



Planning and Building Services Department Memorandum

TO: Comprehensive Plan Citizen Advisory Committee

FROM: Sidaro Sin, Senior Planner

DATE: September 14, 2010

SUBJECT: Comprehensive Plan Update (PP 10-0007) – Periodic Review Requirements

INTRODUCTION

On August 25, at the first Comprehensive Plan Citizen Advisory Committee (CAC) meeting, you received Resolution 09-08 (R 09-08) and the state approved work program for compliance with Periodic Review. R 09-08 outlines the City’s approach for how to comply with Periodic Review and included background information on the City’s Comprehensive Plan (Plan), and the requirements of Periodic Review, and identified needed updates to comply with Periodic Review.

This memorandum is intended to more specifically describe the regulatory requirements of Periodic Review.

BACKGROUND

The City’s regulatory land use requirements come from the State’s 19 Statewide Planning Goals. In addition, because Lake Oswego is one of 25 other municipalities within the Portland Metropolitan area, the City is required to comply with Metro’s regulations. State and Metro requirements are addressed through the City’s Comprehensive Plan goals and polices, and implemented through the development code or other plans.

Oregon Regulatory Land Use System (Overview)



State

In 1973, Senate Bill 100 created the State Land Conservation and Development Commission¹ (LCDC) and established the statewide planning goal system. There are currently 19 statewide planning goals, 13 of which apply to the City. Every city and county is required to prepare, adopt and update their Plan in compliance with statewide planning goals approved by LCDC (Oregon Revised Statute (ORS) 197.175).

Statewide Planning Goal 2 is:

“To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

Metropolitan Service District (Metro)

While Periodic Review is a state requirement administered by the Department of Land Conservation and Development (DLCD), Metro has several roles regarding periodic review of the comprehensive plans of cities and counties within its jurisdictional boundary. Metro's coordination responsibilities and roles come from ORS Chapter 195 (Local Government Planning Coordination) and its land use planning responsibilities under ORS Chapter 268 (Metropolitan Service Districts). These roles aim to ensure that the plans of the 25 cities and three counties (urbanized portions) work well together and are consistent with Metro's Regional Framework Plan (RFP) and Metro's Urban Growth Management Functional Plan requirements that implement the RFP. Specifically:

1) Coordinate Plans

ORS 195.025(1) gives to counties the responsibility to ensure that the plans of the cities within the county are “coordinated” with each other and with the county plan. This statute and Metro's statute (ORS Chapter 268) assign this same responsibility to Metro for the local governments which lie within Metro's jurisdictional boundary. If a city or county proposes to amend its comprehensive plan or its other land use regulations, it is required to notify Metro at least 45 days before its first hearing on the amendment.

2) Population Forecast Coordination

ORS 195.036 requires “coordinating bodies” (including Metro within its boundary) to “establish and maintain a population forecast for the entire area within its boundary for use in...comprehensive plans...” This means Metro (1) does a forecast for the region, and (2) ensures that city and county forecasts done in periodic review are consistent with its regional forecast. Metro updates its population forecast for the region every five years as part of the Urban Growth Boundary (UGB) capacity analysis required by ORS 197.299.

Local (Lake Oswego)

Chapter (Goal) 2: Land Use Planning, Section 1: Land Use Policies and Regulations, of the City's Plan provides policy² and recommended action measures³ (RAMs) to ensure timely updates of the Plan.

¹ Oregon's seven-member Land Conservation and Development Commission (LCDC) directs the work of the Department of Land Conservation and Development (DLCD), adopts state land-use goals and implements rules, assures local plan compliance with the goals, coordinates state and local planning, and manages the coastal zone program.

² The Comprehensive Plan defines policy as “a statement identifying Lake Oswego's position and definitive course of action. Policies are more specific than goals. They often identify the City's position in regard to implementing goals. However, they are not the only actions the City can take to accomplish goals.” The City is obligated to follow these policies amending the Comprehensive Plan. In the case of conflicts in policies, the City shall seek solutions which maximize each applicable policy objective within the overall context of the Comprehensive Plan.

³ The Comprehensive Plan defines a recommended action measure (RAM) as “a statement which outlines a specific City project or standard, which if executed, would implement goals and policies...These statements also define the relationship the City desires to have with other jurisdictions and agencies in implementing Comprehensive Plan goals and policies.” RAMS do not obligate the City to take action, rather RAMs are suggestions for future decision-makers they do not obligate the City accomplish them.

Policy:

- “15. Review and update the Comprehensive Plan periodically, to ensure it:
- a. Remains current and response to community needs;
 - b. Contains reliable information and provides dependable policy direction; and,
 - c. Conforms to applicable state law, administrative rules, and Metro requirements.”

RAMS:

- “xi. Undertake periodic review and update of the Lake Oswego Comprehensive Plan every four to seven years.”
- “x. Evaluate the following concurrent with each periodic review or major revision of the Plan:
- a. Consistency among the Plan, implementing City regulations, adopted neighborhood plans, state and federal law and administrative rules, and Metro requirements;
 - b. Past and ongoing City actions to determine if the intent of the Plan is being achieved; and,
 - c. Reliability and timeliness of Plan information.”
- “xvi. Provide adequate resources and personnel to:
- a. Implement the Comprehensive Plan;
 - b. Monitor changing conditions which could affect City land use policy; and,
 - c. Conduct periodic review and update of the Plan.”

DISCUSSION

Periodic Review Requirement

Periodic Review is a process administered by DLCD that is required by State law as described in Oregon Administrative Rule (OAR) 660, Division 25 and ORS 197.628-197.644. Periodic Review requires that local governments review their Comprehensive Plan and land use regulations to ensure that the Plan and regulations continue to respond to changes in local, regional, and state conditions and remain consistent with Oregon Revised Statutes, Oregon Administrative Rules, programs of state agencies, and statewide planning goals. This process emphasizes review and compliance with statewide planning goals related to economic development, needed housing, transportation, public facilities and services, and urbanization. These topic areas focus on managing urban and rural development. While Periodic Review is focused on these five areas, the Council has directed that the update include all chapters within the Plan to ensure a “comprehensive” approach to future planning.

The following is a summary of the five major topic area requirements.

Goal 9 – Economic Development

<p>Statewide Planning Goal</p>	<p>To provide adequate opportunities through the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s Citizens.</p>
<p>Work Program Requirement</p>	<p>Update the economic element to be consistent with Statewide Planning Goal 9 with consideration to OAR 660 Division 9 (Economic Development). The economic element will include an Economic Opportunity Analysis (EOA) which will include, but is not limited to the following subtasks:</p> <ol style="list-style-type: none"> 1. Industrial and commercial buildable lands inventory; 2. Background section incorporating Metro Economic and Employment Trends; and 3. New or revised plan policies, maps and regulations as needed.
<p>Notes</p>	<p>An EOA articulates the community’s vision of its economic future, economic needs and implementation steps. The EOA answers the questions of what kind of development sites are needed, how needed sites are created, and how are they protected to meet the vision of the community. An important part of an EOA work plan is to look at state, regional and local trends to determine future needs and conduct an inventory of existing sites to identify suitable sites (quantity and characteristics) for a 20-year land supply.</p>
<p>Status</p>	<p>The City’s consultants are reviewing past plans and studies related to economic development and synthesizing, refining, and updating that information. This information will be vetted through the Planning Commission on October 11 prior to the CAC receiving it on October 26.</p>

Goal 10 – Housing

<p>Statewide Planning Goal</p>	<p>To provide for the housing needs of the citizens of the state.</p>
<p>Work Program Requirement</p>	<p>Update the housing element to be consistent with Statewide Planning Goal 10 with consideration to OAR 660 Division 7 (Metropolitan Housing “Rule”) and Division 8 (Interpretation of Goal 10 Housing). The Housing element will include an Housing Needs Analysis (HNA) which will include, but is not limited to the following subtasks:</p> <ol style="list-style-type: none"> 1. Buildable lands inventory; 2. Background section incorporating Metro Economic and Employment Trends; and 3. New or revised plan policies, maps and regulations as needed.
<p>Notes</p>	<p>A HNA is similar to an EOA in that it articulates the community’s vision of its housing future, needs and implementation steps. The HNA answers the questions of what kind of housing and how much is needed based on the City’s demographics. An important part of an HNA work plan is to look at state, regional and local trends to determine future needs and conduct an inventory of existing sites to identify suitable sites (quantity and characteristics) for a 20-year land supply.</p> <p>A major requirement of the Metropolitan Housing Rule is to ensure that the City provide a wide range of housing to meet identified housing needs under clear and objective standards. In addition, over the 20-year planning period, the City is required to provide the opportunity for new construction to be at least 50% attached housing and have an average of 10 dwelling units per net buildable acre.</p>
<p>Status</p>	<p>The City’s consultants are reviewing past plans and studies related to economic development and synthesizing, refining, and updating that information. This information will be vetted through the Planning Commission on October 11 prior to the CAC receiving it on October 26.</p>

Goal 11 – Public Facilities and Services

<p>Statewide Planning Goal</p>	<p>To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.</p>
<p>Work Program Requirement</p>	<p>Update the public facilities element to be consistent with Statewide Planning Goal 11 with consideration to OAR 660 Division 11 (Public Facilities Planning). This element will include, but is not limited to the following subtasks:</p> <ol style="list-style-type: none"> 1. Public Facilities Plan (PFP): <ol style="list-style-type: none"> a. Update the 2004-2009 Capital Improvement Plan (CIP); b. Incorporate the 2008 Clean Streams Plan (CSP) that addressed surface water management and implement any recommendation; c. Update the 1989 Sewer Master Plan (SMP); and d. Evaluate the 2002 Vulnerability Assessment Report and update the Emergency Response Plan (ERP). 2. Review and update Intergovernmental Agreements. 3. New or Revised plan policies, maps and regulations as needed.
<p>Notes</p>	<p>The purpose of the PFP is ensure that urban development in urban growth boundaries is guided and supported by the types and levels of urban facilities and services appropriate for the needs and requirements of the urban area being served, and that those facilities and services are provided in a timely, orderly and efficient manner. Public facility systems include: water, sanitary sewer, storm sewer, and transportation.</p>
<p>Status</p>	<p>The City’s Engineering Department will be the primary lead on subtask #1, with support from the Planning Department. Staff will schedule briefings for all of these projects in the near future. The Planning Department will be the lead on subtasks #2 and #3.</p> <ul style="list-style-type: none"> • CIP – Updated summer 2010 (FY 2010/11 – 2013/14). It is reviewed and updated on an annual basis. The updated CIP can be found at: http://www.ci.oswego.or.us/engineer/ • CSP – Work is scheduled to begin in early 2011 and scheduled for completion by the end of 2011. • SMP – The update has begun and is scheduled to be completed by end of 2011. • ERP – Staff will coordinate with the Engineering Department in the near future.

Goal 12 – Transportation

Statewide Planning Goal	To provide and encourage a safe, convenient and economic transportation system.
Work Program Requirement	Update the transportation element to be consistent with Statewide Planning Goal 12 with consideration to OAR 660 Division 12 (Transportation Planning) and coordination of state and regional transportation plans. This element will include, but is not limited to the following subtasks: <ol style="list-style-type: none">1. Update of the City's 1997 Transportation System Plan (TSP);2. Compliance with the State and Clackamas County's Transportation System Plan; and3. Compliance with Metro's Regional Transportation System Plan.
Notes	A major outcome of the TSP is coordination between transportation and land use planning to ensure: there is an adequate system to support development, support/provide a variety of safe and convenient transportation choices, facilitate the efficient flow of goods and services, and implementation/construction of transportation facilities.
Status	The City's Planning Department will be the primary lead on TSP update, with support from the Engineering Department. It is anticipated that the update will begin in early 2011 and be completed by the end of 2012.

Goal 14 – Urbanization

<p>Statewide Planning Goal</p>	<p>To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.</p>									
<p>Work Program Requirement</p>	<p>Update the urbanization element of the Comprehensive Plan consistent with Statewide Planning Goal 14 with consideration to OAR 660 Division 24 (Urban Growth Boundaries). This element will include, but is not limited to the following subtasks:</p> <ol style="list-style-type: none"> 1. Coordination with Metro to the extent necessary to obtain an allocation of projected new jobs and dwelling units that are expected to be accommodated within the city limits. 2. Coordinate with Metro a 20-year forecast for Lake Oswego for employment and residential uses shall be point forecasts (absolute number, not a range forecast.) 									
<p>Notes</p>	<p>As previously described in the background, Metro is responsible for population and employment coordination within Metro’s regional jurisdictional boundary (does not include Clark or Skamania counties in Washington). In December 2009 the Metro Council adopted the Urban Growth Report (UGR), which informs the regional vision for how and where to grow over the next 20 years. The report provides an employment and population range forecast for the years 2030 and 2060 for the seven-county Portland-Beaverton-Vancouver Primary Metropolitan Statistical Area (PMSA) which consists of Clackamas, Columbia, Multnomah, Washington and Yamhill counties in Oregon as well as Clark and Skamania counties in Washington. The report includes the following forecast ranges (low-high) with 90% probability rate for the 2030 period. The forecast does not predict where the growth will occur, but not all of it will be within Metro’s boundary. Where it occurs depends on many factors such as local/global economies, demographics and local policy and investment.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;"><u>Year 2000</u></th> <th style="text-align: center;"><u>2030 Forecast</u></th> </tr> </thead> <tbody> <tr> <td>Population:</td> <td style="text-align: center;">1,927,881</td> <td style="text-align: center;">2.9 million – 3.2 million</td> </tr> <tr> <td>Employment:</td> <td style="text-align: center;">973,230</td> <td style="text-align: center;">1.3 million – 1.7 million</td> </tr> </tbody> </table> <p>The report can be found at: http://www.metro-region.org/index.cfm/go/by.web/id=29959</p>		<u>Year 2000</u>	<u>2030 Forecast</u>	Population:	1,927,881	2.9 million – 3.2 million	Employment:	973,230	1.3 million – 1.7 million
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<p>Status</p>	<p>Staff is coordinating with Metro to narrow the range of population and employment numbers that will be allocated to Lake Oswego. Metro expects to begin discussions to narrow down the geographic distribution in late 2010 and conclude by summer/Fall 2011.</p> <p>Metro staff has encouraged the city to begin planning with a range forecast and end with a point that reflects local aspirations and investments. The forecast done by FCS Group estimates the Urban Services Boundary to be 50,000 by 2030 and 52,000 by 2035.</p>									