

OREGON PLANNERS' JOURNAL



American Planning Association
Oregon Chapter

Making Great Communities Happen

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July / August 2009



The Damascus Story

Four years after incorporation, challenges and lessons learned in one of Oregon's newest cities.

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The Damascus Story



BY
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CITY OF DAMASCUS

PHOTOS COURTESY
OF THE CITY OF
DAMASCUS

A Great Oregon Experiment

Damascus, founded in 2004, was the first new city incorporated in Oregon in over 22 years. (La Pine incorporated in 2006). Four years later, we report on the progress, challenges and lessons learned in the creation of this new American city in the 21st century.

THE JURY IS STILL OUT on whether Damascus will be a success. In the interim we have a story to tell that may have important lessons for planners and policy makers alike.

A Bit of History

The Portland Region established a large Urban Growth Boundary (UGB) in the late 1970s. Pressure to expand it built gradually. In 1998 Metro added 1,400 acres to the UGB in upper Pleasant Valley, a semi-rural enclave between Gresham and Portland. The rural center of

Damascus is only a few miles south of Pleasant Valley. At that time, both areas were characterized by unplanned scatterings of random subdivisions separated by farms, nurseries, and forested buttes.

Farming was always marginal in this area. Crop choices and productivity were limited by lack of irrigation, presence of class 3 and 4 soils, and poor drainage. Berry growing thrived for a time but declined by the 1950s.

Ornamental nurseries have

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been successful but require a lot of infrastructure investment, including deep wells for irrigation and dense networks of drain tile. Because of close proximity to Portland, many farms had been chopped into smaller part-time farming or forestry operations. Some landowners opted for subdivisions where septic fields could function.

In early 2002 Damascans and Boringonians (residents of nearby Boring) received notice that Metro was considering the area for urban expansion. 1000 Friends of Oregon scheduled a “design charrette” to explore how a city of 100,000 or more people could be squeezed onto the local hills and valleys using progressive planning principles. The “Damascus Charrette” produced a plan for a city of over 100,000 and alerted local people as to what was likely to be coming their way.

Community members were sent surveys about local values, asking what people liked about the land, whether they favored urban growth and so forth. In overwhelming numbers the answers were: we like it as it is and no thanks to urban growth. Bye-bye now, and don't let the screen door hit you on the way out. But planners are a stubborn lot accustomed to initial rejection. They knew that land use rules require “exception lands” (mostly rural residential zoning) to be urbanized before more productive farm and forest land, and that this would eventually push urban expansion into the Damascus area regardless of

local opinion.

Some community members formed the “Committee for the Future of Damascus” which became the voice of the community to elected officials. Most local residents remained on the sidelines. Others came to open houses to berate the planners and perhaps scare them off. “Thanks for coming, your input is very important to our process” was the usual response.

In the end Metro decided to expand the Urban Growth Boundary (UGB) by 12,500 acres around rural Damascus. Boring was spared, at least for the time being.

When in Doubt Form Another Committee

Metro has a requirement that a concept plan be created for new UGB expansions before rezoning and development can proceed. This is a sensible provision that slows things down, and prevents poorly planned development.

The chief problem at the outset was political. Since the 12,500-acre expansion area was unincorporated and not obviously attached to any existing city, who would be in charge? Clackamas County was on record that any urban development in the Damascus area would have to be within incorporated city limits. They already had their hands full providing urban services to unincorporated, previously urbanized areas, and did not want to govern another non-city. Ultimately the County and Metro teamed up and a \$1.4 million Federal Transportation grant was appropriated to pay for the effort. A combination staff and consulting team (OTAK) was assigned and an unwieldy advisory committee recruited (including one of the authors, Dean Apostol).

Eighteen months, many meetings, some spirited arguments, a new design charrette, and a few public open houses later a plan was agreed upon. This was a compromise stitched together from the disembodied parts of four or five previously considered alternatives. It was part two-dimensional land use map and part visionary urban design using smart



Highway 212 traffic near the city center, over 22,000 vehicles daily travel on Highway 212.

growth principles. But it was compromised to the point where few really liked it and it lacked defenders. The committee and community had begun with “let’s build a vision” and ended with “this will have to do.” The final open house had over 800 people. An anti-green contingent handed out anti-plan flyers at the entrance. People were herded from one display to another. “Your input is very important to our process” was the refrain.

Reactions ranged from “interesting” and “what are all these color blobs” to “You have got to be joking!” Three years of effort and the local community was no closer to embracing an urban future than it had been in the beginning. Faced with the prospect of apartments next door, new roads slicing through neighborhoods, subdivisions transformed to industrial parks, and every farm paved over the process had come full circle to “thanks but no thanks.” The concept plan process ended with a loud bang when the anti-greens joined forces with anti-new-roads-in-my-backyard neighbors in theatrical shout-fests at the final two Advisory Committee meetings.

The process closed with no modifications made to the plan that nobody liked very much. And the funds were all spent.

The New City of Damascus

Part way through the Concept Plan development Damascans voted to incorporate a new city. A few saw this as a hopeful sign that the community was organizing itself to go boldly where no Oregon community had gone before—to a planned future before the city was built. But the yes vote was rooted more in fear than in hope. Pro-incorporation campaigners knew that raising the specter of Happy Valley and/or Gresham gobbling up green space via annexations and paving over strawberry fields with ugly McMansions or cheap apartments was the surest way to get people to vote for what amounted to a hefty tax increase to pay for what few wanted in the first place. Sixty-five percent voted for incorporation.

One of the new city council’s first acts was to

quietly bury the Concept Plan. Understandably, they wanted a fresh start, and brought in new consultants and the first of four community development directors to begin again. It went back out to the community, this time in small kitchen table “coffee klatch” groups (thus avoiding theatrics,) to ask everyone once again what their values were, what they liked about Damascus, and so forth. To no one’s great surprise, the answers were as before.

Most people (of the several hundred who showed up) liked Damascus as it is, meaning a semi-rural tapestry of farm fields, forested slopes, and scattering of large lot or small acreage subdivisions. Some additional development was acceptable, but not too much and not too fast. Many liked the idea of having a nice new downtown, permanently conserved green spaces, walkable neighborhoods, retention of rural character, and so forth. These were codified in seven “Damascus Core Values,” essentially the same as expressed before.

The new planners assured the participants that “your input is very important to our process.”

Starting a new city proved to be more difficult than most had imagined. There needed to be a place to hold council meetings, someone to take meeting notes and make public records, an official budget, computers, desks, pencils and someone to answer the phone. It took several years for essential administrative tasks and a basic infrastructure to be put into place. Initially, all city administrative tasks were run by the Mayor, city council, and various consultants, most of whom had little relevant experience in city administration and political and community relations. New staff were hired and dispatched with alarming speed, including five city managers and four community development/planning directors in the first two years.

The Draft Comprehensive Plan Process

A new planning committee was formed, called the Community Coordinating Committee (C3). It included 23 members, all local

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citizens, property, or business owners. Their role was not well defined at the beginning, but they were expected to serve as a filter for planning until a formal commission could be created. They were asked to represent the wider community rather than their own personal interest. Opinions ranged from strong private property rights advocates to strong conservationists, with all shades in between. Additional committees were initiated for transportation, citizen involvement, codes, and natural resources.

Consultants did detailed mapping of natural resources (Goal 5) and hazards (Goal 7). Other consultants created land use suitability maps that used complex formulas that considered a range of variables (slope, wetness, proximity to main roads, parcel size, and so forth). A Community Atlas was assembled from various demographic and GIS databases. A scenic landscape survey was completed to get at the question of what citizens valued with respect to rural character (a key sticking point during the Concept Plan). Damascus was divided into four sub-areas to break a big planning problem down into more manageable bits. A series of workshops and a third design charrette were held, culminating in a Draft Comprehensive Plan.

The Proposal

The Draft Comprehensive Plan proposes a basic land use framework. It includes a base zone of at least 1-3 new housing units to the acre, so that



Thompson Farms looking east to the UGB edge

every landowner with more than an acre would likely get some new development opportunity. This is intended to soften the resistance of landowners with natural resource constraints. It includes a conservation overlay that encompasses steep slopes, stream corridors, wetlands, hazard areas, and forested habitats. A new downtown core is located in the Southeastern quadrant of the city, where slopes are gentle, tax lots large, and major highway access good. Employment centers are placed mostly at the periphery of the community. The interior includes several village centers at key intersections. All existing subdivisions are kept intact, possibly with light levels of infill, but no major land use changes. An “urban farm” overlay is included in part of the city, with the hope that some small to moderate scale local food growing can continue into the indefinite future.

So far, it is fair to say that the Draft Comprehensive Plan has been met with a less than enthusiastic response from the community, the C3, and the city council. The main arguments against it are that it lacks vision and does not correspond to the community core values. Negotiations are under way to figure out what to keep and what to change. We expect that this process will take several further iterations before a plan is created that has a critical mass of community support.

Lessons Learned

There are several reasons why planning and future development of Damascus has been, and will continue to be, difficult.

- First, there are simply too many landowners operating at cross-purposes. Successful planned communities the world over have been initiated and controlled by top-down authorities, either empires establishing colonies (Rome, Greece, Spain,) strong states creating orderly growth (Finland, Sweden, Great Britain, the Soviet Union,) or private developers who owned large areas of land as real estate ventures (Seaside, Irvine, Radburn, Riverside, and Reston among others). China has been

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planning and building large cities over the top of rural residents, but they can and do simply order existing residents, who hold no title to the land, to move out and make way for progress. None of these are not going to happen in Damascus.

- ♦ Second, a substantial majority of the community still resists the idea of transforming the rural place they live into a city. The local political climate is uneasy. Without a long-term track record of municipal decisions, the newly elected city council is uncertain about making any unpopular decision. Local citizens resent the rules imposed from above (Metro and the Land Conservation and Development Commission (LCDC)), and this resentment has fertilized the soil for seeding anti-government ballot initiatives. About 65% of current residents live on an acre or less, and have nothing to gain from development. The latest evidence of this resistance is a series of local ballot measures that restrict any and all methods to pay for planning and infrastructure. The most recent (not yet voted on) would prohibit all inter-governmental agreements without a direct vote of the people. Inter-governmental agreements are essential to the functioning of a new city, and it is difficult to imagine moving forward if the measure limiting them passes. Local control is unfortunately being used to keep most or all development out, rather than to make it better fit local values.
- ♦ Third, the projected cost of new infrastructure may be prohibitive. As every reader of this Journal well knows, there is not enough funding for infrastructure needed in existing communities, let alone to build a new one. Current estimates are that total infrastructure costs to service a Damascus of around 60,000 people will be \$4 billion, requiring systems development fees of \$40,000 a unit or more, which would be the highest in Oregon. (Note: a vote of the people is also required before SDCs can be established due to the aforementioned ballot measures).
- ♦ Fourth, there is the land itself. If Damascus were a good place for a mid-sized city, in all likelihood one would have been built here years ago. The combination of steep topography, wet

soils, and high stream density all conspired to make Damascus a fairly isolated location. It was settled only a full two decades after the rest of the Willamette Valley was claimed, did not get electricity until the mid 1930s, and even today is hard to get in and out of by road. Several streams form deep canyons that are barriers to development and road crossings. It could be that these land constraints are significant enough to keep development away for many years to come.

- ♦ Fifth, the state-planning framework has no provision for planning and designing a new town. When Lawrence Halprin drafted Willamette Valley Choices for the Future in 1972, the foundation for Oregon's planning system, he called for identifying suitable locations for new towns, recognizing that if urban growth boundaries simply kept on expanding Oregon would end up with the very sprawl it wanted to avoid. But the state planning goals failed to make provision for entirely new towns (other than destination resorts, which are not meant to be complete towns).

The Metro Functional Plan and Statewide planning goals thus push Damascus into a planning approach designed to shape new growth in existing communities, not to create new communities. All Oregon planners and cities must work within the state framework, but every city in Oregon, including Keizer and La Pine, were substantially built before the rules were established. Damascus lacks a comprehensive plan policy framework. State administrative rules address requirements "at periodic review" or a "post acknowledgement plan amendment," but Damascus has no plan to amend. How do these rules apply to a new city? The regulatory jury is still out, waiting until Damascus can piece together a comprehensive plan, policy document, development code, zoning map, transportation system plan, Goal 5 and 7 program, a housing needs analysis, economic opportunities analysis, and numerous other requirements. A "chicken and egg" question follows every planning work task at hand. No adopted comprehensive plan map, no buildable lands inventory, no

ESEE analysis based on plan designations. What comes first?

Finding the Opportunities

While the challenges are substantial, opportunities to think and plan creatively are also abundant. The absence of existing urban infrastructure opens the door to exploring alternatives. City planners and consultants have been investigating an “ecosystem services” approach to public facility planning. This would place a value on the existing natural environment for the services it provides to the community. For example, healthy upland forests, riparian corridors, and wetlands all protect water quality and reduce stormwater management costs. Since Damascus has yet to implement new zoning and development regulations, it can charge valley bottom development to pay for upland forest conservation that reduces stormwater system costs. This approach has potential appeal to both the resource conservationists and property rights advocates who advocate compensation for providing green space for the community.

Oregon’s land use program is based in large part on strict separation of farms and cities, and thus discourages or prohibits zoning exclusively for agriculture within an urban growth boundary. But Damascus has several property owners making a good living farming, and we know local citizens value farm conservation. We may be testing state assumptions by using various tools to set aside land for continued use for growing food, and integrating active farming and the agricultural heritage into urbanization, albeit at a scale appropriate to an urban community. Initiating a regional foodshed strategy is one possible outcome of these efforts.

Recognizing the high costs of infrastructure and limitations on groundwater and surface water supply, Damascus is exploring options for integrating potable water, wastewater, and stormwater management. We may be able to employ alternative wastewater systems, including reuse of stormwater, and marry this effort to farm conservation.

Arguments over greenspace are what derailed the Concept Plan, and open space conservation is probably the make or break issue for Damascus. Nearly 40% of the city is mapped as Goal 5 (Natural resource,) Goal 7 (Hazards,) or both. Damascans are conflicted over conservation. Based on public input, most of the community supports conserving forests, steep slopes, and streams, but at the same time many also support private property rights and want there to be economic fairness when allocating new development rights. Planners are exploring three key methods for achieving both conservation and economic fairness.

- ♦ First, landowners would have to build their density allotment on only the most developable part of their property, avoiding natural resources and hazards.
- ♦ Second, the plan may organize the community into master plan districts that require or encourage multiple landowners to join together to plan development and conservation in concert. If one landowner has valuable conservation land, their entire development allotment could be transferred to nearby properties with less conservation value, with everyone receiving near equal value for their property.
- ♦ Third, a transferable development right option (TDR) could allow broader shifting of development rights from parts of the community with high conservation value (the forested buttes) to areas with high development potential (the new city center).

We expect some combination of these three methods, along with ecosystem service program.

Predictions about the Future are Hard

Damascus was incorporated to gain “local control,” but cannot avoid the broad legal and policy framework established by state and regional officials. As the first new city ever pre-planned in Oregon, Damascus may be allowed to test the edges, and possibly directly

challenge one or more aspects of the Oregon Land use program. This potential has several regulatory and watchdog organizations keeping their eye on our progress.

One positive outcome to date has been the impetus to build community where in the past there had not been one. Damascus was essentially a disparate cluster of subdivisions, with kids attending one of several school districts, some on community water systems, most not, some with homes hooked to County managed sewer systems, but most not. The only two entities in common were the Boring Fire District, the nursery ground for a number of community leaders, including the first City Mayor, Dee Westcott (recently passed away), and the local newspaper, the Damascus-Boring Observer. Planning a new city has brought the authors, City Council members, committee members and hundreds of others that have shown up at meetings together for the first time. Many have lived in the community 20 or more years but had never met most of their neighbors. City staff has begun to develop a neighborhood association program and has initiated other community building events. This is a slow process and building trust among community members, city staff, and elected officials will take some time.

Sometimes it is hard to see how this community will be able to move forward, create a workable plan, and gain enough support for managing and financing orderly development. Damascus may yet emerge one day as a model 21st century American city, or it may remain a lovely rural landscape that is a city in name only. A hardy few continue to meet and make plans.

The current economic crunch has bought some time for Damascus to regroup and get things right. If a good plan, supported by a critical mass of the community can be completed soon,

perhaps the anti-development, anti-community backlash can be interrupted and even reversed. A lot rides on Damascus' shoulders, and we often feel that the whole state is watching us. If we can create a compelling community of walkable, solar powered villages and hamlets nested within green corridors, forested slopes, and urban farms, with employment close at hand, and if a way can be found to build an affordable infrastructure, Damascus could become the star on the crown of the state land use system. But if it continues to sink into an unproductive argument clinic, it could become a battering ram for those who want to take state planning down once and for all.

Readers who have any ideas that can help us should call or write. We are still in the planning stage, so stay tuned. Your input is very important to our process!

Dean Apostol is a senior landscape architect with MIG, a planning, urban design, and landscape architecture firm in Portland and Berkeley. He lives in Damascus on a small farm-nursery, and has published three books: Forest Landscape Analysis and Design, Restoring the Pacific Northwest, and Designing Sustainable Forest Landscapes. He writes regularly for the Damascus-Boring Observer (winner of the 2004 Oregon APA Merit Award in Journalism).

Anita Yap is the Damascus Community Development Director, the longest tenured planner in the history of Damascus (two years and fingers crossed). She previously worked for Bend, Coburg, Lane Council of Governments and Lane Transit District. She received several awards for her work on innovative projects and building community, including the Governor's Livability Award and the Oregon Downtown Award. She finds that the Damascus experience is the challenge of a lifetime.

On the "Front Burner" – La Pine City Council and Community Focus on the City's First Comprehensive Plan

BY DEBORAH McMAHON, DMC CONSULTING SERVICES LLC AND JAMES LEWIS, FORETERRA LLC

La Pine, incorporated in 2006, is in the early stages of creating its first comprehensive plan. Like the City of Damascus, the City of La Pine has to work through a state land use process that is better designed for updates, than the creation of a new plan.

THE LA PINE CHAMBER OF COMMERCE

describes the community of La Pine as follows:

"Beautiful La Pine, Oregon is a jewel in Central Oregon and south Deschutes County. A community among thousands of tall pines, close to the Cascade lakes and the Newberry National Volcanic Monument, it boasts spectacular outdoor recreation opportunities through its hometown slogan "The Outdoors at Your Front Door."

And, it is all true.

Location, Sense of Place, and History

For quick reference, La Pine is located on Highway 97 just south of Bend. With a population of roughly 1,600 it is one of Oregon's newest cities incorporated in 2006. The Little Deschutes River with its riparian environment and expansive stands of Lodgepole Pine define the area's natural terrain.

The community is tightly knit and fiercely independent. Bumper stickers are proudly displayed showing admiration for this strong

community spirit – and why not? A sense of place is exactly what a new city needs to define itself or it could succumb to "the sameness" that Central Oregonians, and Oregonians in general, seek to avoid when planning and nurturing newly incorporated communities. La Pine is no exception and as the community recognizes its 100-year mark there is a lot to be thankful for given the natural setting and the intent of both the City's leadership and community to succeed and prosper.

With a history of development dating from 1825, 156 years later, La Pine maintains an interesting place in history. It will take strong City leadership to succeed and prosper as the 242nd city in Oregon.

The Comprehensive Planning Process

La Pine has its share of challenges and the new City Council wisely focused on developing its first Comprehensive Plan as a top priority. This task required extra care to make sure community interests were recognized, understood and captured in the Plan's

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objectives, goals, and policies. Money is tight but the Department of Land Conservation and Development (DLCD) awarded La Pine a grant to support the planning effort. The City and its consultants have a great relationship with DLCDC representatives Mark Radabaugh and Larry French – they have been instrumental in helping the project succeed. The planning efforts and the public outreach process has been dominated by an intensive spirit of collaboration with the City Council, citizens, Chamber of Commerce, school district, local utility districts, Deschutes County, State of Oregon, and other key agencies.

Economic Base

La Pine has a great abundance of natural beauty and urban potential but is currently classified as a "severely distressed community" with many citizens at or below the Federal poverty level, etc. To complicate things further, La Pine has a housing/jobs imbalance because many of its citizens must commute 40 minutes to Bend for work and services. With no 24-hour emergency medical care facility and, a limited amount of employment, service, shopping, and housing choices, La Pine must re-define its future now. The current economy makes this challenge even more critical as unemployment numbers rise to

levels that exceed the national average.

Designing the Complete Community

La Pine is perfectly positioned to improve its situation by refining its foundation of land uses and developing creative zoning to support a "Complete Community" in an effort to foster greater independence and sustainability. For La Pine, the "Complete Community" concept begins with an understanding that Complete Communities are comprised of various "Complete Neighborhoods." Such neighborhoods include areas for employment, services, schools, open spaces, urban amenities, housing choices, and adequate utilities while maintaining the livability goals established by citizens. La Pine plans to identify its various neighborhoods and create policies and actions to support the complete neighborhood concept. If successful, the result will be a variety of neighborhoods within the complete community and eventually, a more sustainable city.

Creating the "Complete Community" concept in a 20-year land use plan requires recognition of the current land uses and organization of those uses.

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The Deschutes County website notes an interesting historical reference about La Pine.

"The first recorded exploration to the inland Oregon region known today as Central Oregon was in the winter of 1825 by Peter S. Ogden of the Hudson's Bay Company. Ogden's chosen path was the River of the Falls, the Deschutes of the Oregon country. On a second trip down the Deschutes Ogden discovered East and Paulina Lakes in Newberry Crater. The winter of 1834 brought another explorer named Nathaniel J. Wyeth, who explored the upper Deschutes River. In 1853, the La Pine basin became the site of the Elliott Cutoff Party's attempt to find a new route through the Cascade Divide.

More than 250 wagons and loose stock, led by Elijah Elliot, followed the Little Deschutes River upstream to the vicinity of Crescent, Oregon before heading west across the Cascade Mountains creating the Willamette Pass."



DESCHUTES COUNTY HISTORICAL SOCIETY

In La Pine, the current pre-existing zoning (applied by Deschutes County) recognized existing uses and the boundaries created by adjacent farm, Bureau of Land Management (BLM), and Federal Forest uses. It is no surprise that the Highway 97 corridor and the BNSF Railroad create physical obstacles that tend to divide the community. It is generally understood that new "at-grade" railroad crossings are rare. Yet, some sort of crossing is needed to serve the community's goal for efficient grid traffic movements and ODOT's corridor standard. ODOT is currently designing a grade-separated overpass at Wickiup Junction. Funding the enormous price tag is a challenge as one might expect. In the meantime, it is essential that the problem not be compounded by speculative zoning that could create further crossing conflicts – no small task for a community that has a highway and a railroad cutting through the middle of it.

Use of Transfer Development Credits

La Pine also has an issue with high ground water and significant efforts have been made to develop community sewer and water systems. The existing program of TDCs or Transfer Development Credits allow property owners to sell the ability to build a house on their property, while retaining ownership of the property, similar to a property owner selling an easement or other right.

Local governments establish TDC systems where public processes are used to identify "sending" and "receiving" areas. Typically, a sending area is rural, agricultural, environmentally sensitive, or of historical significance- an area that warrants

government protection. Receiving areas are, in general, more urbanized, able to accommodate growth more efficiently and with less environmental degradation. TDC programs allow rural areas to reduce continued development in sensitive areas and encourage development in areas more suited to urbanization.

In the case of La Pine, the surrounding unincorporated areas contain many hundreds of older, pre-zoning, platted lots, some of which are unsuitable for development given high water tables or sensitive land classifications. Thus, lands inside the City limits (served by urban sewer and water utilities) can be developed by utilizing the credits upon County-owned lands. This proactive approach focuses and encourages urban development within the incorporated area of La Pine. On the surface, this is a seemingly "win-win" situation but the impact of the remaining rural lots must be considered in the long-term visioning of the entire La Pine community, whether incorporated or not.

The Future

The Comprehensive Planning project will conclude in the next few months and a final community vision will be developed to reflect citizen comments and the collective goals of the City Council. La Pine is planning for a great future.

Deborah McMahon of DMC Consulting Services LLC and James Lewis of Foreterra LLC are land use consultants working on the La Pine Comprehensive Plan project.

Legislative Update: End of Session Report

BY STEPHEN KAFOURY

The 2009 legislative session was not a bad one for the OAPA, but it could have been better. Some land use legislation we supported was passed, and no rollbacks occurred, but several opportunities for major improvements were squandered, and that which did pass was often heavily compromised.

TWO FACTORS kept the session from making more far-reaching laws. The first and most obvious was the financial situation. Oregon's recession affected not only budgets, but spread like a fog over all legislation. "Could this possibly cost money or jobs?" was a common question asked by legislators about many bills. The other more subtle reason was the ideological makeup of both the Senate and the House of Representatives. Although both houses had heavy Democratic majorities, many of these members had a conservative bent, and they left their imprint on legislation.

The bill receiving the most attention from the OAPA was HB 2229 that was based on the recommendations of the "Big Look Task Force." OAPA's Re-engage Oregon Committee followed that task force for the nearly four years of its deliberations, and offered substantive amendments once HB 2229 was introduced. Unfortunately, the suggestions, although received well by legislative leadership, ultimately proved too controversial. One good provision was included (which OAPA felt should have been undertaken by the Task Force in its initial deliberations) was the establishment of a policy-neutral audit of Oregon's land use statutes and administrative rules. When the bill finally passed, both 1000 Friends of Oregon and Oregonians in Action testified in favor of the bill, evidence that

the final version did little.

Initially, the bill allowed counties to form regional entities to determine farm and forest lands under regional criteria. This controversial provision, opposed by OAPA and others, was changed to allow for "re-acknowledgment" of existing plans to allow for mapping corrections for individual parcels, and allowing them to be designated "non-resource" and thus available for low-intensity development.

The bill additionally included four "Overarching Principles" to be used as guides for legislation and rules, and in the interpretation of the standards used in the Oregon land use system. However these principles are vague, and fear of activists using them as a source of future litigation forced an amendment stating that they are "not judicially enforceable."

Rather than adopt OAPA's suggestions for redesigning regional decision making, the legislation settled for a modest improvement to Regional Problem Solving. The legislation now allows an existing or future process to continue even if a participant dissents or withdraws.

HB 2229 also expresses the hope that expenditures of funds will

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result in “compact development” and the use of “alternative modes of transportation” in areas of the state that are growing rapidly. The legislation directs that the diversity of the state be considered in rule-making and allows more time for decisions if the applicant and the local government wish to mediate. For the most part, those things can be done under current law.

Perhaps the most controversial land use issues in this session dealt with destination resorts. After much arm twisting and vote trading, HB 3298 prohibited destination resorts in the Metolius basin by directing the Land Conservation and Development Commission (LCDC) to declare the basin an “Area of Critical Statewide Concern.” OAPA was neutral on this bill. HB 2228 allows developers who wanted to establish destination resorts there to transfer their development rights elsewhere. It also traded protection of the Skyline Forest (west of Bend) for allowing a destination resort in part of the tract. HB 2227, which would have authorized LCDC to adopt rules for ensuring destination resorts met land use criteria, was narrowly defeated in the final hours of the session.

HB 3099 was an attempt to reform the exemptions from the EFU (exclusive farm use) statutes. (The 2009 session appears to be the first session where no additional exemptions were allowed since these statutes were enacted.) Few of the bill’s initial provisions remain, but it does exclude golf courses on high value farmland and schools whose primary population would be urban students.

OAPA was also involved in killing a few bills, including SB 634 which would have given priority to land for inclusion into a UGB where the land was owned by the State of Oregon and was acquired from the federal government. Our opposition was to any legislation directed at specific parcel of land by changing the priority list.

Additional bills

HB 2001 was the massive transportation funding bill. While 1000 Friends of Oregon

opposed the bill because of its perceived focus on building highways, a few provisions were included requiring transportation planning to consider environmental concerns, establishing carbon planning in the Metro area, and allowing federal flex funds to be used for alternative transportation.

HB 2230 excludes from definition of “land use decision” a local government decision that a state agency permit is consistent with statewide land use planning goals and compatible with an acknowledged comprehensive plan if the local government has already approved the use, the use requires a subsequent land use decision, or the use is allowed without review under the local code. The bill excludes from the definition of “land use decision” an action by a state agency if the use has already been approved by the local government or the use is not regulated by the local government. It authorizes LCDC to adopt rules establishing the sequence for a local government land use decision and state agency action concerning the same use. OAPA was instrumental in getting the negotiated settlement allowing this bill to proceed.

HB 3043 states that territories brought into Metro’s urban growth boundary (UGB) are annexed to Metro by operation of law.

HB 3056 was a compromise between cities with urban renewal districts and other governmental agencies that lose tax revenue by freezing tax values. It limits the amount these districts will lose.

HB 3225 gives relief to some persons who made claims under Measure 49, but who were given bad legal advice, and so failed to perfect their claims.

HB 3379 allows local governments that are unable to meet the funding requirements of DLCDC’s Transportation Planning Rules to apply for extensions, alternative plans, or to adjust traffic performance standards (This may already be allowed under present law).

SB 170 slightly expands the

number of rural airports eligible to participate in pilot project encouraging economic development. It also authorizes industrial development of participant airport property.

SB 566 exempts Metro from the requirement of conducting soil capacity analysis when bringing urban reserves into its urban growth boundary.

SB 691 keeps a promise made to the forestry industry as a reward for not opposing Measure 49. It expands the class of forestry regulation that would give rise to a claim for compensation and sets up a methodology for proving a reduction in fair market value. It further allows transferability of a claim. OAPA testified against the bill, but the deal had been cut.

SB 763 authorizes “governmental units” to

establish transfer of development credits (TDC) programs. If sending and receiving areas are in different jurisdictions, the jurisdictions must have intergovernmental agreements that include DLCD. The bill also establishes standards for TDC programs. OAPA was involved in the technical drafting of the bill.

SB 945 specifies eligibility requirements for certain claims filed under Measure 49. It describes procedures for relief, and directs DLCD to review claims. It further directs the department to issue final orders for claims on or before specified dates and to investigate certain matters related to filing of claims. DLCD will report its findings to an interim committee of Legislative Assembly before the end of 2009.

Future OAPA Events for CM Credit and Free CM Credit Opportunities

BY SCOTT WHYTE, OAPA SECRETARY AND CM OFFICER

Are you looking for CM credits to finish the year and wondering what OAPA has in store? Since the beginning of 2009, OAPA members have asked about the events and programs that will be offered throughout the year. Members with AICP certification have expressed specific interest in events eligible for CM credit.

IN RESPONSE to these inquiries, OAPA has compiled a list of upcoming events (see the Upcoming Events and Announcements on page 20 for more information about the events and how to register):

- Small-scale Food Options Bike Tour, Wednesday, July 29
- Sustainable Viticulture bus tour (Yamhill County), Thursday, Sept. 3
- 1st Annual Oregon Transportation Summit with WTS and OTREC (Portland), Friday, Sept. 11
- Planning and Sustainable Development breakfast sessions (Portland), Tuesday, Oct. 6, Tuesday, Oct. 20, and Tuesday, November 3
- Legal Issues Workshop (Portland)- Friday, Dec. 11
- Central Oregon Workshop - TBD

Please note that not all OAPA events are eligible for CM credit. As a registered CM Provider, OAPA is required to explain how each event qualifies for CM credit and how the presenter is qualified to speak on the topic. Events that are

credit-eligible will show the “CM” logo followed by the amount of credit hours the event has to offer. For the events listed above, OAPA will apply credits for each event; one credit equals one session hour.

Free CM Credit Opportunities

As for “free” CM credits, APA National is providing some free on-line courses to its members and will send e-mail descriptions of these courses as they become available. A free podcast “The 2008 AICP Symposium” is available until September 30, 2009, and is eligible for 2.5 CM credits. To participate, members should visit <https://www.planning.org/aicp/symposium/2008/>. Also, free podcasts of “Tuesdays at APA” may be obtained for CM credit. Members may also browse the distance education listing from the CM Activities page to find podcasts eligible for CM credit.

Certification Maintenance: 32 CM Credits Every Two Years

All AICP members must earn 32 CM credits every two years. That means that if you have been an AICP member since 2007, by the end of this year, you must earn a total

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of 32 CM credits. This includes a minimum of 1.5 credits on the topic of ethics plus another 1.5 credits on the topic of current planning law. OAPA is committed to providing its members with educational and training opportunities throughout the year.

For more information about upcoming CM AICP courses, go to www.oregonapa.org and click on the Professional Development link on the left (or go to: <http://www.oregonapa.org/pageview.aspx?menu=4527&id=16681>).



ABOVE: Bob Yakas of PMC talks to the planners at Metro Planning, Inc. in the exhibition area of the 2009 Planning Conference.

2009 OAPA Planning Conference

Planning For a New World — Preparing for the Future

TEXT BY BECKY STECKLER, AICP AND PHOTOS BY PAT ZEPP

Over 300 planners come to Portland to learn the latest on planning, sustainability, climate change, multicultural issues and much, much more.

IT'S A LOT OF WORK to organize a statewide conference for over 300 planners. From what we are hearing, it was well worth it. Planners came from all corners of the state to attend the 2nd Annual OAPA Planning Conference, *Planning for a New World — Preparing for the Future*.

Over 20 volunteers, one part-time staff, and two meeting consultants put in hundreds of hours to make this conference a success. The conference included five mobile workshops, 15 sessions, two lunch speakers, and a reception. Despite the economic downturn, attendance was high — about 275 planners attended the conference on both Thursday and Friday.



ABOVE: The Oregon Chapter of the American Planning Association Board holds its monthly board meeting at the Conference.

To help unemployed members, as well as members that work for cash-stopped organizations and agencies, OAPA again offered 20 reduced-fee scholarships. For many, this is the only way they

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were able to attend the conference.

The highlight of the conference was the key note speaker on Thursday, Ed McMahon from the Urban Land Institute. His talk about the “Dollars and Sense of Preserving Community Character.” Mr. McMahon talked about the importance of building communities that people will love and cherish. By perserving buildings and landscapes that are beautiful or preserve a communitites history, we are more likely to nurture all aspects of the community. He showed example after

example of buildings that housed chain stores and restaurants that conformed to the community, instead of the community conforming to cookie-cutter store designs of the national chains. Planners walked out of lunch feeling inspired.

OAPA would like to thank the Conference Committee, the volunteer speakers, the attendees, the sponsors and exhibitors, and everyone else that helped to make this conference a success. We hope to see you next spring for the 3rd Annual Conference: stay tuned for more information.



TOP: About 40 planners spent Friday, June 5 learning about the latest in climate change efforts in Oregon.

LEFT: Jason Franklin, AICP, addresses the attendees of the Climate Change Workshop.

ABOVE RIGHT: Oregon Planners learn more about the LEED for Neighborhoods program.

UPCOMING EVENTS AND ANNOUNCEMENTS



—20—

UPCOMING EVENTS AND ANNOUNCEMENTS

Small-Scale Food Options Bike Tour

**Wednesday, July 29th, 1:00
pm-5:00 pm**

Enjoy a bike tour of some of Portland's small-scale and sustainable food options. We will visit popular food cart districts, a neighborhood farmer's market, and a community garden.

The tour will start at one of downtown's popular downtown food cart districts (SW 9th/10th and Alder) and move to the second at SW 5th and Stark. These have over 35 food carts in operation. You can enjoy authentic foods from all over the globe: Kazakhstan, Vietnam, Peru, Poland, Thailand and even New York City, to name a few. One of the authors of foodcartsporeland.com will share with us his thoughts and knowledge of food carts in the City.

We will then hear from Steve Cohen, Food Policy Program Coordinator from the City of Portland Bureau of Planning and Sustainability.

A leisurely bike ride on the Springwater Corridor along the Willamette River will take us to the Moreland Farmer's Market. This neighborhood market is one of the fourteen (14) farmer's markets in the City, one of the thirteen (13) which have opened since 1991.

Finally, we will visit the Clinton Community Garden. A representative from Portland Parks and Recreation's will speak about the benefits and popularity of the Community Garden program.

An optional post-tour happy hour will

take place at Hopworks Urban Brewery. The HUB, as it is known, is "Portland's first Eco-Brewpub," and offers all organic beer, local ingredients and a sustainable building design.

For more information and to sign up for the workshop, go to: www.oregonapa.org. Note that all participants will be asked to sign a liability waiver. Please print, read, sign and turn this in at the start of the workshop.

Sustainability in Viticulture: A Mobile Workshop

September 3, 2009

Sustainability, in general terms, is the ability to maintain balance of a certain process or state in any system. In an ecological context, sustainability can be defined as the ability of an ecosystem to maintain ecological processes, functions, biodiversity and productivity into the future. Environmental costs of wine production can include topsoil depletion, erosion and land conversion; high levels of fossil fuel use; reliance on inorganic fertilizers and synthetic organic pesticides; reductions in genetic diversity; water resource depletion; pollution; and social problems including the decline of family farms.

This mobile workshop will highlight sustainable architecture and agriculture, organic farming and sustainable business practices at six renowned Oregon wineries.

We will start and finish the tour at the park and ride lot at the Tigard (Regal) Cineplex, 11626 SW Pacific Hwy. We will

leave the lot at 9:00 a.m. sharp and will return between 4 p.m. and 5 p.m. Our bio-diesel fueled & handicap accessible bus will whisk us safely to the six wineries pictured below. OAPA will provide box lunches. Coolers will be available for your non-alcoholic drinks. Officials from the Oregon Department of Agriculture and Yamhill County government will describe sustainability and land use challenges facing the local viticulture industry.

Winderlea Winery - a 4,000-square foot tasting room featuring solar hot water heaters passive heating system, natural vegetation and lighting and building material with recycled content. The building has a zero carbon footprint.

Domaine Drouhin - integrated into the hillside, the winery has a 94.5 kilowatt (kW) solar energy system consisting of more than 500 photovoltaic panels and temperature-controlled underground cellars to reduce energy demand.

Stoller Vineyards - with multi-level gravity flow wine transport, a large solar photovoltaic array, passive heating and cooling, waste-water reclamation & LIVE® certification, this is the nation's first LEED® Gold winery.

Sokol Blosser Winery - certified organic winery with an underground barrel cellar that earned LEED 2.0® Silver Certification by the US Green Building Council. Solar photo-voltaic panels supply one-third of the winery's energy needs.

Domaine Serene - economizing on energy consumed in wine production, grav-

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UPCOMING EVENTS AND ANNOUNCEMENTS



ity moves the wine through the five-level winery building. The winery's operation in Carlton re-uses a 1913 structure, reducing waste and material used.

Lemelson Vineyards - this winery touts gentle gravity flow processing, a 500 kW photovoltaic array that provides 40% of needed energy and precast concrete underground cellars with radiant heating and cooling.

Register early for what promises to be a popular workshop - Space limited to 50 people.

Registration: 1) Fill out, print and mail event brochure with payment to the address on the form or 2) print form and fax in the form (503) 210-0860 and follow with payment; or, 3) register online with credit card or PayPal account. Registration is on a first come basis and is due by August 1. Registration is limited to 50 persons. No refunds after August 15.

Waiver: All participants will be asked to sign a liability waiver. Please print, read, sign and turn this in at the start of the workshop.

Fees: OAPA Member \$65 for tour with lunch; Non-OAPA member for tour with

lunch \$90;

OAPA Member \$100 for tour with lunch and tastings at 6 wineries; Non- OAPA Member \$125 for tour with lunch and tastings at 6 wineries.

Questions: Contact Pat Zepp 503-657-6087 (oapa@oregonapa.org) or Jason Franklin 503-963-7883 (jfranklin@parametrix.com) *Subject to changes by wineries without notice or refund. Complementary tastings will be available at three wineries.

AICP members - We are applying for 5 CM credits for the workshop.

Mailing address: Oregon Chapter - American Planning Association, PO Box 3674, Wilsonville, OR 97070

Planning and Sustainable Development: Integrating Urban Planning and Green Building
October 6, 2009 and November 3, 2009

The Oregon Chapter of the American Planning Association is collaborating with the Cascadia Chapter of the Green Building Council to organize outreach

and educational events for the planning community. The aim is to bridge the green building community with the planning community in order to develop a coherent understanding of sustainability in our communities.

Please "Save The Date" for an educational breakfast series this Fall to be held from 7:30 a.m. – 9:00 a.m. on October 6, 20th and November 3rd located at the Portland Development Commission offices. The title of this event is: Planning and Sustainable Development: Integrating Urban Planning and Green Building that includes a three-part series with the first session discussing: The Social Ecology of Development, the second session covering: Envisioning Sustainable Communities, and then concluding with a third session on: Models, Tools and Metrics. AICP continuing maintenance credits will be available for this training. For more information, please contact Tina Osterink at (503-740-7285).

Legal Issues Workshop
Friday, December 11th

Save the Date! More information to come. Check www.oregonapa.org for more information as it becomes available.

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