



Oregon

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November 24, 2008



TO: Land Conservation and Development Commission
FROM: Cliff Voliva, Communications Officer
SUBJECT: Agenda Item 13, December 3-5, 2008, LCDC Meeting

REVIEW TEXT OF THE DEPARTMENT'S 2007-09 BIENNIAL REPORT

I. AGENDA ITEM SUMMARY

A. TYPE OF ACTION AND COMMISSION ROLE

This agenda item allows the Commission a chance to review, edit as necessary, and approve the text of the department's 2007-09 Biennial Report to the 75th Legislative Assembly.

The report, which summarizes the department's work over the last two years, is usually delivered to the legislature prior to each legislative session. The next legislative session begins on Monday, January 12, 2009.

B. STAFF CONTACT INFORMATION

For more information about this agenda item, please contact Cliff Voliva, Communications Officer, at 503-373-0050 ext. 268, or by e-mail at: cliff.voliva@state.or.us.

II. ATTACHMENT

A. Text of the 2007-09 Biennial Report to the 75th Legislative Assembly

Text for DLCD's 2007-09 Biennial Report to the Legislature

Message from the Director

I had the opportunity to join the department in January 2008. In the past year, I have traveled to most parts of the state, meeting with local officials and concerned citizens. Likewise, the Land Conservation and Development Commission (LCDC) has continued to meet in a variety of communities, taking a first-hand look at some of the major land use issues in cities and counties in every region of the state. Through these efforts and the daily work of its regional representatives, the agency is keeping in close contact with the diverse needs, desires and experiences of people in all corners of Oregon -- to encourage experimentation while also making the land use program more than the sum of its parts.

The 2007-09 biennium has also been a time to focus on completing the work required by a series of recent initiatives from the legislature and the voters, including: Oregon Ballot Measures 37 and 49, as well as the Oregon Task Force on Land Use Planning, and the Portland Metro Urban and Rural Reserves effort directed by SB 1011. At the same time, the department has begun to work on several major newly-emerging challenges including climate change and adjustment in land markets that threaten our working forests.

Work on these major initiatives has been carried out even as the core work of the department has continued, with an emphasis on coordinating the land use system with the Governor's economic development agenda, and renewing periodic review of the comprehensive plans of larger communities.

As we head into more difficult economic conditions, we will be challenged to complete the work the legislature has set out for use while also continuing to meet the evolving needs of communities to plan for sustainable futures. With challenge comes opportunity, and the agency is committed to playing an active role in helping to build the foundation for long-term improvement in our economy, while preserving the quality of life that makes Oregon such a special place to live.

Introduction

Oregon's rapid population growth and development during the 1960s and 1970s prompted concern about the effects of that growth on the state's environment, natural resources, and livability. In a state where agriculture and timber were the two largest industries, Oregonians feared that conversion of those lands for development presented a direct threat to the state's economy.

Those concerns, among others, led to the passage of Senate Bill 100 in 1973, creating our statewide system for land use planning.

From the start, the planning program was a partnership between the state, cities and counties. While SB 100 required state standards, it also envisioned that the program would be made up of local plans, with each community developing its own image of what the future should look like within the general parameters of the state planning goals. SB 100 also created an agency to administer the program, and provide grants and technical assistance to help local governments plan for their futures.

This report from the Department of Land Conservation and Development (DLCD) provides a brief summary of where we are as a state in the evolution of our land use program, and describes what the program has accomplished during the 2007-09 biennium.

Managing Oregon's Land Use Planning Program

DLCD manages the statewide planning program, which has one basic purpose: to sustain and advance Oregon's quality of life. That quality of life is derived from our bountiful natural resources, livable communities, affordable housing, a robust economy, clean air and water, and efficient, low-cost public services.

Because Oregon's quality of life has all those components and more, the program is equally diverse. The program rests on a foundation of 19 statewide planning goals that frame land use planning for cities, counties, special districts, and state agencies. The 19 goals may be viewed on the department's website at: <http://www.oregon.gov/LCD>.

DLCD works closely with local governments and other state agencies to achieve the goals, using a variety of programs and activities. These are the key tools of Oregon's statewide planning effort:

- ◆ Assistance to local governments: DLCD advises, and gives grants and technical assistance to cities and counties.
- ◆ Periodic Review: DLCD works with cities and counties to update and improve their comprehensive plans.
- ◆ Plan amendment review: DLCD annually reviews several hundred proposed amendments to local plans and ordinances.
- ◆ Transportation and Growth Management (TGM): Through this joint effort with the Oregon Department of Transportation, DLCD helps cities deal with issues of transportation and growth management.
- ◆ The Ocean and Coastal Services Division: This division of DLCD works with coastal cities, counties, and state and federal agencies to administer Oregon's federally-approved Coastal Management Program. The program protects Oregon's estuaries, shorelands, beaches and dunes, and ocean resources.

- ◆ The Measure 49 Development Services Division: This division of DLCD implements Oregon's ballot measures 37 and 49 – providing relief to property owners adversely affected by regulations.

Land Conservation and Development Commission (LCDC)

LCDC is the policy-making arm of the state land use program. LCDC is made up of seven citizens from different geographic areas of the state. The Commission sets the statewide land use planning goals and rules, and provides policy direction to DLCD.

The Commissioners are unpaid volunteers, appointed by the Governor and confirmed by the Senate. Commissioners are appointed to four-year terms and may not serve for more than two terms. As of December 2008, LCDC was comprised of:

- ◆ John VanLandingham, Chair (Eugene);
- ◆ Margaret Kirkpatrick, Vice-Chair (Portland);
- ◆ Dennis Derby (Portland);
- ◆ Marilyn Worrix (McMinnville);
- ◆ Christine Pellett (Central Point);
- ◆ Tim Josi (Tillamook); and
- ◆ Hanley Jenkins (Union).

The statute establishing the Commission, ORS 197.030, also directs that the members be representative of certain regions of the state, and that there be a current or former elected official of a city and a county.

The Commission meets about every six weeks. In the 2007-09 biennium, LCDC held meetings around the state, in Ashland, Baker City, Corvallis, Damascus, Enterprise, Gresham, Prineville and Tillamook, as well as Salem. When the Commission meets “on the road,” it usually tours the local area and hosts roundtable meetings for local and state officials and tribes.

Links to Oregon Benchmarks

The department’s strategic planning goals are linked to and help the state achieve the following Oregon Benchmarks (OBMs):

- ◆ OBM 4: Job Growth;
- ◆ OBM 70: Commuting;
- ◆ OBM 72: Road Condition;
- ◆ OBM 74: Affordable Housing;
- ◆ OBM 77: Wetlands Preservation;
- ◆ OBM 80: Agricultural Lands;
- ◆ OBM 81: Forest Land; and
- ◆ OBM 87: Native Fish and Wildlife.

Land use planning is one of several programs that contribute to the state's efforts to meet these benchmarks. Other important influences include government and private investment, tax structures, and a variety of state and federal regulations.

Oregon's statewide planning program plays a key role in facilitating local land development decisions that lead to job growth, affordable housing, convenient transportation systems, conserving agricultural and forest lands for commercial production, and protecting natural resources.

Summary for Annual Performance Measure Report

In 2008, DLCD submitted its Annual Performance Progress Report. A few highlights of the report include:

- ◆ The department anticipates revising its performance measures for the 2011-13 biennium, as recommended by the Big Look Task Force and a recent evaluation of the land use program by the Institute for Natural Resources.
- ◆ The department notes the targets for several key performance measures were exceeded. This includes key performance measures pertaining to affordable housing, certified industrial sites, transit supportive regulation adoption, transportation facilities, updated buildable land inventories for natural resource and hazard areas, and timely completion of periodic review work tasks.
- ◆ Several key performance measures meet the 100 percent target, including: Best Practices met by the Commission; local land use decisions upheld by LUBA and the Courts; timely comments on local plan amendments; and estuarine areas retaining "development management unit" designation.

For more information, please see the department's website at:
http://www.oregon.gov/LCD/about_us.shtml.

Major Policy Initiatives

1. The Big Look Task Force: A 30-Year Review of the Statewide Planning Program

The 2005 Legislature passed Senate Bill 82 (The Big Look), which called for a broad review of the state land use planning program. The bill created a task force to guide the effort and require recommendations to be reported to the 2009 Legislature.

In January 2006, the 10-member Oregon Task Force on Land Use Planning was appointed by Governor Kulongoski, Speaker of the House Karen Minnis and Senate President Peter Courtney. DLCD has staffed the task force since its inception.

The task force is charged with studying and making recommendations on the:

- ◆ Effectiveness of Oregon's land use planning program in meeting the current and future needs of Oregonians in all parts of the state;
- ◆ Respective roles and responsibilities of state and local governments in land use planning; and
- ◆ Land use issues specific to areas inside and outside urban growth boundaries and the interface between areas inside and outside urban growth boundaries.

Since its first meeting in March 2006, the task force met almost monthly; except for a period between July 2007 and February 2008 when funding was suspended pending the outcome of Ballot Measure 49. Measure 49 was approved by voters in November 2007, and the legislature restored funding to the Big Look process in February 2008.

After reconvening in early 2008, the task force has continued on an expedited schedule to meet its legislative mandate to produce a final set of recommendations for the 2009 legislative session. This effort included:

- ◆ Task force debate and consideration on the major issues; and development of preliminary recommendations (January – June 2008)
- ◆ Completion of a stakeholder briefing booklet summarizing key issues and preliminary recommendations (May 2008)
- ◆ Targeted, interactive discussion with over 40 stakeholder groups on the major issues and the policy tradeoffs inherent in different options that address the major issues (June – June 2008)

A concentrated and extensive public engagement process, to obtain input from citizens on the key issues being considered by the task force. This effort contained several components (August – October 2008):

- ◆ A series of 11 townhall meetings across the state, attended by over 1,400 people.
- ◆ A 12-page newspaper insert that reached 500,000 Oregonians via 25 newspapers.
- ◆ Distribution of a press packet to media contacts throughout the state, resulting in over 20 different newspaper articles, television coverage, and radio news reports, including an hour-long program on Oregon Public Broadcasting.
- ◆ A state-wide public opinion survey that was completed by over 1,800 people who participated in the public engagement process.
- ◆ Updates and new content for the Big Look Web site: www.OregonBigLook.org. Peak website activity during this period ballooned to several hundreds hits a day, with a high of 542 on September 18, and over 5,000 visits for the month. Since the beginning of 2008, the website has had over 17,000 visitors.
- ◆ A state-wide statistical survey of 842 Oregonians reflecting the state's race, income, geography, and urban/rural distributions.
- ◆ Print and broadcast media stories throughout the state.
- ◆ A 30 minute documentary, *The Big Look: Examining Oregon's Land-Use System*.

- ◆ A full day roundtable with 26 interest groups. This facilitated discussion provided a thorough review of the issues and the preliminary draft legislation, with a focus on solutions and compromises to be carried forward as legislation. (October 2008)

In November of 2008, the task force produced its final recommendations for a legislative concept. And in December the task force completed its final report and recommendations.

In conjunction with the task force's work, the agency also worked with the Institute for Natural Resources (INR) at Oregon State University (as well as with Portland State University faculty) to complete a partial evaluation of how effective Oregon's land use system has been in achieving several of the key statewide planning goals. This evaluation reported that, for the most part, the program has been successful in slowing the rates of land conversion for farm and forest lands to other uses, and in reducing sprawl relative to other areas of the nation. A copy of the INR report is available at: <http://www.oregonbiglook.org/documents>.

The task force's draft legislation contains three main areas of proposed changes in Oregon's land-use system:

- ◆ **Increase local flexibility, thus avoiding the "one-size-fits-all" approach, while maintaining strong safeguards against sprawl and loss of farm and forest land.**

This would encourage customized regional approaches to identify and designate farm and forest land. Two or more counties could work together to develop a proposed definition of what their productive agricultural and forestry lands are – reflecting what lands are important to the farm and forest industries in that part of the state.

When counties decide to follow this approach, they must also identify what lands are important natural areas and develop programs to protect those areas. This may include market-based incentives, such as conservation easements and transfer of development rights, to conserve lands of ecological importance.

In addition, any lands that are rezoned for uses other than agriculture or forestry must meet state standards to ensure that any development is consistent with the carrying capacity of the land, does not result in sprawl, and does not create negative fiscal effects on counties or cities. Finally, if counties propose new areas for residential development, they must require any new homes in these areas to be clustered to reduce land-use conflicts and to increase efficiencies.

- ◆ **Facilitate and encourage regional planning and infrastructure financing**

The state should offer incentives and flexibility to encourage counties and local governments to make decisions regionally. This would support better decision making among participating governments and allow for better coordination among state agencies.

The state also should prioritize investment in infrastructure that supports state goals such as infill and redevelopment.

- ◆ **Create an integrated state strategic planning process and reduce complexity**

The state should develop an integrated strategic plan that addresses climate change and other critical issues. A strategic plan should include performance standards to measure progress toward achieving the state's goals and benchmarks.

The Land Conservation and Development Commission (LCDC) should form a work group to conduct an audit of the current land-use laws, guidelines and rules. The group then would propose a more accessible, easily understood and functional set of standards for implementing the existing larger goals of the system. The purpose of the review is to develop further recommendations to reduce unnecessary complexity and redundancy.



2. Ballot Measure 49 (2007)

On November 6, 2007, Oregonians approved Ballot Measure 49 (2007). The measure, referred by the 2007 Legislature as House Bill 3540 (2007), modified Ballot Measure 37 (2004) and took effect on December 6, 2007.

A. Claims Processing

Measure 49 gives qualifying landowners with Measure 37 claims the right to build a particular number of homes as compensation for land use restrictions imposed after they acquired their properties. It also gives landowners the ability to seek compensation for any new land use regulations enacted at the state or local level that restrict residential uses of real property.

To obtain an authorization under Measure 49, Measure 37 claimants must elect to proceed with a supplemental review of their claim under either Section 6 or Section 7 of Measure 49. Claimants may build up to three homes if that would have been lawful when they acquired their property (Section 6). Four to 10 homes can be built if claimants can document both that they would have been allowed that level of development when they acquired their property, *and* that subsequent land use regulations had the effect of reducing the value of their property by at least as much as the value of the homes they now seek to develop (Section 7).

Claimants may not build more than three homes on high-value farmlands, forestlands, or groundwater-restricted lands. The measure allows claimants to transfer homebuilding rights upon sale or transfer of properties, and extends rights to surviving spouses.

The measure also authorizes future claims based on regulations that restrict residential uses of property or farm or forest practices.

During its 2008 Supplemental Legislative Session, the Legislative Assembly provided staffing and funding resources to DLCDC to implement provisions of the measure. The Measure 49 Development Services Division has position authority for approximately 30 positions and has organized into regional groups to streamline implementation. The major tasks in reviewing claims are to document when property was acquired, and to then determine what level of residential development would have been lawful at that time. In effect, this requires a "historical" land use analysis of each property.

As required by the Measure, the department began implementation by issuing and receiving election notices for claims filed under Measure 37. Claimants had 90 days from the date the election notice was issued to submit their election to the department.

- ◆ 10,629 election notices were issued to the claimants and agents of 6,619 claims filed under Measure 37.

- ◆ 4,536 elections for claims filed under Measure 37 were received by the deadline, as follows:
 - 4,133 claims elected to proceed under Section 6;
 - 194 claims elected to proceed under Section 7;
 - 137 claimants notified the department that they considered their claims “vested;”
 - 33 claimants notified the department that their property is within a city or urban growth boundary (UGB);
 - 39 claimants elected to withdraw.
- ◆ 11 appraisals have been received for the 194 claims that timely elected to proceed under Section 7 (which requires an appraisal of the claim property).
- ◆ The following number of timely elections was received per county (displayed by department regional teams):

<u>Northwestern</u>		<u>Central & Eastern</u>		<u>Southwestern</u>	
Clatsop	56	Baker	76	Benton	80
Columbia	76	Clackamas	788	Coos	122
Marion	316	Crook	28	Curry	61
Multnomah	62	Deschutes	108	Douglas	166
Polk	217	Gilliam	1	Jackson	332
Tillamook	48	Grant	7	Josephine	114
Washington	458	Hood River	141	Lane	291
Yamhill	308	Jefferson	89	Lincoln	77
		Klamath	97	Linn	273
		Lake	1		
		Malheur	18		
		Umatilla	30		
		Union	32		
		Wallowa	35		
		Wasco	26		
		Wheeler	2		
TOTAL	1,541	TOTAL	1,479	TOTAL	1,516

In coordination with the Department of Justice, DLCD has begun the supplemental review of those 4,327 claims that elected to proceed under Section 6 or Section 7. As of _____, the following numbers of claims have proceeded through the indicated process steps:

- ◆ Initial ownership reviews have been completed for _____ claims.
- ◆ Initial completeness reviews have been completed for _____ claims.
- ◆ ___ Preliminary Evaluations have been issued.

- ◆ Public Notices have been issued to _____ interested persons, with ___ comments received in response.
- ◆ ___ Final decisions have been issued.

B. Litigation

The volume and extent of litigation has declined dramatically since enactment of Measure 49. In early December of 2007, just prior to the date Measure 49 modified Measure 37, there were over 300 court cases pending in trial and appellate courts in Oregon involving Measure 37.

As of _____, there are now _____ court cases pending involving Measure 49. Much of the current litigation involves cases where the property owner has claimed a vested right to continue development commenced under Measure 37. The state has participated in a limited number of these cases, and the general parameters of what development will be vested is now relatively clear. It appears that 100 to 150 developments under Measure 37 proceeded far enough so that they are vested – and will be allowed to be completed.

There are still several legal challenges to Measure 49 pending. The principal set of claims that are being litigated are cases where property owners assert their Measure 37 waivers constitute a contract that could not be abrogated by the legislature or the Oregon voters. A federal court judge has held that a number of waivers issued by Jackson County were contracts, and that the county's waivers are still in effect. However, the state was not a party to this case, and the Oregon Supreme Court has held that Measure 37 waivers were subject to being amended or even eliminated by subsequent legislative action. As a result, further state court litigation will be necessary to resolve this issue.

3. Other Policy Initiatives: Streamlining and Updating the Land Use Planning Program

The agency continued its efforts to streamline and update the land use program throughout the biennium. Several projects were initiated by the Commission in response to concerns raised by local governments, the courts, citizens and interest groups. Policy and rule accomplishments this biennium include:

1. LCDC adopted a second set of new administrative rules to clarify and streamline state policy regarding urban growth boundaries (UGBs). The new rules provide additional “safe harbors” that local governments may follow, at their option, in order to meet statutory and goal requirements for UGB amendments. The rules address both UGB expansions for housing need, and for employment growth.
2. Other rulemaking efforts by LCDC undertaken during this period are: (a) rulemaking to implement Measure 49; (b) rulemaking to implement SB 1011 (Metro urban and rural reserves); (c) rulemaking to allow cities to include lands within a UGB for affordable

housing; and (d) to change the criteria for siting wind energy facilities on farm lands based on the experience of the past eight years with these projects.

3. Development of proposed legislation for the 2009 Legislative Assembly to address the growing issue of conversion of forest lands to large-lot residential use. In parts of the state, the value of forest land for large-lot residential development now exceeds the value of the property for timber production. To support the economic benefits of the timber industry to the state, and to avoid long-term conflicts between scattered residential development and other societal values including fire protection, carbon sequestration, water supply, and preservation of rural communities, DLCD has worked with the Oregon Department of Forestry and several counties to develop a pilot program that would authorize the residential development rights on forest land to be transferred to other lands where additional development is consistent with the state's land use program.

4. Preparation of several other important legislative initiatives, including: (a) an update of our destination resort laws; (b) an update of the program that coordinates the permitting activities of state permitting agencies and local governments; and (c) a pilot program to provide lands for affordable housing.

5. Agency coordination efforts continue, with DLCD and ODOT senior staff meeting regularly to coordinate policy efforts and responses to particular land use and transportation issues arising in specific communities. In early 2009, the agencies began including OECD staff in these meetings.

6. Close work with Jackson County and cities in the Bear Creek region on the regional problem solving effort to establish coordinated urban reserves to guide long-term growth for those communities.

7. Development of several presentations to LCDC, local governments, and realtors concerning the predicted effects of climate change, and the role of our land use system in reducing carbon emissions from the transportation sector. DLCD staff also have begun work on resources for local governments in planning for adaptation to climate change, and in best planning practices to reduce reliance on automobiles.

Working with Local Governments

The department focuses significant effort on building and maintaining collaborative working relationships with local and regional governments. These efforts include providing technical assistance and consultation, funding planning projects, and reviewing local government comprehensive plan amendments.

Helping Cities and Counties through Communications and Technical Assistance

DLCD staff provides advice and technical assistance to local governments through formal and informal communication.

During the past biennium, the department conducted six planners network meetings around the state (Medford, Springfield, Monmouth, Hillsboro, Bend and Baker City) and four coastal planners network meetings (Yachats, Rockaway, Bandon and Florence). These network meetings serve as forums for the department and local governments to exchange information and develop stronger working relationships. The department will continue to host network meetings during the 2009-11 biennium.

In addition, the coastal division also hosted 14 specific training sessions on coastal zone management for more than 150 local government officials and staff. The training covered the statewide planning program, with an emphasis on the special responsibilities that local governments and state agencies play related to estuaries, beaches and dunes, and shorelands in the coastal zone.

Department staff members also participate on the following boards and committees:

- ◆ Technical advisory committees for local planning projects;
- ◆ Regional Economic Revitalization Teams;
- ◆ Area commissions on transportation;
- ◆ Regional investment panels for economic and community development; and
- ◆ Other local government discussions on request.

Informally, DLCD staff also field questions regarding state goals, rules, laws, and general planning practices. Questions frequently come to the department through telephone calls, e-mails, and in person at various meetings. The nature of this technical assistance varies depending on the needs of the local jurisdiction, and ranges from short exchanges regarding planning procedures to substantive engagements on planning policy, development proposals, or plan amendments.

Grants to Local Governments

DLCD has several grant programs for local governments. One program is used to implement the Coastal Zone Management Program (see “Managing Oregon’s Coastal and Ocean Resources,” page xx). Another program is dedicated to improving the integration of land use and transportation planning (see “Integrating Land Use and Transportation Planning,” page xx).

The general fund grant program assists local governments with general planning activities and with Periodic Review. As of mid-November:

- ◆ About \$1.9 million in technical assistance grants was awarded to local governments for comprehensive plan update projects;
- ◆ Nearly \$250,000 went to cities and counties for Periodic Review grants; and
- ◆ An additional \$116,000 was awarded to small cities (under 2,500 population) and counties (under 15,000 population) for general planning activities.

Keeping Local Plans Up to Date

In order for the statewide planning program to function properly, local comprehensive plans must be updated and maintained. Local governments typically identify needed updates and amend their plan via a Post-Acknowledgment Plan Amendment (PAPA) process.

The roles for DLCD in the Post-Acknowledgment Plan Amendment process include reviewing and commenting on the proposal and providing notice of the proposal to a subscriber list. Department staff is frequently asked to provide technical assistance as well. Many local governments are also required to review and update their plans on a schedule through a process called Periodic Review.

Reasons for Periodic Review

Growth and other changing circumstances can render a comprehensive plan so obsolete that it does not satisfy the needs of the local government, citizens or developers. Statutes require many cities to periodically review their plans to ensure they continue to accommodate needed land and infrastructure for economic development and housing. Certain statutory and rule provisions are implemented through Periodic Review as well. LCDC will submit a full report on the status of Periodic Review to the 75th Legislative Assembly.

Plan Amendment Review

A local government can amend its comprehensive plan to address local needs outside the Periodic Review process through the Post-Acknowledgment Plan Amendment (PAPA) process. These amendments may be initiated by a city or county, or by a property owner, who wishes to change the allowed use(s) of their land.

For any proposed PAPA, the appropriate local government is required to send notice of proposed amendments to DLCD. As previously stated, DLCD's primary role is to review the proposal and provide guidance where appropriate. To date this biennium, DLCD has received more than 1,000 PAPA notices. The department expects to receive up to 1,400 by the end of the biennium. Of the projected 1,400 proposals, the department expects to respond to one-third of them (or slightly more than 400) by the end of the biennium.

Appeals of Land Use Decisions

The department often provides guidance to a local government on local land use proposals and, in most cases, the local government and the department work together to resolve potential legal or technical challenges. In cases where the local government makes a decision the department believes violates a statewide planning goal, the department may, with LCDC approval, appeal that local decision to the Land Use Board of Appeals (LUBA) for clarification of the decision. As of Nov. 20, 2008, 342 local decisions have been appealed to LUBA statewide.

Of the 342 decisions appealed statewide, eight were initiated by DLCD:

1. A comprehensive plan amendment/zone change that would have allowed a major, urban-scale retail development in rural Umatilla County;
2. Determination that the Measure 37 Claim Waiver granted by the State and County to Percy Langdon, who is deceased, is an asset of Percy Langdon's Estate, and the estate's personal representatives are entitled to exercise the claim;
3. Approval to subdivide property in Jefferson County into 60 lots and place a dwelling on each lot, based on a Measure 37 waiver to deceased claimant (William Burk);
4. A comprehensive plan amendment/zone change that would have allowed a major, urban-scale retail development on 120 acres of industrial land in rural Klamath County. This decision was jointly appealed by the Department of Transportation;
5. Amendments to residential dwelling siting standards in the Significant Resources Overlay for the Big Game Winter Range. This decision was jointly appealed by the Department of Fish and Wildlife;
6. Appeal of a Lane County resolution to not utilize the population forecast prepared by the Lane Council of Governments and to prepare a population forecast at the next Periodic Review of the Lane County Comprehensive Plan;
7. Approval on remand of a 10-lot subdivision on a 31.03 acre parcel zoned AF-20 in Yamhill County, based on a Measure 37 waiver;
8. Approval of a Measure 37/49 preliminary subdivision plat by Clatsop County, based on a Measure 37 waiver.

Economic Development

Economic Revitalization Team

DLCD is a partner in the Governor's Economic Revitalization Team (ERT). ERT was established by the 2003 Legislature (HB 2011) to focus state agencies on working together at the local level to increase economic opportunity and bring industrial sites to "shovel-ready" status. ERT works with state agencies and local governments to:

- ◆ Streamline permitting for business and industry;
- ◆ Increase opportunities to link and leverage public and private investments; and
- ◆ Provide greater local access to state resources and assistance.

The Governor's office has directed the ERT agencies' directors to create lasting and systematic changes to agency policies, programs and processes for greater effectiveness and improved efficiency. DLCD's participation in ERT is one of the key ways in which

the department carries out its commitment to better implement the Governor's agenda for economic development through the statewide planning program.

Economic Development Accomplishments

Oregon's planning program supports the state's economy by ensuring that local governments have an adequate land supply, infrastructure and services to meet a variety of economic opportunities. Statewide Planning Goal 9 (Economic Development) is at the center of the state land use program's policy on economic development.

The goal calls for local governments to provide "an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses." Goal 9 encourages local governments to identify sites needed for industrial and commercial development to meet both long-term (up to 50 years) and short-term needs.

Economic development is the highest priority for available Technical Assistance grants awarded by DLCD. The grant program is guided by a Grants Allocation Plan, which is recommended by a standing grants advisory committee and adopted by LCDC. The allocation plan has listed "economic development" as the top priority for three consecutive biennia. These grants are used by cities and counties to update their comprehensive land use plans to address needed land for employment under Goal 9, as described above.

In addition, DLCD staff provides technical assistance to local governments to help them identify and analyze their economic development opportunities and develop strategies for attracting the identified industries. Through grants and technical assistance, DLCD helps communities throughout the state become better prepared to attract jobs.

Sustaining Oregon's Farm and Forest Industries

Development approvals for dwellings and land divisions on farm and forest lands during the 2007-09 biennium continue to reflect the influence of changes to state laws and LCDC rules enacted since 1993. Data reported to DLCD appear to generally reflect approval trends noted in recent years.

Agricultural and Forest Land Goals

The 2003 National Resource Inventory shows that the rate of conversion of farmland to other uses in Oregon is about half that for the nation as a whole, and that the amount of cropland in the state has held steady since 1997. The amount of land in forest cover has increased slightly. These facts underscore the effectiveness of Oregon's farm and forestlands protection program over the last three decades.

Statewide Planning Goal 3 (Agricultural Lands) defines agricultural land and requires counties to adopt exclusive farm use (EFU) zoning to sustain them. State statutes, Goal 3 and LCDC's Goal 3 rules (Chapter 660, Division 033) establish standards for dwellings,

uses and land divisions in farm zones. About 15.5 million acres are currently zoned as farmland. The farm value property tax assessment program covers a similar amount of land.

Statewide Planning Goal 4 (Forest Lands) defines forestlands and requires them to be zoned for timber management and other forest uses. Over 11 million acres of private land have been zoned for forest or mixed farm-forest use. Standards for dwellings, uses and land divisions on forestlands are provided in state statutes, Goal 4 and in LCDC's Goal 4 rules (Chapter 660, Division 006).

Sustaining Farm and Forest Lands is Vital for Oregon's Economy

In 1974, when Goals 3 and 4 were adopted by LCDC, the principal reason for enacting such strong state land use policies was economic. The same is true today. Agriculture and wood products are still two of Oregon's most important industries.

Figures released by the Oregon Department of Agriculture report that the total direct and indirect contribution to the state's economy by the agricultural and food processing industry in 2007 was more than \$12 billion, equating to 10 percent of Oregon's Gross State Product. The wood products industry also remains an important force in the state's economy, generating about \$13 billion annually in direct and indirect sales and services, or 11 percent of the state's economic output.

Commercial farming and forestry require large supplies of land. However, both industries are seriously affected by the loss of land to other uses, by the fragmentation of the resource land base, and by conflicts and complaints from nearby landowners who are not engaged in farm and forest activities. That is why sustaining these valuable resource lands is so important to Oregon's economic strength and stability.

A failure to limit harmful development and land parcelization would result in higher costs for farmers, timber managers and taxpayers, and would discourage continued resource use. Probably the biggest concern for the future of our farm and forestlands is the fact that such lands are also viewed as areas for rural home sites. Despite stricter laws and rules, the competition between resource production and residential use continues to be one of the most difficult issues facing the rural side of Oregon's statewide planning program.

Monitoring Development on Farm and Forest Lands

The land use approval data referenced in this report come from Oregon's 36 counties for the 2006-07 reporting period. County planning departments have been required since the late 1980s to give DLCD annual reports on dwellings, uses, and land divisions occurring in farm and forest zones. The reporting system, along with plan amendment data, provide the information needed to regularly review and evaluate existing policy and regulations and to make appropriate adjustments in the program. For complete information and tables, please refer to the Farm and Forest Report to be available in January 2009.

Lot-of-Record Dwellings: The current statutory standards for allowing “lot-of-record” dwellings on farm and forest lands were established to recognize individual or family ownerships that existed prior to LCDC’s acknowledgment of most county comprehensive plans (Jan. 1, 1985). The legislature enacted the provisions to provide a measure of equity for owners of resource land whose dwelling opportunity was limited by subsequent zoning actions in order to comply with Goals 3 and 4.

Dwellings in EFU Zones: The latest data on farm dwelling approvals continue to show that LCDC’s rules are making a difference. Previous requirements had allowed hundreds of new farm dwellings to be approved each year, at a time when the number of farms in Oregon was declining. Changes in the farm dwelling approval standards have been critical in supporting the viability of Oregon’s agricultural economy.

The number of non-farm dwelling approvals has increased slightly since 2005; the majority being approved on small parcels of less productive land in eastern and southern Oregon. Non-farm dwelling opportunities have been designed to recognize different farmland capabilities in various parts of the state. Because the ability to site a non-farm dwelling on high-value farmland in the Willamette Valley is very limited, the number of new non-farm dwellings in that valley is small.

Other dwelling opportunities in EFU zones include: relative farm help dwellings, other accessory farm help dwellings, replacement dwellings, temporary hardship dwellings and lot-of-record dwellings.

Dwellings in Forest Zones: State law provides for two principal types of dwelling opportunities in forest zones besides the lot-of-record. They include a large-tract dwelling option and the option for a “template” dwelling that reflects a certain amount of existing development and parcelization in the area. Forest dwelling opportunities reflect the varying levels of productivity between eastern and western Oregon forestlands. Other dwelling opportunities include: temporary hardship dwellings and replacement dwellings.

Land Divisions in Farm and Forest Zones: State statutes and LCDC rules are designed to ensure that newly-created parcels on farm and forestlands remain commercially viable for farm and forest use and do not contribute to the fragmentation of the resource land base. Generally, current standards for land divisions require an 80-acre minimum parcel size for land in farm and forest zones and 160 acres in rangelands. As authorized by the statutes, counties also have the opportunity to demonstrate to LCDC that a lower minimum parcel size is appropriate to continue commercial resource enterprises. A few counties have done a “go-below,” as they are called.

New non-farm land divisions are allowed to accommodate new dwellings and other permitted uses on parcels that are determined by counties to be generally unsuitable for farm use. This option results in the creation of hundreds of new nonfarm parcels each year; primarily in southern and eastern Oregon. This provision has provided considerable

flexibility in the program over the years. New non-forest land divisions for new dwellings are generally not allowed.

Measure 37 and 49 Activity: It remains to be seen how claims filed and waivers granted under Ballot Measures 37 and 49 may result in residential development on farm and forest lands. The extent to which these claims will result in actual development is presently unclear, and is not reflected in this biennial report.

Rezoning: Each year, farm and forestlands are rezoned by counties to other uses through the “exceptions” process. Some of this is the planned conversion of resource lands to urban uses, as new lands are included in urban growth boundaries (UGBs). Other lands that are already partially developed or committed to non-resource uses are rezoned to a variety of rural development uses.

In 2006 and 2007, more than 5,000 acres of farm and forest lands were rezoned to non-resource uses; less than 20 percent of which represented additions to UGBs and more than 80 percent occurred in rural areas. The ability to rezone appropriate lands provides a pressure valve to accommodate planned urban development as well as a certain amount of rural development.

Managing Oregon’s Coastal and Ocean Resources

Since 1977, the Oregon’s Coastal Management Program (OCMP) has protected the priceless treasures of the Oregon coast while enabling coastal communities to develop and grow.

The OCMP is based on the statewide planning goals, with emphasis on the goals aimed at estuaries, coastal shorelands, beaches and dunes, and ocean resources. It is implemented by local comprehensive plans and state agency programs. Oregon’s program was the second in the nation to be approved under the federal Coastal Zone Management Act.

Oregon gains two key benefits from federal approval of its Coastal Management Program:

1. Funding from the National Oceanic and Atmospheric Administration. During the 2007-09 biennium, the department received \$4.4 million dollars to implement the Coastal Management Program.
2. Authority to review federal agency actions and approvals that affect Oregon’s Coastal Zone to make sure that they are “consistent” with Oregon’s enforceable policies, which include state laws, agency regulations, and local government comprehensive plans and ordinances.

During 2007-09, the OCMP focused on three program initiatives:

- ◆ Helping Oregon’s Coastal Communities

- ◆ Addressing Emerging Coastal Issues
- ◆ Conserving Coastal Resources

Helping Oregon's Coastal Communities

Oregon's coastal communities face unique challenges. In addition to land use issues common throughout Oregon, coastal local governments have special responsibilities to protect estuaries, ocean shores, dunes and other resources. They face risks from shoreline erosion, ocean flooding, severe storms, tsunamis, and the effects of climate change. Rugged geography, isolation, and limited transportation options add to these challenges.

The OCMP assists local governments with:

a. On-Site Advice and Assistance

The OCMP provides direct technical and planning assistance to local governments on a daily basis. Three staff members work from the coastal services center in Newport: two regional representatives provide planning advice and assistance and a third focuses on coastal hazard and shoreland issues. Other policy and program specialists in the central Salem office provide advice and assistance as needed and often travel to meet with local governments on the coast.

b. Financial Assistance

During the 2007-09 biennium, OCMP grants coordinator managed more than \$750,000 in grant awards to local governments from federal funds including:

- Planning Assistance (CZM) grants that enable local governments to maintain core planning services, review development proposals, prepare plan changes, update ordinances, and other planning work. All jurisdictions receive a minimum grant of \$3,000, for which a 1:1 local match is required.
- Technical Assistance/Priority Project (306-TA) grants that help cities and counties to plan for economic development, identify buildable lands, develop capacity in GIS and information technologies, and assess coastal hazards.
- Stormwater Management (306-NP) grants help local governments to reduce or prevent water pollution caused by stormwater runoff.

c. Training, Education, and Information

The OCMP responded to requests from local governments to provide training for local planning staff, elected and appointed officials. The OCMP carried out four training and information activities:

- **Coastal Planning Seminars:** Day-long training sessions, entitled CZM 201, were held in Gold Beach and Rockaway Beach. A total of 75 local planning staff, planning commissioners, and elected officials attended. The seminars provided an overview of the statewide planning program, special coastal requirements, and the roles of state agencies in coastal land use planning and decisions.
- **Local Planning Commission Training:** The OCMP held a series of 4-hour training sessions in 14 coastal communities that reached more than 150 planning commissioners and elected officials. Training was conducted by a veteran

professional planner based on a curriculum developed in collaboration with the OCMP regional representatives. To address on-going training needs, the OCMP is developing an online training curriculum for local planning commissioners.

- **GIS technical assistance:** The OCMP GIS specialist provided in-shop GIS training and trouble-shooting assistance for local governments. This over-the-shoulder assistance helped local staff to avoid start-up and training costs while providing a hands-on learning experience.
- **Oregon Coastal Atlas:** The OCMP unveiled an updated Oregon Coastal Atlas which provides a wide range of mapped data and information about the Oregon coast to users via the Internet. A principal function of the Atlas is to serve data from other state agencies, such as the Department of Human Services beach water quality monitoring data and natural hazards data from the Department of Geology and Mineral Industries. The Atlas contains more than 3,500 data bases and can be found at: <http://www.coastalatlus.net>.

Addressing Emerging Coastal Issues

The Oregon coast was a hotbed of major new coastal and ocean activities that made front-page news across the state. As a result, the OCMP devoted significant staff resources and expertise to working with the Governor's office, the Department of Justice, and other state agencies to address five emerging issues:

a. Liquefied Natural Gas Facilities

Oregon's "federal consistency" review authority put the OCMP in the spotlight during the biennium, in which significant staff resources were devoted to major land use and environmental issues arising from proposals for Liquefied Natural Gas (LNG) import facilities and associated pipelines on the Columbia River and on Coos Bay. OCMP staff worked with the applicants, local governments, the Oregon Department of Justice, the Governor's office, the public, non-governmental organizations, federal agencies such as the Federal Energy Regulatory Commission, and others. Significant policy, procedural, environmental, and economic issues surround each of these proposed facilities and their associated pipelines.

b. Coastal Impacts from Climate Change

OCMP worked extensively with other state agencies, academic specialists, and local planners to prepare a report that identifies and describes the likely effects of climate change on the Oregon coast and its communities. This report is provided to the 2009 Legislature and to coastal local officials. The OCMP effort closely tracks and begins to implement the recommendations of the Governor's Climate Change Integration Group. The report identifies elements of a strategy to address potential impacts of climate change, so the OCMP is now working with these same partners and other stakeholders to develop a Coastal Adaptation Strategy to frame an appropriate, timely response to likely effects of climate change on the coast.

c. Ocean Wave Energy Development

The Oregon coast and nearshore ocean is favorable for development of energy from ocean waves and thus several proposals have been received to site wave energy

facilities. As a result, the OCMP devoted substantial staff resources to ocean wave energy issues. In March 2008, Governor's Executive Order 07-08 charged the department with preparing a plan for ocean wave energy and submitting it to the Land Conservation and Development Commission for adoption as an amendment to the Oregon Territorial Sea Plan. Preparation for that planning work is underway with a variety of stakeholders. The majority of planning work, which is subject to a Policy Option Package, is expected to place in the 2009-2011 biennium and beyond.

d. **Marine Reserves**

OCMP staff played three roles in carrying out Governor's Executive Order 07-08 related to marine reserves. One is as an Ex-Officio agency member of the Ocean Policy Advisory Council (OPAC). The second is as staff, administrative, and financial support to the OPAC and its Marine Reserves Working Group, which met numerous times during the biennium. The third role is as provider of information and data products to the OPAC, state agencies, and the public to support marine reserves planning. During the biennium the OCMP hosted a Coastal Fellow sponsored by the NOAA Coastal Services Center with expertise in marine science and information technologies whose mission is to develop and provide marine geo-spatial information via the Internet. The Fellow and Coastal Atlas Coordinator worked with many other agencies and academic scientists to provide information via <http://www.oregonmarinereserves.net>

e. **West Coast Governor's Agreement on Ocean Health**

In September 2006, the governor's of Oregon, Washington, and California announced an historic agreement to work together on a host of ocean and coastal issues of mutual interest. Subsequently, the OCMP provided technical and policy assistance to the Governor's office in developing an action plan that was released in May 2008. Several OCMP staff has taken on active roles in working with colleagues from California, Washington, and federal agencies to implement the climate change, alternative ocean energy, and overall ocean management policy elements of the agreement. The West Coast Governor's Agreement is one of several voluntary regional agreements for ocean and coastal governance that resulted from 2004 recommendations of the U.S. Commission on Ocean Policy.

Conserving Coastal Resources

The Oregon coast is rich in a variety of natural and cultural resources that are important to Oregonians. The OCMP carried out several program activities to assist in conserving these resources:

a. **CELCP: The Coastal and Estuarine Lands Conservation Program**

Created by Congress, CELCP provides competitive grants to states and local governments to acquire and conserve special coastal areas. The OCMP administers this program for Oregon. During the biennium, the OCMP assisted the Oregon Parks and Recreation Department to acquire several coastal properties.

b. **Public Access**

Oregon places great emphasis on public access to coastal beaches, shorelands, and waters. The OCMP is revising and updating the inventory of all public access sites along the Oregon coast and will make that inventory available via the Oregon Coastal Atlas.

c. Coastal Resource Policy Assistance

Coastal law and policy can be complicated given the many state and federal authorities and programs affecting coastal resources. OCMP policy specialists provides policy assistance to local governments, other state agencies, and the Governor's office on issues related to protection and use of estuaries, coastal shorelands, coastal hazards, and ocean resources.

d. Ocean Shore Special Area Management

The OCMP receives federal program enhancement funds to improve management of the ocean shore and nearshore ocean. These funds support ocean beach erosion studies by the Department of Geology and Mineral Industries, coastal park master planning by Oregon Parks and Recreation Department, and field studies on nearshore rocky reef habitats by the Department of Fish and Wildlife.

Integrating Land Use and Transportation Planning

The Oregon Transportation and Growth Management (TGM) program supports community efforts to expand transportation choices for people. Linking land use and transportation planning, TGM works in partnership with cities and counties to create vibrant, livable places in which people can walk, bike, take transit or drive where they want to go. Jointly administered by DLCDC and the Oregon Department of Transportation (ODOT), this non-regulatory program is funded by the Federal Highway Administration.

TGM Grants for Oregon Communities

During the 2007-09 biennium, TGM awarded \$3.8 million for 60 projects in 54 communities. These grants have helped communities to develop and update Transportation System Plans (TSPs) for needed transportation facilities and to conduct integrated land use and transportation planning.

Activities supported by TGM emphasize three key planning principles:

- ◆ Mixed-use, compact development, which brings stores, homes, job centers and services closer together;
- ◆ Good "connectivity," which yields more direct routes and shorter distances between local destinations; and
- ◆ Pedestrian-friendly design, which makes distances seem shorter and more walkable.

A TSP or TSP update provides a comprehensive assessment of an existing transportation system and helps a community develop solutions for current and future transportation needs. Many TGM grants awarded this biennium helped local governments prepare or

update a TSP. As of December 2008, TSP updates were underway in Bandon, Monmouth, Deschutes County, and other communities.

Better integration of transportation and land use planning helps Oregon communities accommodate anticipated growth, plan for needed transportation facilities, and prepare for and respond to new economic development opportunities. For example, Curry County is planning the street network for a nearly 4,000-acre urban growth area south of Brookings. Also, the Rogue Valley Council of Governments is engaged in integrated land use and transportation planning for Central Point's urban reserve areas.

Many communities have used TGM grants to plan for transportation improvements to support downtown development and Main Street revitalization. This is the case in Gladstone, Toledo, Turner, and Ontario.

Other communities have used TGM grants to plan new bike and pedestrian paths to better connect local destinations. Happy Valley, for example, is developing a pedestrian access plan, while Roseburg is preparing a pedestrian and bicycle plan. Marion County, meanwhile, is working with seven school districts on a safe-routes-to-school project to improve safety for students walking to and from 25 schools on or near county roads.

TGM grants also help communities plan for development in a way that minimizes impacts on the state transportation system. By planning for compact rather than randomly scattered strip development, communities help reduce congestion on state highways intended to serve longer-distance travel and reduce the need for costly highway improvements.

TGM Direct Community Assistance

In addition to planning grants, TGM offers direct assistance to local governments through its Quick Response, Code Assistance, and Outreach programs. These programs make specialists in transportation, land use, and urban design available to communities seeking to resolve transportation and growth management challenges.

Quick Response: Quick Response helps local governments and developers consider designs for proposed developments that enhance transportation choices. During the 2007-09 biennium, Quick Response:

- ◆ Initiated an effort with Vernonia to balance flood safety and transportation issues while choosing a site for schools after the December 2007 floods;
- ◆ Designed a new streetscape scheme for Culver, to be constructed with a Transportation Enhancement grant;
- ◆ Planned for the redevelopment of a former mill site in Ashland to include the campus for a large software company;
- ◆ Helped Garibaldi and Silverton with the transition to new zoning and standards for downtown by showing private property owners how their property could redevelop within the new vision; and
- ◆ Assisted Dallas with the creation of a mixed-use center.

Code Assistance: Through Code Assistance services, TGM helps cities and counties reassess and update local land use regulations with a view to making them more supportive of compact, mixed-use development that improves transportation choices.

This program helped Coquille revise its outdated land development regulations, provided expert assistance with guidelines for a new light rail station area in Clackamas County, and joined a broader effort to revitalize Hillsboro's downtown by identifying and fixing regulatory barriers to good development

Outreach: Through Outreach, TGM supports educational workshops, public forums, and other activities aimed at enhancing public awareness and understanding of transportation-efficient development concepts. During the biennium, outreach workshops and forums took place in Ashland, Baker City, Bend, Estacada, Gladstone, La Grande and Mt. Angel.

In partnership with the Oregon Association of Realtors, the Eugene Association of Realtors, the National Association of Realtors, and the Cities of Eugene and Springfield, TGM also sponsored a conference on transportation, housing and growth issues in Lane County. Almost 300 realtors and local civic and neighborhood leaders attended a day-long forum to hear experts discuss creative ways to address transportation and land use challenges.

Natural Hazards Program

DLCD's Natural Hazards Program is the state's coordinating agency for the National Flood Insurance Program (NFIP), through an agreement with the Federal Emergency Management Agency (FEMA). Oregon has 261 cities and counties that are subject to flooding, and all participate in the NFIP, thereby making flood insurance available to their residents and businesses.

The NFIP has three basic components: flood hazard mapping, floodplain insurance, and floodplain regulations. DLCD contributes to each of these components.

Since 2002, DLCD has received \$950,000 in federal grants to support FEMA's Map Modernization Program. The program will provide xx Oregon cities and counties with digital flood insurance rate maps by 2010. Grant funds are used to:

- ◆ Review maps;
- ◆ Assist cities and counties with flood hazard ordinance amendments necessary because of the new maps; and
- ◆ Provide technical assistance, where necessary, to ensure cities and are able to efficiently use digital flood insurance rate maps in their planning programs.

DLCD has entered into interagency agreements with the DAS Geospatial Office to make digital flood maps more available to the public via the Internet.

DLCD participates in the flood insurance and flood hazard components of the NFIP by providing technical assistance and resources to Oregon's NFIP-participating communities. The Natural Hazards Program conducts training on NFIP requirements aimed at local planners, surveyors, building officials, and real estate agents. The program routinely answers technical questions from local governments, building contractors, surveyors, and the public about NFIP issues and standards.

The Natural Hazard Program also works closely with Oregon's NFIP communities to ensure they are meeting NFIP requirements. These activities are funded in part from federal grants, which are renewed annually.

Finally, the Natural Hazards Program works closely with the Oregon Office of Emergency Management before, during, and after natural disasters (particularly floods) to ensure that recovery complies with both the NFIP and the State of Oregon planning goals.

In the past biennium, DLCD's Natural Hazard Program and Transportation Growth Management Program collaborated to address planning issues that arose after severe flooding occurred in Vernonia.

Coordinating Programs of State Agencies

The statewide planning program relies on cooperation and coordination among state agencies whose plans and programs affect land use and local governments that adopt and implement local land use plans. An important goal of the statewide planning program is to ensure that all state agency programs and state permits regarding land use issued under such programs are consistent with the statewide planning goals and compatible with local land use plans.

Consistency among state and local governments is maintained through state agency "Coordination Agreements," completed and approved by LCDC in the late 1990s. However, the department has not engaged in a formal and concerted effort to update its coordination agreements since that time. In the meantime, local government comprehensive plans and land use regulations, and state agency rules, plans and programs affecting land use, have changed substantially.

The department is proposing legislation to provide for re-engagement of agencies and updated coordination agreements. The legislation would also direct LCDC to update state permit compliance and compatibility rules to eliminate unclear or conflicting provisions, to maintain a high level of coordination among state agencies and local governments regarding actions that affect a use of property, and to streamline state and local permitting procedures.

During the 2007-09 biennium, the department initiated and participated in regular senior staff meetings with the Oregon Department of Transportation and the Oregon Economic and Community Development Department. State agency coordination also occurs

through the Governor's Economic Revitalization Team (ERT), which brings together 26 state and regional agencies on a regular basis to coordinate economic development programs and activities in all regions of the state.

Funding for Oregon's Planning Program

In terms of budget and staff, DLCD is among the smallest of all state agencies.

DLCD's legislatively-approved budget for the 2007-09 biennium is \$27,955,879. The three main sources of funding are:

- ◆ General Fund\$20,794,123
- ◆ Other Fund\$798,687
- ◆ Federal Fund\$6,363,069

DLCD does not administer permit programs and therefore does not generate any revenue from permit fees.

Citizen Involvement Advisory Committee (CIAC)

ORS Chapter 197 established the Citizen Involvement Advisory Committee to advise LCDC and local governments on matters pertaining to citizen involvement.

CIAC is an advisory body only; it has no explicit or implied authority over any local government or state agency. The committee does not set policy or review local land use plans or decisions.

The CIAC has eight members, one from each of Oregon's five congressional districts and three chosen at large. CIAC members are unpaid volunteers and are appointed to four-year terms by LCDC. The committee meets bi-monthly in Salem.

During the 2007-09 biennium, the CIAC:

- ◆ Completed the third edition of: "Putting the People in Planning: A Primer on Public Participation in Planning;"
- ◆ Served on four DLCD work groups;
- ◆ Assisted Damascus in developing a Citizen Involvement Program; and
- ◆ Worked with the Oregon Task Force on Land Use Planning.

Citizen participation is a hallmark of Oregon's planning program. Each city and county plan includes a citizen involvement program that describes how the public can participate in each phase of the planning process. Local governments must periodically evaluate their efforts to involve citizens, and, if necessary, update their programs. These requirements are established in Statewide Planning Goal 1: Citizen Involvement.

Local Officials Advisory Committee (LOAC)

ORS Chapter 197 established the Local Officials Advisory Committee to advise LCDC and the department on matters involving local governments.

The LOAC is made up of members representing cities, counties and Metro. They are appointed by LCDC in consultation with the League of Oregon Cities and the Association of Oregon Counties.

LOAC is specifically charged by statute with the responsibility to review and advise LCDC on proposed goal amendments. The LOAC did not meet in 2007-08, but is expected to reinstate its work in 2009.

DLCD Divisions and Offices

DLCD is organized into five divisions:

The **Community Services Division** is composed of regional representatives who assist local governments in the implementation of the statewide land use planning program by providing technical and educational assistance to local government planners and officials, the general public, and interest groups. The division also provides financial assistance to urban and rural communities.

The **Planning Services Division** provides specialized technical assistance and policy consultation to DLCD's regional representatives serving local governments and citizens. The division includes the Transportation and Growth Management Program (TGM) and specialists dealing with urban development, farm and forest land protection, mineral and aggregate resources, economic development, natural resource management, and floodplain management.

The **Ocean and Coastal Services Division** works with coastal cities, counties, and state and federal agencies to administer Oregon's federally approved Coastal Management Program, which emphasizes conservation of estuaries, shorelands, beaches and dunes, and ocean resources. The division provides financial and planning assistance to local governments, implements a coastal hazards and assessment program, supports the Oregon Ocean Policy Advisory Council, maintains an online Oregon Coastal Atlas, and has authority under federal law to review federal programs and activities for consistency with Oregon's federally approved coastal program standards.

The **Measure 49 Development Services Division** receives, evaluates and resolves claims submitted to the state under Measure 49. The measure was referred by the Oregon Legislature, approved by the voters on November 6, 2007, and became effective on December 6, 2007. In addition to modifications to Measure 37 (2004) claims, Measure 49 allows for new claims to be filed, but only against land use regulations that are adopted

after January 1, 2007.

The **Operations Services Division** provides services in the following areas: human resources, labor relations, budget, accounting, purchasing, payroll, safety, space and facility management, mail distribution, information systems, landowner notification, agency policy and procedure development, inventory and property control, and reception.

The department is based in Salem, but has field offices in Portland, Eugene, Newport, Bend, La Grande and Central Point. The following is a list of DLCD offices and contact information:

Department of Land Conservation and Development (Main Office)
635 Capitol St., NE, Suite 150, Salem, OR 97301-2540
(503) 373-0050 x280 richard.whitman@state.or.us
<http://www.oregon.gov/LCD>

Department of Land Conservation and Development
800 NE Oregon St., # 18, Suite 1145, Portland, OR 97232
(971) 673-0965 meg.fernekees@state.or.us
(971) 673-0963 jennifer.donnelly@state.or.us

Department of Land Conservation and Development
1140 Willagillespie Road, Suite 13, Eugene, OR 97401
(541) 686-7807 ed.w.moore@state.or.us

Department of Land Conservation and Development
810 S.W. Alder Street, Unit B, Newport, OR 97365
South Coast: (541) 574-1584 dave.perry@state.or.us
North Coast: (541) 574-0811 laren.woolley@state.or.us

Department of Land Conservation and Development
P.O. Box 3275, 155 N. First St., Central Point, OR 97502
(541) 858-3189 john.renz@state.or.us

Department of Land Conservation and Development
888 N.W. Hill Street, Suite 2, Bend, OR 97701
(541) 318-2899 mark.radabaugh@state.or.us
(541) 318-2890 jon.jinings@state.or.us

Department of Land Conservation and Development
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