



Oregon

Theodore R. Kulongoski, Governor

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July 8, 2010

TO: Land Conservation and Development Commission (LCDC)
FROM: Jennifer Donnelly, Metro Regional Representative
SUBJECT: **Agenda Item 3, July 22-23, 2010, LCDC Meeting**

DAMASCUS COMPLIANCE SCHEDULE UPDATE

I. HISTORY

At the January 2010 LCDC meeting the commission adopted a compliance schedule for the City of Damascus (attachment A). As part of that compliance schedule, a mid-year check in with the commission was required. The city has established a Planning Commission, which DLCD staff will present to on July 13, 2010. The city has been diligently working on getting citizen support for a Comprehensive Plan. The city has developed two draft Comprehensive Plan maps for which the City Council is seeking feedback and input from citizens and stakeholders. The maps are being presented to the community through a series of "coffee klatches" through August 17. The city created a handbook titled "Envision Damascus: Public Information Handbook¹" which provides the following information:

- 2010 Draft Comprehensive Plans Map Overview
- Glossary
- Damascus Core Values
- Draft Village Development Plan A
- Draft Village Development Plan B
- Land Use Designation, Descriptions and Illustrations
- Areas of Special Consideration
- Transfer of Development Credits

The final scheduled public meeting will be on August 17, 2010 and will provide the opportunity to present what the city learned from the community at the coffee klatches. City Council will then review citizen feedback and adopt the Comprehensive Plan Map that could be either one of the maps presented, or a

¹ <http://www.ci.damascus.or.us/departmentscommunitydevelopmentdraftcomprehensiveplanmapenvisiondamascus-twomapalternatives.aspx>

map that combines elements from both maps. The adopted map will provide the land use plan that will serve as the basis for the Comprehensive Plan. The city plans to adopt the Comprehensive Plan and the Final Comprehensive Plan Map by December 2010, in accordance with the requirements of the State of Oregon.

II. ATTACHMENTS

- A. City of Damascus Adopted Compliance Schedule Order and Cover Letter
- B. City of Damascus Newsletter
- C. City of Damascus Adoption Schedule



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April 5, 2010

The Honorable Jim Wright, Mayor
City of Damascus
19920 S.E. Highway 212
Damascus, Oregon 97089



Compliance Schedule Order Number 001780

Dear Mayor Wright:

On January 21, 2010 the Land Conservation and Development Commission ruled the City of Damascus OAR 660-014-0010 (4) requires that the City of Damascus have its comprehensive plan and implementing land use regulations acknowledged by the Land Conservation and Development Commission (LCDC) within four years of incorporation, which time has passed with a one year extension. This is a compliance schedule order to comply with ORS 197.757 and OAR 660-014-0010(4).

Enclosed is the LCDC order with a compliance schedule with a deadline for adoption and acknowledgment of November, 2010.

If you have any questions, please feel free to contact Jennifer Donnelly at 971-673-0963 or jennifer.donnelly@state.or.us.

Yours very truly,

Richard Whitman
Director

Enclosure

Cc: John VanLandingham, LCDC Chair
Anita Yap, Damascus Community Development Director
Jim Bennett, Damascus City Manager
Steve Shipsey, Assistant Attorney General, Oregon Department of Justice (*email*)
Richard Whitman, DLCD Director (*email*)
Larry French, DLCD Grants Administrative Coordinator (*email*)
Darren Nichols, DLCD Community Services Manager (*email*)
Rob Hallyburton, DLCD Planning Services Manager (*email*)
Jennifer Donnelly, DLCD Regional Representative (*email*)



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BEFORE THE LAND CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF OREGON

In the matter of the)
City of Damascus)
Compliance schedule)

COMPLIANCE SCHEDULE ORDER NUMBER 001780

This matter came before the commission on January 21, 2010. OAR 660-014-0010 (4) requires that the City of Damascus have its comprehensive plan and implementing land use regulations acknowledged by the Land Conservation and Development Commission (LCDC) within four years of incorporation, which time has passed with a one year extension. This is a compliance schedule order to comply with ORS 197.757 and OAR 660-014-0010(4).

I. FINDS OF FACT

The City of Damascus was established November 2, 2004 by a vote of the people. The city is responsible under state law for development and adoption of a comprehensive land use plan and implementing land use regulations that comply with the statewide planning goals and Metro's functional plans. ORS 197.757 and OAR 660-014-0010(4) require Damascus to have its comprehensive plan and implementing land use regulations acknowledged by LCDC as complying with the state planning goals no later than four years after the date of incorporation. The four year deadline expired November 2008. In November 2008 a one year extension was granted by the director of the Department of Land Conservation and Development (DLCD).

The proposed compliance schedule is intended to lay out a defined path for acknowledgement of the city's comprehensive plan and implementing land use regulations. If the city fails to comply with this schedule, it may be necessary to have state land use goals apply directly to all land use decisions in the city, or to take other action to assure the city develops in a way that complies with state law.

The city is very close to having a complete comprehensive plan map, supporting documents and implementing ordinances. On December 21, 2009 the city adopted, by resolution Goal 9, Goal 10 and Goal 11. At this time the city has a draft version of all the required Goals and a draft development code. The city is making progress, but is now beyond the time allowed by LCDC rule.

The Land Conservation and Development Commission held a public hearing on January 21, 2010. The commission decided to put the City of Damascus on a compliance schedule, the schedule is outlined below.

II. COMPLIANCE SCHEDULE

Goal	State Requirement	Product - Action	Deadline for Adoption and Acknowledgement
Goal 1: Citizen Involvement	OAR 660-015-000(1)	Adopt a citizen involvement program and throughout each goal; open houses, notices to public and public hearings.	Ongoing
Goal 2: Land Use Planning	OAR 660-015-000(2)	Acknowledgement and adoption of comprehensive plan, map and implementing ordinances.	Nov 2010
Goal 5: Natural Resources	OAR 660-015-000(5), OAR 660-023	Ready for a resolution	Nov 2010
Goal 6: Air, Water and Land Resources Quality	OAR 660-015-0000(6)	Ready for a resolution	Nov 2010
Goal 7: Natural Disasters and Hazards	OAR 660-015-0000(7)	Ready for a resolution	Nov 2010
Goal 8: Recreational Needs	OAR 660-015-0000(8), OAR 660-034	City resolution 21 Dec 2009	Nov 2010
Goal 9: Economic Development	OAR 660-0015-000(9), 0015, 0020 and 0020	City resolution No. 09-241 adopted 21 Dec 2009	Nov 2010
Goal 10: Housing	OAR 660-007-0015 thru 0035 and ORS 197.295-314	City resolution No. 09-242 adopted 21 Dec 2009	Nov 2010
Goal 11: Public Facilities	OAR 660-015-000(11), 0020, 0025 and 0030	City resolution No. 09-243 adopted 21 Dec 2009	Nov 2010
Goal 12: Transportation	OAR 660-012, create a TSP; 660-012- 0045(5)(c), 0015(3), 0020(2)(c)	On hold until Feb 2010 – estimated completion November 2010	Nov 2010
Goal 13: Energy Conservation	OAR 660-15-0000(13)	Still in progress – estimated completion November 2010	Nov 2010

Goal	State Requirement	Product - Action	Deadline for Adoption and Acknowledgement
Goal 14: Urbanization	OAR 660-15-0000(14)	Still in progress – estimated completion November 2010	Nov 2010
	Comp Plan Map	City Resolution expected Feb 2010	Nov 2010
	Implementing Ordinances	City has draft	Nov 2010

The commission found this is a reasonable timeline for the city to follow and it is consistent with the city's adoption timeframe.

III. CONCLUSION

Based on 660-14-0010(4) the commission adopted the above compliance schedule. 660-14-0010(4) states: A newly incorporated city must adopt a comprehensive plan and implementing ordinances for all land in its planning area. Cities incorporated after January 1, 1982, shall have their comprehensive plan and land use regulations acknowledged no later than four years after the date of incorporation or as extended in accordance with a compliance schedule adopted by the commission. Comprehensive plans prepared and adopted by newly incorporated cities shall be reviewed through the plan acknowledgment review process set forth in ORS 197.251 and OAR chapter 660, division 3.

If the city is not able to adopt a comprehensive plan map, supporting documents and implementing ordinances by the proposed deadline, November 2010, the commission shall adopt the City of Damascus draft plans or impose the state land use goals directly to all land use decisions in the city as an interim plan until the city completes their formal planning process. The city will give the commission an update on their progress to the commission at the July 2010 meeting in Portland.

THEREFORE, IT IS HEREBY ORDERED THAT:

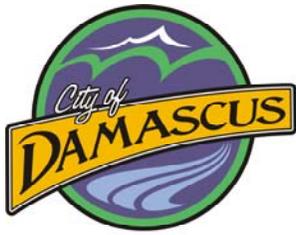
In accordance with ORS 197.757 and OAR 660-014-0010(4) the compliance schedule for the city of Damascus is granted and the planning work shall be given to LCDC for acknowledgement by November 2010.

Dated this 5th day of April, 2010



Richard Whitman, Director

For the Land Conservation and Development Commission



City of Damascus

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Damascus, OR 97089

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MEMORANDUM

To: All staff and City Attorney

From: Anita Yap, Community Development Director

Date: June 28, 2010

Subject: Proposed Comprehensive Plan map adoption schedule, public hearings and notice requirements

Below is a proposed schedule for adoption of the Comprehensive Plan map, Goals & Policies and Goal findings for the City. Please let me know if you have any questions.

August 26 & September 2, 2010: Council work sessions for revision of final Draft Comprehensive Plan map.

September 13, 2010. 45-day notice to DLCD regarding first hearing, Planning Commission recommendation on Final Comprehensive Plan map, Goals and Policies, Goal findings.

September 1, 2010. Property owner notice of Planning Commission public hearing on Final Comprehensive Plan map, Goals and Policies, Goal Findings

September 20, 2009: Public hearing. Council adoption by resolution of Draft Comprehensive Plan map.

October 6, 2010. Property owner notice of Council public hearing on Final Comprehensive Plan map, Goals and Policies and Goal Findings

October 26, 2010. Public hearing Planning Commission recommendation on Final Comprehensive Plan map, Goals and Policies and Goal findings.

November 15, 2010. Public hearing City Council and first reading of ordinance. Adoption of Final Comprehensive Plan map, Goals & Policies and Goal findings.

Special City Council meeting. November 29, 2010. Second reading of ordinance. Adoption of Final Comprehensive Plan map, Goals and Policies and Goal findings.