Land Conservation and Development Department
Agency and Division: Administrative Rules Chapter Number: 660

Population forecasts for land use purposes

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:
Adoption of new rules and amendments to current rules concerning population forecasting for land use planning purposes.

Statutory Authority:
ORS 197.040; ORS 195.033(10)

Other Authority:

Statutes Implemented:
ORS 195.033 and 195.036; Oregon Laws 2013, chapter 574, section 3

Need for the Rule(s):
The proposed new rules, and changes to existing rules, are required by ORS 195.033 in order to implement the new population forecasting program required by that statute (ORS 195.033(10)) in 2013, and are necessary to regulate the transition to the new forecast program from the application of population forecasts produced previously under ORS 195.034 and 195.036, as those sections were in effect before the effective date of ORS 195.033 and 195.036.

Fiscal and Economic Impact:
The proposed rules are expected to have only minor fiscal and economic impacts, as described below.

Statement of Cost of Compliance:
1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
The proposed rules will implement 2013 laws (ORS 195.033 and 195.036) regarding the issuance of population forecasts for land use purposes. Those laws require local governments to use the forecasts issued by the Portland State University Population Forecast Center for land use purposes. State agencies are required by law (ORS 197.180) to take actions in conformance with local plans, and therefore the forecasts issued by the center will indirectly affect state agencies. However, the laws excuse local governments from preparing such forecasts in the manner previously required, and will prevent appeals of such forecasts. As such, it is anticipated that state agencies will have lower costs associated with forecasting. As such, while the proposed rules may have some impact on agencies or local government, costs to agencies and local government will be eliminated or considerably reduced.

The public will continue to have costs associated with population forecasting. These costs are detailed in the legislation enacted by the 2013 legislature regarding population forecasting, HB 2253, especially associated statements about fiscal impacts provided to legislative committees at the time of that enactment. The proposed rules implement that statute, but will not change the costs of forecasting that are supported by budgetary allotments in that legislation. As such, these rules will themselves have no cost effect, positive or negative, on the public.

2. Cost of compliance effect on small business (ORS 183.336):
a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:
The proposed rules apply to local governments, including Metro, rather than to business, and therefore will not have direct cost of compliance impacts on small businesses and types of business and industries with small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:
The rules will require local governments outside of Metro to use the forecast produced by the Portland State University Population Forecast Center for land use purposes. These local governments will no longer need to produce their own forecast, as required by the previous law amended in 2013. As such, the costs of recordkeeping and other administrative activities required for forecasting will be substantially
reduced. However, precise costs of such recordkeeping are not available. The subject law requires that local governments must use the forecast when a local land use plan or ordinance is amended and such amendment requires a population forecast. Costs related to such amendments are expected to be reduced because the forecasts issued by the center are not appealable to the courts and do not require widely depending on the size of the jurisdiction and the number of participants and therefore cannot be estimated in advance. The proposed rules will apply to Metro concerning land in the Portland Metropolitan area, but the proposed rules provide essentially the same standards for population forecasting as those in effect prior to the rules, and will not impose additional recordkeeping and other administrative activities required for compliance and are not expected to change current costs of professional services for such forecasts.

**c. Equipment, supplies, labor and increased administration required for compliance:**
No costs "required for compliance" are anticipated with respect to equipment, supplies, labor and administration as a result of the proposed rules.

**How were small businesses involved in the development of this rule?**
Small businesses are not affected by the rule and as such were not involved in the committee developing the rule. One member of the rule advisory committee represents the Oregon Homebuilders Association (OHBA), an organization that includes small businesses

**Administrative Rule Advisory Committee consulted?: Yes**
**If not, why?:**

<table>
<thead>
<tr>
<th>01-22-2015 Close of Hearing</th>
<th>Casaria Taylor</th>
<th><a href="mailto:casaria.taylor@state.or.us">casaria.taylor@state.or.us</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Day (m/d/yyyy) and Time for public comment</td>
<td>Printed Name</td>
<td>Email Address</td>
</tr>
</tbody>
</table>

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.