

Oregon Planning News

A quarterly publication of the Oregon Department of Land Conservation and Development — Summer 2007 — Vol. 6

With legislature over, DLCDC looks ahead

Lane Shetterly
Director

Welcome to the summer edition of Oregon Planning News.

In this edition you will find updates on several matters of importance to planners and community leaders across the state.

Land use legislation

The department's biennial report on land use legislation adopted by the 2007 Legislature is described on page 3. As always, there was a high volume of bills relating to land use during the session. Of those, probably the most significant was HB 3540, which referred to the voters a measure (now known as Measure 49) to modify Ballot Measure 37. Measure 49 will be on the ballot in November, 2007. A companion bill, HB 2640, adopted the ballot title and explanatory statement for Measure 49 that will appear in the November voters pamphlet.

Director's Message

SB 1011 is another significant bill. It directs the department to work with Metro to design a new process for amending the Metro urban growth boundary, changing the process for identifying urban reserves, and authorizing the designation of "rural reserves." These are new concepts that grew out of a Metro-area study, with funding from DLCDC, that could have significant statewide implications in the future for how cities grow. The department will be engaged in rulemaking over the next six months, to put the new process in place.

HB 2723 resolves a long-standing problem on how to deal with unlawfully



LANE SHETTERLY

created units of land. It provides a process to validate such lots and parcels, and adds protections for consumers in the future, to help them avoid being victimized by sellers of illegal lots and parcels.

These and many more bills are described in the legislative report.

Measure 37

Another bill passed by the legislature, HB 3546, extends the time for processing Measure 37 claims filed on or after Nov. 1, 2006. Now, the state and local governments will have a total of 540 days to process those claims to final decision. Some local governments have taken advantage of this extension to put on hold their processing of Measure 37 claims, pending the outcome of the vote on Measure 49. Not the state. DLCDC is continuing to process claims and issue final orders, and will continue to do so until the election. After that, how the department proceeds will depend on the outcome of the vote on Measure 49.

The Big Look

In a surprise move at the end of the session the legislature substantially reduced (but did not eliminate) funding for the SB 82 (2005) Big Look Task Force. In a letter to the task force after the legislative session, the Governor expressed his disappointment in the legislature's action and said that a restoration of funding for the Big Look would be "one of my top priorities for the 2008 Special Session." In the meantime, the Governor interpreted the action as a direction to "suspend the Task Force until funding is restored." The department is likewise committed to the success of the Big Look and will work with the Governor and the legislature to seek funding to fully re-engage this important work.

Introductory Guide to Land Use Planning

Be sure to check out the article on the department's updated "Introductory Guide to Land Use Planning for Small Cities and Counties in Oregon." This guide is another step in our continuing efforts to reach out to our local government partners and provide them with tools they need to be successful.

I hope this newsletter is informative and gives you information you can use. As always, let us know if there are articles or issues you would like to see addressed in future issues. Our goal is to serve our local partners and others interested in planning in Oregon; planning for our communities, planning for our economy, planning for our great Oregon quality of life.

Thanks for your interest, and best wishes to you for a safe, happy and productive summer.

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To get free email alerts of the latest *Oregon Planning News*, please go to the website and click on 'News & Events' on the left-navigation bar. On that page, you can self-subscribe to the newsletter alerts and other free email services.

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Introductory guide to land use planning in Oregon on the Web

Earlier this year DLCD updated and republished a popular guidebook, which was originally produced in 1993.

The new publication is entitled: "*An Introductory Guide to Land Use Planning for Small Cities and Counties in Oregon.*" It was adapted from a similar book authored by Daniel Meader 14 years ago called "*City Recorder's Guide to Land Use Planning: The Basics.*"

The purpose of the guide is to provide basic information regarding the land use planning process in Oregon. It is meant for land use planners and government officials in small cities or counties who are new to land use planning or who rarely process land use applications.

The guide offers a step-by-step explanation of the various land use actions that take place in small cities and counties.

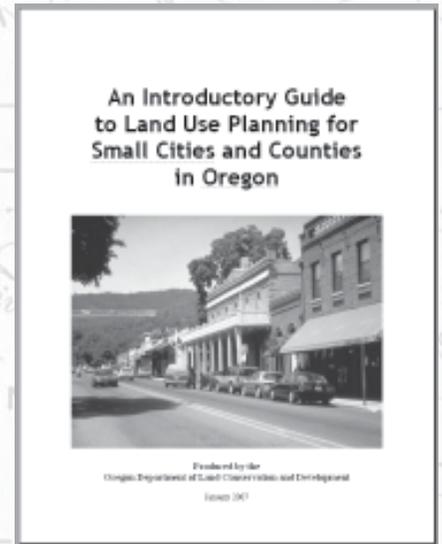
For those who have been around the land use planning process for some time, the guide may appear oversimplified. However, there should be some tips that will help even the seasoned planner with day-to-day work.

The guide includes descriptions of

various land use actions, from the simplest building permit signoff to planning commission hearings to comprehensive plan and zoning ordinance amendments.

The new guide is available on the DLCD website at:

<http://www.oregon.gov/LCD/publications.shtml>.



Legislature approves M37 extension, refers amended Measure 37 to voters

Recognizing the burden brought by an avalanche of Measure 37 claims late in 2006, the 2007 Legislature granted state and local governments extra time to process those claims.

Under Measure 37 (2004), the state and local governments were required to come to a final decision on claims within 180 days of filing. However, the state alone received more than 3,500 claims between Nov. 13 and Dec. 4, 2006, and many counties experienced a similar deluge.

With that in mind, the legislature approved and the Governor signed HB 3546 into law. HB 3546 extends by an additional 360 days the time for state and local governments to make final decisions on claims on or after Nov. 1, 2006.

In addition to the extension of time to process claims under HB 3546, the legislature also approved HB 3540

which will be referred to the voters as Measure 49 at the November 2007 general election. Among other things, the measure, if approved, would:

- ◆ Create an "express lane" for certain claimants to develop up to three home sites without a showing of reduction in value.
- ◆ Provide express transferability for claimants who gain approval for home sites under the measure.
- ◆ Require larger claims (up to 10 home sites) to document a loss in value that justifies the number of the new home sites requested.
- ◆ Limit development on farmlands and forestlands, and in groundwater-limited areas.
- ◆ Make changes to Measure 37 going forward.

To view the text of the measure, please follow the links on Page 3 in the article about 2007 land use legislation.

DLCD releases report on 2007 land use legislation

Bob Rindy
Policy Analyst and
Legislative Coordinator

DLCD released a report in July that summarizes land use legislation adopted by the 2007 Legislature.

The report can be found on the department's website at: <http://www.oregon.gov/LCD/docs/legislative/landusebills2007.pdf>.

The report includes legislation relating to state, county and city land use planning and related topics such as agency budgets, property tax assessment, and city annexations.

The list of bills also describes the legislatively referred ballot measure related to Ballot Measure 37.

Not all the bills on the list have been signed by the Governor as of the date of the report (July 6). As the Governor takes actions on the session bills, the Table of Senate and House Bills Enacted, at the following website, will be updated. The table also indicates the effective dates of the bills: <http://www.leg.state.or.us/07reg/pubs/enact.pdf>.

The list provides only a brief descrip-

tion of each legislative measure. Many of the new laws have other elements in addition to those described in the summary, and many details are not included in this summary. Therefore, it is recommended that you use the document primarily as a reference to new laws that may be of interest to you.

The list includes a link for each bill that can be used to access a "pdf file" of the enrolled version of the bill published on the state's legislative website. The home page of the legislative website is: <http://www.leg.state.or.us/>.

All of the legislation considered in the 2007 session, including bills that were not passed into law, may be found at: http://www.leg.state.or.us/bills_laws.

Print copies of enrolled bills may be ordered by calling the legislative publication office in the Oregon State Capitol at 503-986-1180. (This department does not have print copies of legislative measures available for distribution.)

For more information about the July 2007 report or new legislation, please contact Bob Rindy at 503-373-0050 x229, or via email: bob.rindy@state.or.us.

Update on staff changes at DLCD

In the past six months, there have been several changes in the staff at DLCD.

Rob Hallyburton officially became the department's Planning Services Division Manager after a brief stint in an interim role. He previously held the position of Community Services Division Manager for six years.

Darren Nichols replaced Hallyburton as Community Services Division Manager. Nichols has been DLCD's Northeast Regional Representative and interim CSD manager in La Grande.

Nichols will move from La Grande to Salem as soon as the department finds a new regional representative to replace him.

Other promotions within DLCD include:

- ◆ Christine Shirley is now the department's Natural Hazards Planner;
- ◆ Dan Sproule is DLCD's new Network Administrator.

Additions to staff include:

- ◆ Jon Dunsmore, Information Resource Specialist;
- ◆ Nicole Kielsmeier, Compensation Claims Review Specialist (M37);
- ◆ Tammy Palmer, Administrative Support Specialist;
- ◆ Bill Searles, Compensation Claims Review Specialist (M37); and
- ◆ Cyndi Smith, Human Resource Manager.

For a complete list of DLCD employees, their titles and contact information, please visit our website at: http://www.oregon.gov/LCD/contact_us_directory.shtml.

Calendar of Events

July 16, 2007

Big Look meeting
Lake Oswego City Hall
Lake Oswego

August 9, 2007

LCDC meeting
Agriculture Building
Salem

August 16, 2007

CIAC meeting
Agriculture Building
Salem

October 3-5, 2007

LCDC meeting
Wallowa Co. Courthouse
Enterprise

October 18, 2007

CIAC meeting
Agriculture Building
Salem

November 28-30, 2007

LCDC meeting
TBA
Corvallis

December 20, 2007

CIAC meeting
Agriculture Building
Salem

February 21, 2008

CIAC meeting
Agriculture Building
Salem

DLCD Contact info

Contact information for every staff member in the department can be found on the DLCD website at:

http://www.oregon.gov/LCD/contact_us_directory.shtml

Newport's South Beach taking shape

Cliff Voliva
Communications Officer

About four years ago, officials at the Department of Land Conservation and Development (DLCD) and the City of Newport were in disagreement over a number of issues. The most significant appeared to be potential land use changes in the city's waterfront area adjacent to Yaquina Bay. The relationship was simply not that good.

City officials felt its region needed more flexibility related to industrial and commercial uses along the waterfront. DLCDC countered that land adjacent to the waterfront is a finite resource and that the statewide planning goals required a minimum area be protected for water-dependent uses. The two sides were at loggerheads.

DLCD then set up a series of meetings for everyone involved, including members of the Governor's Economic Revitalization Team (ERT).

"We all came down off our soap boxes and just talked," recalled Bob Bailey, the department's Ocean and Coastal Services Division manager.

After a few meetings, it became clear there wasn't enough information to make large-scale decisions about the future needs of Newport. That's when the divide between the state and city began to narrow. City officials agreed an economic development plan was needed and the department offered its help.

"That changed everything in our relationship, in my opinion," said Laren Woolley, DLCDC's North Coast Regional Representative. "The problem wasn't just in W1 (water-dependent) land, but to address their economic viability."

As luck would have it, timing was on Newport's side. In the summer of 2003, Oregon Coastal Management Program (OCMP) resources were available. In addition, the Governor had just signed House Bill 2011, which provided funds for ERT agencies to distribute to local governments. With help from OCMP and HB 2011, DLCDC supported Newport's effort with roughly \$100,000 over a three-year period.

The grant money enabled Newport to fund a study to determine its economic needs, not just in the short term, but for



Swapping land from outside the UGB for land inside the UGB was key to the development of the South Beach Concept Plan.

decades to come. The study determined that there was a significant need for commercial land, but not much of a need for industrial land. Woolley said the report thrust the city and state into a new dimension.

"To me, the main issue that created this whole dialog (water-dependent uses) was no longer a significant issue or sticking point," he recalled.

Slowly, but surely, other stars began to align.

A community-minded owner of two large properties agreed to swap land he owned inside the urban growth boundary (UGB) for his property outside the boundary. His land inside the UGB was zoned high-density residential, but it was a good three miles south of downtown, just east of the airport. The property outside the UGB, which is roughly the same size, was about a mile from downtown, easier to develop, and closer to U.S. Highway 101.

Once the city and state knew a land swap could work, the city began working hard on what would be known as the South Beach Concept Plan.

While all this was going on, Woolley was well aware the local community college – which has partnerships with OSU's Hatfield Marine Science Center and the Oregon Coast Aquarium – had been looking for a new campus site and since 2003 had one eye fixed on South Beach. Woolley, and others, worked toward finding a suitable location in downtown Newport for Oregon Coast Community College, but it just didn't happen. Eventually, those working through the issues felt a new OCCC campus could be an ideal centerpiece to a new proposed mixed-use South Beach neighborhood. It didn't take long for college officials and the city to agree on most of the details.

"We are very excited to be an integral part of the South Beach plan," said OCCC President Patrick O'Connor. "Through the cooperation and coordination with local and state entities, the college and the City of Newport are moving into a new area of growth, both in size and commerce, that

(See 'SOUTH BEACH' on Page 5)

(Continued from Page 4)

will be sustainable – and in keeping with accepted land use policies.”

The objectives of the South Beach plan are to:

- ◆ Create a sustainable community;
- ◆ Establish a town center;
- ◆ Integrate the OCCC campus into the overall community;
- ◆ Emphasize a mix of land uses and designs in the village center; and
- ◆ Provide transportation connections to support walking and biking.

Issues are still being ironed out due to needed changes in the transportation system and trips generated, existing neighborhoods to the north, and steep slopes on the east that lead to King Slough, a finger of the bay. But the project has plenty of momentum.

“This type of opportunity in land use planning is rare and all the stakeholders were able to come together and make it a reality,” said Woolley. “It is awesome to me and very satisfying.”

Woolley’s comments were echoed by James Bassingthwaite, Community Development Director for the City of Newport.

“There has been a high level of cooperation between the city, other government entities, the property owners, as well as the entire public,” Bassingthwaite said.

The city and county recently approved the UGB adjustment. After the land is annexed into the city, Woolley expects Phase I of the project to kick off this fall.

In the end, Newport will have

accomplished something not even dreamed of in 2003 – meeting its development goals while maintaining its limited water-dependent industrial land. And along the way, the city and DLCD have created a strong relationship that will serve them well in working through future challenges.

“If the (DLCD) grant money hadn’t been there, I’m not sure how this thing would have gotten done,” said Onno Husing, Director of the Oregon Coastal Zone Management Association, who served on an advisory committee that helped develop the neighborhood plan.

“I definitely believe when we look back in 10, 15, 20 years, we will see the South Beach experience as the wave of the future.”



The triangle of land in the center of this *Google* image is the focus of the South Beach project. The view is looking to the southwest. King’s Slough is at left; Yaquina Bay is at the bottom.