



# Oregon

Theodore R. Kulongoski, Governor

**Land Conservation and Development Commission**

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## MEETING NOTICE

### LAND CONSERVATION AND DEVELOPMENT COMMISSION



**January 20-22, 2010**

**See Below for Meeting Locations**

The meeting location is accessible to persons with disabilities. To request an interpreter for the hearing impaired or for other accommodations for persons with disabilities, please make requests at least 48 hours before the meeting to Lisa Howard at (503) 373-0050 ext. 271, [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us), or by TTY: Oregon Relay Services (800) 735-2900.

**Public Testimony:** The commission places great value on testimony from the public. Those items on the agenda with an asterisk (\*) are ones where public comment will be accepted.

People who wish to testify are requested to:

- *Provide written summaries (20 copies to the Commission Assistant prior to the agenda item)*
- *Recognize that substance, not length, determines the value of testimony*
- *Endorse, rather than repeat, testimony of other witnesses with whom you agree*
- *The chair may limit time for testimony on any item and may set time limits for individual speakers (usually 3 minutes)*

*Thank you for taking the time to present your views.*

Because of the uncertain length of time needed, the commission may deal with an item at any time in the meeting, except those set for a specific time. Anyone wishing to be heard on an item without a set time should arrive when the meeting begins to avoid missing an item of interest. Topics not on the agenda may be introduced and discussed during the Director's Report, Commission Business and Reports, or Other.

The commission may continue its meeting through lunch to deliberate on matters on the agenda. In that event, those persons whose attendance is necessary for any matter of business undertaken during lunch will be required to attend.

**Please note that staff may not be able to distribute written comments received after January 19th.** If you have written testimony you wish to present to the commission that you are not able to submit by January 19, please bring at least twenty copies for distribution to the commission and members of the public.

**1:00 p.m. Wednesday, January 20, 2010 – *Pringle Creek Community, Painters Hall, 2110 Strong Road SE, Salem***

1. **Informational Update from Salem-Keizer Area Officials.** The department will facilitate discussion between the commission and regional staff and elected officials about issues related to a regional economic opportunities analysis, a regional residential lands analysis, and implications of these projects on urban growth management in the Salem-Keizer metropolitan area. For additional information, contact Steve Oulman at (503) 373-0050 ext. 259, [steve.oulman@state.or.us](mailto:steve.oulman@state.or.us) or Tom Hogue at (503)373-0050 ext. 323, [tom.hogue@state.or.us](mailto:tom.hogue@state.or.us).

**2:30 p.m. Wednesday, January 20, 2010**

2. **Pringle Creek Community Presentation and Tour.** Project developers and city staff will explain the development's history and green building program and direct a tour of the site, including the Northwest's first LEED platinum residence and the net-zero community building. For additional information, contact Angela Lazarean at (503) 373-0050 ext. 286, [angela.lazarean@state.or.us](mailto:angela.lazarean@state.or.us).

**8:00 a.m. Thursday, January 21, 2010 – *Oregon Department of Agriculture Building, Basement Hearing Room, 635 Capitol Street NE, Salem***

**Budget and Management Subcommittee.** The subcommittee will report to the full commission during Commission Business and Reports. For additional information, contact Teddy Leland at (503) 373-0050 ext. 237, [teddy.leland@state.or.us](mailto:teddy.leland@state.or.us).

**8:30 a.m. Thursday, January 21, 2010 – *Oregon Department of Agriculture Building, Basement Hearing Room, 635 Capitol Street NE, Salem***

- \*3. **Public Comment.** This part of the agenda is for comments on agenda items and topics not scheduled for public comment elsewhere on the agenda. The chair will set time limits (usually 3 minutes) for individual speakers. The maximum time for all public comments under this agenda item will be limited to 30 minutes.
4. **Request to Appeal pursuant to ORS 197.090(2) and (3), and OAR 660-001-0201 to -0230.** State law requires commission approval of the director's decision to seek review of a local government land use decision, expedited land division, or limited land use decision. Only the director or department staff on the director's behalf, the applicant, and the affected local government may submit written or oral testimony concerning commission approval of a director's recommendation to file or pursue an appeal, or an intervention in an appeal, of a land use decision, expedited land division, or limited land use decision.

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5. **Citizen Involvement Advisory Committee (CIAC) Update.** The CIAC will update the commission on its recent work. The CIAC will also be asking the commission to select a new at-large member. For additional information, contact Cliff Voliva at (503) 373-0050 ext. 268, [cliff.voliva@state.or.us](mailto:cliff.voliva@state.or.us).
6. **Update on Measure 49.**
- a. The department will report to the commission regarding the status of the Measure 49 Services Division process, including recent trends on the department's issuance of preliminary evaluations and final orders. For additional information, contact Judith Moore at (503) 373-0050 ext. 373, [judith.moore@state.or.us](mailto:judith.moore@state.or.us).
  - b. The compensation and conservation ombudsman will report to the commission on the House Bill 3225 investigative reports submitted to the House Agriculture and Natural Resource Committee, and the Ombudsman's annual report to the Governor. For additional information, contact Carmel Bender Charland at (503) 373-0050 ext. 326, [carmel.bender@state.or.us](mailto:carmel.bender@state.or.us).
- \*7. **Public Hearing and Possible Adoption of Proposed Permanent Rules Amending OAR 660, Division 41 (Measure 49).** The purpose of this rule is to facilitate additional review under House Bill 3225 and Measure 49 for approximately 400 Measure 37 claims. In July, LCDC adopted temporary rules to begin implementation of House Bill 3225's amendments to Measure 49. This rule adoption would make the temporary rules permanent. For additional information, contact Michael Morrissey at (503) 373-0050 ext. 320, [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us) or Judith Moore at (503) 373-0050 ext. 373, [judith.moore@state.or.us](mailto:judith.moore@state.or.us). *The deadline for submitting written testimony on this item is January 19, 2010. Only oral testimony will be permitted at this meeting.*
8. **Climate Change Strategy Update.** Department staff will give the commission a status report on the implementation of the strategy to integrate climate change considerations into the statewide land use planning program. The update will focus on work implementation of House Bill 2186 and House Bill 2001 which call for land use and transportation scenario planning to reduce greenhouse gas emissions in metropolitan areas. For additional information, contact Bob Cortright at (503) 373-0050 ext. 241, [bob.cortright@state.or.us](mailto:bob.cortright@state.or.us).
- \*9. **Public Hearing on Proposed Compliance Schedule for Damascus.** Staff will present a compliance schedule to the commission for Damascus to complete their comprehensive plan and implementing ordinances. The compliance schedule will have specific tasks outlined with deadlines included. For additional information, contact Jennifer Donnelly at (971) 673-0963, [jennifer.donnelly@state.or.us](mailto:jennifer.donnelly@state.or.us).
- \*10. **Public Hearing and Possible Adoption of Proposed Permanent Rules Regarding the Metolius Area of Critical State Concern Management Plan.** The purpose of this rule is to adopt the management plan for the Metolius Area of Critical State Concern in new Division 43 Areas of Critical State Concern. The legislature approved the management plan under House Bill 3298, and directed LCDC to adopt the plan, by administrative rule,

with no changes, except for three specific changes contained in the legislation. A hearing on the rule was held December 3, 2009 in Camp Sherman and a Hearings Officer report will be distributed at the meeting. For additional information, contact Michael Morrissey at (503) 373-0050 ext. 320, [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us). *The deadline for submitting written testimony on this item was December 3, 2009. Only oral testimony will be permitted at this meeting.*

- \*11. Public Hearing and Possible Adoption of Proposed Permanent Rules Regarding Transfer of Development Rights Pilot Projects.** This rulemaking is in response to 2009 legislation (House Bill 2228). For additional information, contact Bob Rindy at (503) 373-0050 ext.229, [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us). *The deadline for submitting written testimony on this item is January 19, 2010. Only oral testimony will be permitted at this meeting.*
- \*12. Initiation of Rulemaking Regarding OAR 660, Division 35 (Federal Consistency).** The purpose of this rulemaking process is to revise existing commission rules to conform to revised federal requirements. The Division 35 rules contain the state's procedures and requirements for federal consistency review under Section 307(c) of the federal Coastal Zone Management Act. For additional information, contact Dale Blanton at (503) 373-0050 ext. 260, [dale.blanton@state.or.us](mailto:dale.blanton@state.or.us) or Jay Charland at (503) 373-0050 ext. 253, [jay.charland@state.or.us](mailto:jay.charland@state.or.us).
- 13. Director's Report.** The director will report to the commission regarding the recent operations of the department, including participation in appeals and court opinions; program activities and initiatives; organizational and management information; and policy and rulemaking updates. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us).
- \*14. Initial Discussion of the Department's 2011-13 Legislative Concepts.** For additional information, contact Bob Rindy at (503) 373-0050 ext. 229, [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us) or Michael Morrissey at (503) 373-0050 ext. 320, [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us).
- 15. Commission Business and Reports.**
- The Budget and Management Subcommittee will report to the commission.
- Staff will recommend the appointment of a new Grants Advisory Committee member.
- 16. Other.** The commission reserves this time, if needed, for other business or for further consideration of any item on the agenda.

**9:00 a.m. Friday, January 22, 2010 – Keizer City Hall, 930 Chemawa Road NE, Keizer**

- 17. Invited Guests will Join the Commission for a Discussion of Local and Regional Land Use Issues.** For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us).

Oregon's seven-member Land Conservation and Development Commission, assisted by the Department of Land Conservation and Development, adopts state land use goals, assures local plan compliance with the goals, coordinates state and local planning, and manages the coastal zone program. Commissioners are unpaid citizen volunteers appointed by the governor and confirmed by the senate. Commissioners are appointed to four-year terms and may not serve for more than two consecutive terms. The statute establishing the commission, ORS chapter 197, also directs that members be representative of the state. The commission meets approximately every six weeks to direct the work of the department.

Current commissioners:

Dennis Derby (Portland)  
Hanley Jenkins (Union)  
Tim Josi (Tillamook)  
Greg Macpherson (Lake Oswego)  
Christine Pellett (Central Point)  
John H. VanLandingham, Chair (Eugene)  
Marilyn Worrix, Vice-Chair (McMinnville)

Tentative Meeting dates for 2010:

March 17-19	Bend
April 21-23	Lincoln City
June 2-4	John Day
July 21-23	Portland
September 1-2	Salem
October 20-22	Grants Pass
December 1-3	Salem