

**Department of Land Conservation and Development**  
**URBAN GROWTH BOUNDARY Rulemaking Work Group**  
**Summary of Work Group Meeting, February 17, 2005**

The UBG Rulemaking Work Group met for the tenth time on February 17, 2005 at the ODOT Support Services Building K in Salem, Oregon. The meeting started at 1:15 pm and ended at 4:30 pm. The following work group members were in attendance: Marilyn Worrix (LCDC; Work Group Chair), Dick Benner (Metro), Glen Bolen (Fregonese Calthorpe Associates), Brent Curtis (Washington County), Jim Huber (City of Grants Pass), Harlan Levy (Association of Oregon Realtors), Mary Kyle McCurdy (1000 Friends of Oregon), Terry Moore (ECONorthwest), Art Schlack (AOC), Don Schellenberg (OFBF), Damian Syrnyk (City of Bend), Greg Winterowd (Winterbrook Planning) and Pat Zimmerman (CIAC).

Work group members not in attendance: Jon Chandler (OHBA), Chris Crean (OAPA) and Dick Sheehy (CH2M).

State Agency Representatives Present: Richard Bjelland (OHCD), Kimberly Grigsby (OECDD), and Anna Russo (ODOT).

State Agency Representatives Not Present: Jim Johnson (ODA).

DLCD Staff: Bob Rindy, Jim Hinman, Tom Houge, Larry Ksinozyk, and Lorinda De Haan.

Guests: John Boyd (Douglas County) and Dennis Yee (Metro)

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**Opening remarks, materials, agenda, schedule future work group meetings**

Marilyn Worrix: As stated on the agenda (Exhibit A), our work group meeting will begin by reviewing the minutes from our January 6, 2005 meeting (Exhibit B). We will then review the highlights of the February LCDC Meeting.

Bob Rindy: The Commission met on February 3<sup>rd</sup> and heard testimony that raised issues such as, removing the “visibility” language, too many revision drafts to review and waiting until after the 30 Year Review were just some of the questions raised. Bob continued that LCDC had closed the public hearing, but agreed to accept written testimony on Option #1 from the public until January 28, 2005. Option 1 deletes the word “livability” from Goal 14. Staff will compile comments and submit at the next Commission meeting (March 16-18, 2005) for their review. Possible adoption would come at the April 28, 2005 Commission meeting.

The work group agreed to meet next on Thursday, April 21, 2005 at 1:00 pm (staff will find a suitable location and notify members).

Bob Rindy: Regarding making any decisions about the Safe Harbor presentation that we are hearing today, I suggest no decisions be made at this meeting. We need more input from cities,

who would be the primary beneficiary of the Safe Harbors should we adopt them. I would like some time to work with them and hear their responses before we conclude that the study done so far is sufficient.

Marilyn Worrix: LCDC has now directed this workgroup to primarily focus on coming up with a Safe Harbors recommendation. If cities are happy with continuing on the Safe Harbor work then we (the work group) will go ahead and if things are not going well then we go will back to LCDC and ask whether they still want us to continue with this work. Marilyn indicated she will be meeting in person with several cities, and Bob will ask this question at a pending meeting of the City Planning Directors that usually involves planning directors from around the State.

Terry Moore: Understands that LCDC is continuing for the time being with Goal 14 only but not the rule -why is it the Goal 14 amendments are so controversial?

Bob Rindy: A number of reasons, some of the resistance is not clearly understood. Several parties, including LOC, AOC, Jon Chandler and others want to wait for the 30-Year Review rather than make changes at this point.

Terry Moore: Is there also concern about Measure 37 affecting the proposed goal amendments?

Marilyn Worrix: I don't believe the goal wording proposed raises any Measure 37 issues. It was reported to the commission that there is some legislation pending that might affect Goal 14; apparently Jon Chandler has proposed a bill that would amend the statutory Goal 14 locational hierarchy, if it passes we may need to amend the goal again, so this is a concern. Marilyn added that the delay in goal amendment adoption is not a reflection on the workgroup; LCDC appreciates the work that this group performed and is generally very supportive of our recommendations.

Brent Curtis: Continuing with this work is going to be difficult. Several work group members will not be able to participate much because of the Legislature's schedule, but counties and cities need to be involved if there are going to be new Goal 14 rules.

Terry Moore: Is there any chance the safe harbor rule would run into problems getting adopted after we spent time working on it or polishing it up? How much time would we need to spend on this subject?

Bob Rindy: If the support is not there we hope to learn that soon in the next couple of weeks, and if not we wouldn't spend time working on this subject. If there is no support, we will bring the whole issue back to LCDC and ask them to decide whether to keep going or not. Before our next meeting DLCD staff and Marilyn will seek local input, and propose a draft plan or a map of the project timelines, and various steps we should take, to discuss at the next meeting.

Terry Moore: Now is the time to do this. There had been support from the counties and cities when we started this. I really think LCDC needs to actually do something to make UGB process more simple.

## **Presentation by Metro**

Dick Benner: Introduced Dennis Yee and Sonny Condor from Metro. Dennis Yee began the PowerPoint presentation to the work group (See Exhibit E).

Questions during the presentation included:

Minimum density safe harbor, how would that relate to Goal 10?

Is the proposal for land needed for public Right-of Way and K-12 Public Schools simply an assumption? – Dennis Yee explained to the work group how Metro came up with the figures.

Questions and discussion about the amount of land assumed needed for public parks and how cities could necessarily expect to see that much land used for parks without funding guarantees. Discussion of federal park recommendations per capita, McMinnville case, Metro controversy and assumptions over this topic. Metro doesn't have any research that is outside the metro area for this issue. No clear resolution at this time as to how to proceed on this safe harbor statewide.

Industrial Density. Table 17 and 18, discussion, explanation to the work group.

Discussion about Goal 7 natural hazards, should we assume flood plain is unbuildable? The safe harbor recommendation is that floodways should be removed from buildable land capacity based on FEMA flood maps. Development in flood plain and floodways is not entirely prohibited, but should be limited to the degree of the hazard(s). Jim Huber: There are questions and/or problems concerning the flood plains and how to count this land.

Discussion about Goal 5 – hard to assume these areas will be completely unbuildable if avoiding takings of a private property owner's rights. We should permit minimal development or safe harbor densities for residential or employment purposed depending upon local zoning regulations related to Goal 5 - Metro has established infill criteria for residential in these areas based on different types of zoning, minimum and maximum lot sizes as well as improved land values. Discussion that the Metro proposal should be used only as guideline - the rest of the state is not like the Portland area and this proposed template would not work elsewhere.

## **Wrap-up**

Marilyn Worrix: We will need much input from cities and counties to make this a productive discussion and to come up with a recommendation. At our next meeting I feel we should propose some map or framework of the steps to create a good rule proposal. Looking closely at Goal 10 and the proposed Safe Harbor presentation on this topic, perhaps linking them. We need to work on the Public Parks and Hazard Areas issues discussed today – we have more work to do on these. Metro's presentation of Miscellaneous Safe Harbor Possibilities highlighted some proposals about minimum urbanizable lot size, residential minimum densities, master planning and adequate public facility standards, all of these need much more discussion. We need to decide whether we have done enough research to proceed.

Respectfully submitted,

Lorinda De Haan

Exhibits:

- A – Goal 14 UGB Work Group Agenda for February 17, 2005 (one page)
- B – Summary of January 6, 2005 UGB Rulemaking Work Group Minutes (5 pages)
- C – Goal 14 Proposed Amendments Revisions and Definitions, dated February 9, 2005 (6 pages)
- D – Rulemaking Notice dated February 16, 2005 (one page)
- E – PowerPoint Presentation of Metro’s Safe Harbor Recommendations (10 pages)
- F – Metro Handout – Analysis of Housing Tenure in Oregon by Census Place Size (one page)
- G – Metro Handout – Persons Per Household – Census for 1980, 1990 and 2000 (one page)