



# Oregon

Theodore R. Kulongoski, Governor

**Land Conservation and Development Commission**

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**March 22–24, 2006 Meeting Minutes**

**Land Conservation and Development Commission**

**Hotel Oregon**

**310 N.E. Evans Street**

**McMinnville, Oregon 97128**

(track 1)

Chair VanLandingham calls meeting to order at 1:04 p.m., March 22, 2006.

Commission Members present:

John VanLandingham

Dennis Derby

Margaret Kirkpatrick

Hanley Jenkins

Marilyn Worrix

**Agenda Item 4 – Request to Appeal on a Land Use Decision Adopted by Polk County  
Pursuant to ORES 197.090(4) and OAR 660–001–201 to –230**

**Lane Shetterly, Director** – Submits staff report regarding Polk County’s request to appeal and explains the appeal to Commission (**Exhibit A**).

**Chair John VanLandingham** – Asks if there is any objection to public comment, there is none stated.

**Steve Mannenbach, Attorney for Applicant** – Testifies and submits written testimony regarding Polk County’s request to appeal (**Exhibits B and C**).

Chair VanLandingham – Discusses the six criteria of an appeal and the department’s recommendation to whether those criteria were met.

**Steve Shipsey, Asst. Attorney General for the Commission** – Clarifies how the department’s position relates to the *Lovenger* case which is now before the Court of Appeals.

Commission discussion regarding how the Commission should handle this appeal with the *Lovenger* case pending before the Court of Appeals and LUBA.

Mannenbach – Asks for clarification on how the Commission could appeal this issue when LUBA has already decided this issue.

Chair VanLandingham – Explains that because the LUBA decision is under appeal to the Court of Appeals, the Commission needs to wait on that decision before filing the record and brief.

Marilyn Worrrix, Commissioner – Asks how many parcels this would effect.

Mannenbach – States that it would be very few parcels.

Margaret Kirkpatrick, Commissioner – Asks if the decision today is only whether to start an appeal process.

Shipsey – That is correct. If the Commission decides to submit an appeal and, after review of the Lincoln County issue, decides not to pursue it, the Commission could withdraw its appeal.

Worrrix – Asks if the appeal went forward, if it would have any impact on the Lincoln County issue.

Director Shetterly – States that it would have no impact on Lincoln County. Suggests that if the Commission decides to submit an appeal, it would need to be done today and then upon further review, it could still be withdrawn.

Shipsey – States that the Court of Appeals decision should be out within a month.

Kirkpatrick – Filing a notice of intent to appeal would leave the Commission with all of its options open with the understanding that department staff would be looking at the Lincoln County issue.

**Motion – Commissioner Kirkpatrick moves that the department file a notice of intent to appeal based upon the findings of staff looking at the Lincoln County issue and depending on what happens with the Court of Appeal *Lovenger* case.**

**Hanley Jenkins, Commissioner – Seconds motion.**

Dennis Derby, Commissioner – Asks if the Commission would be able to withdraw the appeal based on future court decisions.

Kirkpatrick – Clarifies that depending on what the department finds out was approved for the Lincoln County case, and what happens with the Court of Appeals case, the Commission would still have the option to move forward with its appeal or withdraw it.

**Vote – 5–0, Commissioners Josi and Henri are excused.**

(track 2)

**Agenda Item 1 – Tour of Yamhill County**

**Patti Webb, Manager McMinnville Downtown Association; David Weegan, McMinnville Economic Development Partnership; Kelly McDonald, Board Member of McMinnville Economic Development Partnership** – Discuss the Economic Improvement District focused on revitalizing the downtown of McMinnville and the tour that the Commission will be taking (**Exhibit D**).

Chair VanLandingham – Recesses the meeting at 1:50 p.m. to go on tour of downtown McMinnville and Yamhill County.

(track 3)

Chair VanLandingham – Reconvenes the meeting at 6:41 p.m.

**Agenda Item 2 – Roundtable Discussion with Local Governments, Confederated Tribes of Grand Ronde, and other invited guests**

**Those present include:**

John VanLandingham, Commissioner; Tim Josi, Commissioner; Hanley Jenkins, Commissioner; Dennis Derby, Commissioner; Marilyn Worrix, Commissioner; Lane Shetterly, Director DLCD; Steve Shipsey, Commission Counsel; Barton Brierley, City of Newberg; Vickie Hardin Woods, City of Salem; Frank Sheridan, City of Sheridan; Rep. Donna Nelson; Kathy George, Yamhill County Commissioner; BJ Matthews; Gene Austin; Kathy Thole; Jim Fairchild, City of Dallas; Roger Jordan; Gene Clemens, Polk County; Sam Lowry, Multnomah County; Jan Michael Reibach, Confederated Tribes of Grand Ronde; Rob Hallyburton, DLCD; John Leeper, Washington County Commissioner; Sid Friedman, 1000 Friends; Doug Montgomery, City of McMinnville; Mike Brandt, Yamhill County; Wendy Stassens, City of McMinnville; John Abrams (**Exhibit E**).

**Issues discussed include:**

The growth rate of Washington County and issues that are raised by the quickly increasing growth; discussion of what a legislative urbanization package under consideration by Washington County might look like and how it might help the counties with their growth issues; that it would be nice to get more coordination from all state and federal agencies regarding specific issues so that there isn't a lot of money spent by cities trying to get answers to their questions; discussion of the department's 2007 legislative concepts – specifically the urban growth issue as it relates to affordable housing and industrial lands inclusion; discussion of how the Governor's Economic Revitalization Team and the directors of those agencies included in the team are working together to coordinate and help different local communities work on

issues together instead of having to work with each department separately; discussion of how the department could partner more with local jurisdictions on economic opportunity developments; for the department and Commission to focus on large issues and let the local jurisdictions have more control on the smaller issues; streamlining of administrative rules to allow for use of what the public wants to do with their lands; discussion of how the department's "culture" has changed for the better since Lane Shetterly started as director two years ago; discussion of the work that the Commission's subcommittee regarding industrial lands outside the city limits is working on; discussion that it has been hard for the City of McMinnville to partner with the department in the past because they haven't felt a lot of support or involvement from the staff; discussion of the City of Newberg's efforts to do long range planning and that they can't afford to take ten years to do this planning effort; discussion of how the department can work on delivering messages to local jurisdictions of the reasoning and policy behind its decisions and not just a "no" without an explanation; discussion that it would be nice for the local jurisdictions to have more flexibility with the state rules and law especially in light of Measure 37; discussion of the appeal process, how unfair it seems to private land owners but what the department and the state are trying to do to make the appeal process easier; discussion that the small communities with "charm" are being forced into the same housing densities as larger cities and that those smaller communities are afraid of losing their charm; discussion of the City of Salem's "concurrency program" and how it has helped with infrastructure costs to the City; discussion that if local jurisdictions bring their issues to the department early on it will help everyone in coming to a consensus on the issues and opportunities available; discussion that the development community would like to find ways to help fund infrastructure to help communities with their costs; discussion of the Planners Network Meetings that the department is hosting all over the state; discussion of the Task Force on Land Use Planning and what they will be working on over the next several years

Chair VanLandingham – Recesses the meeting at 8:34 p.m.

(track 4)

Chair VanLandingham – Reconvenes the meeting at 8:36 a.m., March 23, 2006.

Commission Members present:

John VanLandingham  
Dennis Derby  
Hanley Jenkins  
Tim Josi  
Marilyn Worrix

**Agenda Item 3 – Public Comment**

**Ed Gormley, Mayor of McMinnville** – Welcomes the Commission to McMinnville.

**Susan Watkins, Citizen** – Testifies and submits written testimony regarding what she believes the role of the Commission should be (**Exhibit F**).

Chair VanLandingham – Discusses that the department, staff and LCDC are working hard to be more available to citizens and their issues. Discusses the work of the Task Force on Land Use Planning, the work that was done during the legislative session to try and resolve any Measure 37 issues, and that the Commission will be hearing from the Forestry Department tomorrow regarding forestry issues.

Worrix – Asks Ms. Watkins if the rules and regulations regarding small forest woodlands are workable.

Watkins – States her concern about small families trying to keep their small forest woodlands.

**Peggy Lynch, Citizen** – Testifies regarding Jackson County’s efforts to improve their citizen involvement and why it’s important for the Commission to continue to support the Citizen Involvement Advisory Committee.

**Sam Sweeney, Citizen** – Testifies and submits testimony regarding the zoning changes around high agricultural soils to mineral extraction (**Exhibit G**).

**Ted Gahr, Citizen** – Testifies and submits testimony regarding the options available for small farm land owners (**Exhibit H**).

Chair VanLandingham – Recesses the meeting at 9:07 a.m.

(track 5)

Chair VanLandingham – Reconvenes the meeting at 9:15 a.m.

**Agenda Item 5 – Public Hearing and Possible Adoption of Amendments to Administrative Rules Regarding Periodic Review and Unincorporated Communities (OAR 660, Divisions 022 and 025)**

**Rob Hallyburton, Community Services Division Manager** – Submits staff report regarding Possible Adoption of Amendments to Administrative Rules Regarding Periodic Review and Unincorporated Communities (OAR 660, Divisions 022 and 025) (**Exhibits I and J**).

**Linda Ludwig, League of Oregon Cities** – Testifies regarding the draft rule and cites

letter that was submitted (**Exhibit I, Attachment D**). Discusses the transfer of matters from LCDC to LUBA.

Hallyburton – Discusses the attachments of the staff report (**Exhibit I**) and walks the Commission through the changes in the draft.

Commission discussion regarding local governments not meeting the voluntary periodic review “lite” deadlines and the sanctions that might apply. Discussion regarding how local jurisdictions’ periodic review would be terminated if requirements weren’t met; who would make that termination, interim measures, and whether sanctions should apply.

Hallyburton – Continues with section by section review of the changes in the draft.

Derby – Asks about the periodic review “lite” on pg. 6 of Attachment C (**Exhibit I**), and whether sanctions will apply or if the review was to be terminated if the requirements were not met.

Commission discussion of how those sanctions might apply if the language was changed in the draft. Discussion about Section 250 and the Director’s ability to elect transfer of a matter raised in the appeal to the Land Use Board of Appeals (board) under ORS 197.825.(2) (c) (A).

Chair VanLandingham – Recesses the meeting at 11:15 a.m.

Chair VanLandingham – Reconvenes the meeting at 11:33 a.m.

Chair VanLandingham – Cites changes to the draft – Attachment A, pg. 1, line 16, add “shall apply”; pg. 3, line 45, change Sub 3 to Sub 4; pg. 3, line 45(b), delete first sentence which will then read, “If the city misses a deadline related to an evaluation, work program or work task including any extension, the Commission must terminate the evaluation, work, program, or work task, or impose sanctions pursuant to OAR 660–025–0170(3).”; pg. 7, line 12 replace “advertised” with “noticed”; pg. 14, line 5 at end add “or listed”, delete last sentence of line 7; pg. 16, line 10, delete “were received”; pg. 22, in lines 15 and 16 delete “statute rule or local ordinance” and replace with “provision of law.”

**Motion – Chair VanLandingham moves to adopt the above listed changes to the periodic review draft and adopt division 22.**

**Derby – Seconds motion.**

**Vote – 5–0, Commissioners Kirkpatrick and Henri are excused.**

(track 6)

**Agenda Item 6 – Public Hearing and Possible Adoption of Amendments to**

**Administrative Rules Regarding Park Uses on Agricultural Land and Forest Land in State Parks (OAR 660, Division 034)**

**Bob Rindy, DLCD Staff** – Submits staff report regarding Possible Adoption of Amendments to Administrative Rules Regarding Park Uses on Agricultural Land and Forest Land in State Parks (OAR 660, Division 034) (**Exhibit K**).

**Ron Campbell, Oregon Parks and Recreation Department** – Testifies in support of the new rule language.

Chair VanLandingham – Cites changes to rule – pg. 7, line 7 after “may allow” add “State Parks”; pg. 8, after “ORS 215.283” add “OAR Ch. 660–033.”

**Motion – Commissioner Tim Josi moves the above listed changes to the rule.**

**Worrix – Seconds motion.**

**Vote – 5–0, Commissioners Kirkpatrick and Henri are excused.**

Chair VanLandingham – Recesses the meeting at 11:51 a.m.

(track 7)

Chair VanLandingham – Reconvenes the meeting at 12:19 p.m.

**Agenda Item 9 – Local Officials Advisory Committee (LOAC) and Ex–Officio Members meet with the Commission**

**Those present include:**

John VanLandingham, Commissioner; Marilyn Worrix, Commissioner; Tim Josi, Commissioner; Dennis Derby, Commissioner; Hanley Jenkins, Commissioner; Lane Shetterly, Director DLCD; Cliff Voliva; Steve Shipsey; Art Schlack; Bill Grile; Jim Allen; Jon Holan; John Lindsey; Scott Lazenby; Ken Toombs; Linda Ludwig; Michael Jordan; Annabelle Jaramillo; Wes Hare; Rob Drake; Richard Kidd; George Naughton, Deputy Director DLCD.

**Lane Shetterly, Director** – Provides both the Commission and the LOAC with a **SB 82 Land Use Task Force Update – Agenda Item 7**. Discusses the task force membership, issues that have been discussed during their two meetings, and what they hope to accomplish.

Group discussion of the Task Force on Land Use Planning. Issues of discussion include annexation; department staffing for task force needs; and the Land Use Board of Appeals (LUBA).

Director Shetterly – Provides both the Commission and the LOAC with a **Measure 37 Update – Agenda Item 8**, and submits Measure 37 claims status sheet (**Exhibit L**).

Group discussion includes Measure 37 and a potential special legislative session; recap on the 393 final orders the department has issued as of March 22, 2006; working together with LOC and AOC; claims where cities verses counties are involved; whether a new initiative could be filed after the two year window is closed; and how that two year window is actually interpreted.

Chair VanLandingham – Provides both the Commission and the LOAC with overview of Commission’s Proposed 2007 Legislative Concepts.

Group discussion regarding the Proposed 2007 Legislative Concepts include local legislative agendas; UGB expansions; and a legislative clean up of the subregional process.

Chair VanLandingham – Recesses the meeting at 1:33 p.m.

(track 8)

Chair VanLandingham – Reconvenes the meeting at 1:50 p.m.

**Agenda Item 11 – Commission Approval of the Department’s Proposed 2007  
Legislative Concepts**

**Bob Rindy, DLCD Staff** – Discusses the staff report regarding the department’s proposed 2007 Legislative Concepts (**Exhibit M**).

**Steve Shipsey, Asst. Attorney General for the Commission** – States that the Department of Justice is also considering filing a legislative concept regarding ORS 183.

**Peggy Lynch** – Testifies regarding the department’s proposed 2007 Legislative Concepts.

Chair VanLandingham – Discusses that because of the impacts of Measure 37 and the fact that the Task Force on Land Use Planning will be doing a “big look” of the land use system, the Commission’s role will be to look at some of the smaller land use issues for the time being.

**Motion – Commissioner Worrix moves that the Commission authorize the department to submit the legislative concepts to the Department of Administrative Services by April 3, 2006.**

**Derby – Seconds motion.**

**Vote – 5–0, Commissioners Kirkpatrick and Henri are excused.**

(track 9)

**Agenda Item 10a – Periodic Review Regarding Bend Periodic Review –  
Transportation System Plan (TSP) Subtask**

**Eric Jacobson, DLCD Staff** – Submits staff report regarding Bend’s periodic review – Task 1, Street Policy 21 (**Exhibit N**).

**Motion** – Commissioner Josi moves that the Commission rescind Order 001665 regarding the City of Bend’s Task 1, Street Policy 21 and approve the periodic review subtask submittal on the condition the city adopts by ordinance the amendments to Policy 21 specified in Attachment B by June 21, 2006. No further review of the subtask is necessary if the required amendments are adopted by June 21, 2006. Failure to adopt the required revisions by the date establish shall constitute failure to complete a work task by the specified deadline requiring the Director to initiate a hearing before the Commission according to the procedures in OAR 660–025–0090(5).

**Derby** – Seconds motion.

**Vote** – 5–0, Commissioners Kirkpatrick and Henri are excused.

(track 10)

**Agenda Item 10b – Periodic Review Regarding Metro Remand**

**Meg Fernekees, DLCD Staff** – States that the first issue before the Commission is to decide if there should be new information from the Cornelius objectors entered into the record.

Commission discussion whether or not new information should be entered into the record.

Chair VanLandingham – Recesses the meeting at 2:18 p.m.

Chair VanLandingham – Reconvenes the meeting at 2:22 p.m.

Fernekees – States that there were no objections to the new information from either Metro or 1000 Friends of Oregon.

Chair VanLandingham – States that the Commission has agreed to take oral testimony.

Fernekees – Submits revised staff report regarding Metro’s periodic review remand (**Exhibits O and P [Attachment B]**). Discusses the department’s review of the objections received, pg. 6 of staff report. Discusses that Metro is less than one percent

short of having the required amount of available lands.

**Mary Kyle McCurdy, 1000 Friends of Oregon** – Testifies regarding the Metro periodic review remand.

Chair VanLandingham – Clarifies 1000 Friends’ major objections and that most of those have been resolved by Metro.

**Terry Peters, Washington County Farm Bureau** – Testifies regarding the Metro periodic review remand.

**Pamela Beery, Attorney for the City of Cornelius** – Testifies and submits four exhibits regarding Metro’s periodic review remand (**Exhibits Q–T**).

**Amy Scheckla–Cox, Cornelius City Council** – Testifies regarding the Metro periodic review remand.

Commission discussion regarding the 42-acre parcel of EFU land that has been an issue of contention between Cornelius and Metro.

**Bill Bash, Cornelius Planning Commission Chair** – Testifies regarding the Metro periodic review remand.

**Mayor Tom Hughes, City of Hillsboro** – Testifies regarding the Metro periodic review remand and cites letter that was submitted as part of the City of Cornelius’ exhibits (**Exhibit Q**).

**Mayor Richard Kidd, City of Forest Grove** – Testifies regarding the Metro periodic review remand.

**Richard Meyer, Cornelius Development Coordination Effort** – Testifies regarding the Metro periodic review remand.

Chair VanLandingham – Asks who the Commission should listen to, in order to distinguish between which lands the farmers ask to come into the UGB and what the City of Cornelius is asking to include.

Meyer – Discusses the work that the City of Cornelius did to work with the farmers regarding the UGB expansion and cites the farm land that they’d like brought in.

Beery – States that they believe that by the Farm Bureau standards, the 42 acres that the City is suggesting being brought into the UGB is the most reasonable land.

Derby – Asks if they are aware of any potential Measure 37 claims that could be filed if this area isn’t brought into the UGB.

Meyer – States that while they don't know of any claims for this specific land, there are several Measure 37 claims in the area.

Chair VanLandingham – Asks if the area around the meat packing plant might be suitable for a bio-tech company.

Meyer – Explains that they hope there is enough land to support all of the industries that the City would like to attract.

**Beverly Bookin, Commercial Real Estate Economic Coalition (CREEC)** – Testifies regarding the Metro periodic review remand and cites letter that was submitted as part of the City of Cornelius' exhibits (**Exhibit R**).

**Greg Manning, Oregon Chapter of National Association of Industrial and Office Properties** – Testifies and submits written testimony regarding the Metro periodic review remand and cites letter that was submitted as part of the City of Cornelius' exhibits (**Exhibit S**).

Beery – Discusses four legal points as to why the City of Cornelius wants to be brought into the UGB: 1) Goal 2, Regional Coordination; 2) Goal 2, Substantial Evidence requirement; 3) the site contains significant exception lands; 4) whether Metro exceeded its authority on the remand.

Chair VanLandingham – States his concern about the “close enough” argument.

Beery – States that the City's “close enough” argument is what she feels is the Commission's interpretation of Goal 14.

Chair VanLandingham – Does Metro have the responsibility to weigh the effects to each jurisdiction or to the region?

Beery – Discusses that Metro's job is to meet at least the needs of the region.

Josi – Cites Attachment C, pg. 10 of the staff report (**Exhibit O**), and asks for clarification regarding “The Commission may not force Metro to include all of the Cornelius area in its UGB.”

Beery – States that she thinks the department's report is in error on that sentence.

Fernekees – Agrees with Ms. Beery.

Chair VanLandingham – States that he doesn't see the Commission making a decision today based on the meeting timeframe.

Chair VanLandingham – Recesses the meeting at 4:25 p.m.

Chair VanLandingham – Reconvenes the meeting at 4:34 p.m.

Chair VanLandingham – Asks 1000 Friends of Oregon how the Commission should decide which farmer perspective to listen to.

McCurdy – Discusses that 1000 Friends believes that farmland is shrinking one parcel at a time. States that there were farmers who farm this area and testified before Metro regarding this 42-acre inclusion.

**Rod Park, Metro Council District 1** – Testifies regarding the Metro periodic review remand and Metro’s process for the entire periodic review process.

**Dick Benner, Metro Counsel** – Testifies regarding the Metro periodic review remand and provides the Commission with a regional perspective of their periodic review process.

Chair VanLandingham – Asks about Cornelius’ expense on this site.

Benner – Discusses that there are two kinds of expenditures, planning and transportation. Discusses Cornelius’ current work on their transportation needs.

Chair VanLandingham – Asks Mr. Benner to respond to Cornelius’ issues with Metro’s decision.

Benner – Discusses the Evergreen issue as it relates to what the department directed Metro to do. Ultimately Metro feels that they met the City of Cornelius’ needs.

Commission discussion with Metro regarding how their public process happened to take Cornelius into their expansion.

Park – Discusses Metro’s “New Look” and the need from local partners in the area.

Benner – Discusses that Metro submitted a bill in the 2005 Legislative Session to make periodic review every seven years instead of every five years.

Beery – Discusses that the farming community is divided, but that some feel that the 42 acres is not farmable.

Jenkins – Asks staff to specifically explain how the 90 acres work in the Cornelius area.

Chair VanLandingham – Asks legal counsel to address five issues: 1) lack of substantial evidence; 2) the “at least” argument; 3) if the Commission has already decided the “at least” issue; 4) if Metro exceeded the remand order; 5) what Goal 2 “coordination” requires.

(track 11)

Chair VanLandingham – Discusses the fact that this issue will be brought up at a later date and that until then, the Commission will not be discussing this issue.

Chair VanLandingham – Recesses the meeting at 5:50 p.m.

(track 12)

Chair VanLandingham – Reconvenes the meeting at 8:40 a.m., March 24, 2006.

Commission Members present:

John VanLandingham  
Dennis Derby  
Hanley Jenkins  
Marilyn Worrix

**Agenda Item 12 – Citizen Involvement Advisory Committee (CIAC) Update**

**Ian Maitland, CIAC member** – Testifies regarding the Citizen Involvement – Education and Outreach that was held last night March 23, 2006.

**Pat Zimmerman, CIAC member** – Testifies regarding the Citizen Involvement – Education and Outreach that was held last night, March 23, 2006. Updates Commission on CIAC activities over the last couple of months. States that the CIAC recommendation for the vacant outreach position is Beth Bridges (**Exhibit U**).

Chair VanLandingham – Encourages Mr. Carl Judy to stay involved in the public process.

**Carl Judy, CIAC Candidate** – Thanks the Commission for their consideration.

Worrix – States that she agrees with the CIAC’s recommendation to bring Ms. Bridges on to the CIAC.

Derby – States that he’ll agree with the CIAC recommendation, though his personal recommendation would be Mr. Judy.

Chair VanLandingham – States that his preference is to defer to CIAC and their recommendation.

**Motion – Commissioner Jenkins moves to approve Beth Bridges as the new CIAC member.**

**Worrix – Seconds motion.**

**Vote – 4-0, Commissioners Kirkpatrick, Henri, and Josi are excused.**

Zimmerman – Continues to provide Commission with update of CIAC’s activities.

Chair VanLandingham – Recesses the meeting at 8:55 a.m.

(track 13)

Chair VanLandingham – Reconvenes the meeting at 9:01 a.m.

**Agenda Item 13 – Informational Briefing by the Oregon Forestry Department on the Forestry Program for Oregon**

**Marvin Brown, Director Oregon Forestry Department** – Submits written briefing regarding the Forestry Program for Oregon as developed by the Oregon Forestry Board (**Exhibits V–X**). Presents PowerPoint presentation to the Commission regarding the 2003 Forestry Program for Oregon report (**Exhibit V**).

**David Morman, Oregon Forestry Department** – Discusses Oregon’s Sustainable Forest Practices (**Exhibit V**).

Chair VanLandingham – Asks how the department is funded.

Morman – Explains how the funding for Forest Resources Planning Program is obtained. Continues with presentation regarding Oregon’s Sustainable Forest Practices.

Derby – Asks about the small woodland lots and their performance issues in regard to some of the federal forests.

Brown – Discusses how the federal government is managing their forests and how the social and economic impacts of their practices have had impacts on other areas of forest sustainability.

Morman – Discusses that while small family owned forests are being managed very well, those forests are at risk for a variety of reasons. Discusses that the Oregon Forestry Department is working hard to help maintain those family owned forest lands.

Derby – Asks if there are any state policies to assist small family forest ownership.

Brown – Discusses Oregon’s State Forest Practices Act. Discusses the 2005 legislation that was passed regarding “Community Forest Authorities.”

Jenkins – Discusses that in the La Grande area, Boise Cascade has recently divided their

property to be managed by a timber investment manager.

Chair VanLandingham – Asks if the Board of Forestry is of “one mind” toward the development of forest land.

Brown – The Board of Forestry’s policy choice is to maintain the forest land base in Oregon.

Chair VanLandingham – Asks if the department or the Commission can help with the Board of Forestry’s sustainability process.

Brown – States that the best help is the department’s and Commission’s continued support of the Board of Forestry.

Chair VanLandingham – Discusses that, like what the Commission heard regarding having farmers determine which is the best areas to give up to development, possibly doing the same exercise with forest owners might be helpful.

Brown – Discusses his hope to come up with a different governance model than what is currently used for the growing and harvesting of timber.

Morman – Discusses a map on pg. 35 of the 2003 Forestry Program for Oregon (**Exhibit W**), and how there is family owned forest land that directly touches Forest Park in Portland.

Chair VanLandingham – Recesses at 10:04 a.m.

(track 14)

Chair VanLandingham – Reconvenes the meeting at 10:14 a.m.

### **Agenda Item 15 – Director’s Report**

**Lane Shetterly, Director** – Submits Director’s Report to Commission and discusses the department’s activities since the Commission last met (**Exhibit Y**). Discusses the Polk County Appeal that the Commission heard on March 22, 2006, and that the department and the Commission were consistent with their findings in previous positions in regard to the Lincoln County enforcement order and ordinance.

Jenkins – Asks for some additional history on the Polk County appeal from staff and states that it might be helpful bring Mr. Mannebach back in front of the Commission to explain the situation.

Shetterly – Continues with Director’s Report.

Recesses at 10:21 a.m. for fire alarm.

Reconvenes at 10:23 a.m.

(track 15)

**Agenda Item 14 – Informational Briefing by Portland Metro on their “New Look at Regional Choices”**

**Brian Newman, Metro Councilor** – Testifies and presents Commission with a PowerPoint presentation regarding Metro’s “New Look at Regional Choices” (**Exhibit Z and AA**).

**Chris Deffenbach, Metro** – Thanks Commission and department for the grant that Metro received for the Washington County/Metro Ag–Urban Lands Study.

**Brent Curtis, Washington County** – Thanks the Commission and the department for the technical assistance grant to be able to work with Metro on a coordinated regional effort.

Chair VanLandingham – Discusses that Metro’s presentation is interesting based on the Informational Briefing that the Commission just received from the Forestry Department. Asks how Washington County’s legislative proposal will coordinate with this coordinated regional effort.

Curtis – Discusses Washington County’s legislative proposal regarding an urbanization package to meet their growing needs and how this proposal will be coordinated with Metro’s legislative efforts.

Newman – Discusses Metro’s efforts to coordinate a legislative package. Issues that were brought before Metro as areas of concern are: governance, infrastructure, and public policy perception.

Curtis – Discusses that the Homebuilders Association has also coordinated in this legislative package.

Derby – Discusses the Commission’s legislative policy agenda and how the Measure 37 claims in the Metro region might impact UGB amendments to help reduce rural sprawl.

Newman – Discusses several issues revolving around UGB expansions and Measure 37 claims that could have a huge impact on the growth efforts by Metro.

Curtis – States that he has had several conversations with people and communities who would rather be involved in Metro’s regional effort than exploring their own Measure 37 claims.

Chair VanLandingham – Asks if Clark County is involved in the “New Look” effort.

Newman – States that Clark County is involved with Metro on some levels.

Deffenbach – Discusses the Columbia County Crossing project and the efforts to coordinate with Clark County on that issue.

Newman – Discusses that urban reserves will be an issue in the “New Look” and Metro will want to work closely with the department on that issue.

Chair VanLandingham – States that while urban reserves isn’t an issue that the department and Commission will be able to work on right now, it is an issue that could be worked on in the future.

Shetterly – Discusses that the department is working very closely with Metro on a variety of issues and will keep that effort up.

(track 16)

**Continuation of Agenda Item 15 – Director’s Report**

Shetterly – Continues discussing the department’s activities since the Commission last met (**Exhibit Y**).

Worrix – Discusses the continued efforts of the UGB work group and relates what happened at their last meeting.

(track 17)

**Agenda Item 16 – Commission Business and Reports**

Derby – Discusses the Budget and Management Subcommittee Report (**Exhibit BB**).

Shetterly – Discusses that the department will be making a presentation to the June E-board to request funds for the department’s high Attorney General fees.

**Motion – Commissioner Derby moves the Commission approval of the Key performance measure to the Oregon Progress Board.**

**VanLandingham – Seconds motion.**

**Vote – 4–0, Commissioners Kirkpatrick, Henri and Josi are excused.**

Commission discussion of when the continuation of the Metro meeting might happen.

(track 18)

**Agenda Item 17 – Commission Minutes**

Commission approves both December 2004 and February 2005 Commission minutes.

Chair VanLandingham – Adjourns the meeting at 11:45 a.m., March 24, 2006.

Submitted By:

Jenny Hill  
Department of Land Conservation and Development

**Exhibit Summary:**

- A. Agenda Item 4, Polk County Request to Appeal Staff Report – DLCD Staff, 12 pgs.**
- B. Agenda Item 4, Polk County Request to Appeal Testimony – Steve Mannenbach, 5 pgs.**
- C. Agenda Item 4, Polk County Request to Appeal Testimony – Steve Mannenbach, 6 pgs.**
- D. Agenda Item 1, Tour of Yamhill County Packet – DLCD Staff, folder with handouts**
- E. Agenda Item 2, Roundtable Discussion Sign-Up Sheet – DLCD Staff, 2 pgs.**
- F. Agenda Item 3, Public Testimony – Susan Watkins, 4 pgs.**
- G. Agenda Item 3, Public Testimony – Sam Sweeney, 2 pgs.**
- H. Agenda Item 3, Public Testimony – Ted Gahr, 1 pg.**
- I. Agenda Item 5, Periodic Review and Unincorporated Communities Amendments Staff Report – DLCD Staff, 82 pgs.**
- J. Agenda Item 5, Periodic Review and Unincorporated Communities Proposed Amendment – DLCD Staff, 1 pg.**
- K. Agenda Item 6, Park Uses Allowed on Farm and Forest Land in State Parks Amendments Staff Report – DLCD Staff, 23 pgs.**
- L. Agenda Item 8, Status of Measure 37 Claims – DLCD Staff, 1 pg.**
- M. Agenda Item 11, Commission Approval of the Department’s Proposed 2007 Legislative Concepts Staff Report – DLCD Staff, 5 pgs.**
- N. Agenda Item 10a, Bend TSP Periodic Review Staff Report – DLCD Staff, 31 pgs.**
- O. Agenda Item 10b, Periodic Review Regarding Metro Remand Staff Report – DLCD Staff, 42 pgs.**

- P. Agenda Item 10b, Periodic Review Regarding Metro Remand Staff Report Attachment B – DLCD Staff, 450 pgs.**
- Q. Agenda Item 10b, Periodic Review Regarding Metro Remand Testimony – Tom Hughes, Mayor of Hillsboro, 9 pgs.**
- R. Agenda Item 10b, Periodic Review Regarding Metro Remand Testimony – Beverly Bookin, Commercial Real Estate Economic Coalition, 1 pg.**
- S. Agenda Item 10b, Periodic Review Regarding Metro Remand Testimony – Greg Manning, Oregon Chapter of National Association of Industrial and Office Properties, 2 pgs.**
- T. Agenda Item 10b, Periodic Review Regarding Metro Remand Testimony – Pamela Beery, Attorney for the City of Cornelius, 3 pgs.**
- U. Agenda Item 12, Citizen Involvement Advisory Committee Update – DLCD Staff, 6 pgs.**
- V. Agenda Item 13, The 2003 Forestry Program for Oregon PowerPoint Presentation – Department of Forestry, 23 pgs.**
- W. Agenda Item 13, The 2003 Forestry Program for Oregon – Department of Forestry, 78 pgs.**
- X. Agenda Item 13, Oregon Board of Forestry Ad Hoc Sustainable Forest Management Indicator Advisory Information – Department of Forestry, 8 pgs.**
- Y. Agenda Item 15, Director’s Report – DLCD Staff, 8 pgs.**
- Z. Agenda Item 14, Informational Briefing by Portland Metro on their “New Look at Regional Choices” – Brian Newman, Disc**
- AA. Agenda Item 14, Informational Briefing by Portland Metro on their “New Look at Regional Choices” – Metro, 20 pgs.**
- BB. Agenda Item 16, LCDC Budget and Management Subcommittee Agenda – DLCD Staff, 22 pgs.**
- CC. Agenda Item 12, Citizen Involvement Advisory Committee Information – 2 pgs.**
- DD. Agenda Item 12, Citizen Involvement Advisory Committee Information – 3 pgs.**
- EE. Agenda Item 10b, Periodic Review Regarding Metro Remand Maps – 4 oversized maps**