



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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April 17, 2008

TO: Land Conservation and Development Commission

FROM: Richard Whitman, Director
Darren Nichols Community Services Division Manager
Grant Young, Eastern Oregon Regional Representative

SUBJECT: **Agenda Item 4, May 1-2, 2008, LCDC Meeting**

CITY OF PENDLETON REQUEST TO INITIATE PERIODIC REVIEW

I. RECOMMENDATION

The director recommends, based on the information contained in this report, that the Commission approve a request from the City of Pendleton to initiate Periodic Review one year ahead of the Commission's previously approved schedule.

II. AGENDA ITEM SUMMARY

In October 2007, the Commission approved a schedule for the City of Pendleton to enter into Periodic Review in April 2009. On April 17, 2008, the department received a request from the City of Pendleton asking the Commission to initiate Periodic Review for the city immediately, one full year ahead of the previously approved schedule.

In the city's request, Pendleton City Manager Larry Lehman notes Pendleton's recent successful planning projects as evidence that the city would be better served to continue its current planning effort as part of an immediate periodic review. Department staff also attests to the success of Pendleton's recent planning efforts and has encouraged the city's request to begin Periodic Review ahead of schedule.

The department is currently preparing to initiate Periodic Review for four cities in April 2008. The addition of Pendleton to the list of cities beginning Periodic Review this spring is not likely to significantly impact the department's ability to provide technical assistance or grant funding to other cities in periodic review.

III. COMMISSION OPTIONS

The Commission may:

1. Find that the city's request is not appropriate at this time and maintain the original approved schedule for Pendleton to enter Periodic Review in April 2009; or
2. Revise the Commission's approved schedule to initiate Periodic Review for Pendleton starting immediately; or
3. Revise the Commission's approved schedule to initiate Periodic Review for Pendleton starting at a date other than those offered in the options above.

IV. DEPARTMENT RECOMMENDATION AND DRAFT MOTION

The department recommends that the Commission support the Director's recommendation to revise the Commission's previously adopted Periodic Review schedule for the 2007-2009 biennium to initiate Periodic Review for the City of Pendleton immediately (option 2. listed above).

Proposed Motion: I move that the Commission revise its previously adopted Periodic Review schedule for the 2007-2009 biennium and authorize the department to issue an order to initiate Periodic Review for the City of Pendleton beginning immediately.

Alternative Motion (1): I move that the Commission find that the City of Pendleton's request to initiate Periodic Review is not appropriate at this time and move instead that the Commission issue an order to initiate Periodic Review for the City of Pendleton in MONTH, YEAR; or

Alternative Motion (2): I move that the Commission deny the City of Pendleton request to initiate Periodic Review at this time and that the department initiate Periodic Review according to the Commission's previously approved schedule.

Attachments: A. Staff Report and Approved Periodic Review schedule 10/2007
B. April 17, 2008 letter from the City of Pendleton



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October 1, 2007

TO: Land Conservation and Development Commission

FROM: Cora Parker, Acting Director
Rob Hallyburton, Planning Services Division Manager
Darren Nichols, Community Services Division Manager

SUBJECT: **Agenda Item 9, October 11, 2007 LCDC Meeting**

PERIODIC REVIEW SCHEDULE

I. AGENDA ITEM SUMMARY

A. Type of Action and Commission Role

The Commission will be asked to approve the final schedule for bringing cities into periodic review during the 2007-09 biennium, based on statutory considerations and a recommendation from staff.

A briefing regarding the status of periodic review and the Periodic Review Assistance Team will also be provided; no action on these items is requested.

B. Staff Contact Information

For additional information on this agenda item, contact Rob Hallyburton, Planning Services Division Manager, at (503) 373-0050, ext. 239, or rob.hallyburton@state.or.us.

II. SUMMARY OF RECOMMENDED ACTION

Staff recommends the Commission approve the periodic review schedule for the 2007-09 biennium as shown in Attachment A.

III. BACKGROUND

The Commission approved a schedule at its June 2007 meeting that included only five cities to receive notice in October 2007. The department had not completed discussions with several of the remaining cities eligible to receive notice regarding the appropriate date to begin their initiation of periodic review. Those discussions are now complete, and a recommended schedule for the rest of the biennium is complete.

IV. PERIODIC REVIEW SCHEDULE

The staff report provided to the Commission for its June 2007 hearing (Attachment B) explains the statutory requirements for the periodic review schedule and the considerations the department used in developing a recommendation. The primary issue that held up completion of the schedule in June was the relationship between the periodic review schedule and the general fund grant cycle.

In previous drafts of the schedule, the department recommended that several cities receive notice to commence periodic review in October 2008. The periodic review statute and rule require the cities to complete a work program within six months and then begin completing the tasks on the work program. This would have meant the cities would have begun task work around March 2009—too early to apply for a 2009-11 periodic review grant and late enough in the 2007-09 cycle that available funds may be scarce.

Department staff concluded discussions with the affected cities and the results are reflected in the recommendation in Attachment A. Specifically, Tigard has been moved up to April 2008 while Happy Valley and Milwaukie have been moved back to April 2009.

Additionally, the June staff recommendation indicated Baker City should receive notice in April 2008. Due to recent changes in the city's staffing, concerns have been raised regarding the city's capacity to begin periodic review at that time. The recommendation in Attachment A delays Baker City's notice to 2009-11. If further developments at the city indicate a capacity to complete periodic review is restored sooner than that, the department will return to the Commission with a request to amend the schedule.

Finally, the department has been informed that a request to enter periodic review by a city not required to complete the process—Junction City—will be made in time for consideration at the Commission's November meeting. The department currently anticipates a recommendation to approve the request.

V. OTHER PERIODIC REVIEW ISSUE UPDATES

A. Periodic Review Assistance Team

ORS 197.639 and OAR 660-025-0060 authorize the Commission to designate "one or more Periodic Review Assistance Team(s) to coordinate state, regional or local public agency comment, assistance, and information into the evaluation and work program development process." The Commission has done so, and such as assistance team has been in existence for a number of years.

During the last several years while periodic review activity has been quite low, the team has existed only as an e-mail group. Due to new cities now entering the process, the department recently reconvened the team. Due to changes in state agency personnel, there are a number of new members. The department has construed the statute and rule regarding team designation to

apply to the state agencies, not the individuals, invited to participate and has therefore not sought Commission endorsement of reappointments. The state agencies represented on the Periodic Review Assistance Team are:

Department of Aviation	Dept. of Human Services (Drinking Water)
Department of Agriculture	Housing and Community Services Dept.
Economic and Community Development Dept.	Department of State Lands
Department of Environmental Quality	Parks and Recreation Department
Department of Fish and Wildlife	State Historic Preservation Office
Department of Forestry	Department of Transportation
Department of Geology and Mineral Industries	Water Resources Department

Local government is also represented on the team.

The Economic Revitalization Team is also recognized in statute and rule as an appropriate body to assist in coordinating state agency involvement in periodic review. The Economic Revitalization Team does not, however, include all the same departments as the Periodic Review Assistance Team, so all the functions cannot be consolidated in one body. Department staff has met with the directors of the Economic Revitalization Team agencies and with one regional team (so far) to discuss issues related to periodic review.

B. October 2007 Periodic Review Notice

The schedule approved by the Commission at its June 2007 meeting included five cities that would receive notice to commence periodic review “on or about October 1, 2007.” Due largely to Periodic Review Assistance Team members’ availability, the team didn’t meet until September 27 for its initial organizational meeting. Consequently, the department has not received information yet from several of the agencies to include in the periodic review notices. The department anticipates notice will be sent to the five cities in late October.

VI. CONCLUSION AND RECOMMENDATION

The department recommends the Commission approve the periodic review schedule for 2007-09 as shown in Attachment A.

Attachment A

2007-09 PERIODIC REVIEW SCHEDULE

Periodic Review notice sent:

Approved by the Commission June 2007

October 2007	Forest Grove Keizer Portland Hermiston The Dalles
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October 2007 recommendation

April 2008	Lake Oswego Roseburg Tigard Troutdale
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April 2009	Happy Valley Milwaukie Newberg Pendleton Sherwood Tualatin
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Delayed to 2009-11

Baker City
Gladstone
Newport
Redmond
West Linn
Wood Village

ATTACHMENT B



CITY OF PENDLETON

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April 17, 2008

Mr. John VanLandingham, Chair
Mr. Richard Whitman, Director
Oregon Land Conservation and Development Commission
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

Dear Mr. VanLandingham:

The City of Pendleton respectfully requests to enter periodic review a year early. We are currently scheduled to begin mandatory periodic review in April of 2009, but feel we are uniquely positioned to begin that review immediately. In fact, the requested early start will help the City of Pendleton to take advantage of other recent planning work and will maintain the momentum of those efforts.

Over the past 18 months, the City has completed a Goal 9 Update and Urban Growth Boundary expansion for industrial lands, Transportation System Plan Update, Interchange Area Management Plan, and the appropriate goal exceptions for a new industrial access road linking the west boundary of the Airport to Interstate 84. These projects produced a wonderful momentum of planning effort and established a solid working relationship with DLCDC Staff; we hope to continue both of those successes through periodic review.

The city has developed a draft work plan that we intend to bring before the community, the Planning Commission, and City Council in May 2008. Following the outcome of these meetings we will be able to forward our review to DLCDC Staff for PRAT review.

Please consider our request and encourage the appropriate divisions of the Department to appropriate sufficient grant funds to assist us through this upcoming process.

Very Truly Yours,

Larry Lehman
City Manager

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