

Department of Land Conservation and Development
UGB Rulemaking Workgroup
Summary of Workgroup Meeting September 2, 2004

The UGB Workgroup met for the fourth time on September 2, 2004, at the Local Government Center in Salem. The meeting started at 1:00 p.m. and ended at 5:00 p.m. The following workgroup members were in attendance: Marilyn Worrix, LCDC (Workgroup Chair); Harlan Levy, Association of Oregon Realtors; Dick Benner, Metro; Jim Huber, City of Grants Pass; Chris Crean, OAPA; Terry Moore, ECONorthwest; Burton Weast, SDAO; Brent Curtis, Washington County; Greg Winterowd, Winterbrook Planning; Bob Stacey, 1000 Friends of Oregon; Mary Kyle McCurdy, 1000 Friends of Oregon; Jon Chandler, OHBA; Damian Syrnyk, City of Bend

Workgroup members not in attendance: Glen Bolen, Fregonese Calthorpe Associates; Anita Yap, City of Coburg; Pat Zimmerman, CIAC; Don Schellenberg, OFBF; Art Schlack, AOC; Dick Sheehy, CH2M; Mark Whitlow/Bob LeFeber, Commercial Realtors

State agency representatives present: Richard Bjelland (OHCS), Anna Russo (ODOT)

DLCD staff: Lane Shetterly, Bob Rindy, Jim Hinman, Gloria Gardiner, Pam Pearson

Guests: Peggy Lynch, Lester Sasaki (Marion County), Jan Lee, Charlotte Lehan, Jim Just; Corinne Sherton

Opening Remarks, Materials, Agenda

Chair Worrix said the primary task today is to review the draft list of issues prepared by Bob Rindy (see attached). Bob Rindy indicated that as he went through the notes of the workgroup discussion in previous meetings concerning the draft rule and goal amendments, it appeared we occasionally veer toward issues that represent major changes in the UGB process, i.e., beyond the workgroup's charge, at least within the current tight timelines. He suggested the workgroup might want to identify issues it is unable to resolve and postpone them, perhaps taking them up as part of the proposed 30-year review next biennium, or as LCDC rulemaking next biennium.

Harlan Levy: we need to know if the 30-year review is a valid place to address these issues. Lane Shetterly shared the DLCD view of the 30-year review process. He indicated that the review of the land use planning process is a priority for the Governor and a bill will be introduced during the upcoming legislative session. The review will be a comprehensive look at the goals and statutory and rule issues, and will ask what is working, what is not and what can be done to make the process work better. Issues the workgroup identifies that cannot be addressed in the short term might very well be addressed in the 30-year review. Another option is to continue the workgroup to conduct a secondary review of Goal 14 next biennium. Rindy: any future work after December would likely be delayed until the end of the legislative session. Worrix: Because the

workgroup is not able to make changes to statutes, issues requiring statute change would clearly be off the table but possibly appropriate to include in the 30-year review.

Worrrix: As we go through the issues list, asked the workgroup to consider identifying issues that should be put aside to be addressed next biennium or in the 30-year review. Noted that it is easier to take an issue off the table when we can place it somewhere else.

Bob Stacey suggested compiling the list of such issues before we decide what to do about them, and wanted to know what the department has in mind for an adoption schedule, either now or part of the 30-year review. If we want to implement some of the safe harbors, that requires much planning and work. One question to answer is how big round one is?

Rindy: Reviewed the proposed public hearing schedule to reach final adoption at the December LCDC meeting. The draft rule would need to be sent out for public comment by October 15. The first public hearing would be during the November 4-5 LCDC meeting with eight other public hearings across the state in early November; final adoption on December 9th or 10th. We have two workgroup meetings scheduled, September 23 and October 14. We have reviewed the draft rule once and isolated both large and small issues. We can likely deal with the smaller ones before the September 23 meeting and conceivably we can have a draft ready by mid-October that includes a great deal of the safe harbor features we have discussed.

Dick Benner: The draft rule needs to be in good shape before it is sent out for public comment unless it is clearly marked that more work is needed. Worrrix: Which route we take may become more evident at the end of today's meeting.

The August 19 meeting summary was submitted for approval. Members were given until 12:00 p.m. on September 3 to submit changes. It will be posted as the official meeting summary after that time.

Subcommittee Status Reports

Population Forecast Subcommittee: Damian Syrnyk. The group has not met since the last full workgroup meeting. He submitted written concepts for amendments to the draft rule for the section on population forecasting, discussed by the subcommittee. The subcommittee plans to meet again in person or by conference call before the September 23 workgroup meeting to compose draft language. If the subcommittee meets by conference call it will originate in a room at DLCD to allow others to listen in.

Peggy Lynch: At the August 19 meeting the workgroup discussed how several groups are working on land use issues. She referred to item #4 in Damian's written concepts that mention creation of a periodic review work program. Another group is already looking at periodic review and how to reduce PR tasks. She said we need to be aware of melding these together. Rindy: Not sure they will be making recommendations of the type she stated or what they will produce.

Rindy: Mentioned that the intent wasn't that subcommittees come to consensus, but that they create a list of options. Cautioned against taking on something larger than the subcommittee can tackle, such as aspirational population forecasts. Focus on population projections in the event the county does not adopt a coordinated projection and other "nuts and bolts" issues.

Bjelland: It is important to identify short-term issues that can be resolved and those that are long term. Worrix: The employment aspiration component is one of these. One of the points we need to cover today is this identification of long/short term issues.

Safe Harbor Subcommittee: Greg Winterowd. Materials distributed:

- July 29 subcommittee meeting summary.
- September 2 memo from Greg Winterowd.
- Separate documents with comments from Richard Bjelland, Anita Yap and Pat Zimmerman.

He reviewed his September 2 memo, which lists topic areas needing safe harbor provisions. He indicated there might not be enough evidence to justify the proposed safe harbors in some cases. Safe harbors are intended to meet five criteria:

- Be conservative.
- Easy to understand and apply.
- Based on data and experience.
- Be graduated (i.e., vary based on size of jurisdiction or other differences).
- Solve real problems with the UGB amendment process.

He further summarized his recommendations, referring to the attachment, "Useful Safe Harbor."

- He described government-assisted housing as pertaining more to a funding source rather than a category of housing.
- Schools: Lynch: How much land schools require should be determined same as we do with housing. She would like a broader discussion between schools and others.
- Parks: Winterowd suggests using the national standard as a safe harbor, with a park plan distinguishing between active and passive (sports fields vs. nature trail) parks.
- Employment density assumptions: Warehouses fit in industrial. Industrial siting needs should drive demand, not the number of employees per acre.
- Buildable lands assumptions: Most communities allow development on 25% slopes and flood plains, so it is not accurate simply presuming that these are unbuildable.
- Safe harbor standards: These are ideas to get at urban efficiencies. To show a community is making efficient use of existing land to justify its request for expansion.

DLCD staff will prepare draft rule wording for these safe harbor standards based on the subcommittee's conceptual descriptions. Winterowd opposed the idea of further refining these in the subcommittee because it is not likely they could reach consensus and there is limited time to develop the standards. The subcommittee's work includes several specific percentages and numbers in its descriptions. Moore: Though we would want more

research to determine what the right number should be, we probably can't do that within our deadlines.

Stacey: Is there anything else we can do to clarify steps in the UGB process, to get us out of litigation by assuring that minimum standards are being met? Benner: There is a legal question here – defending a UGB expansion based on safe harbor assumptions. Because there is a statute applicable to Metro process, can Metro rely on a safe harbor for household size if they have data showing the size is in fact different? Likely we can't write a rule exempting jurisdictions from federal requirements and statutes. We could submit a proposal to change the statute language, of course, but that is not our charge.

Chandler: There is a legal issue when a safe harbor is adopted and a court case or law counters it. Winterowd: An analysis that supports the assumptions used for the expansion is necessary in all cases.

Rindy: Not many of the proposed safe harbors are affected by ORS 197.296. Some of these safe harbor standards could be brought into compliance with the statute. The statute may be too restrictive such some of these safe harbors may not be possible under current law.

Bjelland: Sees this effort as a three-phase process: identify the issues, look at the legal aspects of putting safe harbors into effect and finally determine what the safe harbor actually is. That's where research is needed. We will come to quick agreement for some and others will take longer.

Worrix: This subcommittee will recommend where a safe harbor could be used. She wants to take this discussion further because the charge of the workgroup is to simplify the process for communities to use. Because we can't reach into statutes, we have a limited focus. If we can't explore safe harbors, it is difficult for us to accomplish what we set out to do. Benner: The statutes under discussion here only reference UGB capacity, so several of Winterowd's safe harbors could work and not contradict law.

Winterowd: When he looks at ORS 197.296, it seems possible, using safe harbors, to set a UGB big enough to accommodate some of the statutory requirements. When land is zoned, that is the step to show housing needs are being met.

Benner: A community should be looking back in time to see what happened with housing, but also must do an analysis of needs. If continuing with what was done in the past won't satisfy future need, the statute requires that something different must be done. The analysis starts by looking at the past. Winterowd: Agrees, but what is not clear through an analysis is whether or not higher densities exist and the boundary is too large - unintended consequence of fighting over density.

Moore:

- Be careful of basing forecasts on the past. Past and future are not independent.

- Skeptical of this two-pronged process of UGB forecasting and housing forecasting and whether or not Oregon would let that occur.
- Suggests making the standards more process-oriented rather than absolutes (see Anita Yap comments).

Worrrix: This touches everything we do. Asked if there was general agreement that the recommendation for some safe harbors is a possible result of this committee. The workgroup agreed. There were comments thanking Winterowd for the thorough subcommittee proposal, recognition that this represents significant progress but will need more review.

Employment Forecast Subcommittee: Richard Bjelland. Membership to this subcommittee has not yet been established. The subcommittee did not meet since the last meeting, is looking to meet at least one more time. Worrrix: We may find that this subcommittee is not needed. For the time being, we will not appoint this subcommittee.

Legal Subcommittee: Chris Crean indicated he has taken the chair position for this subcommittee, replacing Phil Johnson. Corrine Sherton and Harlan Levy have been added as members. They met once by conference call to discuss the subcommittee role, i.e., to describe the legal “obstacle course” that may be faced as the draft rule is developed. Though it is possible to adopt a rule that is contrary to a court decision, we want to make sure we do it knowingly. However we can’t adopt a rule contrary to statute. The subcommittee’s role is to be familiar with case law and statutes. They have collected relevant case law. Chris will also contact others who are more familiar with the law. As issues arise, they will be presented to the full committee.

Rindy: As we talk about changing the goal, we need to be aware of existing language that is the result of court cases, so we don’t lose the basis for that precedent assuming we like the precedent. Crean: Agreed and again said that if we do delete language that affects precedent, we must make sure we do it knowingly.

Crean: In the context of looking at proposed rule amendments that are contrary to statute, he asked what the role of the subcommittee should be: to draft legislative proposals or generate legal arguments? Will the drafts go to the commission? How should that be advanced? These are questions we need to answer as we proceed.

Worrrix: Was pleased to hear the desire of the subcommittee to take their role to the extent described.

Issues List Discussion

The first task during this part of the meeting is to see whether all the issues are included on the list, and to flag issues we agree that cannot be resolved in our time frame (see attached issues list).

Benner: 2b is close, but doesn't highlight efficiency of land use of the land coming into the boundary. That is tied to the efficiency of land already in the boundary. Don't lose that.

Stacey: Look inward to make sure cities are using land efficiently before looking to expand. The work on this draft rule in 2000 addressed this and alternative language was prepared. DLCDC should have access to that draft language in their files from 2000.

Moore: Questioned how we will decide which issues are to be addressed in 2nd draft of the rule. Rindy: He will prepare a new draft of the rule based on workgroup discussion, noted that the discussion today should identify the important issues on this list and adding to the list if necessary.

Stacey: He has a complex "matrix" in mind for graduated safe harbors, similar to Winterowd's.

1. Population and Employment Forecasting Issues (see attached issue list, the meeting summary from this point forward is numbered as per that list)
 - a. Coordination Issues. The subcommittees on these issues will consider whether the rule should include suggested standards for population forecasts and direction as to what cities/counties are to do when there is no up-to-date coordinated projection by the county. Bjelland: If a city doesn't want to use the safe harbor projection from the county, then it should have the option to use another projection method. Rindy: There would be a legal question with that, it is a change to the current process and likely contradicts current statutory requirements. Benner: The city would have to ask the county to redo their projection if the city doesn't want to use the county's forecast allocation. Jim Just (audience) provided an example of situation where census data comes out after a county completes a forecast. He reads the current law to allow the county to rely on the pre-census forecast. Rindy: There are other issues like this where statutory changes may be needed if we want to change current practice, these issues should be part of the 30-year review or next biennium's rulemaking process. We need to try and avoid delving into the details on these kinds of issues due to our limited time frame, since we cannot change law through rulemaking.

Syrnyk: A key issue concerns the requirements and standards for coordination of population by the county, i.e., these need to be more clear. Lynch: Will be pleased if the workgroup can make recommendations for a mechanism to assure better coordination happens. Moore: Supports Benner's point that if possible, the county should be required to consider the OEA forecast. If a city thinks it is going to grow more, then it can join the county to argue its case with OEA. He's not sure how such a process fits in with the current process.

McCurdy: There may be some situations where the county doesn't have a previously coordinated forecast, but accepts each city's updated projections case-

by-case. Does that mean the county now has a coordinated plan? Rindy: Likely we don't know exactly what the "coordination process" is supposed to be at a detailed level, counties have probably all proceeded somewhat differently. Do we need to put a standard practice on paper as part of this rule? Chandler: Population needs to be coordinated, but it doesn't usually happen that way. He mentioned possibly requiring periodic review to be done regionally. Rindy: The subcommittee could propose what the steps should be followed in situations where the county projection is not coordinated or up-to-date so that cities affected by this can proceed with UGB update by following one or another path in the rule.

Benner: We should consider having an OEA representative on the subcommittee. He suggested there doesn't have to be a new county allocation after every forecast. The coordinated ratio (i.e., among the various cities in a county) can simply be moved forward in time to meet the new forecast. If there's been coordination prior to the new forecast, the city should be able to rely on that ratio to project a population, i.e., this would be a safe harbor for population coordination in these situations. Winterrowd agreed.

Rindy: As the counties make allocations, do we want to draft requirements to guide how they make that allocation? Worrix: That is a basic policy question. How do members feel? Benner: Allocation is a land use decision and part of the comprehensive plan. Therefore statewide planning goals already apply and are the policy guidance given to the county. We may not need to spend time drafting specific requirements because the default standards are those in the statewide planning goals.

Weast: We floundered on this issue during the 2000 review, too. He is concerned about making OEA projection the safe harbor. The process of reaching the projection is already very political and will become more so. He wants to see a coordinated forecast, rather than assigning growth by determination of the county commission. Does not want counties to assign a percentage of the growth to each community. We would be creating new land use planning processes if we start allocating growth. Response: unfortunately, that is already the law.

Lynch: Before creating a set of rules, the committee needs to decide what the state's interest is, other than the goals for counties to follow.

Winterrowd: In the past, some cities proposed as much as twice the population projection than the county projection, and in some cases LCDC still acknowledged the plan. As things have evolved, OEA has an impossible job to divide up the forecast among counties. But generally, as counties receive the projections they have sometimes challenged them. Sometimes DLCD staff acts as if there was an administrative rule requiring counties to follow the OEA projection. Some cities want to grow and others don't. There needs to be a way for cities that have legitimate growth aspirations to plan for these, i.e., we need flexibility. Rindy: There was a court case involving Douglas County where a

community was authorized to use a projection that was higher than OEA. The Legal Subcommittee needs to look at this case. Sherton: Correct, her firm was involved in the case, there is no legal requirement that counties accept OEA projections. They can develop their own as long as they are based on reasonable evidence. Most counties do use OEA projections because they don't have funds or staff to develop their own.

Benner: What are we trying to accomplish with the rule on this point? The current law is not that bad since counties are not locked into using OEA numbers. To make the UGB process easier, establish some safe harbors but don't take away what we already have in existing case law. It is law that in situations when a county has done a coordinated projection, a city cannot use something different. Rindy: Therefore, we probably cannot craft a provision to allow cities to deviate from the county projection. But shouldn't we do something in this rule to make it easier for counties to get through the allocation process? Worrix: In Marion County's case, how many cities can use the county's allocation? There are 20 cities in Marion County.

Benner: Offer a safe harbor that encourages counties to do what is currently required in law. But keep this separate from question of OEA forecast issues.

Curtis: Sees no benefit for a county to do the coordination, it is a lose lose situation. Even if they start with OEA numbers, the allocation is the difficult part. Metro has two models: 1) Get the "numbers" from outside professionals, and then use these to allocate, or 2) A "black box" model that produces some sort of an outcome that the region then adopts. This model allocates to very small pieces of land. Metro makes it work because they have to. What is important in coordinating population and employment forecasts is to do it not only for purposes of the UGB but also for transportation planning, and other planning purposes. We need to find a way to provide technical assistance and revenue assistance for counties to do this coordination of population and employment forecasts.

Sherton: We need to address what a city can do when entering periodic review or updating its plan or needs analysis for UGB amendment and the existing population projection is out of date. How can the city and county work together without having to open up the whole county allocation process? Cities in active planning process can't wait for the whole process to be completed. A definition of coordination needs to address this.

Stacey: When the statutes were first adopted, three to five year updates were anticipated. In reality it takes much longer. Why don't we just live with a projection that follows each census? Cut down on some of the mega planning and get on a 10-year cycle that is regionally coordinated.

Worrix: Should we seriously consider a regional approach? Stacey: Why not get a good number every ten years and adjust every ten years. Rindy: Ok with that idea, but we need a model that allows cities to proceed in case the coordination that the county is supposed to do doesn't happen. Also we might consider a rule that addresses what counties and cities are currently doing. Maybe some of the proposals being discussed here are something for the 30-year review.

Winterowd: Suggestion for a safe harbor such that a city may rely on a straight-line projection based on 20 years of growth. Benner: This dooms cities that haven't grown during that 20-year period. Winterowd: Not if it is only a safe harbor and there are other ways to proceed for the city. Benner: What about when the 20-year growth is significantly less than growth during the most recent six years? Worrix: Perhaps another method can be added, to determine whether to give more weight to the recent growth. Rindy: Either the Population Forecast Subcommittee or Safe Harbor Subcommittee should consider this discussion and propose a series of graduated safe harbors for these situations?

Winterowd: Perhaps you should look back the same amount of time you are projecting to level out the bumps, but he is not sure how to write a valid safe harbor for situations where a city simply aspires to a higher growth rate. Crean: Allow research and findings if they support the higher growth projections?

Les Sasaki: From a county perspective, it would help to know what 'coordination' means. Communities are coming in to periodic review at different points in the 20-year spectrum. Do counties need to revise their numbers every time a city undertakes a UGB amendment? We don't want to amend the coordinated plan each time. We do want a mechanism that says what coordination means in certain situations. There are no guidelines to indicate at which point the projections are to be coordinated. He will provide some suggestions for the kinds of questions he would like resolved by the rule.

Rindy: Does "coordinated" simply mean the total projection from the cities in the county add up to the OEA forecast? Does it mean coming to an agreement even though the totals differ from OEA's forecast? The draft rule in 2000 had a definition but he isn't sure everyone agreed with it.

Benner: Metro doesn't do allocations. It has a forecast and brings land into the boundary based on the forecast. An allocation determines where to add land to the boundary, but not the percentages of growth to distribute to each community.

Worrix: This discussion is regarding communities that want to add land to the UGB. There are also communities that don't want to grow at the same rate as in the past. We need to keep that in mind when creating safe harbors.

Chandler: Projection is both a technical and political issue, that's why the projection issue is difficult. Noted that the 2000 language replaced "forecast" with "projection." Any safe harbors should be simple and useful.

Moore: How can a community have a 20-year supply if it is 12 years into the cycle? If it has grown faster than the projection, how can you have an adequate supply? Benner: A capacity analysis process in Metro keeps things moving along. Worrrix: The 20-year supply is the cornerstone of the whole system.

- b. Aspirational forecasts. Worrrix: Aspirational forecasts seem to require a bigger discussion than we can have in our time frame. Asked if there is consensus to move it to the 30-year review or an extension of this committee? Rindy: Explained what the 30-year review is meant to be. Described legislation introduced last session but which didn't pass. Chandler and Stacey were involved in the introduction of that bill. It is to encompass a four-year timeline. If the workgroup opts to instead take some of these issues up after December, the work of the group would probably be suspended during the legislative session.

Chandler: Many pieces are connected so taking one off the table has an effect on others. He is not sure how you can talk about forecasts without including aspirational forecasts.

Worrrix: We do allow aspirational forecasting when we allow a community to take a path other than the safe harbor.

Rindy: Perhaps we are talking about a second safe harbor allowing another method as long as it has justification. Crean: What is enough evidence for this other method? When does it become aspirational? Make sure the rule doesn't require something different than the results of the Douglas County case.

- c. Employment Forecasts. It was suggested we need to wait to hear from the Employment Forecast Subcommittee. Noted that it has not been appointed. Rindy: We have an economic development committee – should they be considering this question? Answer: possibly, but they are not under the same time frame. Discussion of employment forecasts raises question of aspirational forecasts, more acceptable for employment than population? Moore: Gave an example (Douglas County case). A city can make a best-case forecast based on prior growth. Then if the city grows differently, it can make a revision. The aspirational part allows cities to later amend boundary for related residential growth, i.e., if they provide for a certain amount of industry and if then get those jobs. Rindy: Do we need to appoint an employment subcommittee to write this up or can we do it in the workgroup? Moore: He has a process in mind to help cities where counties don't do the employment allocations (these allocations are not required by law and counties don't generally do them). Winterowd: No framework exists to do the allocations. Lynch: Recalls at the last meeting there was a description of a process to determine housing need, but not one for

employment. Benner: If you are offering a safe harbor, remember that you derive jobs from a population forecast. Or you can do a more complicated analysis of employment needs. Worrix: You could use a safe harbor population figure and use a more complicated figure for employment to get to an aspirational forecast. Have we carved out a safe harbor that is so narrow no one will use it?

Benner: An employment to population ratio is a simple safe harbor. But some communities are primarily employment driven (Millersburg) and others are primarily residential. If a community wants to stay the same, it should be allowed to keep its existing ratio. If it wants to change, then it needs a process to follow.

Winterowd: County coordination is not required for employment forecasts as it is for population forecasts.

Rindy will draft the employment projection safe harbor language based on the discussion above. A subcommittee will not be created for employment forecasts.

Curtis: This discussion about aspirational planning implies that regular planning isn't adequate. A parallel issue is the notion of maximum efficiency. Requested that it be noted that when there is a discussion of maximum efficiency, we consider that it can be aspirational as well.

Moore: As we defined aspirational planning, it is regular planning. The aspirational term implies not being able to justify it. Crean: It is a crystal ball to some extent. The city has some evidence, but can't prove it with standard planning practices. Moore: Slightly disagrees with that definition of aspirational.

2. Land Need Issues

- a. Is there a need to be clearer on the definition of employment need in the draft rule? Rindy indicated that this item is on the issue list as a placeholder in case the group think there is need for further discussion on this topic.

Winterowd: The key is the last sentence in the draft rule regarding the sum of the parts being greater than the whole. The rule needs to be clear that this is acceptable, i.e., this sentence needs work.

- b. Benner: He is confused when reading the LCDC decision regarding North Plains. It was not treated as a need, but influencing the choice of what land to add. He asked for more explanation of "livability" or recommended it be deleted.

Winterowd: Livability means different things to different people. We need to be clear it means parkland if we leave it in the process, so it's not interpreted to mean other things, such as "our community likes large residential lot sizes; they are more livable". Rindy: If we delete this term, do we need to add something so that parks are still counted? Sherton: We must replace it with something. Rindy

will make sure the language in the rule clearly requires communities to consider need for public facilities, semi-public, schools, etc. Benner: The term is in the goal so it needs to be defined in the rule or the goal needs to be changed. The first draft crossed it out in the goal. Our first meeting discussion indicates that somebody must have had some concern about deleting it so Rindy raised the issue again here. Curtis: He remains concerned about addressing livability, doesn't agree to delete the concept here because "livability" is currently the only foothold to consider it.

Chandler: Livability is not a locational issue. It is too fuzzy a term. Rindy: Should we define it so that it doesn't become a land need? Worrix: Agrees it is too fuzzy even if it is defined. Chandler: By removing it and replacing it with "open space, etc." it becomes clearer. McCurdy: Prefers to take out "livability" rather than try to define it. There is another issue hidden here: the difference between expansions that are applicant-driven (piecemeal) and jurisdiction-driven. We may not want to address that issue.

Rindy: Will see where in the rule he can put this concept, perhaps in the section regarding complete communities.

Rindy: Is the need for "complete communities" a specific land need, i.e. something that allows the jurisdiction to go to the next level in the land allocation hierarchy under ORS 197.298? Curtis: Goal 14 has been more about saving farmland than creating good communities. The hierarchy goes out of its way to make that point. Stacey: How can you assert that, Washington County has great communities and has not saved farmland? Winterowd: If an area is surrounded by exception land, you can't avoid the hierarchy unless you call it a special need. McCurdy: We are assuming we can get great communities only with expansion of the UGB.

- c. Semi-public uses, are they under employment or other need category? Worrix: We held an in-depth discussion on semi-public uses at the last meeting. Do we want them under employment or another need category?

Chandler: Including them in the buildable land inventory is different than planning for them. If we are talking about land need, semi public is not appropriate. Benner: By creating subcategories, we get away from our charge of simplifying the process. Rindy: Do we put in a safe harbor number for semi-public uses and assume it covers them? Winterowd: They consume residential land and large spaces so he recommends a safe harbor of five percent and planning around that. Moore: Noted that Willamette Valley Forum inventory found that generally communities are 60% residential, 20% commercial and 20% everything else. In other words, the safe harbor Winterowd recommends seems supported by data. If a community finds it has it wrong it can work it out during periodic review. Worrix: We may also feel more comfortable using these figures

because Terry has a quoted study confirming them. We should document the data source Terry is referring to.

Benner: When Metro brings in a certain number of acres for parks, they are not necessarily designated as such. He is not recommending adopting their model. The amount was based on how much the SDC fees could buy.

Moore: Five percent of residential land designated for parks tends to equal five acres per 1000 population.

One suggestion for safe harbor: 25% for uses other than residential and commercial with five percent of that 25% designated for parks. Safe harbors should be conservative (as per last meeting notes).

Rindy: as per our discussion earlier, at the next meeting we will have draft safe harbor language for committee to review.

Other Issues

Noted that we would stop here with the list. Other issues on the list needing more discussion would be on our agenda for the next workgroup meeting. Asked if group had any they want to flag right now as important. The following were mentioned:

- Item 10 – Assure the Industrial Conversion Study Committee is addressing industrial land need, especially shovel ready sites, conversion safeguards. If not, should this group add this to the rule.
- Issue 13 – regarding Section 0010 in the draft, is this an “urban development patterns” issue that is supposed to be off the table? Harlan Levy thinks yet, some others disagreed; flagged for more discussion.
- Item 6 – Urban reserves need more discussion. If the urban reserve process worked better we wouldn’t have so many problems with UGB expansions. Question whether that is part of our charge, and would it take to long. It was agreed we need to at least have a discussion before we conclude this, including a description how urban reserve rule works.

Next Meeting

Thursday, September 23, 2004; 1:00 – 5:00 p.m.
Basement Hearing Room
Dept. of Land Conservation and Development
635 Capitol Street NE, Salem

It was noted that if anyone can suggest another meeting site with free parking, the meeting location could be changed. Subcommittees will meet in the interim and the agenda next time will begin with their status reports.