

Meeting Notes

APRIL 6, 2016

CIAC Attendees	Steve Faust; Phil Stenbeck; Jerry Gerspach; Marissa Grass; Lisa Phipps
Absent	Amy Sheckla-Cox; Gregory MacLaren
Listeners	Peggy Lynch, League of Women Voters
Admin. Staff	Sadie Carney; Casaria Taylor
Note Taker	Casaria Taylor

Agenda Topics

- Item 1 Agenda Review, Notes from Previous Meeting
- Item 2 Public Comment
- Legislative Update
 - 2016 Short Session
 - 2017 Legislative Concepts
 - Rulemaking
- Item 3 New Member Recruitment Update
 - Recommendations to LCDC
 - Estimated Start
- Bylaws Revision
 - DOJ Opinion
 - Options
- Item 5 Workplan Items
 - 2015 STAR Awards
 - Applications received
 - Application review process
 - STAR Awards
 - Review of PSU Grad Student Work
 - Letter to students
- Item 6 Survey
 - Private and Public Partner Relationship
 - Low and No Cost Tools
 - Response Protocol
 - Other Projects
- Item 7 Summary and Next Steps
- Item 8 Other Business
 - City of Brookings Report

Agenda item 1: Agenda Review, Notes from Previous Meeting

Staff: Steve Faust, Chair

Discussion

Request to add an Item 8 “Other Business” to the agenda to discuss the report submitted to CIAC by the City of Brookings.

Conclusions

Action Items	Person responsible	Deadline	Complete
✓ None			

Agenda item 2: Public Comment

Discussion

There was no public comment

Conclusions

Action Items	Person responsible	Deadline	Complete
✓ None			

Agenda item 3: Legislative Update

Staff: Dan Eisenbeis, Policy Analyst

Discussion

- **2016 Short Session**
 - Dan reviewed with the CIAC the legislative briefing report that was presented to LCDC at their March 2016 meeting.
 - Dan provided an overview of legislative discusses around land use that took place during the short session.
 - Four bills were approved regarding housing (4014, 4018, 4039, 4079)
 - HB 4079 required LCDC rulemaking to create a pilot project for affordable housing. The rulemaking is expected to be adopted at the LCDC's March 2017 meeting and must be effective by July 1, 2017.
 - Steve Faust asked about consideration of locating affordable housing outside transit areas. Dan responded that the bill requires housing to be places adjacent to existing services, such as transportation.
 - Marijuana regulations were amended. The application process with OLCC was refined regarding land use compatibility statements (HB 4014, SB 1598)
 - No action was taken on transportation funding bills. The legislature expects to revisit the topic in the full 2017 session.
- **2017 Legislative Concepts**
 - LCDC approved the advancement of four legislative concepts. April 15 is the deadline for Oregon state agencies to submit their proposals to DAS
 - **Re-establish authority of LCDC to require cities with populations less than 25,000 to provide 20-year residential land supply**
 - *Problem:* In *GMK v. Madras* (2008) the Oregon Court of Appeals (COA) found that the department had no authority to require cities with a population less than 25,000 to implement measures to increase buildable land supply to meet needs identified in a completed Housing Needs Analysis. ORS 197.296, adopted in 1995, requires cities with a population of 25,000 or more to expand an urban growth boundary or take other measures to satisfy a shortage of 20-year residential land, and the COA found that the absence of a statutory requirement for smaller cities trumped LCDC's rules in Goals 8 and 14 on the subject. Previously, LCDC rules regarding 20-year land supply were governed by Goals 9, 10, and 14. The COA decision in the *Madras* case prevents the department from ensuring that small cities actually implement a Housing Needs Analysis.
 - *Proposed Solution:* Amend ORS 197.296 to give LCDC specific authority to provide rules requiring a 20-year residential land supply for cities with population less than 25,000.
 - **Update NRCS Soils**
 - *Problem:* The definitions of high value farm soils in ORS 215.710 and 195.300 include specific Class III and IV soils and are based on National Resources Conservation Service (NRCS) (formerly the US Soil Conservation Service) publications as of November 4, 1993 and December 6, 2007, respectively. The NRCS has recently updated its web soil survey to both add new soils and delete previous soils, such that statutorily named Class III and IV soils and NRCS publication references are now out of date. If ORS 215.710 and 195.300 are not updated accordingly, the statutory definitions or high value farmland will include soils no longer included in NRCS publications, fail to include appropriate soils included in NRCS publications, and reference publications that are no longer readily available to planning practitioners and the general public.

- *Proposed Solution:* Incorporate the updated list of Class III and IV soils into ORS 215.710 and update the date references in ORS 195.300 and 215.710, or eliminate the statutory date references altogether and incorporate date references in administrative rule (in order to facilitate periodic updates to the date references).
 - **Placeholder Response to Anticipated NMFS Biological Opinion on National Flood Insurance Program in Oregon**
 - *Problem:* The National Marine Fisheries Service is expected to release a Biological Opinion on implementation of the National Flood Insurance Program (NFIP) in Oregon. The Biological Opinion will be provided to the Federal Emergency Management Agency (FEMA), which will in turn implement actions to protect the habitat functions of floodplains for the fish species listed under the Endangered Species Act. Retention and restoration of trees and other riparian vegetation in FEMA mapped floodplains is an important piece of a salmon recovery effort. DLCD anticipates that FEMA implementation of the Biological Opinion will result in all NFIP communities being expected to modify their floodplain development permit criteria to require trees be preserved where possible and any necessary tree removal be mitigated with new tree plantings. This may necessitate legislation to clarify local government authority to adopt and enforce relevant vegetation protections.
 - *Proposed Solution:* Pursue placeholder legislation to clarify local authority to adopt and enforce vegetation protections.
 - **Forest Property Line Adjustment Fix**
 - *Problem:* ORS 215.750 and OAR 660-006-0027(3) authorize local governments to approve forest template dwellings if at least three dwellings existed within a specified 160-acre area and those dwellings continue to exist at the time the forest template dwelling approval is requested. The template dwelling standard was created to acknowledge a pattern of disturbance within a discrete geographic area and allow for new dwellings on similarly compromised tracts, not to provide opportunities for dwellings on newly created tracts.

Multiple county planning departments have contacted DLCD with regard to a proposed series of property line adjustments that would qualify the new tracts for template dwellings under existing provisions in rule and statute. Such use of the PLA process could cause significant loss of productive forest land, jeopardize big game habitat protections, and limit where and how a city can expand its UGB for future development, a concern of particular relevance for coastal communities.

 - *Proposed Solution:* Amend ORS 92.192 to prevent serial property line adjustments (PLAs) from qualifying parcels for template dwellings that would otherwise not qualify for this use.
- **Rulemaking**
 - **HB 4079 – Affordable Housing**
 - Marissa Grass is interested in being the CIAC liaison on the rulemaking advisory committee.
 - LCDC will be asked to formally initiate the rulemaking and appoint a rulemaking advisory committee at the LCDC meeting in May. The rulemaking is expected to go through March 2017.
 - **Replacement for Periodic Review**
 - Phil Stenbeck and Jerry Gerspach are interested in being the CIAC liaison on the rulemaking advisory committee.
 - This is a continuation from the UGB Streamlining rulemaking project that was recently adopted.
 - **SB120 Transportation Planning Rule**
 - Phil Stenbeck and Jerry Gerspach are interested in being the CIAC liaison on the rulemaking advisory committee.
 - This rulemaking will clarify the ability to take on projects triggered by the TPR. There has been interest from central Oregon on this topic. The expected adoption of the rule is July 2016.
 - **Greenhouse Gas**
 - Steve Faust is interested in being the CIAC liaison on the rulemaking advisory committee.
 - Target emissions are being set for metro areas.

Conclusions

Action Items	Person responsible	Deadline	Complete
✓ Appoint CIAC member to each rulemaking advisory committee	Steve Faust	May 1	
✓ Offer rulemaking advisory committee seats to Gregory, Lisa, and Amy if interested	Steve Faust	May 1	
✓ Notify LCDC of CIAC liaison for each rulemaking advisory committee	Steve Faust	May 1	

Agenda item 4: New Member Recruitment Update

Staff: Sadie Carney, CIAC Liaison

Discussion

Sadie Carney, Steve Faust, Casaria Taylor, and Carrie MacLaren interviewed Stephen Lawler and Wendy Hudson for the at-large seat on the CIAC. Both candidates were found to be admirable candidates. Both candidates were willing to participate with CIAC and await a formal seat on the committee.

The committee needs to consider revising the bylaws (agenda item 5) to increase the committee membership from eight to nine members in order to get both candidates on board or appoint one candidate and wait for a vacancy to appoint the other candidate.

Jerry likes the staggered approach.

Marissa is fine with either approach.

Steve recommends the staggered approach with a future discussion about changing the bylaws.

CIAC will call a special meeting with a full quorum prior to May 1 to make a formal recommendation to LCDC.

Conclusions

Action Items	Person responsible	Deadline	Complete
✓ Hold special meeting to formally recommend candidate and appointment process (staggered or bylaw change)	Sadie Carney	May 1	
✓			
✓			

Agenda item 5: Bylaws Revision

Staff: Sadie Carney, CIAC Liaison

Discussion

Discussed during agenda item 4

Conclusions

Action Items	Person responsible	Deadline	Complete
✓ None			

Agenda item 6: Workplan Items

Staff: CIAC Members

Discussion

- **STAR Awards (2015)**
 - No applications received to date
 - DLCD field reps are encouraging their local jurisdictions with eligible projects to apply.
 - Steve encouraged CIAC members to utilize their contacts and encourage submissions.
 - Jerry and Gregory will review applications after the deadline (April 29) and submit a recommendation to CIAC by June 1.

- **STAR Awards (Future)**
 - Sadie will meet with Jerry to go over the proposals from PSU
 - Sadie met with Angela Lazarean, Even Manvel, and Casaria Taylor to discussion the proposals from PSU then provided a proposal to CIAC at this meeting.
 - Steve suggested more consideration about marketing be included.
 - Robin asked why the lack of applications. Casaria explained the process has been complex in the past. Last year the process was eased and we had 7-9 applicants. Not sure why there are no applications yet this year.
 - Lisa and Jerry suggested allowing for U.S.P.S. submission of applications rather than limiting to online submission.
 - Marissa suggested changing criteria to “significantly complete by December 31”.
 - Marissa suggested emphasizing the application is free
 - Jerry suggested reconsidering the term “citizen”
- **Survey**
 - Survey results have been compiled and the project is complete.
 - Next steps include distributing to interested parties and presenting results to LCDC in September.
- **Private Public Relationship**
 - Phil is meeting with the county planning directors on April 15.
 - Phil is meeting with the city planning directors later this month.
 - At both meetings Phil will push the STAR awards and also talk about the survey results.
 - Steve and Marissa submitted a conference proposal to OAPA about Goal 1. Waiting to hear if it was accepted.
- **Low/No Cost Tools**
 - Will work on a checklist draft per Robin’s recommendation at the last CIAC meeting.
- **Response Protocol**
 - Steve made comments on the letter. It will come back to CIAC in June for final approval and next steps

Conclusions

Action Items	Person responsible	Deadline	Complete
✓ Add STAR Awards (Future) to June 1 CIAC agenda	Sadie Carney	June 1	
✓ Adopt STAR Awards (Future) at the July LCDC Meeting	Sadie Carney	July 1	
✓ Sadie and Jerry to incorporate suggestions and return to CIAC for adopt at June 1 meeting	Sadie Carney Jerry Gerspach	June 1	
✓ Send survey results to those who indicated on the survey they were interested in receiving the final results	Sadie Carney	June 1	
✓ Include with LCDC’s September meeting materials	Sadie Carney	September 1	
✓ County/City Planning Director Meetings – report out	Phil Stenbech	June 1	
✓ Low/No Cost Tool checklist	Steve Faust	June 1	

Agenda item 7: Summary and Next Steps

Staff: Steve Faust, Chair

Discussion

Conclusions

Action Items	Person responsible	Deadline	Complete
✓ None			
✓			
✓			

Discussion

City of Brookings moved their Independent CCI to their planning commission. One of their self-imposed requirements is to survey individuals who participate in land use issues. The city submitted a letter reporting on their survey.

Conclusions

Action Items	Person responsible	Deadline	Complete
✓ Send a thank you note to the city	Sadie Carney Steve Faust	May 1	
✓ Include as idea in the toolbox	Steve Faust	June 1	
✓			

Upcoming Agenda Items

Topic	Person Responsible	Deadline
1. STAR Award Recommendation	Jerry Gerspach Gregory MacLaren	June 1
2. STAR Award new process adoption	Sadie Carney	June 1
3. Planning Director meeting report out	Phil Stenbeck	June 1
4. Low/No Cost Tool Checklist review of draft	Steve Faust	June 1
5. Response Protocol letter approval and discuss next steps	Lisa Phipps	June 1
6. Survey results presentation to LCDC	Marissa Grass	August

Special Notes

****Staff should make every attempt to get meeting materials sent with the agenda prior to each CIAC meeting. ****

- A pdf packet (single document) is preferred format for CIAC meeting materials
- Meeting packet should be emailed one week in advance of meetings, to give committee members an opportunity for review