



# Oregon

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August 31, 2010

TO: Land Conservation and Development Commission  
FROM: Richard Whitman, Director  
SUBJECT: **Agenda Item 11, September 1-2, 2010, LCDC Meeting**

## DIRECTOR'S REPORT

### I. INFORMATION UPDATES

#### A. PARTICIPATION IN APPEALS, AND RECENT LUBA AND APPELLATE COURT OPINIONS

ORS 197.090(2) requires the director to report to the commission on each appellate case in which the department participates, and on the position taken in each such case.

ORS 197.040(1)(c)(C) requires the Land Conservation and Development Commission to determine whether recent Land Use Board of Appeals (LUBA) and appellate court decisions require goal or rule amendments.

#### 1. Department participation in appeals

Between June 21, 2010 and, July 22, 2010 the department received 21 notice of appeals filed with LUBA. The department filed none of these notices.

#### 2. LUBA opinions

Between June 21, 2010 and, July 22, 2010, the department received copies of 15 recently issued LUBA opinions. Of these, LUBA dismissed 6, remanded 3, reversed 2, affirmed 4, invalidated 0 local decisions, and transferred no petitions to circuit court.

Three decisions concern the application or interpretation of a statewide planning goal or LCDC administrative rule:

- **Goal 3 and OAR 660-004-0020 & -0022:** Waste Not of Yamhill County, et al., v. Yamhill County, LUBA Nos. 2010-002, decision filed on July 06, 2010. LUBA reversed county decision approving expansion of a landfill on approximately 99 acres, along with a zone change from EFU and Recreational Commercial/RC to Public Works/Safety

(PWS), and a “reasons” exception to Statewide Planning Goal 3. In an earlier decision by the Oregon Court of Appeals, *DLCD v Yamhill County*, 183 Or App 556 (2002), the court determined that a county may not approve an exception for a use that the state has determined may be allowed on EFU-zoned land. That is the case even when, as in this case, a county has not allowed the use under its own code. In such a situation, the proper course is simply for the county to change its code to allow the use rather than taking an exception to state law. This case has been appealed, and is pending before the Oregon Court of Appeals.

- **Goal 14, OAR 660-024-0030(1) and ORS 195.036:** Joseph Meyer v. Douglas County, LUBA No. 2010-004, decision filed on June 04, 2010. LUBA remanded county adoption of updated population projections for its urban and unincorporated areas, because the county used model assumptions that were not supported by an adequate factual base.
- **Goal 12 and OAR 660-012-0060:** Michelle Barnes v. City of Hillsboro, LUBA No. 2010-011, decision filed on June 30, 2010. LUBA reversed a city decision creating two new zones, the Airport Use Zone and the Airport Safety and Compatibility Overlay Zone. The new uses could have a “significant effect” on the city’s transportation system, but the record doesn’t provide information from which to determine whether the TPR is a “required consideration” in the rezoning, nor does the record indicate whether the city in fact considered whether rezoning triggers the TPR. (LUBA sustained the TPR assignment of error, but also reversed the local decision on constitutional grounds.)

None of these decisions requires goal or rule amendments.

### 3. Appellate court opinions

Between June 21, 2010 and, July 22, 2010, the department received 2 copies of recently issued opinions from the Court of Appeals. The Court dismissed 0, reversed and remanded 1, reversed 0, and affirmed 1 of LUBA’s decisions.

### 4. Decisions of interest

Department appeals: None

Measure 37/49: None

Others

- **Goal 10, ORS 197.303, ORS 197.307(6):** Alan Montgomery v. City of Dunes City, LUBA No. 2008-135, Court of Appeals No. A144619, filed on July 07, 2010. The Court reversed LUBA’s remand of the city’s denial of a preliminary subdivision plat. Relying on its decision in *City of Happy Valley v. LCDC*, 66 Or App 795 (1984), the Court held that ORS 197.303(2)(a) as amended in 1983 does not exempt a city with a population less than 2,500 from application of the ORS 197.307(6) requirement for “clear and objective” standards, conditions, and procedures for approval of needed housing, where the city identifies single-family housing as “needed housing” in its comprehensive plan.

This case appears relevant to the department’s 2011 legislative concept regarding the needed housing statutes.

- **Removal of Gold Ray Dam:** Randall L. Schock, et al v. Jackson County, LUBA No. 2010-045, filed July 1, 2010. LUBA dismissed appeal of county order to county administrator to secure permit to remove county-owned dam on the Rogue River. LUBA did not have jurisdiction because the decision was neither a statutory land use decision under ORS 197.015(10)(a)(A) nor a significant impacts land use decision.

## 5. **Appeal notices of interest**

Measure 37/49: None.

### Others

- **New High School Facility:** Kathleen Walker v. City of Sandy, LUBA No. 2010-073, filed on July 28, 2010: An appeal of a city's conditional use permit and design review approval for the Oregon Trail School District to construct an approximately 310,000 square foot high school and associated improvements to replace existing high school located on Bluff Rd.

## **B. GRANTS, INTERGOVERNMENTAL AGREEMENTS AND CONTRACTS**

DLCD staff is working closely with local and regional governments to complete successful planning projects on or before May 31, 2011. Oregon communities are currently working on 44 DLCD-funded planning projects in addition to a number of Transportation and Growth Management (TGM) and Coastal program grants.

Oregon's FY10 federal Coastal Zone Management grant became effective July 1. Diana Evans, Coastal Grants Administrator, has been busy processing new applications for planning assistance grants totaling \$343,000. These grants are provided to all coastal jurisdictions based on a formula developed in 2002. In addition, Coastal Field Representatives Matt Spangler and Dave Perry, along with Coastal Shorelands Specialist Laren Woolley, reviewed applications from local governments for small technical assistance grants from eleven jurisdictions totaling \$65,000. Diana Evans has also been busy processing grant closeout reports from all jurisdictions for grants awarded for FY09 as well as contracts with other state agencies.

## **C. PERIODIC REVIEW WORK TASKS/PROGRAMS**

The department approved amendments to work programs for the cities of Keizer and Portland. Both amendments are intended to integrate city planning programs with the periodic review process more effectively. Department staff and DLCD regional representatives worked closely with Keizer and Portland staffs to ensure the efficient integration of state and local objectives. DLCD regional representatives and planning specialists continue to work closely with cities currently in periodic review to complete timely work plans that provide needed updates to local planning programs.

Metro has submitted its regional transportation system plan to the department for review. Notice of the RTSP has been given by Metro, and the department has not received objections to the

plan. The department is completing its review of the plan, and expects to issue an order concerning the plan in the next month.

## **II. DEPARTMENT PROGRAM ACTIVITIES AND INITIATIVES**

### **A. COASTAL MANAGEMENT PROGRAM**

Coastal staff have been very busy in the wake of the July 19 Presidential Executive Order on National Ocean Policy. The topics of Marine Spatial Planning and Regional Ocean Partnerships, in particular, have been much discussed in a number of meetings and conference calls. Bob Bailey, Coastal Program Manager, and Paul Klarin, Marine Affairs Coordinator, along with Andy Lanier, Coastal Resources Specialist, and Tanya Haddad, Coastal Atlas Developer have participated in meetings with the Office of the Governor and other agencies, with staff from the NOAA Coastal Services Center and the NOAA National Centers for Coastal Ocean Science, and in phone calls with the Coastal States Organization, the White House Council on Environmental Quality, and with the Executive Committee of the West Coast Governors Agreement (WCGA) on one or both of these topics. There is some degree of uncertainty about how the Executive Order will be implemented, particularly with regard to the Regional Ocean Partnerships, which is the WCGA. Issues include funding and capacity of states to participate. Federal agencies, too, are scrambling to determine exactly what this President's order means for their programs.

The Coastal Program, led by Paul Klarin, is poised to undertake the final phases of planning (the spatial mapping component) for ocean alternative energy development. This plan will be forwarded to the commission for adoption as an amendment to the Territorial Sea Plan. A wide range of data gathering projects to support that spatial analysis phase are nearing completion or headed that way. The Ocean Policy Advisory Council approved reconvening its Territorial Sea Plan Working Group to work with the department and with local communities and fishermen during the spatial analysis phase. The Coastal Program is working closely with Ecotrust under contract to develop the computer-based assessment tools needed to support the public process of spatial analysis; Ecotrust has also conducted the mapping with commercial fishermen on the coast. In early 2010, the Coastal Program developed a website to support the ocean energy planning process as well as the ODFW marine reserves process and the now-completed Nearshore Research Task Force. The website has been heavily used. Information on that use is described in the "success story" document, attached.

The Coastal Division also completed its semiannual performance report to NOAA, which is attached. The report includes a number of "success stories," which are attached.

### **B. COMMUNITY SERVICES**

The Community Services Division completed its recruitment for a Central Oregon regional representative. The department received strong interest in the position and hopes to announce a new member of the DLCD team in September.

In other news, the Community Services Division is adjusting short-term regional assignments and relying on assistance from Planning Services Division staff to help cover a regional representative vacancy in its Central Point Office following John Renz' retirement. Regional Representative Ed Moore will cover the Southern Willamette Valley and Southern Oregon regions in the interim. Ed will also receive help from Mid-Willamette Valley Regional Representatives Steve Oulman and Gary Fish and others. Special thanks are in order for the high level of DLCD teamwork during this time of transition; the department continues to provide a high level of customer service across the state.

Metro Regional Representative Jennifer Donnelly is working in a leadership role for the department's review of Metro's Urban and Rural Reserves submittal. Regional Representatives Anne Debbaut and Gary Fish are working closely with Jennifer and staff from the Planning Services Division (Gloria Gardiner and Katherine Daniels) in that effort.

Community Services Specialist Jon Jinings is scheduled to moderate a panel on solar energy siting at the upcoming Oregon Planners Institute Conference (September 16) in Eugene. CSD Manger Darren Nichols will also moderate a panel at the upcoming OPI conference on the future of renewable energy in Oregon. Other CSD staff will represent the department and the statewide planning program at Oregon's annual OPI conference.

The division manager is also working closely with the director's office and Portland State University's School of Urban Studies and Planning to assess potential opportunities for DLCD/PSU collaboration on local and regional planning projects.

### **C. DIRECTOR'S OFFICE**

In addition to completing work on several rulemaking efforts coming to the commission for decision at this meeting, staff in the director's office continue to work on a variety of policy and agency management issues. Bob Rindy, the Director and Katherine Daniels are all working with small groups to develop the next versions of the agency's legislative concepts. Several of these are nearing a stage where broader input will be sought. In addition, the Director and Michael Morrissey are closely involved in two other legislative efforts: (a) work on possible legislation concerning activities on farm lands being sponsored by the Association of Oregon Counties, and (b) work on new destination resort legislation led by State Senator Jackie Dingfelder.

The commission's legal counsel and the Director continue to work on the commission's final order on the Bend UGB expansion. They expect to circulate a draft of the order to the parties for comment within the next week to ten days.

The Director and Deputy Director continue to work with the Operations Services Division Manager and Budget Analyst on budget execution for this biennium and budget development for the 2011-2013 proposed budget.

Other activities in the director's office during July and August included:

- Week of July 12– TDR legislative concept work group; Measure 49 Development Services Division planning; meeting with the City of Damascus to prepare for LCDC presentation;

Natural Resources Cabinet; MPAC; meeting with Metro regarding urban and rural reserves and the regional transportation plan; Metro reserves rulemaking work group; destination resorts work group and tour.

- Week of July 19 – Management team meeting with the Oregon Department of Agriculture; SB 1059 Management Steering Committee; meeting with a large industrial forest landowner regarding TDRs; Measure 49 division meeting; LCDC; LOAC; meeting with Representative Beyer regarding SB 1059 advisory committee.
- Week of July 26 – Meeting with Senator Schrader regarding SB 1059 advisory committee; Natural Resources Cabinet; OCCRI report seminar; agency director’s climate change meeting; City of Silverton planning commission; TDR legislative concept work group; SB 1059 Management Steering Committee; DLCD all staff meeting; Oregon Mayor’s Association conference; budget meeting; urban forum planning.
- Week of August 9 – Destination resorts work group; budget meeting; CIP sponsors advisory group; STIP Stakeholder Committee; needed housing legislative concept work group; Natural Resources Cabinet; MPAC; Metro urban and rural reserves rulemaking work group; meetings regarding the Continuous Improvement Process.
- Week of August 16 – Management team; PAPA and Periodic Review legislative concept work group; agency heads; meeting with Pat Zimmerman, CIAC, regarding PAPA process; meeting regarding Medford’s draft housing element; AOC Farm Land Activities Task Force; discussion with Jackson County re RPS status; participate in CIAC meeting.
- Week of August 23 – Natural Resources Cabinet; monthly meeting with senior staff of ODOT, OBDD, DLCD and ERT; SB 1059 Management Steering Committee; meeting with Portland State University faculty regarding the urban forum; meeting with OPRD regarding state and local park planning issues and potential work to address issues.

#### **D. MEASURE 49 DEVELOPMENT SERVICES**

As of August 15, 2010, out of 222 elections, all but one preliminary evaluation had been issued under House Bill 3225. Of those 222 elections, 53 final orders have been issued. The division has until December 31, 2010 to complete its review of claims under HB 3225 and should complete those reviews well ahead of schedule.

Also as of August 15, 2010, the division completed its mailing of election packets to those people eligible for supplemental review of their Measure 37 claims under the Senate Bill 1049 amendments to Measure 49. Senate Bill 1049 allows claimants who either elected under section 7 of Measure 49 and then filed appraisals that did not meet the statutory requirements, or who filed only a county Measure 37 claim, the ability to seek one dwelling, and, unless the property is vacant, one lot or parcel on which to site the dwelling. As of mid-July the division had already mailed election packets to those claimants who elected under section 7 of Measure 49. Out of 116 possible claims, 9 election packets were received by the division. The division mailed 675 election packets to “county only” claimants. Claimants will have until early October to decide whether to elect under SB 1049. Claimants who are eligible for review under SB 1049 are required to submit a \$2500 fee.

The state received a significant court decision with the 9th Circuit Court of Appeals decision in *Citizens for Constitutional Fairness v. Jackson County*. The 9th Circuit overturned an earlier

district court decision that held Jackson County must honor its Measure 37 waivers for approximately twenty Measure 37 claimants because the waivers were constitutionally-protected contracts between the county and the plaintiffs. The 9th Circuit rejected this characterization of Measure 37 waivers. In a brief memorandum opinion the court found that Measure 37 waivers did not demonstrate an offer by Jackson County, acceptance by property owners or consideration.

#### **E. OPERATIONS SERVICES**

The Operations Services fiscal team is concluding fiscal year end activities which roll into the state's Comprehensive Annual Financial Report (CAFR) and the Schedule of Expenditures of Federal Awards (SEFA) report.

Payroll staff and the operations services manager have provided additional payroll training to staff and the management team. This effort is linked to a shared services opportunity with the Department of Agriculture (ODA). The directors of ODA and DLCD continue evaluating ways to collaborate/share services in the provision of administrative and technical support for staff. The directors' offices of both agencies emphasize this is not a consolidation of agencies effort. All state agency directors have been asked by the Governor's Office to evaluate ways to share services. DLCD and ODA already collaborate in many of its efforts including information technology, reception, and human resources. As announced in the last Director's Report, the Operations Services Division recently had its limited duration full-time payroll employee transfer to a permanent position at the Department of Energy. In light of these two events and opportunities, ODA and DLCD have agreed to address the workload needs of the agency and share services on payroll/benefits. Effective September 1, ODA's payroll specialist will provide payroll/benefits input for DLCD. Payroll management and payroll backup will continue in the same way as it has at DLCD. This shared services opportunity should be seamless for DLCD employees.

The budget officer is working with the director's office and the operations services manager in continuing to ensure financial reporting accountability. Division managers continue their critical roles in ensuring timely expenditure projections. The department submitted the 2011-13 Agency Request Budget document to the Department of Administrative Services' Budget and Management Division on July 30, 2010. Additional budget development will continue through the fall and during the next legislative session.

The information technology unit and reception continue working with department management in evaluating and determining technological needs for the department.

### **III. DEPARTMENT ORGANIZATIONAL AND MANAGEMENT INFORMATION**

#### **A. NEW STAFF AND PROMOTIONS**

Bob Cortright has accepted a new position within the department as a Land Use-Transportation Planning Specialist. This is a limited duration position leading the team created to implement the

greenhouse gas emissions reductions efforts in SB 1059 (2010). Bob will lead a rulemaking effort to establish emissions targets for metropolitan areas and help coordinate other activities related to SB 1059 implementation. A recruitment to temporarily fill the TGM Coordinator position will commence soon.

## **B. RECRUITMENTS**

The Planning Services Division has accepted applications for two Planner 3 positions related to SB 1059 implementation. Interviews will be scheduled soon. Advertisements for another Planner 3 position and a half-time administrative position will be distributed shortly.

The Community Services Division completed an open recruitment for the Central Oregon regional representative position. The department received approximately fifty qualified applications for the position. Local government planning staff and the central Oregon ERT coordinator participated in two rounds of preliminary interviews, helping to narrow the pool of candidates to four. DLCD's local and regional partners are invaluable in selecting candidates that best meet the needs of the region. Four top candidates are scheduled for interviews with the director's office at the end of August. The department hopes to fill the Central Oregon regional representative position in September.

## **C. BUDGET REDUCTIONS AS A RESULT OF THE AUGUST 26, 2010 REVENUE FORECAST**

As a result of the August 26<sup>th</sup> state revenue forecast showing a further reduction in expected state revenue for this biennium, the department expects to receive direction to reduce General Fund expenditures by another eight percent (in addition to the approximately nine percent reductions directed in June). The Director and division managers have been working to develop the department's plan for how this reduction will be achieved, and the Director will provide more information in connection with the report to the Budget and Management Committee.

## **IV. LCDC POLICY AND RULEMAKING UPDATES**

### **A. CURRENT RULEMAKING**

The department has three current rulemaking projects underway. All of these are scheduled for commission consideration at the September commission meeting:

**Permanent Rules Regarding Energy Workforce Housing (OAR 660, division 33)**

See Item 7, September 2, 2010, LCDC Agenda

**Amendment to Rules Regarding Willamette Greenway Maps (OAR 660, division 20)**

See Item 8, September 2, 2010, LCDC Agenda

**Amendments to Rules Regarding Metro Urban and Rural Reserves (OAR 660, div. 27)**

See Item 9, September 2, 2010, LCDC Agenda

## **B. INITIATION OF RULEMAKING**

The department is proposing that the commission initiate three rulemaking projects that are currently on the Policy Agenda for this biennium (as amended in July 2010):

### **Division 33 Agricultural Land Requirements and Solar Energy**

LCDC agreed to add this item to its 2009-2011 policy agenda at their July, 2010 meeting. At issue are requirements in OAR division 33, Agricultural Lands, that restrict siting of commercial energy generating facilities, including solar arrays, on high value farmland greater than 12 acres in size, and 20 acres on non-high value farmland. If those thresholds are exceeded, the applicant is required to seek an exception to Goal 3, which has been most often the case to-date.

A rule advisory committee (RAC or rulemaking workgroup) should be appointed for this effort, which is intended to begin in September and conclude with a recommendation and hearing before the commission in January, 2011. Much interest has been expressed concerning this rulemaking, and a Jefferson County initiated study group, Jefferson County Solar Farm Technical Advisory Committee (SOFTAC) has already held several meetings. RAC members will be chosen to represent counties from central and eastern Oregon; farm and ranching interests; industry representatives; environmental interests; state agencies with energy, water and wildlife responsibilities; and a federal agency with resource and land management responsibility (see Attachment B).

### **Irrigation Reservoirs on Farm Land**

This item was also added to the LCDC 2009-2011 policy agenda at the July, 2010 LCDC meeting. The rulemaking was requested by members of the Oregon Board of Agriculture. The department recommends that this rulemaking go forward without a rules advisory committee (RAC or rulemaking workgroup), although agricultural interests, counties and OWRD will be consulted. The focus for this rulemaking is clarification in rule of when reservoirs are allowed on lands zoned for exclusive farm use. Reservoirs are allowed as a farm use when located on property that is being irrigated, but are not clearly allowed on EFU lands if the reservoir is being used to irrigate other agricultural lands. This rulemaking is intended to clarify that single-purpose irrigation reservoirs are a permitted use of agricultural land. The rules are not intended to address the siting of reservoirs for municipal or other uses.

### **General “Housekeeping” Amendments to Multiple Rule Divisions Under OAR 660**

This is another item added to the LCDC 2009-2011 policy agenda at the July, 2010 LCDC meeting. This department recommends that this rulemaking proceed without a rules advisory committee due to the narrow, technical scope of the effort. The department has begun gathering information and recommendations for this effort, which should conclude at the December, 2010, LCDC meeting. Included in this rulemaking are proposals to correct, clean up, or clarify rules concerning at least the following: procedural rules (division 1), exceptions rules (division 4), agriculture and forest rules (divisions 6 and 33) and periodic review rules (division 25).

## C. LEGISLATIVE CONCEPTS

The department's legislative concepts for the 2011 Legislative Session are as follows:

1. Streamlining and improving the post-acknowledgement plan amendment (PAPA) processes;
2. Streamlining the process for UGB amendments and urban reserves, reviewed by LCDC in the manner of periodic review;
3. Cleanup of needed housing statutes; and
4. Transfer of development rights.

The department has continued to work on the development of the details of these concepts subsequent to filing, through discussions with stakeholders, including

- Discussion with Department of Forestry, counties, and 1000 Friends regarding the TDR concept #4. At least one or two additional meetings is planned to refine this concept.
- Discussion of concept with a group of interests regarding concept 3, including Al Johnson, Bill Kloos, Barton Brierley (City of Newberg), Emily Jerome (City of Eugene), Bob Clay (City of Portland), Mary Kyle McCurdy (1000 Friends), and Bob Gillespie (OHCD) on August 11<sup>th</sup>.
- A discussion with a League of Oregon Cities representative (Glenn Klein), a county planning director (Sterling Anderson), and 1000 Friends of Oregon (Jim Just) regarding concepts 1 and 2 was held August 16th. New drafts of these concepts were completed shortly after the last meeting.

## D. OTHER POLICY ACTIVITIES

- **AOC Farmland Activities Task Force:** Following the 2010 legislative special session, the Association of Oregon Counties (AOC) agreed to establish a task force focusing on ancillary uses on farmland throughout the state. Passage of SB 1055 temporarily addressed concerns of some winegrowers with regard to events on farmland, but most interested parties agreed that a larger scope was needed to analyze a wide range of events including weddings, musical, dining-related and athletic events on farmland. AOC initiated the workgroup in late April of 2010, and Director Whitman is a task force member. Four meetings have been conducted, with Yamhill County Commissioner Mary Stern as chair. AOC staff, with some technical assistance from the department, is working on a more specific proposal that will be presented at the next task force meeting.
- **Destination Resorts:** An informal workgroup led by Senator Dingfelder has been meeting for many months to see if there are acceptable alternatives to the destination resort models allowed under statute and Goal 8. Nine counties have created ordinances necessary to map and site destination resorts, but large resorts created under goal and statute have had mixed success financially, and in the case of one county residents have asked that destination resort provisions be rolled back. The department has helped staff this effort, through the director's office. The work group is entering a key phase to see if recommendations can be generated for the 2011 legislative session.

- **Urban Forum:** In adopting its 2009-2011 Policy Agenda, LCDC directed the department to organize an urban land use forum to address several fundamental aspects of Oregon's land use planning program, and to develop consensus recommendations for updating the program. The three topics currently included in this effort concern the use of population estimates in land use and transportation planning, public facility finance and planning issues facing local governments, and urban growth management policies, procedures and requirements, including overall goals and effectiveness. On July 30th, the director and Bob Rindy met with Steve Greenwood of the National Policy Consensus Center to discuss different models for the forum. More recently, the department met with representatives from PSU and the Consensus Center to explore potential university participation in this effort. Additional meetings are planned for early September.

**V. ATTACHMENTS**

- A. Coastal Management Program, Success Stories**
- B. Division 33 Agricultural Land Requirements and Solar Energy Rulemaking Advisory Committee**

## Section C: Oregon Coastal Management Program Success Story : OregonOcean.info

June 30, 2010

In February 2010 the OCMP launched a new website to aid in the communication and coordination of the various overlapping ocean initiatives that are currently in on-going in Oregon waters. (<http://www.oregonocean.info>)

The screenshot shows the homepage of the Oregon Ocean Information website. The header features the site's logo and name, "Oregon Ocean Information: A Resource for Planning in the Territorial Sea", along with a search bar. A navigation menu includes links for Home, Marine Reserves, Nearshore Task Force, Ocean Energy, and Seafloor Mapping, as well as About, Calendar, Downloads, Links, and Help. A large banner image of a sunset over the ocean is displayed. The main content area is divided into several sections: a "Welcome" message, a "Recent Ocean Docs" sidebar with links to documents like "Opposition to Falcon Cove Reserve Summary", a "More Articles..." section with links to "Territorial Sea Plan Amendment Process" and "Oregon Task Force on Nearshore Research", and three columns at the bottom: "Upcoming Ocean Events" (listing meetings like "Cape Perpetua Community Team Meeting"), "Latest Additions" (listing articles like "What is the definition of a marine reserve?"), and "Most Popular" (listing articles like "How to Contribute to this Website").

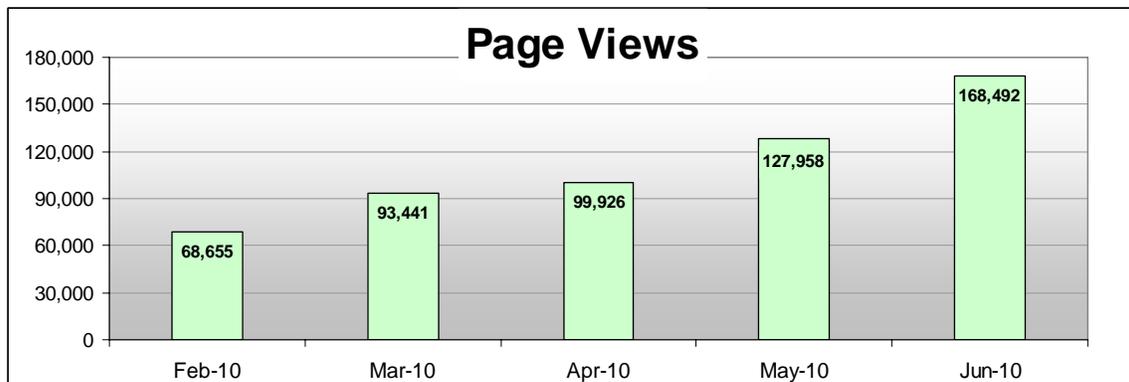
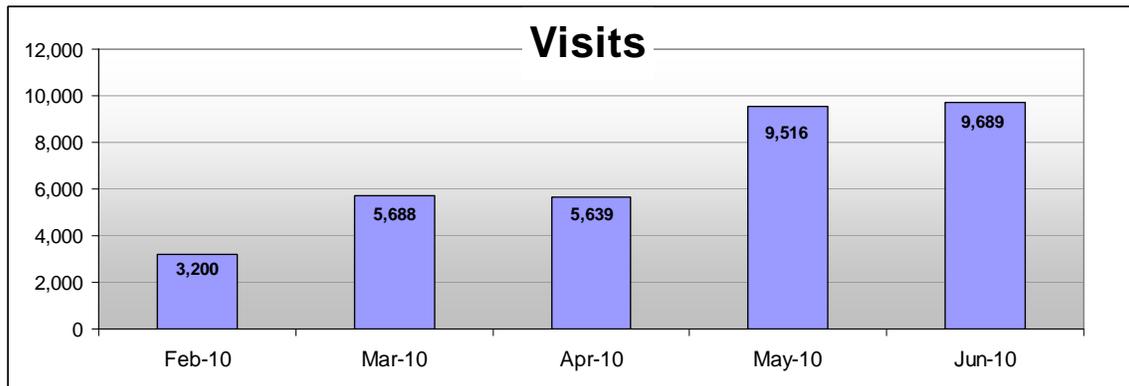
The site allows visitors to very quickly glean the status of the four major initiatives featured: i) the marine reserves process, ii) the activities of the nearshore research taskforce, iii) the territorial sea planning process, and iv) the ongoing seafloor mapping process.

A unique aspect of the site is that while initially set-up and hosted by OCMP, most of the content displayed is contributed directly by partner agencies and institutions who are leading the various initiatives. The site accomplishes this by utilizing a central Content Management System that allows OCMP to create accounts for partners that allow

content contribution from a wide variety of locations, and that allow partners to control the timing and content of information on display.

OCMP conducted trainings prior to the launch of the site with over 20 relevant content contributors from a wide variety of institutions, including several state agencies, Sea Grant staff, university labs and local ocean community groups. This direct connection to content creators helps ensure that all information visible in the site is as current and up to date as possible and that the public is connected as directly as possible to the people and programs that are managing the process they are interested.

Since launching the site has seen significant growth in both Visits and Page Views.



Popular functional elements of the web site include:

- a **central calendar system** (allowing individual public processes to maintain unique calendars, and yet allow for combined viewing of multiple calendars that cross-cut processes), and
- a **central document repository** (allowing content contributors to post documents in various categories for download by web site visitors).

Currently over 90 ocean events have been posted via the central calendar system and more than 500 ocean related documents have been submitted to the document repository.

### **Astoria Riverfront Vision Plan**

Due to its beautiful location, burgeoning artist community, unique civic character and strategic investment, the City of Astoria is a growing and vital community. Astoria's waterfront has become a magnet for new in-fill and redevelopment projects and proposals in recent years. While these developments have helped transform Astoria's economy, the pace of change has caused concern that the community's unique character could be compromised. As a result of these concerns, the City of Astoria launched an ambitious effort to engage the community in establishing a vision for the future development of Astoria's historic waterfront area. This planning effort was supported in part by a Technical Assistance Grant from the Department of Land Conservation and Development's Coastal Division.

The resulting Astoria Riverfront Vision Plan represents the culmination of a nearly two-year community-wide effort to create a comprehensive riverfront vision, intended to ensure equitable riverfront growth by balancing development in the area with the desire to preserve Astoria's quality of life and connection to its unique history. The plan was developed from Spring 2008 through Summer 2009, during which time hundreds of Astorians participated in steering committee meetings, stakeholder interviews and surveys, four community-wide forums, three open houses and additional community meetings. After a series of public hearings, the final plan was adopted by the Astoria City Council in December 2009. With a strong foundation in a broad-based community consensus, the Astoria Riverfront Vision Plan now provides city leaders with a blueprint for public and private investments and development decisions over the coming years.

### **Siuslaw Offshore Dredge Material Site Designation under Section 102 of the MPRSA**

During the reporting period, DLCD and the Department of Fish and Wildlife (ODFW) worked with the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) on modifications to an EPA-proposed designation of two long-term dredge material disposal sites (DMDs) in the Pacific Ocean near the Siuslaw River. EPA submitted a timely consistency certification to the DLCD early in 2010. Upon review by ODFW, the proposed designation was found to be inconsistent with the Territorial Sea Plan (TSP) and Statewide Planning Goal 19. The two principle objections were: (1) the designation documents did not provide adequate data to support the EPA's conclusion that the proposed sites were the best locations available; and (2) the monitoring proposed for the sites before and after dredge material disposal was not adequate to identify deleterious impacts to living marine resources. ODFW and DLCD worked intensively over a two-week period with EPA and Corps staff to develop changes to the proposed action which would bring it closer to compliance with the requirements of the Territorial Sea Plan. Eventually the agencies reached an agreement which increased the level of monitoring before and after dredge material disposal, and promised a more cooperative process for the designation of long-term disposal sites off the Yaquina River.

### **Neskowin Coastal Hazards Planning**

Annual battles with wave erosion and the steady creep landward of the beach caused residents and property owners in the community of Neskowin to ask Tillamook County for assistance in figuring out what the prospects were for this community, especially in the face of likely sea level rise. Tillamook County officials, in turn, asked the Oregon Coastal Management Program (OCMP) for ideas, advice, and assistance. The OCMP, in turn, brought in experts in the Oregon Extension Sea Grant program and coastal geologists in the Oregon Department of Geology and Mineral Industries to help. Residents formed a Coastal Hazard Committee made up of community members with various backgrounds and viewpoints, Tillamook County staff, state and federal experts on coastal erosion and vulnerability assessments and university researchers.

The committee has arranged for relevant documents to be housed in the nearby Pacific City Public Library and have set up a Google Group to help share documents and ideas. State and federal experts are providing critical hazard information and technical analysis. The County has retained a consultant, with funding from the OCMP, to provide the committee with a sensitivity and vulnerability assessment for key planning systems. The committee has been successful in moving the community from frustration and fear over coastal hazards to thoughtful, informed action and discussion among the community. And that, in itself, is a success.

### **City of Reedsport Rainbow Plaza Planning**

Beginning in the 1990's, the City of Reedsport, with help from the Oregon Coastal Management Program, began an effort to redevelop its Umpqua River waterfront starting with a public access observation site, the adjacent Discovery Center, and other improvements.

The city is now renewing efforts to revitalize this often-overlooked part of town that has much to offer. The Umpqua River shoreline in this area still has boat building and repair, aggregate storage and distribution, and recreational boating access, but other attractions are evident as well. The Umpqua Discovery Center is a first-class coastal Interpretive Center with natural and cultural history displays. Nearby, Rainbow Plaza is the site of an international chainsaw carving competitions and the Tsialia watershed festival.

This past year, a redevelopment concept for the Rainbow Plaza (see attached) was developed for the City with funding help from the OCMP. The redevelopment plan would transform the Plaza area, which today is simply an unattractive and very passive grave-surfaced lot, into an attractive, multi-functional Plaza that will present a space for community activities, a focal point for visitors, and an inviting pathway linking the Old Town commercial district and the waterfront area. The city and Reedsport community are excited about the design concept and have committed Urban Renewal funds to construct the improvements.

Going forward, the potential positive effects of a redeveloped Rainbow Plaza have caused the city to engage in a broader planning effort to support redevelopment of the

entire Old Town commercial district and adjacent waterfront. The OCMP is providing funds to help the city to evaluate transportation, land use, zoning and design review alternatives for old town. Once again, Reedsport has committed Urban Renewal funding for this next step, showing a great deal of commitment to this project at a time when revenues are down and the city budget is lean.



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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August 31, 2010



TO: Land Conservation and Development Commission

FROM: Richard Whitman, Director  
Michael Morrissey, Policy Analyst

SUBJECT: Agenda Item 11, Director's Report, Attachment B, Initiation of Rulemaking, September 1-2, 2010 LCDC Meeting

### INITIATION OF RULEMAKING AND CONVENING A RULES ADVISORY COMMITTEE REGARDING DIVISION 33 AGRICULTURAL LAND REQUIREMENTS AND SOLAR ENERGY

The department recommends the commission appoint the following to serve on the Rules Advisory Committee:

<u>Hanley Jenkins,</u>	LCDC Liaison (Workgroup Co-Chair)
<u>Chris Pellett,</u>	LCDC Liaison (Workgroup Co-Chair)
_____	County Planning Director
_____	County Planning Director
_____	Tribal Interests
_____	Citizen Involvement Advisory Committee
_____	Agriculture Representative
_____	Ranching Representative
_____	Department of Energy
_____	Department of Fish and Wildlife
_____	Environmental Advocacy Organization
_____	Land Use Advocacy Organization
_____	Federal Lands
_____	Energy Developer
_____	Energy Developer

Names are being solicited to fill suggested vacant positions.

Staff: Michael Morrissey, Rural Policy Analyst  
Jon Jinigs, Community Services Specialist