



# Oregon

Theodore R. Kulongoski, Governor

**Land Conservation and Development Commission**

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## MEETING NOTICE

### LAND CONSERVATION AND DEVELOPMENT COMMISSION



**December 3–5, 2008**

**Tillamook County Library**

**1716 3rd Street**

**Tillamook, Oregon**

*The Commission respectfully requests that attendees reserve those parking spaces closest to the library for citizens and customers conducting library business.*

*Thank you for your consideration.*

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 Bryan Cruz González at (503) 373-0050 ext. 322 or by e-mail at [bryan.gonzalez@state.or.us](mailto:bryan.gonzalez@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 their 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.

The Commission's **Budget and Management Subcommittee** will meet at 8:00 a.m., Thursday, December 4, at the Tillamook County Library, 1716 3rd Street, Tillamook, Oregon. 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](mailto:teddy.leland@state.or.us).

**Citizen Involvement: Education & Outreach.** The state's Citizen Involvement Advisory Committee (CIAC) will be hosting a meeting to discuss achievements and barriers to citizen involvement in the land use planning process (Goal 1). The meeting will be held from 6:00–7:30 p.m. on Thursday, December 4 at the Best Western Inn and Suites, 1722 Makinster Road, Tillamook, Oregon. For additional information, contact Cliff Voliva at (503) 373-0050 ext. 268 or by e-mail at [cliff.voliva@state.or.us](mailto:cliff.voliva@state.or.us).

### **12:30 p.m. Wednesday, December 3, 2008**

- 1. Tour of Tillamook County.** The tour will begin at the Tillamook County Creamery Association Office, 4185 Highway 101 N, Tillamook, Oregon, with a discussion of land use issues. After the discussion, participants will board the tour bus for the remainder of the tour, which will end back at the creamery. Seating is limited on the tour to 33 people and preference will be given to invited guests. Members of the public and the media may attend as space allows, or may provide their own transportation. For additional information, contact Bryan Cruz González at (503) 373-0050 ext. 322 or by e-mail at [bryan.gonzalez@state.or.us](mailto:bryan.gonzalez@state.or.us).

### **3:00 p.m. Wednesday, December 3, 2008**

- 2. Guests Are Invited to Join the Commission for a Discussion of Local and Regional Land Use Issues with Representatives from Counties, Cities, and Tribes, and Other Invited Guests.** The Roundtable will be held at the Tillamook County Library, 1716 3rd Street, Tillamook, Oregon. Please join us for this discussion. For additional information, contact Bryan Cruz González at (503) 373-0050 ext. 322 or by e-mail at [bryan.gonzalez@state.or.us](mailto:bryan.gonzalez@state.or.us).

### **8:30 a.m. Thursday, December 4, 2008**

- \*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 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.

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\* Agenda items where opportunity is given for public comment. The chair may limit time for testimony on any item and may set time limits (usually 3 minutes) for individual speakers. The Commission encourages written testimony in addition to or instead of oral testimony in the event there is not enough time to hear everyone who wishes to speak. Items without an asterisk are not open for public comment.

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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.
  5. **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.
  - \*6. **Informational Briefing on the Oregon Solutions Tillamook Basin Flooding Reduction Project.** Tillamook County Commissioner Mark Labhart, co-convenor of the project, will make a presentation about the project generally and discuss successes to date. For additional information, contact Laren Woolley at (541) 574-0811 or by e-mail at [laren.woolley@state.or.us](mailto:laren.woolley@state.or.us).
  - \*7. **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, and may provide other changes or 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](mailto:bob.rindy@state.or.us).
  - \*8. **Public Hearing Regarding Potential Rules to Encourage Affordable Housing.** The department will report on the progress of the Commission’s Affordable Housing Work Group, including the work group’s discussions about potential rulemaking and legislation establishing a pilot program to provide sites dedicated to affordable housing through UGB amendments under special rules. The work group will not be proposing specific rule amendments at this meeting. For additional information, contact Bob Rindy at (503) 373-0050 ext. 229 or by e-mail at [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us).
  - \*9. **Public Hearing and Possible Adoption of Proposed Administrative Rule Amendments regarding the Siting of Wind Energy Facilities on Farmland.** The proposed rules and rule amendments to OAR 660, Division 33, will provide clarification and guidance on the siting of wind power generating facilities on farmland. New criteria will guide facility siting away from high-value farmland and other arable soils, while streamlining the review process for facilities sited on non-arable soils. For additional information, contact Katherine Daniels at (503) 373-0050 ext. 329 or by e-mail at [katherine.daniels@state.or.us](mailto:katherine.daniels@state.or.us).

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- \*10. Greater Bear Creek Valley Regional Plan.** Department staff will present a staff report and representatives from the region will be present to answer questions. The Commission is asked to identify issues, and suggest any desired changes to the plan. For additional information, please contact John Renz at (541) 858-3189 or by e-mail at [john.renz@state.or.us](mailto:john.renz@state.or.us).

### **8:30 a.m. Friday, December 5, 2008**

- 11. 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](mailto:teddy.leland@state.or.us).
- 12. 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 Bryan Cruz González at (503) 373-0050 ext. 322 or by e-mail at [bryan.gonzalez@state.or.us](mailto:bryan.gonzalez@state.or.us).
- 13. Department Biennial Report.** The communications officer is asking the Commission to review and approve the text of the department's 2007-09 Biennial Report to the 75th Legislative Assembly. For additional information, contact Cliff Voliva at (503) 373-0050 ext. 268 or by e-mail at [cliff.voliva@state.or.us](mailto:cliff.voliva@state.or.us).
- \*14. Appointment of Rulemaking Advisory Committee regarding the Siting of Ocean-Based Energy Facilities.** At the October meeting, the Commission authorized the department to form of a rulemaking advisory committee to assist the department in the preparation of an amendment to the Territorial Sea Plan for wave energy facility siting. At that time, the department provided a list of stakeholder interests that would participate on the committee, but did not provide the names of the individuals who would represent those interests. The list of those individuals and their affiliations has been completed and is attached. It is anticipated that the first committee meeting will be scheduled for early February 2009. For additional information, contact Paul Klarin at (503) 373-0050 ext. 249 or by e-mail at [paul.klarin@state.or.us](mailto:paul.klarin@state.or.us).
- 15. 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)
- Margaret Kirkpatrick, Vice Chair (Portland)
- Christine Pellett (Central Point)
- John H. VanLandingham, Chair (Eugene)

Tentative meeting dates for 2009 are:

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|------------------------------|-------------|
| January 15–16, 2009          | Salem       |
| March 12–13, 2009            | Salem       |
| 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 January 15–16, 2009, at the Department of Land Conservation and Development, 635 Capitol Street NE, Salem, Oregon.

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