



# Oregon

Theodore R. Kulongoski, Governor

**Land Conservation and Development Commission**

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## MEETING NOTICE

### LAND CONSERVATION AND DEVELOPMENT COMMISSION



**June 4 - 5, 2009**

**Department of Land Conservation and Development  
635 Capitol Street NE, Basement Hearing Room  
Salem, Oregon**

The meeting location is accessible to persons with disabilities. To request an interpreter for the hearing impaired or for other accommodations for persons with disabilities, please make requests at least 48 hours before the meeting to Lisa Howard at (503) 373-0050 ext. 271 or by e-mail at [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us) or by TTY: Oregon Relay Services (800) 735-2900.

**Public Testimony:** The commission places great value on testimony from the public. Those items on the agenda with an asterisk (\*) are ones where public comment will be accepted.

People who wish to testify are requested to:

- *Provide written summaries (20 copies to the Commission Assistant prior to the agenda item)*
- *Recognize that substance, not length, determines the value of testimony*
- *Endorse, rather than repeat, testimony of other witnesses with whom you agree*
- *The chair may limit time for testimony on any item and may set time limits for individual speakers (usually 3 minutes)*

*Thank you for taking the time to present your views.*

Note: Because of the uncertain length of time needed, the commission may deal with any item at any time in the meeting, except those set for a specific time. Anyone wishing to be heard on any item not having a set time should arrive when the meeting begins to avoid missing an item of interest. Topics not on the agenda may be introduced and discussed during the Director's Report, during the Commission's Business and Reports, or under Other.

***Please note that staff may not be able to distribute written comments (particularly e-mails) that are received less than 48 hours before the scheduled date.*** If you have written testimony you wish to present to the commission, please bring at least twenty five copies for distribution to the commission and members of the public.

The commission may continue its meeting through lunch on any day to deliberate on matters on the agenda. In that event, those persons whose attendance is necessary for any matter of business undertaken during lunch will be required to attend.

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**8:00 a.m. Thursday, June 4, 2009**

**Budget and Management Subcommittee** The subcommittee will report to the full commission during Commission Business and Reports. For additional information, contact Teddy Leland at (503) 373-0050 ext. 237 or by e-mail at [teddy.leland@state.or.us](mailto:teddy.leland@state.or.us).

**8:30 a.m. Thursday, June 4, 2009**

- \*1. **Public Comment.** This part of the agenda is for comments on agenda items and topics not scheduled for public comment elsewhere on the agenda. The chair will set time limits (usually 3 minutes) for individual speakers. The maximum time for all public comments under this agenda item will be limited to 30 minutes.
2. **Request to Appeal pursuant to ORS 197.090(2) and (3), and OAR 660-001-0201 to -0230.** State law requires commission approval of the director's decision to seek review of a local government land use decision, expedited land division, or limited land use decision. Only the director or department staff on the director's behalf, the applicant, and the affected local government may submit written or oral testimony concerning commission approval of a director's recommendation to file or pursue an appeal, or an intervention in an appeal, of a land use decision, expedited land division, or limited land use decision.
3. **Periodic Review pursuant to ORS 197.628 to 197.644 and OAR 660, Division 25.** The commission considers matters related to periodic review usually by way of an appeal of the department's decision or upon referral by the department of a local government's work program or work task submittal. Appeals and referrals of a periodic review work task or work program are decided by the commission. Oral argument is limited to the appellants, parties, and the local government. The chair may limit time for testimony and may set time limits (usually 3 minutes) for individual speakers.
4. **Citizen-Initiated Petition for an Enforcement Order.** Department staff will present a petition from Mr. Perry Wickham for an enforcement action against the City of Grants Pass. The petition seeks to stop certain conditions from being imposed on land use approvals, based on provisions of an intergovernmental agreement between the city and Josephine County. The commission may also hear from Mr. Wickham and from the City of Grants Pass. For additional information, contact John Renz at (541) 858-3189 or by e-mail at [john.renz@state.or.us](mailto:john.renz@state.or.us).
5. **Commission Business and Reports.** The Budget and Management Subcommittee will report to the commission. For additional information, contact Teddy Leland at (503) 373-0050 ext. 237 or by e-mail at [teddy.leland@state.or.us](mailto:teddy.leland@state.or.us).
6. **Update on Measure 49.** Department staff will report to the commission regarding the status of the Measure 49 Services Division process, including recent trends on the department's progress in attaining target levels of production for Measure 49 orders. For

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additional information, contact Judith Moore at (503) 373-0050 ext. 328 or by e-mail at [judith.moore@state.or.us](mailto:judith.moore@state.or.us).

- \*7. Planning for Climate Change.** The commission will continue its discussion on how to integrate climate change considerations into the statewide land use planning program. In April, the department provided the commission with a report that laid out a framework and objectives for addressing climate change. Building on the framework, staff will present to the commission a draft strategy and a range of options for integrating climate change into the agency's work for 2009-11. This works also responds to a petition for adoption of a new statewide land use planning goal relating to sea level rise. It is expected that this item will come to the commission for a final decision in July, following additional opportunity for public input. For additional information, contact either Jeffrey Weber at (971) 673-0964 or by e-mail at [jeff.weber@state.or.us](mailto:jeff.weber@state.or.us); or Robert Cortright at (503) 373-0050 ext. 241 or by e-mail at [bob.cortright@state.or.us](mailto:bob.cortright@state.or.us).
- 8. Legislative Update.** Department staff will report to the commission regarding the status of land use legislation, including the department's proposed legislation. For additional information, contact either Bob Rindy at (503) 373-0050 ext. 229 or by e-mail at [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us); or Michael Morrissey at (503) 373-0050 ext. 320 or by e-mail at [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us).
- \*9. Discussion of LCDC 2009-11 Policy and Rulemaking Agenda.** Historically, the commission has approved a policy agenda at the beginning of each biennium. This item is intended for the commission to continue the discussion they began on April 17 regarding policy priorities for the 2009-11 biennium. It is expected that this item will come to the commission for a final decision in July, following additional opportunity for public input. For additional information, contact either Michael Morrissey at (503) 373-0050 ext. 320 or by e-mail at [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us); or Bob Rindy at (503) 373-0050 ext. 229 or by e-mail at [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us).
- \*10. Periodic Review Status Update.** Department staff will report to the commission on recent legislative budget actions and the potential implications of those actions for periodic review work programs and periodic review grants during the 2009-11 biennium. It is expected that this item will come to the commission for a final decision in July, following additional opportunity for public input. For additional information, contact Darren Nichols at (503) 373-0050 ext. 255 or by e-mail at [darren.nichols@state.or.us](mailto:darren.nichols@state.or.us).
- \*11. Grants Advisory Committee Update.** Department staff will present a summary of discussions with the commission's Grants Advisory Committee and will present the committee's recommended priorities for grant funding during the 2009-11 biennium. It is expected that this item will come to the commission for a final decision in July, following additional opportunity for public input. For additional information, contact Darren Nichols at (503) 373-0050 ext. 255 or by e-mail at [darren.nichols@state.or.us](mailto:darren.nichols@state.or.us).
- 12. Citizen Involvement Work Program Development.** Department staff will present a summary of staff discussions with the Citizen Involvement Advisory Committee

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regarding citizen involvement across the state concerning priorities for the CIAC. For additional information, contact Darren Nichols at (503) 373-0050 ext. 255 or by e-mail at [darren.nichols@state.or.us](mailto:darren.nichols@state.or.us).

13. **Director's Report.** The director will report to the commission regarding the recent operations of the department, including participation in appeals and court opinions; program activities and initiatives; and organizational and management information. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271 or by e-mail at [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us).
14. **Other.** The commission reserves this time, if needed, for other business or for further consideration of any item on the agenda.

### **8:30 a.m. Friday, June 5, 2009**

15. **Review of Newberg Proposed Urban Reserve Areas.** State law directs a local government to, in many cases, submit a decision on an urban growth boundary (UGB) amendment or an urban reserve area (URA) designation to the commission for review in the manner provided for periodic review. The commission reviews a UGB or URA proposal when referred by the department or when the department's decision is appealed.

This case involves an appeal of the department's decision to remand the decision by the City of Newberg/Yamhill County to designate approximately 2,150 acres as urban reserves pursuant to OAR 660, Division 21. Testimony is limited to the local governments and parties who filed objections to the local government decisions or who appealed the department's decision. The chair may limit time for testimony. For additional information, contact Steven Oulman, AICP, at (503) 373-0050 ext. 259 or by e-mail at [steve.oulman@state.or.us](mailto:steve.oulman@state.or.us).

### **1:00 p.m. Friday, June 5, 2009**

16. **Informational Update on Metro Planning Efforts.** Metro staff will present an overview of the region's "Making the Greatest Place" effort. This is a follow-up to Metro's January 2009 presentation to the commission, including:
  - Timeline: framing, refining and making choices
  - Refine choices: Regional and Local Investment Choices
    - ♦ Regional population and employment range forecasts
    - ♦ Preliminary Residential Urban Growth Report
    - ♦ Preliminary Employment Urban Growth Report
    - ♦ Example of local aspirations – Hillsboro/Amber Glen
  - Status Report on Prioritizing Investments: Transportation Policies in the state component of the Regional Transportation Plan
  - Prioritizing Investments: Urban and Rural Reserves - timeline, review of candidate areas and next steps in evaluation process

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For additional information, contact Meg Fernekees at (971) 673-0965 or by e-mail at [meg.fernekees@state.or.us](mailto:meg.fernekees@state.or.us).

Oregon's seven-member Land Conservation and Development Commission, assisted by the Department of Land Conservation and Development, adopts state land use goals, assures local plan compliance with the goals, coordinates state and local planning, and manages the coastal zone program. Commissioners are unpaid citizen 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 consecutive terms. The statute establishing the commission, ORS chapter 197, also directs that members be representative of the state. The commission meets approximately every six weeks to direct the work of the department.

Current commissioners are:

Dennis Derby (Portland)  
Hanley Jenkins (Union)  
Tim Josi (Tillamook)  
Greg Macpherson (Lake Oswego)  
Christine Pellett (Central Point)  
John H. VanLandingham, Chair (Eugene)  
Marilyn Worrix, Vice-Chair (McMinnville)

Meeting dates for 2009 are:

July 29–31, 2009	Brookings
September 30–October 2, 2009	Hillsboro
November 4–6, 2009	Springfield

The next commission meeting will be July 29-31, 2009, at the Best Western Beachfront Inn, Brookings, Oregon.

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