

CITY OF SPRINGFIELD, OREGON

DEVELOPMENT AND PUBLIC WORKS



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Date: April 4, 2013

To: Rep. Brian Clem, Chair
Rep. Kevin Cameron, Vice Chair
Rep. Lew Frederick, Vice Chair
Members of the House Committee on Land Use

Re: HB 2253 – Population Forecasting
HB 2254 – Urban Growth Boundary Amendment Process

My name is Greg Mott, and for the last 37 years I've had the good fortune and honor to work for the City of Springfield as a land use planner. Since July, 2012, that responsibility has included serving on the Governor's Urban Growth Advisory Committee, a diverse group of stakeholders tasked with assisting in the collaborative development of reforms to the state's land use planning program, in particular elements related to growth management. This effort has now come before you in the form of House Bills 2253 and 2254.

I'd like to start my comments on these Bills by commending Governor Kitzhaber for maintaining his commitment to the state's land use planning program, a program that in my opinion still has no peer in the United States. I believe the governor's commitment is demonstrated by his willingness to accept that parts of this program have, through age, through diminished effectiveness, or through a propensity to attract significantly divergent interpretations of purpose and intent, arrived at a point of necessary repair. What is broken should be fixed.

The UGAC met 11 times between July 24, 2012 and April 1, 2013. The membership of the UGAC is notable in its breadth of interests and expertise, including statewide associations such as AOC, LOC, and the Special Districts Association; the Farm Bureau and Association of Nurseries; private sector representation including the Association of Realtors, Oregon Homebuilders, EcoNorthwest, and private practice land use attorneys; public interest representation including 1,000 Friend of Oregon, the League of Women Voters and Oregonians in Action; state agency representation including the DLCD, the Department of Agriculture and Business Oregon; and representation from Mayors and Councils, County Commissioners and County Counsel, Metro Council, and City Planning and Public Works. These individuals not only agreed to honor specific operating procedures, but also agreed to work with each other to achieve the principle purposes of the Governor's charge:

- Encourage continued improvement in urban efficiency and assist local governments to create well-functioning communities that are desirable places to live and work;
- Make it easier to carry out planned development with existing urban areas;
- Reduce the time and expense of urban growth boundary (UGB) amendments, and make amendments more predictable, particularly for small cities;
- Focus state and local planning on areas that are growing most rapidly;
- Continue to conserve important farm and forest lands.

I was encouraged by this spirit of cooperation at that first meeting in July and rewarded by this continued commitment at our last meeting on April 1. At each of these intervening meetings my comments and questions were treated with equal respect by the Committee members and the staff. This respect was never merely polite indulgence; my concerns that matters important to Springfield, and by extension other cities in Oregon of similar size or characteristics, would find a place in these reforms was always answered in the affirmative.

HB2253

I thoroughly endorse the proposed changes to ORS 195.304 establishing a new process to develop population forecasts for use in local comprehensive plans in support of needed housing, employment opportunities, park and open space and other public uses, and assessment of urban growth boundaries. This endorsement is in part a direct result of the 2007 legislature's enactment of HB3337 requiring the cities of Springfield and Eugene to:

- (a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and
- (b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

At the time of this legislation Springfield and Eugene shared a single comprehensive plan that included a single inventory of land and a single metropolitan area UGB. The requirement that each city adopt separate UGBs could not be accomplished without the determination under ORS 197.296 that adequate buildable lands existed within each boundary. Because neither city had ever developed inventories independent from each other or had been provided population forecasts independent of each other, the element that each city needed to proceed was a population forecast for the 20-year period beginning in 2010. Lane County is the coordinating authority for population forecasts, but had delegated that responsibility to Lane Council of Governments in the early 1970s. The most recent forecast had been prepared in 1996 in response to a Periodic Review order issued in 1994. Because this forecast did not accommodate the 20-year period required by statute, the cities could not proceed until a new forecast was prepared. The County had determined that they would rescind the agreement with LCOG and in so doing entered into negotiation with Portland State University to perform the forecast.

The City of Springfield supported this decision by the County, but could not wait for the projected completion date suggested by the County and PSU. As provided by statute, the City of Springfield proposed a forecast methodology that would simply extrapolate the existing trend line for growth rate and proportionality of the total county population for the time period required by the HB3337 mandate.

The County did not support our proposal, so we had no other option but to participate in the County's new proposal. As it turned out, the County and PSU expedited their work program/contract in order to accommodate our time lines *and* this included the associated coordination efforts with the other 11 cities in Lane County. Had the proposals included in HB2253 been in effect during this period the City could have met the mandate and would have done so without any of the drama that ensued. A guaranteed schedule with a guaranteed work product performed consistently by an unbiased source *at no cost to the city*, is one of those circumstances you only read about, never experience. This proposal will provide an enormous benefit to all cities and counties struggling to perform work on time and on budget. Two very huge thumbs up.

HB2254

It is a near certainty that city planners across the state will identify urban growth boundary expansions as the most complex, demanding, expensive, contentious and unrelentingly difficult planning actions they are ever required to perform. If the whole of the Goal 14 analysis could be undertaken purely as an exercise to address the requirements of the applicable statutes, goals and rules and that this process did not require public hearings, citizen involvement or Commission review it's entirely possible that this work could be completed in fairly short order and without huge expense. It wouldn't happen overnight or after a weekend sequestered in front of a computer for 36 hours straight, but certainly within 6-8 months or so. However, just as the contents of HB2253 is something usually read about from somewhere else, a UGB amendment being completed in 6-8 months is truly something that could only happen somewhere else.

A UGB expansion shouldn't be taken lightly; the UGB represents, in a single instance, the real genius of the state's land use planning program: provide for efficient, economical, balanced and contained urban development and preserve the farm land, forest land and other natural resources outside those UGBs. The fair consideration for these equally important urban-rural environments is the basis for the establishment and subsequent amendment of UGBs. It is also the reason why most UGB expansions and these are typically expansions required by the state, will take years, usually no less than 4, and cost hundreds of thousands, if not millions, to see through to the end. As an example, the City of Springfield began working on establishing its own UGB in the latter part of 2007. As we worked through the requirements of ORS 197.296 to determine buildable lands sufficiency we initially thought we'd need about 1,000 acres to satisfy the standard. During the preliminary evaluation of potential expansion areas we were confronted with substantial resistance despite what we believed to be compliance with the law.

We had already engaged the services of several professional consultants to assist us with the supply and demand analysis, but it was clear that we'd require legal services as well. We made a number of policy choices to reduce or "exposure" to challenges, and we finally concluded that our shortage of land could be converted into unit density and increased our density in selected areas thereby not adding any land to our UGB. We adopted this UGB in 2011, 4 years after we began, with hard dollar consultation costs over \$250,000 and the "soft costs" of our own staff exceeding \$700,000.

Our work hasn't concluded, however, as our Council decided it would be prudent to assess our other land use needs in as much as we'd completed our residential assessment and we had a timely population forecast. We began this evaluation in 2009 and scheduled our initial round of hearings with our elected officials this November. Another 4 years with costs approaching one million.

I'm pleased to say that the proposals contained in HB2254 will provide cities the option of using an "alternative" approach based on existing rate of growth and existing remaining inventory to calculate how much land may be

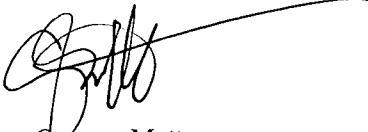
added to the UGB. The proposal does not provide that the city may expand into any preferred area; a priority standard will still apply based on the presence of urban reserves and exception areas, and high value farm land remains the lowest priority. But the basis upon which cities will rely to calculate the amount of land that could be added will be a straight forward assessment that reduces the likelihood of remand on that issue.

The new proposal also establishes a serviceable land inventory of 7 years and an overall inventory based on a 14 year planning horizon. This proposal also eliminates the requirement for Periodic Review and removes the Commission from the review and approval process. The action by local government to expand a UGB will be final unless appealed to the Land Use Board of Appeals. The elimination of Periodic Review and judicial review by LUBA will reduce municipal costs significantly for this planning action. This is a very well conceived benefit for all cities, but particularly the small cities that frequently don't have planners on staff.

There are no guarantees that UGB amendments undertaken using this process will be free of controversy or won't take years to complete; however, the UGAC members agreed that elements of the current process that create so many of the difficulties present in most UGB amendments today have been modified in a manner that should reduce these arguments in the future. This is clearly a positive move in the right direction by all accounts, but something that needs to be monitored. It is also important to understand that a good deal of the success we are forecasting with these amendments will rely on Commission rule making. It's my recommendation that the same collaborative process that created these proposals be used to develop Commission rules.

Thanks again to the Governor, his Natural Resource Advisor, Richard Whitman and principal staff member Bob Rindy, and all of my co-members of the UGAC. Let's hope for another 40 good years with this effort.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory Mott', with a long horizontal line extending to the right.

Gregory Mott
Current Development Manager
City of Springfield