



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

MINUTES

Meeting 5

October 21, 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
Shawn Cleave, Oregon Farm Bureau
Shaun Jillions, Oregon Association of Realtors
Bob LeFeber, Commercial Realty Advisors NW
Linda Ludwig, League of Oregon Cities
Mary Kyle McCurdy, 1000 Friends of Oregon
Terry Moore, ECONorthwest (by telephone)
Corinne Sheraton, Johnson & Sheraton PC
Christine Valentine, Economic Revitalization Team

DLCD Staff Present

Gloria Gardiner, Urban Planning Specialist
Thomas Hogue, Economic Development Policy Analyst
Angela Lazarean, Urban Planner
Bob Rindy, Senior Policy Analyst/Legislative Coordinator

Interested Persons Present

Doug Parker, Department of State Lands

Meeting Materials

[Agenda](#)
[Proposed Segmented Submittal Rules](#)
[Residential Safe Harbors](#)
[Housing Mix Table](#)
[Employment Land Safe Harbors](#)
[Fiscal-Housing Impacts](#)
[Public Comment](#)

Agenda Item 1 – Introductions and Opening Remarks from the Chair

Chair Worrix convened the meeting at 1:00 p.m. and welcomed the work group.

Agenda Item 2 – Review Minutes from Previous Meeting

The work group reviewed and approved the minutes from the previous meeting.

Agenda Item 3 – Discussion of Issues

Proposed Rules to Allow Segmented Adoption of UGB Elements

The group reviewed the proposal to allow segmented adoption, including a DLCD memo outlining the procedure, which would divide the process into three steps: 1. Population Forecast, 2. Need determination, and 3. Location analysis and adoption of final UGB amendment.

The group agreed that a population forecast can be done as a PAPA. The group agreed that the “need analysis” would include “efficiency measures” required by Goal 14, and a determination of whether the UGB amendment would include more than 50 acres. If more than 50 acres, the need analysis would go to LCDC in the manner of Periodic Review, and a final order would be issued (the group determined that something less than a final approval by LCDC would be confusing and not helpful). If less than 50 acres, the amendment would go through the PAPA process, and to LUBA if appealed. It was also agreed that an LCDC approval of a need analysis would only be good for 2 years.

It was noted that the adoption of rule language in OAR 660, division 24, would be an additional option, since periodic review, including the new “PR Lite,” would be available to local governments to achieve a segmented review. It was agreed the new rules would only concern cities between 2,500 and 25,000. Less than 2,500 do not go to LCDC (except if they choose PR), and cities over 25,000 are covered now under the previous *McMinnville* and *Madras* decisions.

It was agreed that Linda Ludwig would poll cities as to their support for this. DLCD is waiting for an opinion from Steve Shipsey over the “legality” of these rules. It was also agreed that even though the buildable land inventory must be bundled with the needs analysis for “step 2” of the segmented process, a local government could adopt the BLI by resolution to achieve some sort of local finality.

Proposed Housing Safe Harbors on Density and Housing Mix

The group discussed a memo by the department proposing five options for housing density and mix safe harbors. It was determined that ORS 197.296 may

affect the ability of the Commission to adopt safe harbors for cities over 25,000. That should be explored further with legal counsel.

The department noted that the data provided by Becky Steckler does not necessarily support any of the proposed densities for the “standard” safe harbors in option 1. However, anecdotal evidence may show that we are in the right ball park. It was noted that Option 1 contains very similar requirements as Metro has used since 1981. It was clarified that the proposed housing density safe harbors are for an Average throughout the UGB for Net Acres of Buildable Residential Land.

The group discussed the idea of an average minimum density. It was agreed that to implement this, probably each residential zone would need to adopt a minimum density allowed. That may affect the “attractiveness” of this safe harbor. It was noted that Metro uses an 80% of allowed for their minimum standard, but they have a monitoring program. Terry Moore proposed that we simply add a column specifying a maximum allowed single family residential lot size, rather than “average minimum”. It was also suggested that we use the “mean” instead of the “average”. However, it is not clear how easy that would be to compute, for density. Terry Moore noted that whatever numbers we choose, future events may make them obsolete, so we should build in a periodic review of the rules by LCDC. Terry Moore indicated he felt the calculations required for the proposal would not be “too difficult”.

For the “incremental safe harbor” Option 2, Greg Winterowd indicated the numbers are way too low. It was determined that something on the order of 25% would be more reasonable. It was noted that a previous subcommittee had felt that 10% was too low. It was agreed that Angela would try and find some more research to help us figure out the “right numbers” for the incremental density safe harbor.

The group discussed the housing mix safe harbor proposals. Some felt that Option 1, 50/50 mix used by Metro, would not likely be used by very many cities statewide. For Option 2, with “standard” housing mixes varied by population, it was agreed that the mixes shown in the chart were reversed for attached/detached. The group discussed the definition of attached and detached. Greg Winterowd indicated that something more specific than those two categories would be desirable.

It was discussed that census data could possibly give us a view of current mix statewide. Barton Brierley indicated that we should not expect much increase in multi-family for cities smaller than 25,000. Terry Moore suggested that Option 3 should be based on an increment added to the current mix, i.e., the percentage would reflect the mix planned for over the 20-year period.

The group agreed it would be good to have a safe harbor for infill of exception areas, but there is not enough time to find data on this.

It was agreed we would not pursue a safe harbor for land for public facilities.

Marilyn noted that the group was supposed to consider adding language to the rule indicating that amount of land added compared to the amount determined under need assumptions is “close enough”, similar to the language we have for population.

Continue Previous Meeting Discussion of Employment Safe Harbors

The group did not have time to pursue this discussion. It is scheduled for the next meeting.

Interpretation of UGB Location Requirements Regarding Urban Reserves

Bob Rindy had noted previously that the department may propose some clarifying language regarding the interpretation of UGB location requirements when a city amends a UGB to include Urban Reserves. The group did not have time to discuss this further.

Agenda Item 4 – Discussion of Fiscal and Housing Costs Impacts

The work group was asked to review the fiscal analysis submitted to the Secretary of State and send comments to the department or be prepared to discuss at the next meeting.

Agenda Item 5 – Next Meeting Agenda, Wrap Up and Adjourn

Chair Worrix reminded the work group of its next meeting on November 3. The work group agreed that there would not be enough time to address infill assumptions for exception areas or a safe harbor for public facilities land. The work group further agreed to pursue rule amendments regarding amount of land added compared to need. Chair Worrix adjourned the meeting at 4:00 p.m.

Public Comment

Tom Schauer, Senior Planner for the City of Grants Pass, submitted written comments.

Member Tasks (not necessarily due at next meeting)

Bob Rindy

- Draft rule amendments regarding amount of land added compared to need