



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Land Conservation and Development

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October 30, 2012

TO: Land Conservation and Development Commission

FROM: Jim Rue, Director

SUBJECT: **Agenda Item 13, November 15-16, 2012, LCDC Meeting**

### **DIRECTOR'S REPORT**

#### **I. INFORMATION UPDATES**

ORS 197.090(2) requires the Director of the Department of Land Conservation and Development (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(1)(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.

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

Between August 20, 2012 and October 12, 2012, the department received copies of 24 notices of appeal filed with LUBA. The department did not file any of these notices.

##### **1. Department participation in appeals**

None

##### **2. LUBA Opinions**

Between August 16, 2012 and October 11, 2012, the department received copies of 18 recently issued LUBA opinions. Of these, LUBA dismissed seven, remanded four, reversed none, affirmed seven, remanded in part and transferred none, invalidated no local decisions, and transferred no petitions to circuit court.

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

Goal 12, OAR 660-012-0060 Transportation Planning Rule: *Central Oregon Landwatch v. Deschutes County*, LUBA No. 2011-115 and 2011-116, issued September 6, 2012. LUBA affirmed comprehensive plan amendments amending the county's map of lands eligible for siting a destination resort.

The petitioner alleged that the county deferred a determination of Transportation Planning Rule (TPR) compliance to the time of review of a development permit for a destination resort. Based upon information that resorts on three different sites would significantly affect nearby transportation facilities, the county relied upon measures imposing conditions that prohibited approval of a specific destination resort proposal at any of the sites until transportation improvements designed to mitigate impacts to the transportation system are in place. In addition the county required an applicant for a destination resort on any of the three sites to submit a new traffic study at the time of application evaluating, once again, compliance with the TPR and identifying if any additional transportation system improvements are necessary. LUBA determined that the county properly identified the impacts of future resort development on the three sites to the transportation system, and adopted appropriate mitigation measures, to be completed prior to resort development.

Goal 3, ORS 215.283(2)(a), OAR 660-033-0120, OAR 660-033-0130; *Friends of Yamhill County v. Yamhill County*, LUBA No. 2012-005, issued September 18, 2012. The Oregon Department of Agriculture joined the appeal as an Intervenor-Petitioner. LUBA affirmed Yamhill County's decision to allow the expansion of a winery at a vineyard in an EFU zone, including a commercial kitchen and an increase in the number and types of events that may occur there.

Yamhill County approved the winery expansion as a "commercial activity in conjunction with farm use," under ORS 215.283(2)(a), although the subject winery was originally approved as a winery under ORS 215.283(1)(n) and 215.452. LUBA upheld the county approval against all challenges, as follows:

- a. Petitioners alleged that 2010 statutory changes (SB 1055) that specifically allow events at wineries under ORS 215.452 preclude the county's use of the more general authorization in "commercial activity in conjunction with farm use" to allow a greater number and type of events than is allowed under ORS 215.452. LUBA determined that the legislative record demonstrates that the intent was that both options for the approval of wineries be available.
- b. Petitioners alleged that, even if ORS 215.283(2)(a) is a viable option for the approval of wineries, a Supreme Court decision (*Craven v. Jackson County*, 308 Or 281, 779 P2d) and subsequent LUBA opinions require that "commercial activities in conjunction with farm use" be in conjunction with a farm use, and a winery is not a farm use. Petitioners also alleged that the winery events and kitchen are not "essential to the practice of agriculture," as required in a previous LUBA opinion. LUBA found this argument to be largely semantic, determining that a kitchen and additional events

could be viewed as part of the winery itself, so long as they are incidental and secondary to the processing of grapes. At the same time, LUBA warned that the 44 approved annual events and kitchen “push the ‘incidental and secondary’ envelope considerably beyond” the tasting room and incidental retail sales that were proposed for the winery in *Craven*. LUBA concludes that the approved events and kitchen will “reinforce the profitability of operations and the likelihood that agricultural use of the land will continue,” as was the case with the winery in *Craven*.

- c. Petitioners alleged that the winery expansion does not support other agriculture in the area, as is required under *Craven*. LUBA here noted that the particular facts in *Craven* were inapplicable in this case.

The significance of this case is that LUBA has interpreted “incidental and secondary” to include more intensive subordinate use at a “commercial activity in conjunction with farm use” than the department formerly believed to be consistent with the intent of the statute. This opinion creates the possibility that counties will approve “commercial activities in conjunction with farm use” that exceed the carefully crafted and express event allowances in EFU zones in two new pieces of legislation—HB 3280 (2011) and SB 960 (2011).

Goal 5, OAR 660-023-0250(3): *Hatley v. Umatilla County*, LUBA No. 2012-017, 2012-018, and 2012-030, issued October 4, 2012. LUBA affirmed amendments to land use regulations regarding wind energy facilities.

The petitioner asserted that the county erred in failing to apply Goal 5 to the amendments because a prohibition on constructing a wind energy facility on highly erodible soils and a required two-mile setback from streams that contain federally listed threatened and endangered species were also intended to protect Goal 5 protected riparian and fish habitat areas, and thus had the effect under OAR 660-023-0250(3)(a) of amending “a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource.” LUBA determined that the county’s intent was to protect highly erodible soils and federally listed species, neither of which were inventoried Goal 5 resources, and that unintended effects of providing additional protection to inventoried Goal 5 resource such as riparian and fish habitat areas is not sufficient to constitute an amendment to a Goal 5 protection plan requiring that Goal 5 be addressed by the county.

Goal 5, OAR 660-023-0180 Mineral and Aggregate Resources: *Protect Grand Island Farms v. Yamhill County*, LUBA No. 2012-047, issued October 9, 2012. LUBA remanded the county’s approval of a post acknowledgment plan amendment and a zoning map amendment to allow gravel mining.

The petitioner appealed the county’s approval on various grounds. LUBA remanded the decision to the county on an issue regarding the county’s lack of a condition of approval regarding impacts to groundwater wells in the vicinity. However, LUBA denied the petitioner’s claim that the county erred in its interpretation of the term “other discharges” in OAR 660-023-

0180(5)(b)(A) which requires the county to determine and mitigate conflicts due to “noise, dust, or other discharges.” The petitioner argued “other discharges” which the county was required to consider when determining conflicts from proposed mining include floodwater leaving the property after a flood event. However LUBA determined that the full context of the rule indicates that the conflicts the rule addresses involve discharges created by the mining on the property, not discharges that are unrelated to the mining or would occur independently of the mining activity, such as floodwater leaving the property.

None of these decisions requires goal or rule amendments at this time.

### **3. Appellate Court Opinions**

Between April 18, 2012 and May 31, 2012, the department received three opinions from the Court of Appeals and no opinions from the Oregon Supreme Court. The Court of Appeals affirmed one decision, and affirmed two decisions without opinion.

Goal 2 OAR 660-004-0018(4) and Goal 12 OAR 660-010-0060 Travel Center: Devin Oil Co., v. Morrow County, filed August 29, 2012. The Court of Appeals affirmed a LUBA decision that affirmed county approval of comprehensive plan text and map amendments, a zone map amendment, and a conditional use permit to allow a travel center to be built. The amendments required a new reasons exception to statewide planning goals 3 (Agricultural Land) and 14 (Urbanization) to rezone property to allow tourist commercial uses such as the proposed travel center. LUBA had found that the county had correctly applied a Limited Use (LU) overlay zone to ensure compliance with OAR 660-004-0018(4), governing “reasons” exceptions under Goal 2.

### **4. Other Opinions of Interest**

Measure 49 “Lawfully Permitted”: *Bertsch v. DLCD and Wales v. DLCD*. The Court of Appeals reversed the circuit court decision and reinstated final orders that the department had issued denying Measure 49 claims. The Court of Appeals supported the department’s interpretation that it is not enough to show that an owner could have applied for a dwelling at the time of acquisition, especially if the owner would have had to go through a highly discretionary process, such as preparing a farm management plan. Instead, the claimant must establish that all of the conditions were actually satisfied at the time of acquisition or when the land use regulation was applied. The court also agreed that the department, not the local government, makes the decision about whether a dwelling was lawfully permitted. This case is very similar to Ericsson, which has been appealed to the Oregon Supreme Court, and it is likely that this case will also be appealed. Many other Measure 49 cases with the same “lawfully permitted” issue are on hold pending the final outcomes of these cases.

Measure 49 Vesting Rights Determination: *Campbell/Bowerman v. Clackamas County et al. and DLCD*. The Oregon Supreme Court declined to review a decision of the Court of Appeals to uphold the circuit court decision to deny a vesting claim. This case confirms several key points. First, a claimant cannot downscale what they proposed in 2007 in

order to reduce the total project cost and thus raise the *Holmes* ratio of expenditures to total project cost. Second, expenses made while the project is under appeal may indicate lack of “good faith” and weigh against vesting. Third, expenses that could be applied to other lawful uses (including home sites permitted under other provisions of Measure 49) weigh against vesting. This case, along with *Friends of Yamhill County*, will shape the debates in many vested rights cases being remanded back to local governments.

Measure 49 Acquisition Date for Contract Seller: *Burke v. DLCD*. The Oregon Supreme Court reversed the Court of Appeals and circuit court to conclude that both the land sale contract buyer and seller are owners under Measure 49. This will allow a very limited number of claimants to qualify under Measure 49 based on the earlier acquisition date of the contract seller.

Measure 49 Constitutionality: *Bruner/Bowers et al v. Whitman*. The United States Supreme Court declined to hear the case and it is therefore over. The appellants made many unsuccessful arguments opposing Measure 49 including that it was unconstitutional and that claimants had a vested right in their Measure 37 waiver, thus having an “entitlement to monetary compensation.”

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

### **a. LUBA:**

Issuance of building permit for an apartment project: *Richmond Neighbors for Responsible Growth v. City of Portland*, LUBA No. 2012-061, filed August 24, 2012. An appeal of a City of Portland approval of an apartment project with no on-site parking.

Removal of Resource Conservation Overlay District designation from 45 properties: *Metro v. City of Lake Oswego*, LUBA No. 2012-062, filed August 30, 2012. An appeal by Metro of Lake Oswego ordinance removing resource conservation overlay zoning from 45 properties in the city.

Designation of new significant aggregate resource site and approval of an aggregate mining permit: *Poto v. Linn County*, LUBA No. 2012-65, filed September 6, 2012. An appeal of a Linn County comprehensive plan and zoning map amendment that added a 37.1 acre site to the inventory of significant aggregate resource sites and approved an aggregate mining permit.

Authorization of Phase I of the Newberg Dundee Bypass: *Storm v. Yamhill County*, LUBA No. 2012-066, filed September 12, 2012. An appeal of an amendment to the Yamhill County Comprehensive Plan and adoption of exceptions to Goals 3, 11, and 14 to authorize construction of the Newberg Dundee Bypass highway.

### **b. Measure 37/49**

None

**a. Other**

None

**I. DEPARTMENT PROGRAM ACTIVITIES AND INITIATIVES**

**A. COASTAL MANAGEMENT PROGRAM**

Ocean and Coastal Services Division staff are involved with a number of coastal and ocean issues:

Marine Planning: OCSD staff continue to spend considerable time on the Territorial Sea Plan update process including providing staff support for OPAC, TSPAC and several TSPAC subcommittees: Visual Assessment, Fisheries, Part 5 updates, Recreation, and Energy subcommittees. OCSD staff will be conducting three public meetings on the coast to share information and gather public input on proposed Territorial sea Plan updates. OCSD staff are also on the steering committee for the November 28-29 BOEM OCS science workshop to be held at OSU.

Sea Level Rise Workshops: OCSD staff planned and conducted two coastal workshops in October to present information from the newly released National Research Council document, "Sea Level Rise for the Coasts of California, Oregon and Washington".

Coastal Hazards: Several OCSD staff are involved with coastal hazards. Staff are working closely with Tillamook County, providing much needed technical assistance to the Neskowin Coastal Hazards Committee. Staff are also involved with the newly formed DLCD Hazards Working Group which is addressing all hazards. Staff are working on tsunami planning guidance for local governments and providing technical assistance to local governments interested in UGB plan amendments in response to tsunami hazards. OCSD recently circulated a RFP for a consultant to assist with development of a tsunami planning handbook. Staff are working with several local governments to better define their coastal shorelands boundary. OCSD staff were also successful in their application for a \$100,000 coastal resiliency grant from NOAA. The funds will be used to help the jurisdictions of Seaside, Cannon Beach and Clatsop County address coastal hazards including tsunamis and coastal erosion. Several OCSD staff are involved with OSSPAC which has been tasked with developing a state resiliency plan to submit to the 2013 legislative session.

Estuary Planning: OCSD staff recently initiated a Project of Special Merit to update estuary and shoreline information. OCSD has recently issued an RFP for an estuarine ecologist to assist with the project. In related work, staff are analyzing the regulatory framework for estuary management and have selected a consultant to complete a contract

for an estuary trends assessment. This dovetails well with the NOAA fellowship work on data needs and capability of local government. Federal Consistency: OCS staff recently issued consistency determinations for a new Mouth of the Columbia River dredged material disposal site and the NNMREC site off Newport. Staff are starting coordination work for the revised Jordan Cove LNG export project. OCRM recently approved the LCDC-adopted amendments to Division on Federal Consistency determinations.

## **B. COMMUNITY SERVICES**

Most of the department's regional representatives are co-located with regional staff from other state agencies at Regional Solutions Centers (RSCs) in Portland, Eugene, Medford, Bend, and La Grande. A part-time Regional Solutions Office is located in Tillamook. Each RSC is staffed by the departments of Business Development, Environmental Quality, Housing and Community Services, and Transportation and the Governor's office. The Governor's representative coordinates agency activities and staffs a Regional Solutions Advisory Committee for each region.

The Regional Solutions Advisory Committees are composed of leaders from local government, education, and the non-profit and private sectors. The primary charge of advisory committees is to set regional priorities related to economic development. The teams select projects to carry out these priorities.

In December 2011, Governor Kitzhaber signed an executive order creating the Oregon Solutions Network, connecting Regional Solutions Teams with the Oregon Consensus Program and Oregon Solutions. The order calls for an Oregon Solutions Steering Committee to assist with agency coordination and integration efforts. More information on Regional and Oregon Solutions is available at <http://www.oregon.gov/gov/ERT/Pages/index.aspx>.

Most of DLCD's regional representatives complete their regular duties from an RSC. The reps report that being a member of the team adds a little bit to their workload. Most "projects" stemming from the team that require DLCD involvement are similar or identical to work that the rep would be doing anyway. In some cases, our level of involvement may be greater, and coordination with the other agencies may add some time commitment, but the advantages of the heightened coordination overshadow the additional workload according to DLCD's regional representatives.

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

In addition to the various policy matters addressed in other sections of this report, activities in the director's office since the last LCDC meeting included:

- Continuing to support the Governor's office in convening stakeholders to draft legislation refining the UGB process.

- Participated in Regional Solutions Advisory Committee meetings in The Dalles and Bend
- Participated in League of Oregon Cities Annual Conference
- Participated in Regional Leader's Forum
- Quarterly Agency Director's meeting

#### **D. ADMINISTRATIVE SERVICES**

The fiscal team continues working with the director's office and the administrative services manager to ensure financial reporting accountability. Division managers and the budget manager just recently completed its standard mid-biennium comprehensive analysis and review of biennial expenditure trend-lines. On October 29, a special management team meeting was held to review this analysis. A department-wide model is presented at each LCDC BAM Subcommittee meeting. Statewide accounting gold star deadlines for statewide and federal financial reporting have been met by the accounting team.

2013-15 state budget development processes are changing and are now part of a 10-Year Plan for Oregon Project. The Program Funding Teams made state agency budget recommendations to the Governor in mid-October. The Governor will announce his budget by end of the year. Recent economic forecasts indicate the 2013-15 state budget will be down 3 to 4%. Other standard budget information also continues to be required. An electronic version of the department's Agency Request Budget document is posted on the department's website.

The information technology unit continues working with department management in evaluating and determining current and future technological needs for the department. For instance, the IT unit recently took the opportunity to beta test smartphones with the arrival of the department's new deputy director. The beta test was successful. Upon director's approval, and based on a user's current blackberry lifecycle replacement, the department will begin transitioning to smartphones.

The administrative services manager and key staff of the department continue long term efforts toward better department-wide information management. The coordinator is working with the administrative manager, the department's GIS and SharePoint workgroups and other key staff in implementing better information management and continues setting the stage for this five year effort.

## **E. PLANNING SERVICES**

### **1. Natural Hazards Section**

Staff has been meeting internally and with other state agencies to continue developing a more coordinated approach to natural hazards. Two meetings have been held with staff at the Department of Geology and Mineral Industries (DOGAMI) and two joint meetings with the Office of Emergency Management (OEM) and the Oregon Partnership for Disaster Resilience (OPDR).

The project to address the Endangered Species Act (ESA) within the National Flood Insurance Program (NFIP) continues, but is slow. This is to be expected because it involves coordinating with two separate federal agencies and a multitude of local governments.

The department will be assisting the City of Troutdale with a difficult situation regarding a building that was built within the floodplain. Because the building belongs to the current mayor of Troutdale, the city has been seeking outside help in reviewing the process that lead up to this situation, the legality of the building as it exists today, and how the city should respond. The department will work with the Federal Emergency Management Agency (FEMA) to answer these questions and determine if there are any consequences for the National Flood Insurance Program.

### **2. Transportation Section**

See separate agenda items and sections of this report regarding the rulemaking for the scenario planning in the Metro area to reduce greenhouse gas emissions. In addition, the department continues to meeting the Oregon Department of Transportation (ODOT) to develop a work plan for engaging other metropolitan areas in scenario planning. The other metropolitan areas (Salem-Keizer, Eugene-Springfield, Medford, Corvallis and Bend) are not required by statute to adopt scenario plans, so the agencies will focus on the benefits of scenario planning and assisting local governments.

The TGM program awarded the following grants in September:

|                  |  |
|------------------|--|
| Amity            | Transportation System Plan                             |
| Bend             | Central District Multimodal Mixed-Use Area             |
| Brookings        | Transportation System Plan Update                      |
| Cave Junction    | Transportation System Plan Update                      |
| Clackamas County | Active Transportation Plan                             |
| Cottage Grove    | Main Street Refinement Plan                            |
| Irrigon          | Bicycle & Pedestrian Transportation System Plan Update |
| Portland         | Division-Midway Neighborhood Street Plan               |
| Portland         | Central City Multimodal Mixed-Use Area                 |
| Sherwood         | Transportation System Plan Update                      |
| Springfield      | Main Street Corridor Plan – Phase 1                    |

|                   |  |
|-------------------|--|
| St. Helens        | US30, Columbia Blvd & St. Helens St. Corridor Master Plan    |
| Tigard            | Tigard Triangle District Plan                                |
| Union             | Transportation System Plan & Goal 12 Update                  |
| Washington County | Multimodal Performance Measures & Level-of-Service Standards |
| Washington County | Neighborhood Greenway Streets Plan                           |

**3. Measure 49**

The department has become aware that some claimants who have partitioned their property through Measure 49 have subsequently applied for a property line adjustment to create parcels that do not meet the size requirements of Measure 49. To preserve farmland and forestland, Measure 49 requires that new parcels not exceed 5 acres (2 acres in high-value farmland and forestland) and are clustered to maximize the farm and forest use potential of the remaining parcel. The Department of Justice (DOJ) has concluded that increasing the parcel sizes after the Measure 49 authorization has been implemented is not legal, and this guidance (see attached legal opinion) will be sent to all county planning departments. The department sent a written objection to Columbia County for one specific case, but it is likely that other adjustments have been made without the knowledge of the department.

The department continues to monitor and participate in vesting rights decisions. The department provided comments to Yamhill County recommending denial of a vesting rights determination because much of the money spent developing pursuant to the original Measure 37 waiver could be applied to dwellings permitted under Measure 49, and because the ratio of expenses to total project cost was too low. The claimant argues that the ratio is higher based on a lower total project cost that does not reflect the high-end proposal that the claimant was developing under Measure 37. The department also filed a writ of review to challenge a vesting rights determination made by Clatsop County. In that case, the county finalized a vested rights decision on a case that had been pending for two-years, but the decision ignored significant case law from the intervening years.

**F. SB 100 FORTIETH ANNIVERSARY**

After weeks of inactivity, there has been some movement on activities related to the anniversary of the statewide planning program. Here is what's up.

1. The Oregon Chapter of the American Planning Association has arranged to co-sponsor a Daniel Burnham Big Ideas Forum with the national organization. The forum is planned for the Oregon Convention Center on the afternoon of May 29, 2013 (the anniversary date). The forum will look ahead rather than back, but within the context of our history. OAPA is also planning a gala dinner celebration that evening, at the same venue as the forum, with the Governor keynoting (invited). Programs for these events are in the

planning stage. The annual OAPA conference begins the following day at the convention center, and the anniversary is expected to be a theme there.

2. LCDC gave its approval to devote a part of its agenda on May 23, 2013 to the anniversary and host an evening event the same day. This event is still conceptual, but the idea that all former commissioners and directors would receive personal invitations got nods from the sitting commissioners.

3. The annual conference of the International Association on Planning, Law and Property Rights will be held in Portland, at PSU, on February 13-15, 2013. The conference promotional materials tout the anniversary, and organizers expect to have a few sessions that “bring advocates and opponents of the [Oregon] system together to critically reflect on the state’s growth management past and future.” <http://www.plpr2013.org/>

4. Representatives of the Oregon Planning Institute have expressed interest in conducting sessions with program-history themes at its September 2013 conference. Planning for this conference hasn’t started in earnest yet, as 2102 institute recently finished.

5. The OAPA Legal Issues Workshop on December 7, 2012 will feature a panel titled, “The 40th Anniversary – Big Cases that Shaped the Planning Program,” that features individuals prominent in the development of the statewide planning program, including former commissioner Steve Schell and former Director Arnold Cogan. [http://www.oregonapa.org/Legal\\_Issues](http://www.oregonapa.org/Legal_Issues)

6. Not specifically a part of anniversary events, but related, is a proposal to initiate an oral history project to record the knowledge of those who have participated in the program. The more we learn about this type of project the more we realize that it’s not a small undertaking. It could be a multi-year effort that requires investment for training and conducting and transcribing interviews.

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

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

None

### **B. DEPARTING EMPLOYEES**

None

### **C. RECRUITMENTS**

The recruitment to fill the policy analyst position is now closed. We are reviewing applications and hope this second recruitment yields a successful candidate. This recruitment is for the position previously held by Michael Morrissey.

The recruitment for the Urban Planner (Planner 2) position has been completed. We are in the process of making a formal job offer and hope to have a new employee onboard by December 1.

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

#### **A. LEGISLATIVE CONCEPTS**

The department worked with stakeholder groups and with Legislative Counsel in order to draft legislative concepts for the 2013 session. Concept 1 concerns population forecasting. The remaining three concepts concern the UGB process.

1. UGB Concepts: The department has been working with The Governor's Natural Resources Office, and stakeholder groups, on legislative reforms to the UGB process. The various ideas for changing the UGB system have been further divided into three topic areas: (1) Residential and other land needs, including a process regarding UGB "location" decisions. (2) Employment land concepts, and (3) requirements for considering public facility costs and "governance" in making UGB decisions. The department has been managing the main stakeholder group (the Urban Growth Advisory Committee – about 50 people) as well as subcommittees.
2. Population Forecasting: The department has continued to work with the League of Cities (LOC) and the Association of Oregon Counties (AOC) on legislation regarding population forecasting. The department worked with Legislative Counsel on draft legislation to implement agreements by this group.

#### **B. CURRENT RULEMAKING**

##### III. LCDC Policy and rulemaking Updates/A. Current Rulemaking:

1. Hazard Response Facilities in Forest Zones: This rulemaking was authorized by LCDC at its September 20-21<sup>st</sup> meeting to permit emergency storage structures as part of local tsunami planning. DLCD staff has appointed the following rules advisory committee members:
  - Rainmar Bartl, Cannon Beach
  - Jennifer Bunch, Clatsop County
  - Jim James, Oregon Small woodlands Association
  - Chuck Perino, Oregon OEM
  - Althea Rizzo, Oregon OEM
  - Steven Schell, Oregon Shores conservation Coalition
  - John Tokarczyk, ODF

LOC and AOC have been notified of the RAC composition and members of the CIAC and the Siletz and Grand Ronde tribes have been invited to participate, with no response as yet. DLCD staff on this rulemaking include Katherine Daniels, Patrick Wingard and Casaria Taylor. The RAC is currently collecting information and is scheduled to meet on

November 20<sup>th</sup>. The plan is to submit proposed rule amendments to division 6 to LCDC for adoption in January.

2. Large-lot Industrial Sites in Central Oregon: See Item 6 on the agenda
3. Territorial Sea Plan: See Item 4 on the agenda.
4. Metro Scenario Planning Rulemaking: See Item 5

**B. OTHER POLICY ACTIVITIES**

1. Executive Order regarding farm and forest land in Southern Oregon
2. Budget Note regarding Urban Service Agreements