



# Oregon

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### LCDC Policy Agenda for 2011-2013

In October 2011 the Land Conservation and Development Commission (LCDC) adopted a list of policy projects it intends to pursue in the 2011-13 biennium. The Policy Agenda includes projects intended to improve statewide land use policies and rules as well as changes necessary to respond to new legislation, executive orders, and court opinions. State law (ORS 197.040) requires LCDC to adopt, amend and revise statewide planning goals, land use policies and administrative rules as “necessary to carry out Oregon’s statewide land use planning program.” LCDC will revisit and possibly revise its Policy Agenda annually. The 2011-13 LCDC Policy Agenda includes the following projects:

#### A. Policy projects underway from the previous (2009-11) biennium

1. Amendments to Transportation Planning Rules (the TPR) required by 2011 legislation (scheduled for December LCDC meeting).
2. Forum regarding population forecasting – A work group with LOC and OAC is developing a legislative concept to amend statutes regarding population forecasting.
3. Greenhouse gas reduction goals – Required by 2009 legislation, new administrative rules for Portland Metro Area “scenario planning” to establish the process for determining land use patterns to meet the greenhouse gas reduction goals.
4. EFU Soils Analysis – Adopt rules to implement 2010 legislation regarding a new process to contract for alternative soils information (rule adoption scheduled for December LCDC meeting).
5. Transfer of Development Rights (TDR) pilot program – Implement and report on pilot program enacted in 2009. Minor rule revisions are required by 2011 legislation (see Section B, below)
6. Territorial Sea Plan amendments: Revise the Oregon Territorial Sea Plan to address alternative energy resources in the territorial sea as per Governor’s Executive Order (Text amendments were adopted in 2009; map amendments are scheduled for summer of 2012).
7. Update Federal Consistency rules (OAR 660, division 35) implementing the consistency requirements of the Federal Coastal Zone Management Act. Proposed updates will address changes to NOAA federal consistency rules and other changes since the last (1988) update of LCDC consistency rules.

#### B. Policy Projects required to respond to new state laws

1. Economic Recovery Review Council. Several work tasks are required by SB 766 (enacted in 2011 session), including expedited review of up to 10 industrial development projects And designate 5 to 15 regionally significant industrial areas.

2. Ballot Measure 49 department work tasks in response to HB 3620 (enacted in 2011 session). No rulemaking required.

### **C. Adjustments to existing rules needed to implement new legislation**

The following rules must be changed to implement legislation enacted in 2011:

- Post Acknowledgement Plan Amendment (PAPA) Notice rules at OAR 660, division 18, in response to statutes amended by House Bill 2129. Scheduled for December, 2011.
- Rules for Periodic Review and UGB review (OAR 660, division 25) in response to statutes amended by House Bill 2130. Scheduled for December, 2011.
- Metro urban reserve rules regarding allowed roads (in response to HB 3225).
- Transfer of Development Rights (TDR) Pilot Project rules (OAR 660, division 28) in response to laws amended by HB 2132.
- EFU rules regarding Farmworker Housing (in response to HB 2154).
- EFU rules regarding farm income standards (in response to HB 3290).
- Rules for needed housing (OAR 660, divisions 7 and 8) in response to HB 2131.

### **D. High Priority Policy and Rulemaking Projects**

1. Urban Forum: to consider issues concerning the UGB and urban reserves requirements, in response to recent holdings by the Court of Appeals. The Forum would convene a group of stakeholders to consider several urban policy issues and seek a consensus toward a legislative concept for the 2013 legislative session to address these issues.
2. HB 2229 Pilot: Beginning in the Fall of 2011, engage one or two (as yet undetermined) counties in a farm and forest land remapping project under the procedures established by HB 2229 (2009 legislation). Staff recommends this project be initiated without associated administrative rules, although later rulemaking may be recommended based on experience gained in the pilot.

### **E. Projects to be pursued if resources are available**

1. Study and make recommendations concerning Goal 7 natural hazards requirements as they relate to climate change adaptation. DLCD would work with other agencies in response to the Governor's climate change adaptation plan. This project may or may not result in rules to clarify Goal 7 requirements.
2. Public Parks in farm zones: The department will participate in the Oregon Parks and Recreation Department's (OPRD's) planned "Parks Forum" with other stakeholders, and report back to the commission as to whether rulemaking is recommended in response to parks issues, especially issues concerning local government parks outside UGBs.

For questions or additional information about LCDC's 2007-09 Policy Agenda, contact Bob Rindy at 503-373-0050, Ext 229, or email at: [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us) or Michael Morrissey at 503-373-0050 Ext 320 or email [Michael.morrissey@state.or.us](mailto:Michael.morrissey@state.or.us)