



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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June 3, 2008

TO: Land Conservation and Development Commission

FROM: Richard Whitman, Director
Darren Nichols, Community Services Division Manager
Mark Radabaugh, Central Oregon Regional Representative

SUBJECT: **Agenda Item 5b, June 18-20, 2008, LCDC Meeting**

CITY OF THE DALLES REQUEST TO EXTEND PLAN EVALUATION AND WORK PLAN DEVELOPMENT IN 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 The Dalles to re-initiate Periodic Review approximately six months later than the Commission's previously approved schedule in order to permit the City of The Dalles to coordinate with additional government partners including Wasco County, the Columbia River Gorge Commission and Native American Treaty Tribes.

II. AGENDA ITEM SUMMARY

In October 2007, the Commission approved a schedule for the City of The Dalles to enter into Periodic Review. On May 12, 2008, the department received a request from the City of The Dalles asking the Commission to extend the due date for the city's plan evaluation and work plan under Periodic Review.

In the city's request, The Dalles City Manager Nolan Young notes the city's planning efforts already underway toward completion of periodic review and the unusual complexities of developing a coordinated work plan in the Columbia River Gorge National Scenic Area. The Dalles' unique location requires a higher level of coordination with Wasco County, the State of Oregon, the Columbia River Gorge Commission. In recent conversations with the city, the county and Gorge Commission staff, the participants have also recognized the need for additional coordination with the Tribes prior to developing a periodic review work plan.

In order for The Dalles to adequately include the entities mentioned above in the development of a successful periodic review work plan, the city requests additional time for plan evaluation and work plan development.

The city specifically requests that the work plan submittal due date be extended to September 23, 2008. ORS 197.636(1)¹ authorizes the Director or the Commission to extend the deadline for submitting a work program for not more than 90 days. The Dalles' request, however, exceeds the Director's and the Commission's authority to extend that deadline by nearly 6 weeks.

Understanding the city's need to coordinate with an unusual number of jurisdictions, and recognizing the additional complexities facing communities located in the National Scenic Area, the Director recommends that the Commission simply re-initiate periodic review for The Dalles, starting June 23, 2008, allowing the city to develop a work plan that adequately addresses the needs and concerns of stakeholders in the area.

Altering the start date for periodic review for The Dalles is not likely to impact the department's ability to provide technical assistance or grant funding to other cities in periodic review. Altering the start date will, however, give the City of The Dalles an opportunity to successfully coordinate its planning efforts with other government partners in the Columbia River Gorge.

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 The Dalles to submit a work plan immediately; or
2. Revise the Commission's approved schedule to re-initiate Periodic Review for The Dalles starting immediately (June 23, 2008); or
3. Revise the Commission's approved schedule to initiate Periodic Review for The Dalles 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 re-initiate Periodic Review for the City of The Dalles starting June 23, 2008 (option 2. listed above).

¹ ORS 197.636(1) reads: "Procedures and actions for failure to meet periodic review deadlines. (1) Upon good cause shown by a local government, the Director of the Department of Land Conservation and Development may allow the local government an extension of time for submitting a work program or completing a work task. A decision by the director to grant or deny an extension may be referred to the Land Conservation and Development Commission by the director. The Department of Land Conservation and Development or the commission shall not extend the deadline for submitting a work program more than once nor for more than 90 days, and shall not extend the deadline for a work task more than once nor for more than one year."

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 re-initiate Periodic Review for the City of The Dalles beginning June 23, 2008.

Alternative Motion (1): I move that the Commission find that the City of The Dalles' request to re-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 The Dalles in MONTH, YEAR; or

Alternative Motion (2): I move that the Commission deny the City of The Dalles request to re-initiate Periodic Review at this time and that the department continue to implement Periodic Review for The Dalles according to the Commission's previously approved schedule.

Attachments:

- A. Staff Report and Approved Periodic Review schedule 10/20/07
- B. May 8, 2008 letter from the City of The Dalles



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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

ATTACHMENT A

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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



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481

May 8, 2008

Darren Nichols
Community Services Division Manager
Department of Land Conservation and Development
635 Capital Street NE, Suite 150
Salem, Oregon 97301-2524

RE: Periodic Review extension request

Dear Mr. Nichols,

The City of The Dalles received your Periodic Review notice on November 14, 2007. Since that time we have endeavored to complete the review following our public involvement process. Although we have completed much of the work, we will not be able to meet the May 12, 2008 deadline. This is due to the complexities and unknowns surrounding the Columbia River Gorge Commission process and the additional coordination issues among the various authorities.

Therefore, we are asking for an extension of time to complete the review process. At this point we are unable to determine a specific completion date, so we are requesting that the extension be made to September 23, 2008, which should be adequate time to complete the work. The City Council does not meet in August, and getting it done by the end of July might prove to be difficult.

Thank you for your consideration of this request and the assistance provided to us on this important planning issue.

Sincerely yours,

Nolan K. Young
City manager

cc Robb E. Van Cleave, Mayor
Dan Erickson, Wasco County Judge
Jill Arens, Gorge Commission Director
Mark Radabaugh, DLCD Field Representative
Todd Cornett, Wasco County Planning Director

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LAND CONSERVATION
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