



Oregon

Tina Kotek, Governor

HPAC Work Group Recommendation Template

Legislation Training

Work Group

- Availability of land
- Land development permit applications
- Codes and design
- Workforce shortages
- Financing

Recommendation

Legislation training and LUBA Case review to be provided to both the public and private section annually.

- For new legislation, the information should be focused on the purpose behind the legislation, an overview of the legislation, and the implementation moving forward.
- For LUBA cases, the information should be focused on an overview of the LUBA case and the issues raised on appeal, a summary of LUBA's findings, and implications for case law moving forward.
- New administrative rules

The training to be offered for both city planning/community development departments as well as land use attorneys, land use planners, developers, and engineers. Cities with populations over 10,000 shall have one representative attend the training (either in-person or virtual). Incentivize all cities to attend.

Training summary to be sent to all cities. Online viewing of training to be considered.

Related Work Plan Topics

- Create teams of skilled professionals at the local level to aid developers, community groups, and jurisdictions navigate new development process.

- Assess potential changes to the current public participation and land use appeals process to address barriers to housing development.

Adoption Date

October 17, 2023

Adoption of Recommendation

Discussed in work group meeting on October 17, 2023

Co-chairs Guidance: Standards for Analysis

1. Clearly describe the housing production issue that the recommended action(s) will address.

New legislation and LUBA cases can have a large impact on the policies for developing housing throughout the state. By providing a central training for all cities and private industry, the context, legal language, and implementation can be more consistently applied at all communities in the state, ensuring everyone is under the same understanding of how the legislation/cases are to be applied.

An example of this would be the clear and objective provisions of the Needed Housing statutes. While it is clear that these provisions are to be applied to land use criteria, some still believe that these provisions do not apply to engineering design standards even though the intention is that the clear and objective criteria apply to all parts of the housing process.

2. Provide an overview of the housing production issue, including quantitative/qualitative context if available.

New legislation is passed or new LUBA cases are decided that can dramatically impact how land use and development are meant to proceed. Part of the problem is that every city has their own interpretation of the legislation or perhaps they aren't aware of the latest LUBA case and the implications of the case law.

This can result in inconsistent application of state law from one city to another. Often, trying to get consensus between developers and cities can be a costly and time consuming process. In an effort to make sure both the private and public side understand the new laws and case rulings,

DLCD and LUBA should provide an overview so that everyone has the same understanding as much as possible.

3. To assess the issue and potential action(s), include subject matter experts representing all sides of the issue in work group meetings, including major government, industry, and stakeholder associations.

Discussed in the Codes and Design work group meetings on October 10 and 17, 2023.

Discussed in Land Development Permitting work group on October 16, 2023.

Sean Edging, DLCD

Michael Anderson, Sightline

Sean mentioned that RELU puts on an annual training covering a lot of these topics. However this is put on by the Oregon Bar Association and isn't as accessible for planning departments.

4. Provide an overview of the expected outcome of the recommended action(s), including quantitative/qualitative context if available.

Cities throughout the State of Oregon, as well as private developers, land use attorneys, land use planners, and engineers would have the opportunity to hear the results of any relevant legislation and LUBA cases that have been decided in the last year. This would ensure that everyone is operating under the same understanding and how these new rules are to be implemented.

5. Estimate of the time frame (*immediate, short, medium, long-term*), feasibility (*low, medium, high*), and cost (*low, medium, high*) for implementation of the recommended action(s).

Time Frame	Feasibility	Cost
<input type="checkbox"/> Long-term	<input checked="" type="checkbox"/> High	<input type="checkbox"/> High
<input type="checkbox"/> Medium-term	<input type="checkbox"/> Medium	<input checked="" type="checkbox"/> Medium
<input type="checkbox"/> Short-term	<input type="checkbox"/> Low	<input type="checkbox"/> Low
<input checked="" type="checkbox"/> Immediate		

The likely agency for implementing this would be DLCD and LUBA. This would require some financial resources for the staff time. In addition, the training would take city staff away from their active roles.

6. Provide a general overview of implementation, the who and how for the recommended action(s).

DLCD and LUBA would be the likely agencies to put on the training. Any agency that would be affected by/implementing the legislation or new rules could also participate. This could include BCD.

RELU provides a training similar to this. Perhaps this could be done in conjunction or in addition to their training.

7. Outline the data and information needed for reporting to track the impact and implementation of the recommended action(s).

Tracking attendance at the training would be one method to track this recommendation. There could be some analysis comparing the number of appeal issues for cities that attend the training versus cities that do not.

8. Identify any major externalities, unknowns, tradeoffs, or potential unintended consequences.

It is possible that the method of implementation that is outline in the training could still be challenged at LUBA or at the Court of Appeals. However, the goal is to get everyone on the same page for how the rules are to be applied.

Please include any relevant reports, data analyses, presentations, or other documents that would be informative and useful for the full HPAC as the recommendation is discussed and considered.