

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DIRECTION TO) RESOLUTION NO. 02-3236CB
THE EXECUTIVE OFFICER TO REQUEST A)
MODIFICATION OF METRO'S PERIODIC)
REVIEW WORK PROGRAM FROM THE) Introduced by the Community Planning
DEPARTMENT OF LAND CONSERVATION) Committee
AND DEVELOPMENT)
)

WHEREAS, the Land Conservation and Development Commission ("LCDC") approved a periodic review work program for Metro's periodic review by Order #001243 on July 28, 2000; and

WHEREAS, the work program contains a Task 2 that includes analysis of capacity and possible expansion of the urban growth boundary ("UGB") to accommodate need for housing and employment, and subtasks 8, 14 and 17 require Metro to determine and accommodate the need for industrial land; and

WHEREAS, the periodic review work program calls for completion of Task 2 by December 20, 2002; and

WHEREAS, Metro learned during preparation of its "Urban Growth Report – Employment" that the need for employment land may exceed both the supply of land within the UGB and the supply of suitable sites within priority two (exception) land, as described in ORS 197.298(1)(b); and

WHEREAS, Metro learned during preparation of its "Urban Growth Report – Employment" and "Urban Growth Report – Residential" that Clark County may increase its rate of capture of the region's employment growth, requiring Metro to undertake further coordination with Clark County and other local governments in the region; and

WHEREAS, the Metro Council believes that it may have to include an amount of priority four (resource) land, as described in ORS 197.298(1)(d) , in order to accommodate the need for employment land; and

WHEREAS, the agricultural industry is impacted by urban activity, and inclusion of priority four land to meet a need for employment land may affect the agricultural and forest industries and, therefore, the Council needs an opportunity to coordinate with representatives of those industries and consider a regional economic strategy; and

WHEREAS, Metro did not study a sufficient amount of priority four (resource) land, as described in ORS 197.298(1)(d), to allow adequate comparison of areas, raising issues of compliance with Goals 2 and 14; and

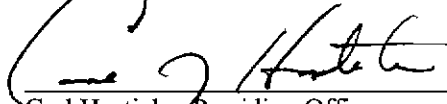
WHEREAS, the Council believes that more time than remains for completion of Task 2 is necessary for full, orderly and responsible region-wide discussion and evaluation of options for land to meet the need for employment land; and

WHEREAS, ORS 197.644(1) authorizes the director of the Department of Land Conservation and Development to approve, upon request of a local government, the modification of an approved periodic review work program; now, therefore,

BE IT RESOLVED:


The Council directs the Executive Officer to request a modification of Metro's periodic review work program, pursuant to ORS 197.644(1), to add as Task 3 the completion of the accommodation of the need for employment land that remains following the Council's December, 2002, Task 2 decision, and resolution of whatever issues of regional significance and goal compliance that may arise from addition of employment land to the UGB. The Council further directs the Executive Officer to seek a completion date for Task 3 that allows sufficient time for a discussion of regional economic strategy and for allocation of regional need for employment land to subregions should the Council decide it is in the interest of the region to do so.

ADOPTED by the Metro Council this 24th day of October 2002.



Carl Hosticka, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DIRECTION TO) RESOLUTION NO. 02-3236BA
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WHEREAS, inclusion of priority four land to meet a need for employment land may affect the agricultural and forest industries and, therefore, the Council needs an opportunity to coordinate with representatives of those industries and consider a regional economic strategy; and

WHEREAS, Metro did not study a sufficient amount of priority four (resource) land, as described in ORS 197.298(1)(d), to allow adequate comparison of areas, raising issues of compliance with Goals 2 and 14; and

WHEREAS, the Council believes that more time than remains for completion of Task 2 is necessary for full, orderly and responsible region-wide discussion and evaluation of options for land to meet the need for employment land; and

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Carl Hosticka, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

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ADOPTED by the Metro Council this ___ day of _____ 2002.

Carl Hosticka, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

COMMUNITY PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 02-3226A, FOR THE PURPOSE OF DIRECTION TO THE EXECUTIVE OFFICER TO REQUEST A MODIFICATION OF METRO'S PERIODIC REVIEW WORK PROGRAM FROM THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

Date: October 24, 2002

Presented by: Councilor Park

Committee Action: At its October 15 meeting, the Community Planning Committee voted 6-0 to recommend Council adoption of Resolution 02-3236A. Voting in favor: Councilors Atherton, Burkholder, Hosticka, McLain, Monroe and Park.

Background: Dick Benner, Senior Assistant Counsel made the staff presentation. Resolution 02-3236A directs that a proposal be filed with the Land Conservation and Development Commission to approve a modification to the periodic review work program by adding a task 3. Task 3 would be taken up after completion of task 2 in December of this year, and concern itself with accommodation of remaining need for employment land. A request for two years to complete task three was not unreasonable, he felt, and could be negotiated with the department. The department has the authority to approve this request, but could also ask the commission to make the decision.

Committee Issues/Discussion: Councilor McLain questioned the wording of the request as not being focused enough. She desired in-house work to sharpen our request, with regard to economic development strategy.

Mr. Benner referred to the timeline for this request and said the department requested a resolution and letter from Metro by Oct 17 or 18. Beyond that, dates for activity and completion of the task could be negotiated with the department.

The committee agreed to amend the word "industrial" with the word "employment" in key places in the resolution for the sake of consistency with code. The committee also agreed to amend language in the 6th whereas clause, at the request of councilor Atherton. The amendment softens the apparent certainty of the need for priority-four resource land, to accommodate the need for employment land.

Several councilors expressed a desire to have greater participation from agricultural interests in conducting task 3, and to involve the views of surrounding towns outside the UGB as well. Planning staff said that discussion of a regional economic strategy could involve both those interests and could be considered in a subtask work plan. In a related comment, Councilor Burkholder asked that a reference to study of a regional economic development strategy might better be referred to as a regional economic strategy.

Known Opposition: There is no known opposition. The Metro Policy Advisory Committee discussed the matter and agreed in principle to a task 3.

Existing Law: Metro has entered into a periodic review work program with LCDC. A modification of the work program to include a new task will need to be approved by the department or the commission itself.

Budget Impact: Implementation of task 3 could impact staff resources and the need for additional consultants. These issues will be dealt with in budget considerations.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 02-3236A FOR THE PURPOSE OF DIRECTION TO THE EXECUTIVE OFFICER TO REQUEST A MODIFICATION OF METRO'S PERIODIC REVIEW WORK PROGRAM FROM THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT.

Date: October 10, 2002

Prepared and Presented by: Lydia Neill
Principal Regional Planner

PROPOSED ACTION

Adoption of Resolution No. 02-3236A to authorize the Executive Officer to request an amendment to the Periodic Review Work Program (Order # 001243) to add a Task 3 to meet the shortfall in employment land. Application of the subregional rule is appropriate if this rule has been adopted by the Land Conservation and Development Commission (LCDC) and is deemed to be advantageous for the region. A number of other department work program tasks will influence the completion of Task 3 and they include: adoption of Goal 5, adoption of urban reserves and development of a regional economic strategy.

BACKGROUND AND ANALYSIS

Due to the closing deadline of December 20, 2002, to complete Task 2 of the current Periodic Review Work Program Metro is requesting LCDC amend the work program to address the employment land shortfall during Task 3. Additional discussion on a regional level is needed to develop a clear strategy to guide the selection of employment lands for inclusion in the urban growth boundary (UGB). Metro has not studied enough resource land in Tiers 4 and 5 to complete this task. Currently, there is insufficient time to complete all of this work. When the Council directed staff to study approximately 80,000 acres of land it was assumed that the study areas size was sufficient to meet the 2022 need.

In addition to this work program amendment Metro has asked the Land Conservation and Development Commission to develop a rule outlining subregional analysis requirements to provide parameters for supplying land to portions of the region to meet localized employment or housing needs. This is an important issue that must be approached carefully because of potential impacts on farmland and the potential for legal challenge.

Parallel Work Tasks Not Proposed to be Included in Periodic Review

Several other tasks will be completed parallel to the Task 3 work. These tasks outside of Periodic Review include: completion and adoption of a Goal 5 program, preliminary urban reserve work, development of an regional economic strategy and development of a vision for the northern Willamette Valley. These tasks will proceed independently and may inform the work included in Task 3 to meet the employment land shortfall.

Basis for Modification of Metro's Work Program

ORS 197.644(1) authorizes LCDC to modify a periodic review work program under one of the following circumstances:

- “(a) Issues of regional or statewide significance arising out of another local government’s periodic review require an enhanced level of coordination;
- (b) Issues of goal compliance are raised as a result of completion of a work program task resulting in a need to undertake further review or revisions;

- (c) Issues relating to the organization of the work program, coordination with affected agencies or person, or orderly implementation of work tasks result in a need for further review or revisions; or
- (d) Issues relating to needed housing, employment, transportation or public facilities and services were omitted from the work program but must be addressed in order to ensure compliance with the statewide planning goals.”

Metro will have to demonstrate one or more of these circumstances are met for each work task added to periodic review.

Meeting the unmet need for employment land from Task 2 does not neatly fit any of the ORS 197.644(1) circumstances because Metro was supposed to satisfy the need for employment land as part of Task 2 (see Subtasks 8, 14, 17). If Metro does not accommodate the need for employment land in Task 2, then the appropriate course by LCDC would be to grant Metro a single extension to complete Task 2 (for one year only) rather than adding a new Task 3. Nonetheless, Metro can argue that its effort to address industrial land need raised issues of coordination among local governments in the region (including the recent decision by Clark County to reduce its growth rate and pursue employment), whose Goal 9 plan elements are not coordinated, putting Metro in the circumstances described in paragraphs (a), (b), (c). It is unlikely that this additional coordination can be completed by December 2003.

Urban reserves have not been included in the proposed amended work program because designation of urban reserves for future UGB expansion does not readily fit any of the circumstances described above that justify modification of the existing work program, in part because designation of urban reserves is now a voluntary action.

Subregional analysis need not be a new work program task. It is simply a method for allocating the need for housing and employment. It can be subsumed within the work tasks that add capacity to accommodate additional housing and employment need.

Work Program Timeline 2003-2007

Metro should attempt to complete Task 3 within two years (Dec 2004). First, state law requires Metro to take action to ensure a 20-year supply of land for housing within two years of completion of its analysis of need (ORS 197.299(2)). Metro will complete its analysis, and provide a 20-year supply of housing land, in December, 2002, therefore completing Task 2. This supply of housing land will likely be reduced when a Goal 5 program is adopted. At that point a program is adopted Metro has the option of making a UGB amendment to replace the supply of land lost to Goal 5 protection or wait until the next review of the UGB that is due to be completed in 2007.

Second, state law encourages LCDC and local governments to complete periodic review within three years (ORS 197.633(4)). Metro began this periodic review in September, 2000. An additional two years for Task 3 will extend this periodic review to a total of four-years.

Third, Metro may want to conduct its next five-year cycle of capacity analysis within periodic review. Metro should not expect LCDC to provide it with continuous periodic review services in light of ORS 197.633(4) but can request this from the department.

Task 3 – Accommodation of Employment Land Needs: Based on a regional economic strategy in which Metro would participate. Completion of Task 3 by December 2004 would include the following subtasks:

- **Subtask 1:** Complete the follow-up work to the Regional Industrial Land Study; convert that work into regional economic strategy
- **Subtask 2:** Analyze designated “Industrial Areas” to determine which should remain in industrial use and those that should be converted for mixed-use
- **Subtask 3:** Determine the need for industrial land, adjust allocation for commercial land
- **Subtask 4:** Develop policy to guide the choice of land to accommodate need for industrial land to implement the regional economic strategy
- **Subtask 6:** Complete an Alternatives Analysis for Tier 5 lands
- **Subtask 7:** Evaluate using a subregional analysis (assuming adoption of LCDC rule); if appropriate complete the analysis
- **Subtask 8:** Take actions to accommodate need (increase efficiency of existing supply; expand UGB).
- **Subtask 9:** Evaluate methods for increasing the efficiency of employment lands
- **Subtask 10:** Evaluate adjoining agricultural lands for compatibility with potential employment uses allocated in Task 3. Include the value of the agricultural industry into discussions regarding the regional economic strategy.

Concurrent Work tasks

Develop a regional economic strategy - complete prior to designating lands to fulfill the employment land shortfall. Formulation of an economic strategy should take into consideration, location of existing industries and their future growth potential, emerging industries as well as farm industry needs because of the importance of agriculture to our statewide economy.

Completion of Metro’s Goal 5 Program - complete and adopt a Goal 5 natural resources protection program. Depending upon when this work is completed the capacity of UGB may need to be increased to account for loss of Goal 5 land, the passage of time and/or adjustments based upon applying a subregional analysis if authorized by the rule.

Designation of urban reserves - evaluate designation of urban reserve areas for future urban expansion. The size of the potential study area will be determined by the time frame they are anticipated to cover. Coordinate with Metro partners as well as take a wider Willamette Valley coordination approach to discuss the future urban form of our region.

BUDGET IMPACT

Adoption of this resolution has a budget impact. Approximately 2.95 FTE are needed to complete this work. The 2.95 FTE will come from staff from the Community Development section of the Planning Department (plus a part-time intern) and will be supplemented by staff from the Data Resource Center and Transportation section.

A consultant contract of in the range of \$50,000 will be required for completion of a public facility feasibility study for potential employment lands. This supplemental analysis can also be used for the assessment of urban reserves. The breadth of the area studied will in part determine the size of the consultant contract. It is likely to be more efficient if concurrent work occurs to identify urban reserves as well as fulfill the short-term need for employment lands. It is preferable to maximize the consultant contract and perform this work once to inform both Task 3 and a future designation of urban reserves.

EXECUTIVE OFFICER’S RECOMMENDATION

Authorize staff to seek approval from the Department of Land Conservation and Development to amend Metro’s Periodic Review work program to add Task 3 and committing the necessary resources to complete this technical work.