Regions Presentation – Rex Burkholder, 14 pgs.**
- L. Agenda Item 6, Oregon ACT’s & ODOT Regions Map – Rod Park, 1 pg.**
- M. Agenda Item 6, Northern Willamette Valley Map – Rod Park, 1 pg.**
- N. Agenda Item 6, Southern Willamette Valley Map – Rod Park, 1 pg.**
- O. Agenda Item 6, Rogue Valley Map – Rod Park, 1 pg.**
- P. Agenda Item 6, Bend Map – Rod Park, 1 pg.**
- Q. Agenda Item 6, Potential Case Studies of UGB & Periodic Review Processes – DLCD Staff, 2 pgs.**
- R. Agenda Item 6, Senate Bill 543 – DLCD Staff, 27 pgs.**
- S. Agenda Item 6, House Bill 3310 – DLCD Staff, 11 pgs.**
- T. Agenda Item 6, LCDC Policy Agenda for 2005-2007 – DLCD Staff, 4 pgs.**
- U. Agenda Item 6, Safety Valves Memo – DLCD Staff, 17 pgs.**
- V. Agenda Item 6, John Pinkstaff Memo – John Pinkstaff, 8 pgs.**
- W. Agenda Item 6, List of Potential Brainstorming & Advisory Committee Participants Memo – DLCD Staff, 2 pgs.**
- X. Agenda Item 6, Potential Participant Letter – DLCD Staff, 2 pgs.**
- Y. Agenda Item 6, Potential Participant Letter – DLCD Staff, 2 pgs.**
- Z. Agenda Item 8, OECDD List of Large Distribution Projects – Bruce Laird, 1 pg.**
- AA. Agenda Item 8, Infrastructure, Finance & Governance Work Group Work Program – DLCD Staff, 2 pgs.**
- BB. Agenda Item 9, Public Comments Memo – DLCD Staff, 60 pgs.**
- CC. Agenda Item 9, Revised 2007 Meeting Dates Memo – DLCD Staff, 1 pg.**