



Oregon

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October 29, 2012

TO: Land Conservation and Development Commission

FROM: Jim Rue, Director
Rob Hallyburton, Community Services Division Manger

SUBJECT: **Agenda Item 3, November 15, 2012 LCDC Meeting**

PERIODIC REVIEW UPDATE

I. AGENDA ITEM SUMMARY

A. Type of Action and Commission Role

This is a briefing only. No action is requested or anticipated.

B. Staff Contact Information

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

II. BACKGROUND

A. Legal Framework

ORS 197.628(1) provides:

It is the policy of the State of Oregon to require the periodic review of comprehensive plans and land use regulations in order to respond to changes in local, regional and state conditions to ensure that the plans and regulations remain in compliance with the statewide planning goals adopted pursuant to ORS 197.230, and to ensure that the plans and regulations make adequate provision for economic development, needed housing, transportation, public facilities and services and urbanization.

The specifics of this periodic review requirement have changed over time due to practical and political issues that made completing the process in an efficient and timely manner difficult for many local governments. A constant, however, has been that commencing of periodic review is

not automatic for a local government; that is, the commission must initiate the process for individual jurisdictions.

The current law on schedules (ORS 197.629(1)) provides:

The Land Conservation and Development Commission shall establish and maintain a schedule for periodic review of comprehensive plans and land use regulations. Except as necessary to coordinate approved periodic review work programs and to account for special circumstances that from time to time arise, the schedule shall reflect the following timelines:

(a) A city with a population of more than 2,500 within a metropolitan planning organization or a metropolitan service district shall conduct periodic review every seven years after completion of the previous periodic review; and

(b) A city with a population of 10,000 or more inside its urban growth boundary that is not within a metropolitan planning organization shall conduct periodic review every 10 years after completion of the previous periodic review.

A local government is officially in periodic review when the department sends it notice, and the department knows when to send notice based on the schedule adopted by the commission according to this statute.

B. Current Status

The commission last approved a periodic review schedule under this statute in July 2009 (Attachment A). The approved schedule includes nine cities that the commission included because of the timelines in the statute quoted above. A tenth, Junction City, was included at the request of the city in order to complete updates to its comprehensive plan in response to changing circumstances in the city.

The schedule “suspended” six cities’ periodic review and “delayed indefinitely” six more. The “suspended” cities were anticipated to be sent notice later in that biennium (2009-11) or during 2011-13. To date, none have been sent.

From the July 2009 staff report to the commission:

Following the economic downturn late in 2008, the legislature disappropriated a significant portion of the department’s grant funds reserved for periodic review work tasks. Additional uncertainty regarding the department’s 2009-11 budget prompted the commission and the department to suspend the schedule for initiating new periodic review work programs (unless the community asked to proceed regardless of state funding status) until the commission and the department could better estimate its ability to commit resources to periodic review.

The grant budget since that time has been reduced farther, resulting in fewer resources for assistance to local periodic review efforts. During this biennium, about one-half of available grant funds have been used for periodic review tasks.

Attachment B includes a chart showing the status of progress toward completion of periodic review tasks and the jurisdictions that have been out of periodic review long enough to be eligible to be placed on the schedule. The chart shows that a considerable percentage of outstanding tasks are overdue. We do not suggest that cities are neglecting periodic review. Each city with overdue tasks has unique issues with completing the work, but insufficient resources is a common theme. In addition, now 24 cities are eligible to be placed on the periodic review schedule, including those that were suspended or delayed in 2009 and those whose previous periodic review completion was long enough ago that it's time be scheduled again.

C. Looking Ahead

Several of the 10 cities currently in periodic review are scheduled to complete their tasks during this biennium suggesting some new cities could be scheduled, but past performance suggests that few will actually get done. In addition to the 24 cities that have been suspended and delayed, three additional cities will become eligible to be placed on the periodic review schedule during 2013-15.

The department's proposed budget for 2013-15 increases the grant budget by about \$300,000 dollars for all types of grants, which, if approved, will restore it to about the 2009-11 level. The Grants Advisory Committee will meet during the winter and spring of 2013 to develop a recommendation to the commission regarding allocation of available grant funds.

Overlaying these considerations is anticipated legislation regarding streamlining the urban growth boundary amendment process that could significantly alter or eliminate periodic review as it currently exists. (See Item 13, Director's Report.)

III. SUMMARY

The number of overdue tasks presents two questions: first, should cities making little progress remain in periodic review, and second, should overdue tasks be eligible for grant assistance. The longer cities stay in periodic review, the less availability there is for other cities to utilize the process for updating their plans.

The number of cities that the statute says should be scheduled for periodic review is growing. This is related to the issue of overdue tasks, but is also a product of available state and local resources to complete tasks. The availability of state funding is partly a function of the priorities established by the commission in the Grants Allocation Plan.

ATTACHMENTS

- A. 2007-2009 / 2009-2011 - Periodic Review Schedule
- B. Periodic Review Status Report – October 2012

Attachment A

2007-2009 / 2009-2011 - DRAFT REVISED PERIODIC REVIEW SCHEDULE

Periodic Review notice sent:

October 2007

Forest Grove**
Keizer*
Portland*
Hermiston**
The Dalles**

April 2008

Lake Oswego**
Pendleton**
~~Roseburg~~
Tigard*
Troutdale**
Junction City (approved)

Scheduled to begin April 2009 - suspended until later in the 2009-11 biennium or 2011-13 depending on the availability of funds:

Happy Valley
Milwaukie
Newberg
~~Pendleton~~
Roseburg
Sherwood
Tualatin

Silverton (voluntary request)

Delayed indefinitely

Baker City
Gladstone
Newport
Redmond
West Linn
Wood Village

* Cities with approved work programs
** Cities that have requested to postpone work program approval pending available funding

PERIODIC REVIEW STATUS REPORT - OCTOBER 2012



BOLD OUTLINE = TASK COMPLETE
RED FILL = OVERDUE

PERIODIC REVIEW STATUS REPORT - OCTOBER 2012

TASK	START	7/1/2010	10/1/2010	1/1/2011	4/1/2011	7/1/2011	10/1/2011	1/1/2012	4/1/2012	7/1/2012	10/1/2012	1/1/2013	4/1/2013	7/1/2013	10/1/2013
<u>PR NOTICE SENT APRIL 2008</u>															
<u>LAKE OSWEGO</u>															
1	GOAL 10	4/15/2010													4/15/2014
2	GOAL 9														4/15/2014
3	GOAL 12														4/15/2014
4	GOAL 11														4/15/2014
5	GOAL 14														4/15/2014
<u>PENDLETON</u>															
1	GOALS 1 AND 2	4/15/2010	9/30/2010												
2	GOAL 5				5/31/2011										
3	GOAL 7				5/31/2011										
4	GOAL 9				5/31/2011										
5	GOAL 10				5/31/2011										
6	GOAL 11								5/31/2012						
7	GOAL 12								5/31/2012						
8	CODIFY													1/31/2013	
<u>TIGARD</u>															
1	GOAL 10	4/15/2010					12/31/2011								
2	CODE UPDATE		8/31/2010												
3	GOAL 9				5/31/2011										
4	GOAL 11								6/29/2012						
5	GOAL 12								6/29/2012						
6	FORECASTS											12/31/2012			
<u>TROUTDALE</u>															
1	GOAL 10	4/15/2010		1/29/2011											
2	GOAL 9				7/30/2011										
3	GOAL 11					9/30/2011									
4	GOAL 12						12/31/2011								
5	GOAL 5								6/30/2012						
6	FORECASTS													11/31/2012	
<u>JUNCTION CITY (VOLUNTARY PR)</u>															
1	GOAL 9	NO DATES!													
2	GOAL 5	PARTIALLY APPROVED													
3	GOAL 10														
4	GOAL 14	PARTIALLY APPROVED													
5	ADOPTION	PARTIALLY APPROVED													

BOLD OUTLINE = TASK COMPLETE
RED FILL = OVERDUE

PERIODIC REVIEW STATUS REPORT - OCTOBER 2012

COMMISSION ACTION	
<u>SUSPENDED AS OF JULY 2009</u>	<u>DELAYED INDEFINITELY</u>
HAPPY VALLEY	BAKER CITY
MILWAUKIE	GLADSTONE
NEWBERG	NEWPORT
ROSEBURG	REDMOND
SHERWOOD	WEST LINN
TUALATIN	WOOD VILLAGE

NO COMMISSION ACTION		
<u>OTHERS BECOMING ELIGIBLE IN 2009-11</u>	<u>OTHERS BECOMING ELIGIBLE IN 2011-13</u>	<u>OTHERS BECOMING ELIGIBLE IN 2013-15</u>
HILLSBORO	CORVALLIS	COOS BAY
KING CITY	EAGLE POINT	CORNELIUS
OREGON CITY	FAIRVIEW	ST. HELENS
PHOENIX	GRANTS PASS	
TALENT	JACKSONVILLE	
	PHILOMATH	
	PRINEVILLE	