



# Oregon

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October 8, 2010

TO: Land Conservation and Development Commission  
FROM: Richard Whitman, Director  
SUBJECT: **Agenda Item 3, October 19-22, 2010, LCDC Meeting**

## DIRECTOR'S REPORT

### I. INFORMATION UPDATES

#### A. PARTICIPATION IN APPEALS, AND RECENT LUBA AND APPELLATE COURT OPINIONS

ORS 197.090(2) requires the Director of the Department of Land Conservation and Development (DLCD) to report to the Land Conservation and Development Commission (the commission or LCDC) on each appellate case in which the department participates, and on the position taken in each such case.

ORS 197.040(1) (c) (C) requires LCDC to review recent Land Use Board of Appeals (LUBA) and appellate court decisions to determine whether goal or rule amendments are needed.

##### 1. Department participation in appeals

Between June 10, 2010, and September 28, 2010, the department received 8 notices of appeal filed with LUBA. The department filed none of these notices.

##### Appeals:

a. *Rudell v. City of Bandon* (LUBA 2010-037). Coastal staff Dale Blanton, Dave Perry, and Laren Woolley have been working with the Department of Justice to prepare the state's brief as intervener in this case. The city recently sought and was granted an extension of time to file its brief..

##### 2. LUBA opinions

Between June 10, 2010, and September 28, 2010, the department received copies of 12 recently issued LUBA opinions. Of these, LUBA dismissed 3, remanded 4, reversed 1, affirmed 4, invalidated 0 local decisions, and transferred no petitions to circuit court.

Two decisions concern the application or interpretation of a statewide planning goal or LCDC administrative rule:

- **Goal 2, Goal 9, Goal 14, OAR 660-009-0005(11), 660-009-0015(2):** Friends of Yamhill County, et al v. City of Newberg, LUBA No. 2010-015, issued August 26, 2010. LUBA remanded Newberg's decision adopting an economic opportunities analysis (EOA). The opinion included the following:

Under applicable rules in OAR 660, division 009, (1) an EOA "must identify the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses," and (2) "site characteristics" are "the attributes of a site necessary for a particular industrial or other employment use to operate." LUBA's interpretation combined the two rules: "Site characteristics are properly viewed as attributes that are (1) typical of the industrial or employment use, and (2) have some meaningful connection with the operation of the industrial or employment use." LUBA rejected the city's claim that a site characteristic "is any characteristic that would give the city an additional advantage in competing with other area jurisdictions for industrial and employment uses," noting that "the city's exclusive focus on marketing concerns ... runs the risk that the city might run afoul of other statewide planning goal and statutory obligations [*i.e.*, Goal 14 and ORS 197.298] for establishing urban growth boundaries in a way that balances the need to provide adequate land for industrial development and statutory and goal standards for protecting agricultural, forest and other sensitive lands."

LUBA also found that neither the EOA nor any other part of the record included findings based on evidence to support the city's site characteristics as typical of its targeted industries.

LUBA rejected the city's position that a legislative land use decision does not require supportive findings.

LUBA refused to take official notice of a report that the city wished to use to support its site characteristics, because "LUBA's authority to take official notice of city enactments does not extend to taking official notice of adjudicative extra-record evidence to solve evidentiary disputes," and the committee report wasn't enacted by the city.

(**Note:** On March 12, Newberg submitted notice of a proposed expansion to its UGB based on the EOA; see DLCDC file no. PAPA 001-10.)

- **Goal 4, OAR 660-006-0005(2), 660-006-0010:** Linda Anderson v. Coos County, LUBA No. 2010-035, issued September 1, 2010. This is the second LUBA appeal following a previous LUBA remand. This time, LUBA affirmed the county's approval of plan and zoning amendments for an 8-acre parcel from Forest Mixed Use to Rural Residential. In determining whether land is suitable for commercial forest use, the county must *consider* the cubic foot per acre productivity standard in OAR 660-006-0005(2) and 660-006-0010, but the county may also use the *average*

productivity of various soil types on the property and may consider additional relevant factors.

Neither of these decisions requires goal or rule amendments.

### **3. Appellate court opinions**

Between June 10, 2010, and September 28, 2010, the department received 5 notices of appellate judgment from LUBA, but no copies of recently issued opinions from the Court of Appeals.

### **4. Opinions of interest**

- **Goal 9, Goal 14, OAR 660-009-0025:** 1000 Friends of Oregon, et al v. LCDC, et al, CA #A135375, LCDC Order 07WKTASK001720, filed September 8, 2010. The court reversed and remanded LCDC's approval of the City of Woodburn UGB expansion, which was predominately for industrial land. According to the court, the order is inadequate for judicial review because it does not include adequate findings explaining: (1) how market choice relates to Goal 14 and the Goal 14 implementing rules.

### **5. Appeal notices of interest: None.**

## **B. GRANTS, INTERGOVERNMENTAL AGREEMENTS AND CONTRACTS**

The department

- received retroactive approval from the Legislative Emergency Board to apply for and receive a grant of \$495,000 from the federal National Oceanic and Atmospheric Administration (NOAA) based on a Congressional line item appropriation to support the work of the West Coast Governors Agreement on Ocean Health (WCGAOH). The department has signed an Intergovernmental Cooperative Agreement with the Pacific States Marine Fisheries Commission for management of the entire award through contracts to carry out work identified by the WCGA Action Teams. The department will retain no grant funds.
- learned that its proposal for a supplemental Coastal Zone Management grant from NOAA for \$250,000 to develop a coastal permit tracking system was not approved.
- notified the Legislative Fiscal Office and the Budget and Management Division of intent to seek retroactive approval from the Legislative Emergency Board to apply for and receive a grant of \$759,000 from the federal National Oceanic and Atmospheric Administration (NOAA) under a new "Coastal Resilience Networks" program for projects that help coastal communities address risks from natural hazards. The department was invited on August 16 by NOAA to apply, and then discussed the opportunity with potential partners Sea Grant, CREST (Columbia River Estuary Study Taskforce), Clatsop Community College and Ecotrust to determine whether and how Oregon's coastal communities could benefit. As a result, the department decided to apply for a grant of \$750,000 to be awarded in three \$250,000 annual grants beginning October 1, 2011. The grant application was due to NOAA

September 15, 2010. Funds would not be received or spent until the 2011-13 and 2013-2015 biennia, not in the current biennium.

- Reduced its general fund grant program by \$69,000 in response to the state's additional 8% allotment reduction. Approximately \$38,000 of the reduction was taken from savings from returned funds. The balance was taken from Junction City's customized periodic review grant following a voluntary offer from the city.
- Is working with local communities to complete all remaining current general fund grant projects.

### **C. ACKNOWLEDGEMENT REQUESTS AND PERIODIC REVIEW WORK TASKS/PROGRAMS**

#### **Periodic Review**

The City of Albany completed part of the work on the transportation element of its long-standing periodic review work program. The department partially approved the submittal.

#### **Acknowledgement**

The City of La Pine submitted its new comprehensive plan to the department for acknowledgement review. The submittal was determined to be complete on September 14, 2010. ORS 197.251 provides that "[a] commission order granting, denying or continuing acknowledgment shall be entered within 90 days of the date of the submittal by the local government unless the commission finds that due to extenuating circumstances a period of time greater than 90 days is required."

The department requests that the commission find that there are extenuating circumstances requiring additional time for the review of the city's acknowledgment request. Those circumstances are as follow:

Under the commission's rules, persons have until October 29, 2010 to submit comments on the acknowledgement request. The commission's rules also require that there be at least a ten-day period to comment on the department's report (issued after comments are submitted). The end result is that there simply is not sufficient time to have this item ready for commission review at its December 2, 2010 meeting. Completing the acknowledgment review within 90 days would require a special commission meeting in mid-December, and even then may not be feasible given current staffing and competing tasks also under deadlines.

For these reasons, the department requests that the commission hear this matter at its January 2011 meeting.

The department also expects to receive an acknowledgment submittal from the City of Damascus, following that city's scheduled final hearing in late November. These are the first acknowledgement reviews submitted to the department since Keizer completed its comprehensive plan in the mid-1980's.

## **II. DEPARTMENT PROGRAM ACTIVITIES AND INITIATIVES**

### **A. COASTAL MANAGEMENT PROGRAM**

Nearshore Research Task Force: Coastal Program Manager Bob Bailey served as a designated member of the Nearshore Research Task Force, created by the 2009 Legislature. Andy Lanier, Coastal Natural Resources Specialist, provided staff assistance to the task force. On August 1 the task force submitted its report and recommendations to the legislature. The six recommendations are intended to (a) strengthen and streamline marine research by providing mechanisms to support and coordinate planning, data management, science advice and funding, and (b) fully integrate input from individuals with the direct expertise and investment in Oregon's nearshore environment.

One of the six task force recommendations is "that the Oregon Coastal Management Program (OCMP) be the lead entity for developing a marine data management network with supporting standards and protocols. The OCMP has broad statutory responsibilities for coordinating ocean and coastal planning and management and has direct coastal management liaison duties with NOAA and other federal agencies." This recommendation is in line with work already undertaken by the department to acquire and use data in preparing a plan for ocean alternative energy and work to establish, maintain, and expand the online Oregon Coastal Atlas.

New Five-Year 309 Assessment and Strategy: Over the past four months Dale Blanton, Senior Coastal Policy Analyst, has led a major effort to prepare the Coastal Program's 2011-2015 Assessment and Strategy required for funding under Section 309 of the Coastal Zone Management Act. This is the fifth assessment and strategy that the department has submitted; previous assessments were prepared for 1992-1997, 1996-2001, 2001-2005 and 2006-2010. As in previous assessments, this one is directed at the nine §309 enhancement areas delineated by the Congress. Mr. Blanton has done an outstanding job of meeting NOAA's requirements for this assessment and strategy document.

A draft of the assessment and strategy was submitted to NOAA for review in August. Comments were received in late September and revisions have been completed. The final assessment and strategy is due to NOAA by November 1, 2010 and will be the basis for funding beginning July 1, 2011 to carry out the strategy.

The draft 2011-2015 strategy proposes work in four topical areas: marine spatial planning for ocean renewable energy and marine reserves, coastal hazards planning, estuary and ocean shore plan updates, and adaptation to effects of climate change. Some of this work will be "formula-funded," while others will be competitive as "Projects of Special Merit." The department uses these funds to support staff time on approved work as well providing a funds via contracts to other agencies, including the Oregon Department of Geology and Mineral Industries and the Oregon Department of Fish and Wildlife to carry out needed work.

## **B. COMMUNITY SERVICES**

The community services division participated in a number of projects and events around the state. Community services specialist Jon Jinings is assisting with the department's solar energy rulemaking effort, including the selection of a rules advisory committee.

The division manager participated in a two-day strategic planning process conducted by the Oregon Tourism Commission, helping to identify opportunities and challenges in developing a sustainable tourism industry within Oregon's world-class landscape.

The division has closed its Southern Oregon office, formerly housed in Central Point, for the remainder of this biennium in response to recent budget cuts and following the retirement of former regional representative John Renz. Regional representative Ed Moore will continue to work with Southern Oregon cities and counties.

Willamette Valley regional representative Gary Fish has been reassigned to work with the Transportation and Growth Management team. Gary's duties will be picked by several regional representatives.

The division also welcomed Karen Swirsky to the team as DLCD's new central Oregon regional representative. The department is pleased to have Karen on board and we look forward to introducing her to the commission and to our central Oregon regional partners.

## **C. DIRECTOR'S OFFICE**

Bob Rindy and the Director are finalizing work on the agency's four legislative concepts. More detail on these efforts is provided below. Bob Rindy has completed a first draft of a white paper on population forecasting issues in the land use program, and staff have been meeting with faculty at Portland State to discuss the paper and initial steps for the Urban Forum.

Mr. Morrissey and the Director have continued participating actively in two other legislative work groups, one concerning events on farm lands (Association of Oregon Counties) and one concerning destination resorts (Senate Environment Committee). These efforts are described in more detail, below.

Mr. Shipsey and the Director completed and have circulated the draft final order for the Bend UGB review. Comments on the draft have been received from the city and one other party. The final order is likely to be issued in the next couple of weeks.

The Director and staff also have met with the City of Woodburn concerning the remand of the commission's order for that city's UGB. Work is underway to develop a revised order that will be brought back to the commission for review at its meeting in early December.

The Director, Deputy Director and the Operations Division Manager also have spent substantial time on the agency's budget over the past six weeks, including taking final action to implement

the Governor's most recent allotment reductions, as well as work on the agency's 2011-13 budget. Two staff were laid off as a result of the most recent allotment reduction and several staff were reassigned creating temporary vacancies elsewhere. These reductions are now having a significant effect on the function of the agency in terms of delay of work on major items or reduced assistance to local communities (La Pine, Bend, RPS).

Other activities in the director's office during September and early October included:

Week of August 30 – Oregon Global Warming Commission, Transportation and Land Use Committee meeting; agency heads meeting; regional representative interviews; LCDC meeting.

Week of September 6 – Attended Research Forum on Regional Transportation and Land Use Decision Making; MPAC meeting; meeting with Farm Bureau staff.

Week of September 13 – Senate Bill 1059 Kick-Off meeting; agency heads meeting; met with representatives of the City of Woodburn; DLCD all-staff meeting regarding budget; AOC Task Force on Ag Events; attended joint meeting of the city and county planning directors.

Week of September 20 – TDR legislative concept working group; destination resorts work group meeting; House Agriculture and Natural Resources Committee, gave an update on TDR and participated in a panel on facilitating development within the UGB; DLCD work session in Eugene on amendments to comprehensive plans for UGB analysis and change; meeting with legislators and directors and chairs of natural resource agencies/boards; natural resources cabinet meeting; several meetings with legislators; Portland Business Alliance/Oregon Business Plan meeting; League of Oregon Cities Conference, state agencies roundtable session.

Week of September 27 – Meeting with Portland State University regarding the Urban Forum.

Week of October 4 – Oregon State Bar Keynote speaker on State-Level Responses to the Challenges of Climate Change, A Perspective From Oregon.

#### **D. MEASURE 49 DEVELOPMENT SERVICES**

As of October 6, 2010, all preliminary evaluations have been issued under House Bill (HB) 3225 and 219 out of 223 final orders have issued. The division has until December 31, 2010 to complete review of claims under HB 3225 and should complete those reviews well ahead of schedule.

Also as of October 6, 2010, the division received 53 elections under Senate Bill (SB) 1049. Senate Bill 1049 allows claimants who either elected conditional under section 7 of Measure 49 and then filed appraisals that did not meet the statutory requirements, or claimants who filed only a county Measure 37 claim, the ability to seek one dwelling, and, unless the property is vacant, one lot or parcel on which to site the dwelling. Claimants who are eligible for review under SB 1049 are required to submit a \$2,500 fee. Most claimants have until either October 7 or October 8 to decide whether to submit an election under SB 1049.

## **E. OPERATIONS SERVICES**

The Operations Services fiscal team has concluded its fiscal year-end activities which roll into the state's Comprehensive Annual Financial Report (CAFR) and the Schedule of Expenditures of Federal Awards (SEFA) report. It awaits confirmation of receipt of a Gold Star Award for 2010 reporting.

Payroll staff and the operations services manager continue successfully working with the Department of Agriculture payroll in addressing the workload needs of the agency and sharing services on payroll/benefits. Payroll management and payroll backup are continuing in the same way as it has at DLCD.

The budget officer is working with the director's office and the operations services manager in continuing to ensure financial reporting accountability. Division managers continue their critical roles in ensuring timely expenditure projections. The department has received its DAS BAM Analyst Recommendations Report and will be attending an appeal hearing on October 8, 2010. Results from the appeal hearing will not be immediately known. Additional budget development will continue through the fall and during the next legislative session.

The information technology unit and reception continue working with department management in evaluating and determining technological needs for the department. The director's office has recently established a website team. The network administrator is part of that team established to address website development and maintenance needs for the department.

## **F. PLANNING SERVICES**

The 2010 session of Oregon Legislature enacted Senate Bill 1059 to help lay the groundwork for how the state will address greenhouse gas emissions reductions from transportation. The bill included a variety of tasks to be completed by DLCD and ODOT and the respective commissions, including: (1) approval by the transportation commission of a statewide strategy for reducing emissions; (2) rules adopted by LCDC setting greenhouse gas emissions targets for Oregon's metropolitan areas; (3) guidelines and a toolkit to assist local governments in metropolitan areas with their efforts to plan for reduced emissions from transportation; and (4) an outreach and education effort to educate the public about the need to reduce greenhouse gas emissions from light vehicles, and about the costs and benefits of reducing greenhouse gas emissions.

The bill authorized five positions, including four full-time planner and one half-time administrative positions, all at DLCD. The team to carry out these tasks, to be housed in the Planning Services Division, has begun to be assembled (see "New Staff and Promotions" and "Recruitments," below). Two of the four planner positions have been filled. At the time of this report, the interviews for the third planner have been completed and the applications for the final planner position have been received. We anticipate the team will be at full force soon.

The consulting teams to assist the staffs and commission in completion of these tasks are also in various stages of the selection process. The Oregon Consensus Center at Portland State University will facilitate the advisory committee assisting LCDC's target rulemaking effort. The consultant team to assist in development of the statewide strategy has been selected and is nearing a kick-off of its work. The others are still in the selection process.

### **III. DEPARTMENT ORGANIZATIONAL AND MANAGEMENT INFORMATION**

#### **A. NEW STAFF AND PROMOTIONS**

The Planning Services Division has had a several staff changes over the last couple of months:

- Matt Crall from the Planning Services Division was promoted to the interim TGM Coordinator position vacated by Bob Cortright. His appointment was effective September 13.
- Gary Fish transferred from the Community Services Division, Willamette Valley Regional Representative, to the TGM position previously held by Matt Crall. This appointment was effective October 1.
- Angela Lazarean has accepted a promotion to a Planner 3 position as a Land Use-Transportation Planner (Scenario Planning). This is a limited-duration position working on the team to implement greenhouse gas emissions reduction efforts under SB 1059 (2010). This appointment was effective September 20.

The Community Services Division appointed Karen Swirsky to the Central Oregon regional representative position starting October 18. Karen graduated from California State University at Los Angeles with a Master's degree in Biology, and has been a land use planner in Central Oregon since 1989. Karen lives in Bend with her husband Nils Eddy (a writer and photographer), three cats, and two chickens. Her knowledge and experience will be a valuable asset to the department. We are very pleased to have Karen on board as part of the DLCDC team.

#### **B. DEPARTING EMPLOYEES**

Measure 49 continues to reduce staff as work is completed. Sandee Robinson (Publications Specialist) and Wendy Visto (Neighbor Notice Specialist) both ended their employment with the agency in August 2010. Cassandra Cooper (Program Analyst 1) ended her employment with the agency in September 2010. Dave Gullede (M49 Operations Supervisor) accepted a position with the State Fire Marshal's Office. We wish Dave the best of luck in his new position.

Due to budget reductions, the department ended the limited duration appointment of Carmel Bender-Charland, Compensation and Conservation Ombudsman. In addition, the department made the difficult decision to lay off our Communications Officer, Cliff Voliva. Cliff was a valued part of the DLCDC team for seven years and he will truly be missed. The department's

receptionist, Tammy Palmer, also will be leaving at the end of October. Tammy has been the first point of contact for the public, and her work also will be missed.

### **C. RECRUITMENTS**

The Planning Services Division has completed the interviews for a Land Use-Transportation Planner (Statewide Strategy). This is a limited-duration position working on the team to implement greenhouse gas emissions reduction efforts under SB 1059 (2010). An appointment will be made soon.

Applications have been received for a Land Use-Transportation Planner (Climate Change Outreach Specialist) position and we expect to hold interviews by the end of October. This too is a limited-duration position working on the team to implement greenhouse gas emissions reduction efforts under SB 1059 (2010).

## **IV. LCDC POLICY AND RULEMAKING UPDATES**

### **A. CURRENT RULEMAKING**

The department has five current rulemaking projects underway. Two of these are scheduled for commission conclusion at the October 21 commission meeting (Metro Reserve rules and Willamette Greenway amendments). One rulemaking project is scheduled for public hearing and possible adoption at the December 1-3 meeting (housekeeping amendments), and the others will be concluded early next year. Rulemaking projects currently underway are as follows:

#### **Solar Energy on Farmland**

LCDC initiated the rulemaking at its September meeting. At issue are requirements in OAR division 33, Agricultural Lands, that restrict siting of commercial energy generating facilities, including solar arrays, on high value farmland greater than 12 acres in size, and 20 acres on non-high value farmland. If those thresholds are exceeded, the applicant is required to seek an exception to Goal 3, which has been most often the case to-date.

A rule advisory committee (RAC or rulemaking workgroup) is appointed for this effort, which is intended to conclude with a recommendation and commission hearing in January 2011. The workgroup will meet for the first time on October 15. Interest has been expressed concerning this rulemaking and Jefferson County also initiated a study group (The Jefferson County Solar Farm Technical Advisory Committee – SOFTAC – has already held several meetings). Members were chosen to represent counties from central and eastern Oregon; farm and ranching interests; industry representatives; environmental interests; state agencies with energy, water and wildlife responsibilities; and a federal agency with resource and land management responsibility .

### **Irrigation Reservoirs on Farm Land**

This item was added to the LCDC 2009-2011 policy agenda at the July 2010 LCDC meeting and rulemaking was initiated at the commission's September meeting. The rulemaking was requested by members of the Oregon Board of Agriculture. The department recommended that this rulemaking go forward without a rules advisory committee, but agricultural interests, counties, OWRD and others will be consulted. The focus for this rulemaking is clarification as to allowance of reservoirs on lands zoned for exclusive farm use. Reservoirs are allowed as a farm use when located on property that is being irrigated, but are not clearly allowed on EFU lands if the reservoir is being used to irrigate other agricultural lands. This rulemaking is intended to clarify that single-purpose irrigation reservoirs are a permitted use of agricultural land. The rules are not intended to address the siting of reservoirs for municipal or other uses.

### **General "Housekeeping" Amendments to Multiple Rule Divisions Under OAR 660**

This rulemaking was added to LCDC's Policy Agenda at the July 2010 LCDC meeting and was initiated at the commission's September meeting. The department recommended that the rulemaking proceed without a rules advisory committee due to the narrow, technical scope of the effort. The department has begun gathering information and recommendations for this effort, which should conclude at the December 2010 LCDC meeting. Included in this rulemaking are proposals to correct, clean up or clarify rules concerning at least the following: acknowledgment (division 3), exceptions rules (division 4), agriculture and forest rules (divisions 6 and 33), PAPA rules (division 18) and periodic review rules (division 25).

## **B. LEGISLATIVE CONCEPTS**

The department's proposed legislative concepts for the 2011 Legislative Session are as follows:

1. Streamlining and improving the post-acknowledgement plan amendment (PAPA) processes;
2. Streamlining the process for UGB amendments and urban reserves, reviewed by LCDC in the manner of periodic review;
3. A policy neutral cleanup of needed housing statutes; and
4. Changes to the Transfer of Development Rights Pilot Program.

In June, the concepts were approved for drafting by DAS and the Governor's office. The Legislative Counsel (LC) has drafted these concepts and the department is in the process of reviewing LC drafts at the time of this report. The final legislative concepts will not be released until authorized by the Governor's office. Details regarding these concepts were developed in June through September in DLCD discussions with various stakeholders, including

- Concepts 1 and 2 discussion with: League of Oregon Cities representatives (Glenn Klein and Emily Jerome), a county planning director (Sterling Anderson), and 1000 Friends of Oregon (Jim Just).

- Concept 3 (affordable housing) discussion with: Barton Brierley (City of Newberg), Emily Jerome (City of Eugene), Bob Clay (City of Portland), Mary Kyle McCurdy (1000 Friends), Al Johnson, Bill Kloos, and Bob Gillespie (OHCD).
- Concept 4 discussion with: Department of Forestry, counties, and 1000 Friends of Oregon.
- On October 15 the department met with CIAC to discuss concept # 1.

### C. OTHER POLICY ACTIVITIES

- **AOC Farmland Activities Task Force:** Following the 2010 legislative special session, the Association of Oregon Counties (AOC) agreed to establish a task force focusing on ancillary uses on farmland throughout the state. Passage of SB 1055 temporarily addressed concerns of some winegrowers with regard to events on farmland, but most interested parties agreed that a larger scope was needed to analyze a wide range of events including weddings, musical, dining-related and athletic events on farmland. AOC initiated the workgroup in late April of 2010, and Director Whitman is a task force member. Several meetings have been conducted, with Yamhill County Commissioner Mary Stern as chair. AOC staff, with some technical assistance from the department, is working on a more specific proposal that will be presented at the next task force meeting.
- **Destination Resorts:** An informal workgroup led by Senator Dingfelder has been meeting for many months to see if there are acceptable alternatives to the destination resort models allowed under statute and Goal 8. Nine counties have created ordinances necessary to map and site destination resorts, but large resorts created under goal and statute have had mixed success financially, and in the case of one county residents have asked that destination resort provisions be rolled back. The department has helped staff this effort, through the director's office. The work group is entering a key phase to see if recommendations can be generated for the 2011 legislative session.
- **Urban Forum:** In adopting its 2009-2011 Policy Agenda, LCDC directed the department to organize an urban land use forum to address several fundamental aspects of Oregon's land use planning program, and to develop consensus recommendations for updating the program. The three topics currently included in this effort concern the use of population estimates in land use and transportation planning, public facility finance and planning issues facing local governments, and urban growth management policies, procedures and requirements, including overall goals and effectiveness. The director and Bob Rindy have been meeting with the National Policy Consensus Center to discuss different models for the forum, and with a group of professors from PSU, and to explore potential university participation in this effort.