



Oregon

Theodore R. Kulongoski, Governor

Land Conservation and Development Commission

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MEETING NOTICE



LAND CONSERVATION AND DEVELOPMENT COMMISSION

March 11, 2009

Madras High School

390 SE 10th

Madras, Oregon

5:30 p.m.

March 12-13, 2009

Department of Land Conservation and Development

635 Capitol Street, Basement Hearing Room

Salem, Oregon

March 12, Noon

March 13, 8:30 a.m.

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 or by e-mail at 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. 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 (usually 3 minutes) for individual speakers*

Thank you for taking the time to present your views.

Note: Because of the uncertain length of time needed, the Commission may deal with any item at any time in the meeting, except those set for a specific time. Anyone wishing to be heard on any item not having 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, during the Commission's Business and Reports, or under Other.

Please note that in the Commission's efforts to hold meetings around the state, staff may not be available to receive written comments (specifically e-mails) for agenda items within 48 hours before the meeting starts. OAR 660-001-0230(2): "Unless the director allows a closer deadline, written testimony must be submitted at least five days before the commission meeting to be provided to commission members in advance of the meeting." (Emphasis added.)

The Commission may continue its meeting through lunch on any day 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.

5:30 p.m. Wednesday, March 11, 2009

- *1. Public Hearing and Possible Adoption of Metolius Basin Area of Critical State Concern, Management Plan and Area Map.** A Commission subcommittee will make a recommendation to the full Commission after conducting three hearings in central Oregon. If the Commission decides to adopt the recommendation, it will then submit the decision to the legislature for its approval during the current legislative session. The Area of Critical State Concern, management plan and map do not take effect without legislative approval. For additional information, contact Michael Morrissey at (503) 373-0050 ext. 320 or by e-mail at michael.morrissey@state.or.us.

Noon Thursday, March 12, 2009

- 2. Periodic Review pursuant to ORS 197.628 to 197.644 and OAR 660, Division 25.** The Commission considers matters related to periodic review usually by way of an appeal of the department's decision or upon referral by the department of a local government's work program or work task submittal. Appeals and referrals of a periodic review work task or work program are decided by the Commission. Oral argument is limited to the appellants, parties, and the local government. The Chair may limit time for testimony and may set time limits (usually 3 minutes) for individual speakers.
- a. Periodic Review Grant Update.** Department staff will report to the commission on recent legislative budget actions and the potential implications of those actions for periodic review work programs and periodic review grants for 2007-2009 and 2009-2011.
- b. Silverton Periodic Review.** The City of Silverton requests that the commission and the department initiate Periodic Review for the city. For additional information, contact Steve Oulman at (503) 373-0050 ext. 259 or by e-mail at steve.oulman@state.or.us.
- *3. Public Hearing and Possible Adoption of Proposed Administrative Rules and Rule Amendments regarding Measure 49.** The proposed rules and amendments to OAR 660, Division 41, require local governments to notify the department of land use applications and decisions approving home sites authorized under Measure 49. They also clarify how lawfully permitted uses are evaluated and determined when the department processes

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Measure 49 elections. For additional information, contact Michael Morrissey at (503) 373-0050 ext. 320 or by e-mail at michael.morrissey@state.or.us.

- *4. Public Hearing and Possible Adoption of Proposed Administrative Rule Amendments regarding the Urban Growth Boundary (UGB) Amendment Process.** The proposed rule amendments to OAR 660, Division 24, will provide additional “safe harbors” for estimating long-term housing needs, provisions regarding Commission review of UGB amendments, and other clarifications to the UGB amendment process. For additional information, contact Bob Rindy at (503) 373-0050 ext. 229 or by e-mail at bob.rindy@state.or.us.
- 5. Director’s Report.** The director will report to the Commission regarding the recent operations of the department, including participation in appeals and recent court opinions; program activities and initiatives; organizational and management information; and legislative and policy issues. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271 or by e-mail at lisa.howard@state.or.us.

8:00 a.m. Friday, March 13, 2009

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 or by e-mail at teddy.leland@state.or.us.

8:30 a.m. Friday, March 13, 2009

- *6. 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 Commission 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.
- 7. Commission Business and Reports.** The Budget and Management Subcommittee will report to the Commission. For additional information, contact Teddy Leland at (503) 373-0050 ext. 237 or by e-mail at teddy.leland@state.or.us.
- The Commission will discuss possible appointments to the Transportation Subcommittee and the Budget and Management Subcommittee.
- 8. Citizen Involvement Advisory Committee (CIAC) Update.** The CIAC will update the Commission on its recent work, including a report on education and outreach events held recently in Prineville and Tillamook. The CIAC will also give its recommendation to the Commission for filling the District 2 vacancy on the committee. For additional information, contact Cliff Voliva at (503) 373-0050 ext. 268 or by e-mail at cliff.voliva@state.or.us.

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- 9. 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.
- a. Douglas County.** The department intervened in an appeal of a Douglas County decision to the Land Use Board of Appeals. The decision related to an interpretation by the county to allow a retail use in an industrial zone. The director seeks approval from the Commission under OAR 660-001-0210(2) to continue the appeal.
- b. Jackson County.** The department submitted a notice of intent to appeal a Jackson County decision to the Land Use Board of Appeals. The Jackson County decision approved a 12-lot subdivision on an approximately 406-acre parcel zoned Exclusive Farm Use. The director seeks approval from the Commission under OAR 660-001-0210(2) to continue the appeal.
- 10. Legislative Update, including an Update on the Big Look Task Force.** The department will report to the Commission regarding the status of land use legislation, including the department's proposed legislation. For additional information, contact Bob Rindy at (503) 373-0050 ext. 229 or by e-mail at bob.rindy@state.or.us.
- 11. Other.** The Commission reserves this time, if needed, for other business or for further consideration of any item on the agenda.

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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 are:

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

Meeting dates for 2009 are:

April 16–17, 2009	Salem
June 4–5, 2009	Salem
July 29–31, 2009	Brookings
September 30–October 2, 2009	Hillsboro
November 4–6, 2009	Springfield

The next Commission meeting will be April 16-17, 2009, at the Department of Land Conservation and Development, 635 Capitol Street NE, Basement Hearing Room, Salem, Oregon.

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