



Oregon Department of Land Conservation and Development

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LCDC Policy Agenda for 2007-2009

The Land Conservation and Development Commission (LCDC) is required by statute to adopt “statewide land use policies” including statewide goals and administrative rules “necessary to carry out ORS chapters 195, 196 and 197,” i.e., Oregon’s statewide land use planning program. LCDC generally approves its biennial “policy agenda” – a list of planned policy and rulemaking initiatives – at the beginning of each biennium. In August and October 2007 LCDC considered a list of suggestions to amend, update, streamline and improve state land use policies and rules, and approved the Commissions 2007-09 Policy Agenda, summarized below.

In considering its biennial Policy Agenda, LCDC noted that Measure 37 (or, if it passes, Measure 49) has greatly reduced available DLCD staff resources for rulemaking. The Task Force on Land Use Planning, if refunded, would also present staffing constraints and potentially overlapping policy projects. Because (in October 2007) LCDC could not predict the outcome of the election nor whether the Task Force will be refunded and, if it is, which areas of land use policy will be the focus of the Task Force), the Commission agreed that it will approve a limited policy agenda. However, the Commission agreed to revisit the agenda after the legislative session in February 2008, at which time these uncertainties may be resolved and additional staff resources may be available to additional policy projects.

LCDC approved the following projects as its Policy and Rulemaking Agenda for the 2007-2009 biennium:

1. Adopt Metro Urban and Rural Reserves rules required by SB 1011 (2007). NOTE: this project is already underway and will be completed by January 31, 2008.
2. With the UGB advisory workgroup appointed in 2004, pursue “Phase 2” of the ongoing rulemaking project to clarify and streamline the UGB amendment process. This phase will consider additional “safe harbors” for UGB expansion rules (OAR 660, div. 24), and will propose rule amendments required by HB 3436 (2007) regarding county action on population forecasts developed by cities. (NOTE: this project will not begin until the metro reserves rulemaking project #1, above, is completed).
3. Combine several legislatively mandated rule (and Goal) amendments and other minor and technical rule amendments into a “Housekeeping rulemaking project,” including the following:
 - Amend agricultural lands rules (OAR 660, div 33) as required by HB 2210 (2007) to allow on-farm processing of farm crops into biofuel. Also amend these rules to respond to Supreme Court decision in *Wetherall v Douglas County*, 342 Or 666 (2007);
 - Amend forest lands rules (OAR 660, div 6) as per HB 2992 (2007) to allow land divisions less than the minimum lot size if one of the parcels is sold to a provider of public parks or open space;
 - Amend Goal 8 destination resort standards, required by SB 1044 (2007), to clarify the ratio of “units for residential sale to units of overnight lodging” in “Eastern Oregon” destination resorts.
 - Repeal Metro Subregional rules under OAR 660, division 26, in response to Court of Appeals decision invalidating these rules.
 - Amend the current “Post-acknowledgement Plan Amendment Rules” under division 18 to update,

clarify, and to conform the rules to statutes enacted or amended since adoption of these rules. Also amend these rules to respond to *Medford Neighbors v Medford* (LUBA 2006-132).

- Amend division 11, Goal 11 rural sewer and water rules, and related division 4 exception rules, to address a 2006 interpretation by LUBA (*Todd v Florence*; LUBA 2006-068) as to whether goal exceptions are allowed for extension of sewer systems.
 - Examine and report back to LCDC regarding the need to update and clarify OAR 660, division 3, rules for acknowledgement of comprehensive plans for newly incorporated cities.
4. In response to HB 2096 (2007), work with key interest groups to explore ways to encourage local governments to provide sites “dedicated to affordable housing and manufactured dwelling parks,” including new or amended LCDC rules to streamline the expansion of UGBs for this purpose, possibly as a “pilot project” applicable to a few cities. As these ideas are developed, and if rulemaking appears to be a viable option, report to LCDC in March, 2008, and consider combining this effort with project # 2, above. Also, prepare a report to the 2009 legislature, as required by HB 2096, regarding the provision of sites for affordable housing development and manufactured dwelling parks statewide.
 5. Continue work with the Joint Oregon Transportation Commission’s Subcommittee and LCDC's Transportation Subcommittee to assess implementation of the TPR amendments and consider related issues, including:
 - Possible LCDC review of the Metro Regional Transportation Plan (RTP),
 - Implementation of portions of the TPR that apply to plan amendments and zone changes, and
 - Review status of projects involving goal exceptions.
 6. Continue ongoing discussions with agencies, the Governor’s Office, and other stakeholders regarding:
 - Guidance to state and federal agencies and private entities with respect to the Territorial Sea Plan and
 - Goal 19 guidance on new uses such as wave energy generation facilities or ocean aquaculture. The department will report to LCDC later in the biennium regarding a possible need for changes to Goal 19 or the adoption of implementing rules.
 7. Work with the Governor’s office in its inter-agency effort to develop strategic state policies for the long-term management of aggregate resources in Oregon in order to effectively respond to changing resource protection requirements, address public and stakeholder interests, and to ensure a stable long-term supply of affordable aggregate for roads, buildings, and other infrastructure.
 8. Revise agency procedures, as necessary, to implement new Environmental Justice requirements in SB 420 (2007). Plan a joint meeting with the bill sponsors, the new Environmental Justice Task Force, and the Commission’s Citizen Involvement Advisory Committee. The bill requirements include:
 - Consider the effects of agency actions on environmental justice issues,
 - Engage in public outreach activities in communities affected by agency decisions
 - Hold hearings at times and in locations convenient for people in communities affected by agency decisions, and
 - Create a “citizen advocate” position responsible for encouraging public participation and to ensure the agency considers environmental justice issues.
 9. Schedule an informational LCDC hearing on airport planning rule issues (OAR 660, div 13).

For questions or additional information about LCDC’s 2007-09 Policy Agenda, contact Bob Rindy at 503-373-0050, Ext 229, or email at: bob.rindy@state.or.us