



**Department of Land
Conservation and Development
UGB Phase 2 Work Group**

MINUTES

Meeting 1

July 15, 2008

1:00 PM – 4:00 PM

Agriculture Building (DLCD)

635 Capitol St NE, Salem

Basement Hearing Room

Work Group Members Present

Marilyn Worrix, LCDC (Work Group Chair)
Barton Brierley, City of Newberg
Jon Chandler, Oregon Building Industry Association (by telephone)
Jack Duncan, Oregon Housing and Community Services
Darrin Fleener, Oregon Economic and Community Development
Shaun Jillions, Oregon Association of Realtors
Jim Johnson, Oregon Department of Agriculture
Bob LeFeber, Commercial Realty Advisors NW
Nick Lelack, City of Redmond
Linda Ludwig, League of Oregon Cities
Robert Maestre, Oregon Department of Transportation
Mary Kyle McCurdy, 1000 Friends of Oregon
Don Schellenberg, Oregon Farm Bureau
Art Schlack, Association of Oregon Counties
Corinne Sherton, Johnson & Sherton PC
Christine Valentine, Economic Revitalization Team
Greg Winterowd, Winterbrook Planning
Sandi Young, City of Wilsonville

DLCD Staff Present

Gloria Gardiner, Urban Planning Specialist
Bryan González, Rules, Records and Policy Coordinator
Thomas Hogue, Economic Development Planning Policy Analyst
Bob Rindy, Senior Policy Analyst/Legislative Coordinator

Interested Persons Present

None

Meeting Materials

[Agenda](#)

[DLCD v. City of McMinnville, LUBA 2001-093](#)

[UGB Phase 1 Work Group Notes](#)

Agenda Item 1 – Introductions

Chair Worrix convened the meeting at 1:15 p.m. and welcomed the work group. Members introduced themselves.

Agenda Item 2 – Opening Remarks from the Chair

Chair Worrix announced the official appointment of the work group by LCDC. She reminded the work group that two subcommittees (Residential and Commercial/Industrial) had been established and held meetings the week before. Finally, she reminded the work group that the goal is to recommend administrative rules to LCDC for adoption prior to the 2009 legislative session, though that timeline could extend into the beginning of the session or resume after the session.

Agenda Item 3 – Work Group Business

Bryan González discussed public meeting law requirements for the full work group, including quorum and voting requirements. He explained that the work group must take actual votes when deciding on its recommendation to LCDC. There was further discussion of public meeting law requirements regarding subcommittees, with Bob Rindy to discuss the issue with Steve Shipsey at the Department of Justice.

The work group discussed its next meeting date and agreed to Tuesday, August 12 from 1:00 to 4:00 p.m.

Agenda Item 4 – Discussion of Issues

[*DLCD v. City of McMinnville*](#)

Gloria Gardiner provided the work group an annotated copy of the *DLCD v. City of McMinnville* LUBA decision and discussed the issues of the case. She explained that McMinnville completed and submitted only pieces of a UGB amendment and that the department rejected the submittal as incomplete.

Bob Rindy questioned whether jurisdictions should be allowed to submit segmented pieces of a UGB amendment. Mary Kyle McCurdy explained that McMinnville chose to submit its amendment as a post-acknowledgment plan

amendment (PAPA) rather than through periodic review, which allows segmented submittals. She continued that the issues of the case only apply to PAPAs. Gloria Gardiner responded that jurisdictions will continue to submit UGB amendments as PAPAs and that the department is concerned about acknowledging pieces of a UGB amendment before further analyses determine lands needs.

Gregory Winterowd suggested that it can be difficult for LCDC to review a UGB amendment all at once and that segmented submittals may be easier for LCDC to review and discuss. He further stated that with a single UGB amendment submittal, a single error can potentially require redoing the entire package of analyses and that the amount of information and number of comments can be overwhelming.

Linda Ludwig stated that she favored allowing jurisdictions to segment submittals. Nick Lelack agreed, though commented that Redmond followed the normal process and felt confident by working closely with department staff. Barton Brierley also favored allowing segmented submittals and felt that doing so made the process more open and flexible.

Corinne Sherton advised the work group that appeals of segmented submittals (via the PAPA process) would go directly to the Land Use Board of Appeals (LUBA). She explained that jurisdictions would need to enter periodic review in order for appeals to go to LCDC.

Mary Kyle McCurdy stated that segmented submittals are not a UGB amendment and questioned why jurisdictions are not using periodic review to submit individual analyses. Art Schlack questioned whether the department is offering periodic review to jurisdictions that want to complete segmented submittals. Gloria Gardiner responded that the department usually is not aware of the jurisdiction's effort until receiving the 45-day notice for a PAPA.

Corinne Sherton and Mary Kyle McCurdy suggested that the department confer with the Department of Justice about LCDC's ability to issue advisory decisions on segmented submittals as a way to help jurisdictions.

UGB Phase 1 Work Group Safe Harbors

Marilyn Worrrix provided the work group with notes from phase 1 of the UGB rulemaking.

Residential Issues Subcommittee

Gloria Gardiner provided a summary of the subcommittee's July 9 meeting:

Regarding vacancy rates, the subcommittee discussed and unanimously preferred utilizing the American Communities Survey (when the particular community has been surveyed for at least 2 years) or the most current census vacancy rate data.

Gregory Winterowd recommended that in order to encourage affordable housing, a larger vacancy rate should be used for multi-family housing. He further advised that 5% overall is often used.

Sandi Young cautioned that a single vacancy rate fails to recognize the differences between single-family and multi-family vacancy rates.

Jack Duncan stated that the multi-family vacancy rate is declining because homeowners have lost homes and are now renting.

Bob Rindy stated that he was unsure whether utilizing a higher vacancy rate for multi-family housing would truly provide increased affordable housing.

Mary Kyle McCurdy agreed that a higher vacancy rate for multi-family housing is not the best tool to encourage affordable housing and reminded the work group that affordable housing is outside the scope of this work group.

Gregory Winterowd recommended that the work group adopt the subcommittee's preferred option. There was unanimous support.

Regarding housing mix, the subcommittee discussed a 10% reduction in single-family housing from last census.

Gregory Winterowd and Nick Lelack both stated that a 10% reduction would do little to encourage multi-family housing.

Sandi Young cautioned that multi-family housing is not necessarily affordable housing as evidenced in Wilsonville where housing mix is 50/50 with very little affordable housing.

Bob Rindy reminded the work group that density is the issue, not affordability. He explained that housing mix policies were introduced because communities were excluding multi-family housing through zoning. He proffered that increasing density positively impacts transportation and infrastructure needs while lessening impacts on climate.

Mary Kyle McCurdy stated that demographic changes are increasing the need for multi-family housing.

Gregory Winterowd proposed the following, based on 20-year projected population:

Projected Population	Units per Acre	Housing Mix
<10,000	4/AC	80/20
10,000–25,000	6/AC	75/25
25,000–100,000	8/AC	65/35
>100,000	10/AC	50/50

He further proposed 3 units per acre in “highly parcelized” exception areas and a 70%–80% minimum density standard for subdivisions. He recommended that the work group examine actual values used by cities. The work group generally supported the proposed concept, though not the actual values.

Commercial/Industrial Issues Subcommittee

Gloria Gardiner presented on the buildable lands inventory and employment needs analysis processes, as well as provided a summary of the subcommittee’s July 9 meeting:

Regarding the employment land needs safe harbor in OAR 660-024-0040(8)(b), the subcommittee discussed changing the current population threshold (<10,000) and expanding the language to include industrial uses.

Thomas Hogue stated that he did not know why the current language has limitations, though removing all restrictions would reinforce the status quo. He further stated that Metro and its cities are precluded from utilizing the safe harbor and that he is not aware of the safe harboring having been used.

Mary Kyle McCurdy expressed concern about expanding the language to include larger cities and industrial uses because of the difficulty in translating need to land.

Barton Brierly supported expanding the language to include larger cities.

Don Schellenberg cautioned that bedroom communities do not experience a directly proportional increase in industrial needs.

Gregory Winterowd explained that if Woodburn had utilized this safe harbor in its recent UGB expansion, a huge amount of retail commercial would have been added and negatively impacting existing commercial development in the city’s core, which is why he advised the city to utilize infill and redevelopment. He cautioned against expanding the language to include larger cities as it would encourage sprawl.

Art Schlack cautioned that any expansion of the language to include industrial uses should include safeguards against conversion of the land to commercial use once added to the UGB.

Bob Rindy questioned whether the economic opportunities analysis (EOA) process could be streamlined.

Thomas Hogue stated that the EOA process is already pretty easy. He recommended that a safe harbor be created regarding the relation of employment forecasts to land needs. He recommended that the work group examine DLCD’s Goal 9 guidebook for possible safe harbors and offered to provide the work group with a summary.

Gregory Winterowd proposed giving every city one “free” flat 20-acre parcel close to a highway for industrial use with provisions prohibiting conversion.

Marilyn Worrix recommended that the work group or a subcommittee continue work on this safe harbor.

Agenda Item 5 – Suggestions for Next Meeting Agenda

The work group proposed to review information on Goal 9 (Economic Development) safe harbors.

Agenda Item 6 –Wrap Up and Adjourn

Chair Worrix adjourned the meeting at 4:00 p.m.

Public Comment

None

Member Tasks (not necessarily due at next meeting)

Gloria Gardiner

- Provide density/housing mix values used by cities

Thomas Hogue

- Provide information on Goal 9 safe harbors

Mary Kyle McCurdy

- Provide 1990 housing study

Bob Rindy

- Discuss public meeting law requirements regarding subcommittees with DOJ