July 10, 2014

TO: Land Conservation and Development Commission

FROM: Jim Rue, Director

SUBJECT: Agenda Item 16, July 24-25, 2014, 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 of the Department of Land Conservation and Development (the department or DLCD) to report to the Land Conservation and Development Commission (the commission or LCDC) on each appellate case in which the department participates, and on the position taken in each such case.

ORS 197.040(c)(C) requires LCDC to review recent Land Use Board of Appeals (LUBA) and appellate court decisions to determine whether goal or rule amendments are needed

1. Department Participation in Appeals

Between April 15, 2014 and June 16, 2014, the department received 21 copies of notices of appeal filed with LUBA. The department filed one of these notices, and was not named as a party in any of these notices.

Exception to Goals 4 and 14 to Allow Miniature Railroad Connected Rural Residential Community: DLCD v. Klamath County, LUBA 2014-037, filed April 22, 2014. Agency appeal of Klamath County’s decision to adopt exceptions to allow rural residential development on the Train Mountain site near city of Chiloquin.

2. LUBA Opinions

Between April 8, 2014 and May 30, 2014, the department received copies of 16 recently issued LUBA opinions. Of these, LUBA dismissed five, remanded two, reversed none, affirmed nine, remanded in part and transferred none, invalidated none, and transferred no petitions to circuit court.
Two decisions concern the application or interpretation of a statewide planning goal or LCDC administrative rule:

**Goal 3, Agricultural Lands; ORS 215, 283(2)(L), OAR 660-033-0130(10), Medical Hardship Dwellings on Rural Land; Kukaska v. Linn County, LUBA 2014-004, issued May 14, 2014.**
LUBA affirmed a decision by Linn County approving a temporary medical hardship dwelling on a rural residential-zoned parcel. LUBA rejected the petitioner’s assertion that the definition of a hardship that allowed for a temporary medical hardship dwelling in OAR 660-033-0130(10), which states that ‘hardship’ means a medical hardship or hardship for the care of an aged or infirm person or persons, “required that the person qualifying for a hardship must be both aged and infirm. LUBA also determined that the local record before the county provided adequate evidence that the applicant for the medical hardship dwelling required care, which is also required by the administrative rule. Because this determination resolved the case, LUBA did not determine whether the medical hardship dwelling provisions of ORS 215.283(2)(L) and OAR 660-033-0130(10) even applied to a medical hardship dwelling application in a rural residential zoning district.

LUBA affirmed a decision by Washington County approving a Residential Airpark Overlay District and applying it to residentially zoned land adjacent to the Sunset Airstrip. LUBA determined that, while Goal 6 requires local governments to establish that there is a reasonable expectation the use proposed in a development application will also be able to comply with relevant state and federal environmental quality standards, none of the discharges alleged by the petitioners – lead pollution from airplane engines, storage of leaded aviation gas, or noise from aircraft operations – apply to private airpark uses that are accessory to residential uses. LUBA also determined that the allowance of private hangars, tie-downs, and taxiways accessory to residential uses does not violate provisions of the Airport Planning Act (ORS 836.600 et. seq.) that require airport related uses to be contained within a defined airport boundary. LUBA noted that OAR 660-013-0040(1)(a), which implements the Airport Planning Act, specifically excludes aircraft storage accessory to residential airpark type development from the airport boundary. LUBA also determined that taxiways serving residential airpark storage are also excluded from the airport boundary requirement, since individual hangars accessory to residences would be useless without accompanying taxiways allowing access for the plane to an airport’s facilities.

These decisions do not require goal or rule amendments.

### 3. Appellate Court Opinions

Between May 21, 2014, and June 11, 2014, the department received four opinions from the Court of Appeals. The Court affirmed three decisions, all without opinion, and reversed in part one opinion. None of these decisions concern the application or interpretation of a statewide planning goal or LCDC administrative rule.

### 4. Other Opinions of Interest
None.

5. Appeal Notices of Interest


Multi-Family Housing in Corvallis: Goodmonson v. City of Corvallis, LUBA 2014-042, filed May 12, 2014, and Hess v. City of Corvallis, LUBA 2014-040, filed May 12, 2014. Appeal of a decision by the City of Corvallis approving a comprehensive plan amendment and associated zone change to allow multi-family housing aimed as satisfying student housing demand at Oregon State University.

Gas Pipeline in Coastal Zone: McLaughlin v. Douglas County, LUBA 2014-049, filed May 22, 2014. Appeal of a decision by Douglas County approving an amendment to a previously approved conditional use permit allowing export as well as import of natural gas in a natural gas pipeline through the county’s Coastal Zone Management Area.

Golf Course on Exclusive Farm Use Land: Oregon Coast Alliance v. Curry County, LUBA 2014-051, filed June 2, 2014. Appeal of a decision by Curry County approving an 18-hole golf course on land designated exclusive farm use.

Affordable Housing Denial: Northwest Housing Alternatives v. City of Milwaukie, LUBA 2014-053 filed June 12, 2014. Appeal of a decision by the City of Milwaukie denying an application to rezone property to allow affordable housing provider to expand its offices, expand a homeless shelter, and construct affordable housing units.


6. Measure 37/49

None.

B. GRANTS, INTERGOVERNMENTAL AGREEMENTS, AND CONTRACTS

The department has several contracts with public universities. The colleges and universities have been a part of the Oregon University System, under the Board of Higher Education, but, as authorized by recent legislation, several of the universities have become independent entities and are no longer considered state agencies. Consequently, the existing contracts, which had formerly been drafted as “interagency agreements,” now need to be amended to become “intergovernmental agreements.” The change took effect on July 1, 2014.
II. DEPARTMENT PROGRAM ACTIVITIES AND INITIATIVES

A. OREGON COASTAL MANAGEMENT PROGRAM

Ocean and Coastal Services Division (OCSD) staff are involved with numerous coastal and ocean issues. In June, the National Oceanic and Atmospheric Administration (NOAA) and Environmental Protection Agency notified the state they will make a final decision on Oregon’s Coastal Nonpoint Source Pollution Program by January 30, 2015. The original decision date was May 15, 2014 but has been delayed due to the number of public comments submitted to the federal agencies.

Marine Issues: The Oregon Bureau of Ocean Energy Management Task Force (BOEM) met on June 26th. Topics on the agenda included the Pacific Regional Ocean Uses Atlas Program, Windfloat Project, and the OSU Pacific Marine Energy Center (PMEC), which are updated below.

The Oregon Coastal Management Program (OCMP) submitted a list of new or revised federal authorizations to NOAA to be included in the state’s coastal program under the federal consistency provisions. NOAA has advised the OCMP to withdraw the request and resubmit the list along with the Geographic Location Description (GLD) submittal in the fall. NOAA argues that the BOEM and Federal Power Act provisions are related to marine hydrokinetic renewable energy development, and will therefore not be applicable until the GLD is in place. The OCMP has agreed to do so. The OCMP has amended its agreement with Oregon Department of Fish and Wildlife to extend the completion date for its work on the GLD project until September. This will not affect completion of the project and the OCMP still plans to submit the request to NOAA this fall.

State agencies continue to work with Ocean Power Technologies (OPT) to ensure the decommissioning of their single buoy project. This requires the removal of the anchor, float and tendon lines, and restoration of the seabed as required under the terms of the Department of State Lands (DSL) temporary use authorization for the project. This work is due to be completed during the summer of 2014, once the grey whale migration season has ended. The state agencies are meeting with OPT to review their decommissioning plan in early July. The DSL authorization will remain in place until all the equipment has been removed from the site and OPT is responsible for meeting the terms and conditions of the authorization until such time that they can demonstrate that the site has been fully restored to its natural condition. Once the site is restored, DSL will close the authorization and release the financial security instruments for $845,000 held in conjunction with the authorization.

Principle Power, Inc. (PPI) was awarded $47 million by the US Department of Energy to support the Windfloat projects. Full development of the 30 megawatt pilot project consisting of 5 deep water floating platforms, each with a single 6 megawatt turbine to be located approximately 18 miles offshore of Coos Bay. BOEM and PPI have concluded the scoping meetings for the environmental assessment, which is the next step in the National Environmental Policy Act process required under the BOEM leasing program.
The joint NOAA, BOEM and Pacific Regional Ocean Uses Atlas project, intended to assist BOEM in its marine renewable energy leasing program, has been roundly criticized by Oregon’s commercial and recreational fishing community as well as several state agencies and the Governor’s Office. The project is designed to document a full range of typical ocean uses on local, state, and regional planning scales. The draft maps for Oregon have been reviewed by the project participants and others. Representatives of the fishing communities uniformly responded that the maps do not accurately depict fishing effort off Oregon. BOEM staff, including the regional director, have met with fishing interests and promised to improve the agency’s communication and involvement efforts, and to review the maps and the methodology with which they were produced.

The PMEC and BOEM lease application for the south energy tests site off of Newport is proceeding on schedule. The project is a marine hydrokinetic energy testing and research facility. PMEC and BOEM will be conducting the environmental assessment scoping workshop and a site visit in Newport in early July. PMEC has formed a collaborative work group, consisting of the state and federal agencies that will also meet at that time to assist PMEC in developing work plans and deciding on the cable route.

M3 Wave Energy Systems of Salem, Oregon has applied for a special use authorization from DSL for a temporary pilot project of their device at Camp Rilea to be conducted in late summer of this year. DSL has invoked a Joint Agency Review Team (JART) as required under Part Five of the Territorial Sea Plan. The JART met in late June to review the project with the applicants. The M3 project will place a pressure differential device measuring 7’ by 30’ on the seabed at approximately 45’ depth for 4 to 6 weeks from late August until late September. M3 has already conducted local outreach workshops with stakeholders and Clatsop County, and the mandatory pre-application meetings with state agencies. The state is working with M3 on the design and implementation of the monitoring tasks to be conducted during the test project.

Resolute Marine Energy of Boston Massachusetts (Resolute) continues to work with the Oregon Military Department to site a separate temporary test project at Camp Rilea in the summer of 2015. The Resolute device will also be fixed on the bottom below sea surface, will not be connected to the power grid, and will provide an assessment of the location for future development. Unlike the M3 project, this device requires an onshore turbine facility that turns the pressurized water from the device into electrical power. Resolute will begin meeting with state agencies this July to fulfill the pre-application requirements for the DSL authorization they will be seeking latter this year. Both devices will also require permits from the U.S. Army Corps of Engineers, but not from the Federal Energy Regulatory Commission since neither will be grid connected.

Coastal Hazards and Climate Change: OCSD staff has received draft products from the Department of Geology and Mineral Industries (DOGAMI) for new erosion risk zone mapping along the Tillamook County coastline. Final review and modifications will likely be completed in the next month. The project implements new approaches in mapping beach and dune erosion hazard zones which can be used in local government hazard planning.
OCSD staff supports and co-chairs the Coastal Hazards and Processes Working Group which is made up of applicable representatives from state agencies, local government, geologic practitioners, environmental non-governmental organizations, academia, and more. This working group met in May and is a valuable forum to provide coastal hazard education, debate existing and proposed related policy, and assist in developing additional tools to address coastal hazards.

OCSD staff recently developed, organized, and provided coastal hazard training (continuing education) to the Central Oregon Board of Realtors in Florence, Oregon. DLCD, DOGAMI, and Oregon Parks and Recreation Department staff participated and presented to the group. The training was well received.

OCSD staff continues to assist Lincoln County and property owners in the Bayshore development near Waldport in addressing sand inundation issues by implementing the approved Bayshore Dune Management Plan. This is a challenging issue and it appears that progress is being made to not only stabilize the dune system but develop a more protective dune system.

OCSD continues to work with a NOAA coastal fellow who is studying an array of issues associated with beachfront protection and the related Goal 18 beachfront protective structure eligibility inventory. This information, developed over the next year, should assist in future policy discussions with applicable agencies and local governments. The NOAA coastal fellow and coastal shores specialist are also continuing to work with coastal local governments in Lincoln and Tillamook counties to use and adopt the new Goal 18 beachfront protective structure inventories which provide benefits including simplified eligibility determinations, greater consistency, and enhanced public awareness.

OCSD staff continues to support and provide technical assistance to the Tillamook County Community Development Department staff on a variety of land use planning issues. OCSD staff has quickly developed a great relationship with these new but energetic and well qualified staff. As a result, the County is moving toward adoption of the Neskowin Coastal Hazards Adaptation plan and associated amendments which address chronic coastal erosion issues in Neskowin. This is important work which the department has supported for a number of years.

OCSD staff continues to provide tsunami land use assistance. This includes development of detailed tsunami evacuation facilities improvement plan guidance. This added tool should further the productivity of the overall tsunami land use guide by providing significant assistance to local governments as they develop important financial and development code evacuation financing strategies and options. It should also facilitate more productive OCSD staff assistance to local communities in the future. The department has retained a consultant and work should begin within a month.

OCSD staff continues to work with partner agencies and communities on the NOAA-funded “Coastal Community Resilience Networks Pilot Project”. Partners include Clatsop County, Cannon Beach, Seaside and Gearhart.
OCSD staff is starting a joint research and coordination project with Oregon Sea Grant that is designed to improve the capacity of local communities to plan for the effects of future climate conditions. The project will seek to develop a consensus about the climate adaptation priorities in a specific sub-region of the state, based on available scientific information about climate change that applies to that area. This project is essentially a landscape-scale collaborative planning effort to address climate risks, and as such would continue the work facilitated by DLCD in the development of the Oregon Climate Change Adaptation Framework.

Finally, OCSD staff is working with the Oregon Department of Transportation (ODOT) and DOGAMI as a “sea level rise subgroup” of the Climate Adaptation Work Group to develop a method or approach, including parameters and values, to mapping areas potentially subject to inundation by future sea levels.

Federal Consistency: Through the Routine Program Change (RPC) process discussed in previous reports, the division is continuing to make progress identifying specific “enforceable policies” within the local comprehensive plans and networked state statutes that comprise the OCMP. NOAA is reviewing RPCs for the cities of Astoria and Warrenton, as well as a large package of RPCs updating enforceable policies contained in networked state statutes governing ocean resources, removal-fill, state lands, ocean shores, sewage and disposal systems, wildlife administration, fish screening, fishing and fisheries, water resources and appropriation, hydroelectric projects, threatened and endangered plants, and shellfish.

The department signed an additional stay agreement with Oregon LNG, staying DLCD’s federal consistency review of the Oregon LNG and Oregon Pipeline project. DLCD’s new decision deadline is September 30, 2014. The Department is reviewing a draft consistency certification for the Jordan Cove/Pacific Connector LNG project, and anticipates receiving a final certification sometime late summer. The department completed reviews of U.S. Army Corps of Engineers (Corps) maintenance dredging projects, allowing the Corps to move forward with maintenance dredging at eleven coastal ports (Tillamook Bay, Depoe Bay, Yaquina Bay and Harbor, Yaquina River, Siuslaw River, Umpqua River, Coos Bay, Coquille River, Port Orford, Rogue River, and Chetco River) and the Columbia River.

Estuary Updates: On May 8-9, OCSD staff held trainings for local government and other state agency staff on the estuary Coastal and Marine Ecological Classification System (CMECS) habitat products. The trainings were well attended, with 18 people attending the training at the Hatfield Marine Science Center, and 7 attending the training held at the South Slough National Estuarine Research Reserve. Following the trainings, the project team at DLCD revised the CMECS data products in response to observations that were made at the workshops. The revised CMECS product was then sent out to the Technical Advisory Committee (TAC) along with a set of quality assessment points for the purpose of conducting a desktop analysis on the quality and accuracy of the data products. That review process is complete, with a good response rate from TAC members. Based on feedback from that process, a few final changes to the data were made and OCSD staff produced a “final” CMECS product that will be delivered to NOAA in fulfillment of our grant obligations.
B. COMMUNITY SERVICES

Community Development: Department staff is working with various local governments to explore what it means to be more active in direct community development activity. The city of Gold Hill is working on an opportunity for what is described as an Olympic-quality whitewater kayaking park on the Rogue River adjacent to a large existing municipal park. The same site is also the location of a rediscovered rock formation that is significant to tribal fishing ceremonies. In June, department staff gave a well-received briefing to the Gold Hill City Council exploring how stewardship of these local advantages can propel both tourism and outdoor recreation manufacturing economic activity.

Also in June, department staff assisted a Transportation Growth Management (TGM)-funded main street revitalization program in Stanfield. Restarting a main street economy involves more than redesigning the street. Specific recommendations were provided on how to identify and connect entrepreneurs to investors with existing ties to the community. In July, department staff will be conducting a design charrette in Mt. Angel as the city explores ways to capture more benefits from its already-strong Oktoberfest activities.

Soils Assessments: In December 2011, the commission adopted rules to implement HB 3647 (2010). The bill that created a process for property owners, to provide information that is more detailed than what is available from published soils reports. The information is used to show that land is not suitable for agriculture. The assessments are completed by certified soils classifiers. New rules at OAR 660-033-0030 and -0045 authorize the department to review all such soils assessments for completeness before submittal to counties for evidence in land use decisions. The rules also authorize the department to obtain professional evaluations of some of the soils assessments to ensure that they are soundly and scientifically based.

Soils assessments are most often undertaken to justify the approval of a nonfarm dwelling or land or for rezoning to nonresource use. Since January 2012, the department has reviewed 24 soils assessments for completeness against a Soils Assessment Report Requirements form that outlines required elements for soils assessments. About one-third of the submitted soils assessments are initially found to be incomplete, but soils classifiers have in all cases provided additional information to allow them to be deemed complete.

Two soils assessments by two different soils classifiers have been evaluated by a professional soils classifier and were both initially found not to be soundly or scientifically based. One of those soils assessments was revised and corrected and ultimately determined to be soundly and scientifically based. The other was revised but still not found to be soundly or scientifically based. The respective counties were advised of the results of the evaluations. The department’s notifications to counties are advisory only. However, several county planners have indicated that they find the department’s reviews to be helpful in providing technical assistance and needed expertise.

The results of the two evaluations led department staff to update the Soils Assessment Report Requirements form in March 2014 to be more specific in describing required information. The
The department sent the updated form to all certified soils classifiers that participate in Oregon’s program. It has been staff’s observation that the overall quality of submitted soils assessments has improved over the last two years.

Finally, the number of submitted soils assessments is on the increase, with nine submitted in the last four months. This could be due to an increase in development applications or increased awareness of the department’s requirement for the submittal of soils assessments, or both.

**General Fund Grants Program:** The Grants Advisory Committee has experienced some turnover. See agenda item 17, Commission Business. The advisory committee, once at full strength, will review the performance of the program for the 2013-2015 biennium and begin consideration of its recommendation for the 2015-2017 Grants Allocation Plan.

**Periodic Review:** The department approved eight tasks submitted by the city of Forest Grove. The city not only completed its periodic review work program, which it began in 2010. The city also updated all the elements of the comprehensive plan not included on the periodic review work program, giving city of Forest Grove an all-new, current plan. It was a tremendous amount of work for the city that the city will benefit from for years.

The department received a submittal from city of Pendleton for three tasks, relating to Goals 5, 9 and 10. The department received one objection to the Goal 5 task submittal. The city of Wilsonville submitted a package of completed subtasks related to its housing element. No objections to this submittal were received. These two submittals are under review.

**Urban Growth Boundaries:** Since the last director’s report, the department received submittals from (1) the city of Newport and Lincoln County for a 350-acre expansion to accommodate public facilities uses and (2) city of Ontario and Malheur County for a 275-acre expansion for industrial uses. The department approved a submittal from city of Nyssa and Malheur County to include 171 acres of land currently zoned industrial by the county in the city of Nyssa urban growth boundary.

C. **DIRECTOR’S OFFICE**

An oral update will be provided.

D. **ADMINISTRATIVE SERVICES**

**Fiscal (Budget, Accounting, and Procurement):** The fiscal team continues to work with the director’s office and division managers to ensure accuracy in financial reporting and timely expenditure projections for 2013-15. A department-wide financial model is presented at each LCDC Budget and Management Subcommittee meeting.
The accounting team continues its efforts toward meeting 2014 state financial reporting deadlines and is working with the federal programs in implementing the indirect cost rate structure for the next fiscal year.

**IT:** The network administrator continues to provide all IT services for the department and is continuing to work with department management in evaluating and determining current and future technology needs for the department.

In addition to these activities, the division has two vacancies. Prior to recruiting for these vacancies, the department is ensuring the administrative needs of the department are in alignment with individual work assignments of its employees. This is being accomplished through a “study” or job evaluation process of ASD employees and others in the department with support responsibilities. Concurrently with this study, the department is working to identify an IT consultant to assess the needs specific to information technology and provide recommendations to ensure effectiveness in this area. Upon selection of the consultant, a more detailed plan will be developed.

**E. PLANNING SERVICES**

**Transportation:** The TGM program received 39 applications for grants. They are being reviewed by DLCD staff and staff at ODOT. Decisions will be announced in August. The Education and Outreach portion of TGM sponsored the annual conference of the Oregon Chapter of the American Planning Association, and brought in three nationally prominent speakers:

- Gary Toth, P.E., Director of Transportation Initiatives at the Project for Public Spaces and author of *A Citizen's Guide to Better Streets*.
- Peter Swift, P.E., Principal at Swift and Associates. Peter worked on the award-winning Lancaster Boulevard project in California, which involved a road diet and the revitalization of a once dreary suburban area.
- Reid Ewing, P.E., Director of the Metropolitan Research Center at the University of Utah, and author of *Measuring Urban Design: Metrics for Livable Places* and *Pedestrian- and Transit-Oriented Design*.

The Oregon Sustainable Transportation Initiative has completed the initial assessment of greenhouse gas emissions for the Corvallis metropolitan area. It will be presented to the policy board of the metropolitan planning organization on July 9, and will be available online:

[http://www.corvallisareampo.org/Page.asp?NavID=64](http://www.corvallisareampo.org/Page.asp?NavID=64)

Metro has identified a preferred scenario for analysis. An intensive round of public review will begin in the fall leading towards adoption by the Metro council by the end of 2014.

**Natural Hazards:** The Federal Emergency Management Agency (FEMA) is currently addressing how the National Flood Insurance Program could affect salmon species that have been listed as threatened under the Endangered Species Act (ESA). Although this is primarily a federal process, DLCD has been involved as much as possible because the result will be implemented by
local governments throughout Oregon. Earlier this year the department published a document with suggestions to help local governments start addressing these issues: *Salmon Recovery through Floodplain Management*. Recently the department received a draft of what the National Oceanic and Atmospheric Administration believes will be necessary to comply with the ESA. Staff is reviewing the draft to determine to what extent it would be feasible for local governments to implement the requirements.

**Measure 49:** Staff is preparing four revised final orders granting Rosboro LLC the right to develop 11 new home sites as required by the court decisions in the *Rosboro* case. The courts found that Rosboro LLC qualified for the development because Rosboro LLC is the same entity as Rosboro Lumber Company (a partnership) which acquired the land in question in 1947, 1948 and 1954. Staff is also refining the Measure 49 database to map authorized dwellings in support of the rulemaking for transfer of development rights.

**F. RESIDENTIAL RE-ZONING AND PERMIT ACTIVITY REPORT**

ORS 197.178 requires certain cities to compile and report annually to the department the following information regarding applications received for residential permits and residential zone changes:

- The number of applications received for residential development, including the net residential density proposed in the application and the maximum allowed net residential density for the subject zone;

- The number of applications approved, including the approved net density; and

- The date each application was received and the date it was approved or denied.

A summary of the data for 2013 received by the department is attachment A at the end of this report. The data provide the following information:

- In 2013, applications for residential zone changes and quasi-judicial applications involving new residential development were almost always approved (four denials out of 264 total applications).

- In 2013, the quasi-judicial applications approved were *all* approved at the residential density requested by the applicant.

- In 2013, a majority of applications did not request the maximum residential density allowed on the property for which the application was submitted. There are several theories why this would be the case (physical impediments on the land, no market for the higher density, developer ability to finance and construct higher density housing, cities knocking down residential densities in a pre-application process, or a combination of these and other factors), but without additional survey work these are just guesses.
• Several cities chose not to comply with the reporting requirements despite repeated requests from the department.

Although this requirement dates to 1997, the department has not asked for the report for a number of years. We anticipate annual reports henceforth.

G. NEW STAFF AND PROMOTIONS

None.

H. DEPARTING EMPLOYEES

Juna Hickner, the Coastal State-Federal Relations Coordinator in the Ocean and Coastal Services Division will be leaving the agency in September.

I. RECRUITMENTS

The department is recruiting to fill the Coastal State-Federal Relations Coordinator position in the Ocean and Coastal Services Division.

J. ORAL HISTORY

The department hosted a training session for interviewers in early June. Over a dozen people – including current and former DLCD employees, graduate students, and other interested individuals – received instruction on preparing for, conducting, and transcribing interviews with those involved in the creation, development, and implementation of the statewide planning program. The department is now preparing to contact potential narrators (interviewees) in order to arrange interviews this summer. The department plans to have each interviewer conduct at least one interview soon, while the training is fresh, to get the oral history program started in earnest.

The oral history project is advised by a committee comprised of individuals knowledgeable in Oregon’s program or in oral history. Advisory committee member, Dr. Sy Adler, a professor at the PSU’s Toulan School of Urban Studies and Planning, has agreed to assist the project in setting up and maintaining an endowment account with the PSU Foundation. The foundation will accept, manage, and disperse donations to the project. The DLCD budget does not contain funds to carry out the oral history project, and it is not equipped to accept private donations, so the foundation is a means to help ensure that the project has necessary resources for equipment, training, and transcription of interviews.
III. LCDC POLICY AND RULEMAKING UPDATES

A. CURRENT RULEMAKING

Department staff are currently working on six rulemaking projects. Three of these projects are scheduled for completion (rule adoption) at the July LCDC meeting.

Transportation Planning Rule: The commission held a hearing on proposed housekeeping amendments to the TPR at the May commission meeting; however, the commission postponed adoption of proposed rule amendments to the July meeting to allow staff necessary time to address several concerns. This is now scheduled for final adoption (See Agenda Item 5).

Solar Siting: The commission initiated this administrative rule project in November 2013 in response to a request by a legislative committee’s co-chairs for particular amendment to current standards for lot size and wildlife impacts in LCDC rules for solar siting on farmland. The department will present a set of proposed rule amendments to the commission at its July meeting (See Agenda Item 6).

Youth Camps: The commission initiated this rulemaking at its March meeting and the appointed rules advisory has met three times: April 30 in the city of Antelope, May 20 in the city of Bend, and June 10 in the city of The Dalles. The department will present a proposed rule to the commission at its July meeting (See Agenda Item 7).

UGB Streamlining: The administrative rules underway by the department with the help of an advisory committee must, by law, be adopted by LCDC before January 1, 2016. The rules will implement HB 2254 (now codified as ORS 197A), which requires LCDC to establish an alternative, simplified urban growth boundary (UGB) amendment process. The department will convene its fourth meeting of the UGB rules advisory committee (UGB RAC) on July 17th. Since the meeting is prior to the commission meeting but subsequent to this report, the department will be available to provide an oral report at the meeting. The agenda for the July 17 RAC meeting will include discussion of buildable land inventories, land need analyses, and an update on University of Oregon research underway to support this rulemaking as per a contract with the department. Recently the department convened small group discussions about “simplified buildable lands inventories,” which are encouraged or required by the new UGB laws. Information from these meetings will be used to advance these topics in preparation for the larger RAC meeting.

Population Forecasting: HB 2253 from the 2013 legislative session (now codified at ORS 195) requires LCDC to draft new rules for population forecasting. In March LCDC initiated this project and appointed an advisory committee (essentially the same committee as appointed by Portland State University for that agency’s forecasting rules). The department’s RAC held its first meeting on June 2. The committee reviewed a preliminary draft rule. DLCD rules will primarily deal with transition from the “old” population forecasting program to new forecasts issued by PSU. The committee will probably need one or two additional meetings in order to reach a recommendation on draft rules, hopefully by September of 2014.
Measure 49 Transfer of Development Rights: The commission initiated rulemaking at the March meeting. The rules advisory committee met on June 5 to discuss which Measure 49 properties would be eligible as “sending areas” to transfer development rights, and to discuss which characteristics of a property would qualify for bonus credits where on-site development would be especially detrimental. A third meeting is scheduled for July 16 to discuss which types of zones and parcels could be “receiving areas” where the development actually occurs. Discussion papers and meeting notes are available on the department website:


B. OTHER POLICY ACTIVITIES

1. Sage Grouse Conservation Plan: (see agenda Item 8)

IV. DLCD PROPOSED LEGISLATION FOR 2015 LEGISLATIVE SESSION

The department has been notified that the Department of Administrative Services and the Governor’s office have approved proposed DLCD legislative concepts for drafting. DLCD’s proposed concepts are:

1. HB 2254 “fix-it bill”: Errors and technical adjustments. HB 2254 enacted in the 2013 session (the Department’s UGB streamlining legislation) has a “drafting error” due to inadvertent omission of a key subsection. This legislative concept would insert the missing subsection and renumber subsequent sections.

2. Allow Land Divisions on Farm and Forest Land for Land That Straddles a UGB: Provide that land straddling a UGB may be divided in order to allow annexation of the land inside the UGB, even if the remainder portion outside the UGB is smaller than the statutory Exclusive Farm Use (EFU) minimum lot size. Without this legislation, the “urban” portions of properties that straddle the UGB will be very difficult to annex and develop. The legislation would ensure that the zoning of the outside portion remains in EFU use.

3. Mapping Corrections for HB 4078 (2014 session): There were several minor and technical errors with the enacted map of reserves, primarily involving roadways and small isolated areas of land that do not appear to be appropriately designated in the legislation (based on the designations of surrounding areas). Washington County has worked with Metro, the city of Hillsboro, 1000 Friends of Oregon and other stakeholders to identify these errors and reach consensus on a bill to correct them. Metro and the county assert they cannot make the necessary adjustments to the maps using local procedures because the map was legislatively enacted, and because of other provisions in the law that prevent re-designation of land designated reserves. The county and Metro have asked the department to propose this legislative concept.
## Residential Re-zoning and Permit Activity Report – 2013

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<thead>
<tr>
<th>Jurisdiction</th>
<th>Residential Zone Changes Received</th>
<th>Residential Zone Changes Approved</th>
<th>Quasi-judicial residential applications received</th>
<th>Quasi-judicial residential applications Approved</th>
<th>Quasi-judicial residential applications proposed at maximum allowed density</th>
<th>Quasi-judicial residential applications proposed at 80-100% maximum allowed density</th>
<th>Quasi-judicial residential applications proposed at 50-80% maximum allowed density</th>
<th>Quasi-judicial residential applications proposed at 0-50% maximum allowed density</th>
<th>Other Quasi-judicial residential applications (either no data or no maximum residential density in zone)</th>
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