



710 NW WALL
STREET
PO BOX 431
BEND, OR 97701
[541] 388-5505 TEL
[541] 385-6676 FAX
BENDOREGON.GOV

March 4, 2013

Rep. Brian Clem, Chair
Rep. Kevin Cammeron, Vice-Chair
Rep. Lew Frederick, Vice-Chair
Members of the House Committee on Land use

Re: House Bill 2253, Population Forecasting by Oregon University System

JIM CLINTON
Mayor

JODIE BARRAM
Mayor Pro Tem

VICTOR CHUDOWSKY
City Councilor

DOUG KNIGHT
City Councilor

SALLY RUSSELL
City Councilor

MARK CAPELL
City Councilor

SCOTT RAMSAY
City Councilor

ERIC KING
City Manager

This letter provides testimony from the planning staff at the City of Bend regarding HB 2253. I was a member of the Population Forecasting Core Group that worked with the Governor's office and staff from DLCDD to develop this concept. This testimony supports the passage of HB 2253.

The City of Bend coordinated closely with Deschutes County and the cities of Redmond and Sisters between 2002 and 2004 to develop a coordinated population forecast. Deschutes County adopted this forecast in 2004. The county and the cities also successfully defended the 2004 coordinated forecast before the Oregon Land Use Board of Appeals in 2005. All three cities used this forecast for planning their respective urban growth boundaries. While the county and the three cities were successful in completing a coordinated population forecast, this experience is unique.

HB 2253 as proposed provides a number of benefits for local governments and their citizens in support of good planning.

1. HB 2253 provides an opportunity for the state to support good land use planning at the local level by ensuring updated and frequent forecast of population for the state, the counties, and the cities. A population forecast is a critical piece of information cities need to review their supplies of buildable lands, ensure that land within their UGBs is serviceable with adequate public facilities, and aids in transportation planning.

2. Directing the Population Research Center to complete this work on a schedule ensures that there will be consistency in how forecasts are prepared within a given region, and reduces the opportunities that a party can claim a locally developed forecast may be biased one way or the other. The PRC has often been contracted to prepare such forecasts for cities as they initiate work to review their UGBs and comprehensive plans. The bill also includes

provisions for local review and comments on draft forecasts. This ensures PSU takes local information into account when preparing a forecast for a city.

3. Finally, the bill ensures that such forecasts are not land use decisions, which will further help communities in their long range planning by ensuring that the forecasts are treated as such. The preparation of a population forecast should not be treated as a land use decision. The process proposed in HB 2253 has some similarities to the process the PRC relies upon for preparing annual estimates of population for the state, counties, and cities. A land use decision, according to ORS 197.015(10) includes:

- (A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:*
 - (i) The goals;*
 - (ii) A comprehensive plan provision;*
 - (iii) A land use regulation; or*
 - (iv) A new land use regulation;*
- (B) A final decision or determination of a state agency other than the commission with respect to which the agency is required to apply the goals; or*
- (C) A decision of a county planning commission made under ORS 433.763;*

The preparation of the forecast, like annual estimates of population, is not a land use decision. The use of such a forecast to amend a comprehensive plan is a land use decision. The exercise of policy or legal judgment that relies upon a population forecast to make a decision is a land use decision and should rightly be reviewed by LUBA if appealed.

4. I understand that draft amendments to the bill will also address and recognize coordination between counties and cities before or during the process of developing a population forecast. These amendments should be supported and should be clear that coordination occurs where the county assists or conducts long range planning for smaller cities.

Thank you for the opportunity to provide testimony on HB 2253. Please consider passing the final amended version of this bill on to the House with a recommendation of do-pass.

Sincerely,

Damian Syrnyk, AICP
Senior Planner