



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

Oregon.gov/lcd



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](mailto: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<br>Keizer<br>Portland<br>Hermiston<br>The Dalles |
|--------------|---|

### **October 2007 recommendation**

|            |  |
|------------|--|
| April 2008 | Lake Oswego<br>Roseburg<br>Tigard<br>Troutdale |
|------------|--|

|            |   |
|------------|---|
| April 2009 | Happy Valley<br>Milwaukie<br>Newberg<br>Pendleton<br>Sherwood<br>Tualatin |
|------------|---|

### **Delayed to 2009-11**

Baker City  
Gladstone  
Newport  
Redmond  
West Linn  
Wood Village