



Oregon

Theodore R. Kulongoski, Governor

Land Conservation and Development Commission

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~ REVISED ~

MEETING NOTICE

LAND CONSERVATION AND DEVELOPMENT COMMISSION

November 5, 2009

**City Hall, Council Chambers
225 Fifth Street
Springfield, Oregon**

November 6, 2009

**McLane Room
Oregon Dept of Transportation, District 5
644 A Street
Springfield, Oregon**

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. 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.

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 staff may not be able to distribute written comments received after November

2. If you have written testimony you wish to present to the commission that you are not able to submit by November 2, please bring at least twenty copies for distribution to the commission and members of the public.

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.

8:00 a.m. Thursday, November 5, 2009 (Jesse Main Room)

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. Thursday, November 5, 2009 (Council Chambers)

1. **Presentation of Certificates.** Two certificates will be presented by the commission and the Citizen Involvement Advisory Committee (CIAC):

- City of Newberg earns first-ever STAR Award for Citizen Involvement, and
- Ian Maitland will be honored for his six-plus years of service on CIAC.

For additional information, contact Cliff Voliva at (503) 373-0050 ext. 268 or by e-mail at cliff.voliva@state.or.us.

*2. **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.

3. **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 or by e-mail at judith.moore@state.or.us.
- b. The compensation and conservation ombudsman will report to the commission on the status of the investigative reports and hardship recommendations provided for in HB 3225. For additional information, contact Carmel Bender Charland at (503) 373-0050 ext. 326 or by e-mail at carmel.bender@state.or.us.

Executive Session. The commission will meet in executive session at this time to consult with legal counsel concerning current litigation or litigation likely to be filed. The executive session will be held pursuant to ORS 192.660(2)(h). For additional information, please contact Richard Whitman at 503-373-0050 ext. 271, or by email at richard.whitman@state.or.us.

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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. **Public Hearing and Possible Adoption of Proposed Permanent Rule Amending OAR Chapter 660, Division 36.** The purpose of the new rule is to amend the Territorial Sea Plan by incorporating Part Five: Use of the Territorial Sea for the Development of Renewable Energy Facilities and Other Related Structures, Equipment or Facilities. For additional information, contact Paul Klarin at (503) 373-0050 ext. 249 or by e-mail at paul.klarin@state.or.us.
 - *6. **Public Hearing and Possible Adoption of Proposed Permanent Rules Amending OAR Chapter 660, Division 33.** The purpose of amending the rules is for consistency with House Bill 3099, enacted by the 2009 legislature. HB 3099 amended ORS chapter 215 modifying certain conditional and outright permitted uses or criteria for such uses, on land zoned for exclusive farm use, including golf courses, schools, solid waste disposal sites, model airplane sites, and breeding and kenneling of greyhounds. For additional information, contact Michael Morrissey at (503) 373-0050 ext. 320 or by email at michael.morrissey@state.or.us.
 7. **Update on Forestland Conversion and Informational Briefing from the Oregon Department of Forestry.** This is a follow-up to the briefing given to the commission in August 2008 in Baker City. For additional information, contact Katherine Daniels at (503) 373-0050 ext. 329 or by e-mail at katherine.daniels@state.or.us.
 8. **Minimum Lot Size Review Pursuant to ORS 215.780(2)(a).** Hearing to consider Yamhill County's conditional approval of a reduced minimum parcel size, from 80 acres to 40 acres, for a parcel zoned exclusive farm use pursuant to ORS 215.780(2). For additional information, contact Gary Fish at (503) 373-0050 ext. 254 or by e-mail at gary.fish@state.or.us.
 9. **Eugene Springfield Regional Transportation System Plan Update.** Representatives from Eugene and Springfield will report on progress in preparing an update of the regional transportation system plan to meet requirements of the Transportation Planning Rule (TPR). The report is the first annual check-in scheduled as part of the work plan approved by the commission in October 2008. The report will address progress in meeting locally-developed, LCDC-approved benchmarks for increasing transportation options and reducing reliance on the automobile. For additional information, contact Bob Cortright at (503) 373-0050 ext. 241 or by e-mail at bob.cortright@state.or.us.

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- 10. 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.
- 11. Commission Business and Reports.**
- a. 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.
 - b. Department staff will present the final Annual Performance Report. For additional information, contact Michael Morrissey at (503) 373-0050 ext. 320 or by email at michael.morrissey@state.or.us.
- *12. Initiation of Rulemaking Regarding Transfer of Development Pilot Projects.** This rulemaking is in response to 2009 legislation (House Bill 2228). For additional information, contact Katherine Daniels at (503) 373-0050 ext. 329 or by email at katherine.daniels@state.or.us.
- 13. Other.** The commission reserves this time, if needed, for other business or for further consideration of any item on the agenda.

8:30 a.m. Friday, November 6, 2009 (McLane Room, ODOT)

- 14. Presentation of the Final Report of the West Eugene Collaborative on Land Use and Transportation Solutions for West Eugene.** The project represents a significant success story regarding consensus decision-making that could be a model for other land use and transportation planning issues. For additional information, contact Ed Moore at (971) 239-9453 or by email at ed.w.moore@state.or.us.

9:30 a.m. Friday, November 6, 2009 (McLane Room, ODOT)

- 15. Invited Guests will Join the Commission for a Discussion of Local and Regional Land Use Issues.** The Roundtable will be held in the McLane Room, Oregon Department of Transportation, District 5, 644 A Street, Springfield. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271 or by e-mail at lisa.howard@state.or.us.

12:00 p.m. Friday, November 6, 2009

- 16. Tour of Springfield, Eugene and Surrounding Areas.** The tour will begin at noon at City Hall and will last approximately three hours. Seating is limited on the tour and

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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 Lisa Howard at (503) 373-0050 ext. 271 or by e-mail at 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 (Portland)
Christine Pellett (Central Point)
John H. VanLandingham, Chair (Eugene)
Marilyn Worrix, Vice-Chair (McMinnville)

Meeting dates for 2010:

January 20-22	Salem
March 3-5	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

The next commission meeting will be January 20-22, 2010, at the Department of Land Conservation and Development, 635 Capitol Street NE, Basement Hearing Room, Salem, Oregon.

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