



Oregon

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May 8, 2014

TO: Land Conservation and Development Commission

FROM: Bob Rindy, Senior Policy Analyst

SUBJECT: **Agenda Item 15, May 22-23, 2014, LCDC Meeting**

UPDATE ON UGB STREAMLINING ADMINISTRATIVE RULES PROJECT

I. AGENDA ITEM SUMMARY

This item is intended as an update by the department regarding progress on the development of new administrative rules to streamline the urban growth boundary (UGB) amendment process. These rules are required by legislation enacted in 2013, HB 2254. The new laws enacted by HB 2254 go into effect January 1, 2016, and the administrative rules required by the legislation must also be in effect by that date.

In September 2013 the commission appointed a Rules Advisory Committee (RAC) to assist the department and the commission with the rulemaking. The RAC has met three times and recently approved proposals for key research necessary to support this rulemaking.

For additional information about this report, please contact Bob Rindy, Senior Policy Analyst, at 503-934-0008 or by email at bob.rindy@state.or.us

II. BACKGROUND

HB 2254 required LCDC to create a new optional, simplified way for growing cities to evaluate the capacity of their UGBs and, if necessary, to amend the UGB. The legislation takes effect in January of 2016 and provides the basic structure of the new UGB process, including detailed requirements for certain aspects of the new process, review standards for LUBA and the courts, and principles to guide and evaluate administrative rules adopted by LCDC. The law requires LCDC rulemaking in order to provide many key details of the new process. The new process is optional – cities that want to evaluate or amend a UGB using the current laws and rules may continue to do so.

The new rules must establish a simple method for small cities and another simple method (streamlined from the current process) for larger cities. The new methods will allow cities to estimate how much land is needed for long term growth and whether estimated land needs for such growth can be accommodated within their existing UGBs. The new law and additional rules

will clarify how cities decide *where* to grow their UGB when they have shown a need for additional land.

Substantial research will be needed to inform this rulemaking. The new law requires that the rules provide a “standard range” of choices for growth, such that any choice within this range is acceptable. The ranges are to be determined and adjusted over time for different areas of the state. The department recently commissioned a research project by the University of Oregon to provide data to help determine these ranges.

In addition to the RAC meetings described above, the department has periodically convened other small groups to give consideration to specific topics, and will continue to do so on a range of topics.

I. ATTACHMENTS

- A. Long Term Schedule
- B. UGB RAC

Projected Timeline for HB 2254 Rule Project

Project Subtasks	Oct 2013	Nov	Dec	Jan 2014	Feb	March	April	May	June	July 2014	Aug	Sept	Oct	Nov	Dec	Jan 2015	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2016
Kick-off RAC Meeting	■																											
Develop Options for Regions		→																										
Research Scoping		→																										
2nd RAC Meeting – Regions & Overview		■																										
Tech Meetings: Need Factors from Pop Forecast				→																								
Tech Meetings: Need Factors from Empl Forecast				→																								
Research Tasks 1 and 2 – Historical trends					→																							
3rd RAC Meeting – Needs Path and Research Task 1,2							■																					
Tech Committee UO Research Tasks 1 and 2								→																				
Subcomm re Needs Path								→																				
Research Task 3 Trends (lit review)								→																				
Tech Meetings: Simple Land Inventory									→																			
Research Tasks 4 and 5: Infill and Redev.										→																		
4th RAC Meeting – Needs Refinement (research preview?)										■																		
Tech Meetings: Infill and Redev.										→																		
Subcomm re Inventory, Infill, Redev.										■																		
5th RAC Meeting – Inventory, Infill, Redev, etc.												■																
Tech Meetings: Expansion Study Areas, Impractic.													→															
Research Task 6: Impractical to Serve											→																	
6th RAC Meeting – Expansion Study Areas, Impract., Serv.														■														
Subcomm re Needed Housing														→														
Research Task 7: Needed Housing Measures											→																	
7th RAC Meeting – Housing, Periodic Review Replacement															■													
Subcommittee re Periodic Review																→												
Land Exchanges (Optional)																			→									
Rule writing																				→								
Determine Goal Amendments																					■							
8th RAC Meeting – Rule Review																					■							
Goal Hearings																						■						
9th RAC Meeting – Rule Review																							■					
Notices																								■				
LCDC Hearing																									■			
10th RAC Meeting – Rule Review																										■		
LCDC Hearing - Adoption																											■	

*Shaded area represents the 2015 legislative session

UGB Rule Advisory Committee

Erin Doyle
Gil Kelley
Terry Moore
Jeff Condit
Mary Kyle McCurdy
Jon Chandler
Christie White
Dick Benner
Stephan Lashbrook
Nick Lelack
Alissa Hansen
Damian Syrnyk
Greg Winterowd
Mike Freese
Jon VanLandingham
Steve Faust
Shaun Jillian
State agencies (ODOT, ODA, OBDD, OHCD, ODFW)