

# Oregon Planning News

A quarterly publication of the Oregon Department of Land Conservation and Development — Spring 2006 — Vol. 3

## Measuring the past, present & future

Lane Shetterly  
Director

Welcome to the spring edition of the Department of Land Conservation and Development's *Oregon Planning News*.

Whether your interest in land use is historical, the here-and-now, or the future, there is something going on at the department of interest to you.

As for history, we are finding that implementing Ballot Measure 37 has become an exercise in "living land use history." A Measure 37 waiver that restores to a claimant a use of property that would have been allowed on a particular date in the past (but no longer is) requires knowledge of what rules applied to what property over the years. This can mean bringing back to life state and local regulations and standards that have long been extinct, or at least dormant.

### Director's Message

We are finding, as are our local partners and property owners, that the past isn't always as simple as we might have remembered it. At the department we have developed a substantial body of information that is available to local governments and property owners, to assist in determining what laws applied to particular properties at particular points of time in the past. We encourage you to use our website to look for information you need for a Measure 37 claim or a land use action based on a waiver. If you can't find what you are looking for on the website, don't hesitate to contact one of our specialists. We are here to help.

For those whose interest is in the here-and-now, there is plenty going on



LANE SHETTERLY

here and now as well. In the past several months the department has sponsored several Planners Network meetings in La Grande, Roseburg, Keizer, and on the north and south coast. The Coastal Program has also offered "CZM 101" programs designed especially for elected officials and planning commissioners. These events focus on training and facilitating communication between department staff and our local partners.

In the coming weeks, look for the release of our new "Guide to Planning for Small Cities and Counties." This book will include basic instruction in planning, particularly for small cities (but of interest to others, to be sure) including downloadable forms for local jurisdictions to use. The Citizen Involvement Advisory Committee will also soon be releasing a new and updated "How to Put the People in Planning" guide that will inform local governments and citizens alike how to make citizen involvement a useful tool in the planning program. Look in this edition of the newsletter for other publications that are available online and in print, free of charge.

As always, we are pleased to make our staff available to you to answer questions and provide technical assistance, to help you be successful and more knowledgeable about Oregon's land use program.

For the futurists, there is the ongoing work of the Senate Bill 82 Oregon Task Force on Land Use Planning. Within the coming weeks the task force will adopt and begin to implement its draft work plan to review the land use program. This is an exciting undertaking and the task force members are off and running. Check out our new website [<http://www.oregon.gov/LCD/index.shtml>] for current information on the task force, and be sure to sign up for free email alerts.

Finally, I want to say farewell to George Naughton, our Deputy Director since January 2005, and welcome to Cora Parker, our incoming Deputy Director. George's steady hand in helping to manage the department through the legislative session, the implementation of our Measure 37 process, and the reshaping of our budget and management structure will be missed. He has been tapped by the Governor to lead his budget shop as state budget director. Congratulations and best wishes to George. Cora comes to us most recently from the Oregon Economic and Community Development Department, with previous state experience in Budget and Management and the office of the State Economist. Welcome, Cora.

I hope you will find this edition of the department newsletter helpful in providing you with information you can use. We welcome your comments and suggestions to make the newsletter even better and more meaningful. Let us hear from you!

## Oregon Planning News Spring 2006 — Volume 3

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To get free email alerts of the latest *Oregon Planning News*, please go to the website and click on 'News & Events' on the left-navigation bar. On that page, you can self-subscribe to the newsletter alerts and other free email services.

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Lane Shetterly

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### Land Conservation and Development Commission (LCDC)

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Margaret Kirkpatrick, Vice-Chair  
Dennis Derby  
Marilyn Worrix  
Hanley Jenkins  
Ron Henri  
Tim Josi

*LCDC members may be contacted through Sarah Watson at: 503-373-0050 x271, or at: [sarah.watson@state.or.us](mailto:sarah.watson@state.or.us)*

# Measure 37 implementation reaches a new stage

Michael Morrissey  
Measure 37 Services Division Mgr.

Measure 37 came back to life on March 13, 2006.

While the department has resumed processing Measure 37 claims after the Supreme Court decision in *MacPherson vs. DAS*, it is now beginning to address the issuance of permits for land divisions and development by cities and counties, based on Measure 37 claims decisions.

Cities and counties find themselves trying to figure out what land use regulations meant and required as far back as 30-35 years ago in order to process these permits. These regulations included not only local jurisdiction zoning, but state regulation based on the state land use program.

The department has posted historical documents on its website [[http://www.oregon.gov/LCD/history\\_statutes\\_goals\\_rules.shtml](http://www.oregon.gov/LCD/history_statutes_goals_rules.shtml)] as a means to assist local governments implementing their post-Measure 37 permit decisions.

DLCD is also in the process of producing materials that can be of assistance to counties for the production of goal-specific findings needed to accompany land use decisions based on Measure 37 claims.

Finally, the department has begun to dialogue with county staff and officials, and in some cases has entered letters for the record, in permit hearings and pre-application conferences.

The department is particularly interested that permits be considered only where a decision has been issued on a corresponding state Measure 37 claim, if the use implicates a state regulation. Permit decisions based on Measure 37 claims – with acquisition dates after the state goals were effective but before acknowledgement of county comprehensive plans – will also prove challenging because state goals will have to be applied directly to these applications. Counties will have to relearn how to make findings against general standards rather than the clear and objective standards that are now in effect. We can help.

The department is also interested in tracking the outcome of post-Measure 37 claim land use permits, to determine the on-the-ground impact of the measure.

Meanwhile, the department issued about 45 final orders for each of the first two weeks of May. The Oregon Department of Administrative Services reports that 51 claims have been received in the last two weeks, which is slightly less than the 35-claim weekly average since Measure 37 became effective.

## Morrissey to manage DLCD's new M37 division

Michael Morrissey has been selected as the manager of DLCD's Measure 37 Services Division.

Michael has worked in the department for the past year as a compensation claims planner. He has helped design the department's implementation of the measure, as well as processing claims.

Michael's background includes serving as senior staff to the Metro Council for land use transportation and regional parks, managing

Multnomah County's programs for children and families, and administering a seminar on regional economic strategies at the Institute for Portland Metropolitan Studies.

Michael can be contact at DLCD's main office in Salem at 503-373-0050 x324, or via email at: [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us).



MORRISSEY

# Inside the Big Look

## Task Force hopes to approve its work program by May 24

**Becky Steckler**  
Statewide Land Use Review Project Mgr.

The Oregon Task Force on Land Use Planning is devoting two meetings in May toward the creation of a work program for the Big Look, a 30-year review of Oregon's land use planning program.

In April, the task force members said that one of the first activities should be to determine Oregonians' values about land use planning. Members discussed the need to be able to identify values of Oregonians from different regions as well as other regional or demographic characteristics. The task force is also interested in identifying key issues about the land use program.

Senate Bill 82 (2005) established the Oregon Task Force on Land Use Planning to "study and make recommendations on:

- The effectiveness of Oregon's land use planning program in meeting current and future needs of Oregonians in all parts of the state;
- The 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

## DLCD staff increases due to M37, SB 82

Due in large part to Measure 37 and Senate Bill 82 (2005), the Department of Land Conservation and Development has added seven staff members since the beginning of 2006.

The new employees include:

- Becky Steckler, Statewide Land Use Review Manager (SB 82);
- Jody Haurly, Task Force on Land Use Planning Administrative Support Specialist (SB 82);
- Jon Andrus, Compensation Claims Review Support Specialist (M37);
- Lloyd Chapman, Compensation Claims Planner (M37);
- Jason Locke, Willamette Valley

boundaries and the interface between areas inside and outside urban growth boundaries."

The task force members hope to approve a final draft of the work program at its meeting on Wednesday, May 24. The task force is required to adopt a draft work program by early June and submit it to the Governor, the Senate President, and the Speaker of the House.

The draft work program can be downloaded on

DLCD's website at:

[http://  
www.lcd.state.or.us/  
LCD/  
30\\_year\\_review.shtml](http://www.lcd.state.or.us/LCD/30_year_review.shtml).

The task force also discussed public involvement activities at length. There will likely be multiple opportunities for local jurisdictions and citizens to work with the task force throughout the state.

To stay up-to-date on activities of the task force, sign up for free email alerts at: [http://listsmart.osl.state.or.us/  
mailman/listinfo/sb82\\_task\\_force](http://listsmart.osl.state.or.us/mailman/listinfo/sb82_task_force).

For more information, you can contact me at 503-373-0050 x286, or via email at: [becky.steckler@state.or.us](mailto:becky.steckler@state.or.us).



STECKLER

Regional Representative (replaced Geoff Crook);

- Theresa Kaminski, Office Support Specialist;
- Dan Sproule, Information Resources Specialist.

In late May, Cora Parker will join DLCD as Deputy Director, replacing George Naughton.

Naughton will become the new budget director for the Governor's Office.

Parker comes to DLCD from the Oregon Economic and Community Development Department, where she was on the management team.

## Calendar of Events

May 24, 2006

Big Look meeting  
Oregon State Capitol  
Salem

June 2, 2006

Big Look meeting  
Oregon State Capitol  
Salem

June 8, 2006

CIAC meeting  
Agriculture Building  
Salem

June 28-30, 2006

LCDC meeting  
Pendleton City Hall  
Pendleton

July 24, 2006

Big Look meeting  
TBA

August 9-11, 2006

LCDC meeting  
Florence Events Center  
Florence

August 17, 2006

CIAC meeting  
Agriculture Building  
Salem

August 18, 2006

Big Look meeting  
TBA

September 18, 2006

Big Look meeting  
TBA

October 4-6, 2006

LCDC meeting  
TBA  
Bend

## DLCD Contact info

Contact information for everyone in the department can be found on the DLCD website at: [http://www.oregon.gov/LCD/  
contact\\_us\\_directory.shtml](http://www.oregon.gov/LCD/contact_us_directory.shtml)

# Recent LCDC decisions

**Bob Rindy**  
Policy Analyst

LCDC met in McMinnville in March and approved several amendments to administrative rules pertaining to periodic review, unincorporated communities, and park uses on agricultural land.

At that meeting, and a follow-up meeting on April 12, the Commission also approved a periodic review task concerning amendments to the Metro urban growth boundary (UGB).

The approved amendments to administrative rules regarding periodic review (OAR 660, division 25), and related amendments regarding unincorporated communities (OAR 660, division 22), were required by the 2005 Legislature (HB 3310).

HB 3310 made substantial amendments to the periodic review process, including amendments regarding procedures and specifying which jurisdictions are required to periodically update comprehensive plans.

In addition to amendments required by legislation, the Commission adopted additional amendments proposed by DLCD to clarify and streamline periodic review procedures.

For more information, please contact Rob Hallyburton at 503-373-0050 x239, or via email at:

[rob.hallyburton@state.or.us](mailto:rob.hallyburton@state.or.us)

The approved amendments to administrative rules regarding park uses

on agricultural and forest land in state parks (OAR 660, division 34) were in response to a proposal by Oregon State Parks to clarify park uses allowed in state parks on agriculture and forest land, to correct grammar and citations, and to make existing requirements more clear.

The amendments were for clarification only and did not change the intent of existing parks rule provisions or create new requirements.

For more information, please contact Bob Rindy at 503-373-0050 x229, or via email [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us)

The Commission also considered the DLCD's "referral" of a response by Metro to LCDC's July 2005 remand of the Metro urban growth boundary.

The remand had required Metro to consider adding additional "employment land" (industrial land) into the regional UGB, and removed certain areas in response to a remand from the Court of Appeals.

Metro responded with UGB amendments that brings the industrial land supply in its UGB to 9,276 acres. Metro also excluded 373 acres of residential land from the UGB.

The Commission found that Metro had fulfilled the requirements in the remand order and approved this periodic review work task (Metro Periodic Review Task 2).

For more information, please contact Meg Fernekees at 971-673-0965, or via email at: [meg.fernekees@state.or.us](mailto:meg.fernekees@state.or.us)

## DLCD's Website

### Most Popular Pages

\* Goals:

<http://www.oregon.gov/LCD/goals.shtml>

\* 30-Year Review of Land Use Planning:

[http://www.oregon.gov/LCD/30\\_year\\_review.shtml](http://www.oregon.gov/LCD/30_year_review.shtml)

\* Measure 37 Information:

<http://www.oregon.gov/LCD/measure37.shtml>

\* Public Meetings:

<http://www.oregon.gov/LCD/meetings.shtml>

### New Publications

\* Regional Differences memo (updated in March):

<http://www.oregon.gov/LCD/docs/publications/regdiff.pdf>

\* How to Testify at Land Use Hearings (new in May):

[http://www.oregon.gov/LCD/publications.shtml#Citizen\\_Involvement](http://www.oregon.gov/LCD/publications.shtml#Citizen_Involvement)

*For a list of DLCD's online publications, please go to:*

<http://www.oregon.gov/LCD/publications.shtml>

## LCDC reactivates UGB amendment rulemaking workgroup

At its Feb. 2-4 meeting, LCDC amended its 2005-07 Policy Agenda and directed the department to continue with its administrative rule project to clarify and streamline the urban growth boundary (UGB) amendment process.

The UGB project began in 2004 and resulted in amendments to Goal 14 adopted by LCDC in April of 2005.

A workgroup appointed by the Commission to steer the project also proposed draft UGB rules to outline the UGB amendment process and provide a series of "safe harbors" to further streamline the process.

However, work was suspended in the summer of 2004 due to the legislative

session and the department's Measure 37 workload.

At its February meeting, the Commissioners expressed strong support for continuing with the rulemaking project, and announced that the effort to streamline the UGB process is a high priority for this biennium in recognition of the large number of cities currently considering amendments to their boundaries.

In re-starting the project, the Commission directed the department to consider whether the draft rules could be divided into one or two smaller projects, so that less controversial rule proposals might be considered by LCDC

as quickly as possible. It is anticipated the workgroup would propose a near-term set of rules, and would follow up later with additional "safe harbor" rule proposals after more extensive research.

The workgroup has met three times since it was reactivated. It is scheduled to meet one more time (May 22) prior to issuing a proposed UGB amendment rule for consideration by LCDC at its June 29 meeting in Pendleton. The revised rule includes a number of "safe harbors," and other measures intended to clarify the UGB amendment process.

For more information, please contact Bob Rindy at 503-373-0050, or via email at: [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us).

RIGHT: Rob Hallyburton (standing), DLCD's Community Services Division Manager, leads a roundtable discussion at a recent Planners' Network Meeting in Roseburg.

BELOW: Planner Eric Fladager describes challenges he faces in the rapidly growing town of Sutherlin.



## *Takin' It To The Streets*

### **DLCD takes Planners' Network Meetings on the road**

The Department of Land Conservation and Development has hosted three Planners' Network Meetings recently in La Grande, Roseburg and Keizer. The idea of the meetings came from similar outreach events hosted by DLCD's Oregon Coastal Management Program. The next Planners' Network Meeting is tentatively scheduled for central Oregon. For more information, contact Jan Devito at 503-373-0050 x318, or via email at: [janice.devito@state.or.us](mailto:janice.devito@state.or.us).

## **Transportation division offers free services**

Local governments interested in giving their citizens better transportation options should consider contacting the Oregon Transportation and Growth Management (TGM) Program.

TGM provides free services to communities working to create more walkable neighborhoods, more balanced transportation systems, and better connections to local places.

Through Code Assistance services, TGM helps Oregon cities identify and remove barriers to smart growth in local zoning and development codes.

Through Quick Response services, TGM makes urban design and transportation experts available on-site to address specific development

challenges and improve access to local destinations.

And through Outreach services, TGM conducts educational workshops aimed at increasing public understanding of "best practices" in transportation and land use.

Through its website, TGM provides information on a host of issues, including: planning for street connectivity, density and design, parking, best practices in school siting, street design basics, and transit-oriented development.

Information about new grant opportunities, such as the upcoming Transportation Enhancement and Bike/Ped funding awards, is available on the Grants and Incentives page of TGM's

website, as is information about tax incentives for mixed-use housing and rehabilitation projects.

TGM's Publications webpage provides links to case studies on successful "smart developments," as well as to TGM's revised Model Code for Small Cities.

For more information about TGM services, visit the website at: <http://www.oregon.gov/LCD/TGM/index.shtml>, or contact:

■ DLCD: 503-373-0050, x277  
[contance.beaumont@state.or.us](mailto:contance.beaumont@state.or.us)

■ ODOT: 503-986-4349  
[cindy.l.lesmeister@odot.state.or.us](mailto:cindy.l.lesmeister@odot.state.or.us)

TGM is a partnership between DLCD and ODOT.