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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 2254, new methods for urban growth boundary amendments

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 long range planning staff of the City of Bend who also participated as a member of the Urban Growth Advisory Committee (UGAC). Please find enclosed proposed testimony in support of HB 2254, including several of its key elements. I understand that amendments to the bill are forthcoming, and the enclosed testimony is intended to support these amendments as well.

The City of Bend has recent experience in developing a proposed UGB amendment for housing and employment lands. City planning and legal staff are currently working on satisfying the terms of a remand order from the Land Conservation and Development Commission (LCDC) concerning the City's proposed 2009 UGB amendment. The order is 150 pages in length and addresses the key topic areas associated with such an amendment, such as land need, public facility planning, and the boundary location analysis. The City's planning staff worked on this proposal for three years before submitting it to the Department for their review.

HB 2254 proposes two new methods for cities to use when evaluating and potentially amending their UGBs. I understand that there will likely be some legitimate concerns raised with this bill. It's important to remember that the bill provides direction for further rulemaking before LCDC. There are a number of issues that should be addressed through (a) further research relying on some real-world data and (b) to the greatest extent practicable, consensus on change in rules.

The remainder of this testimony addresses the following elements of the bill for the Committee's consideration.

1. HB 2254 stresses a goal of cities becoming more efficient in land use over time. This goal needs to be balanced with the statewide planning goals for economic development (Goal 9) and housing (Goal 10). Put another way, ensuring that a city's comprehensive plan supports economic development and the development of needed housing should not be secondary to achieving a higher number of people or housing units per acre over time.
2. HB 2254 provides direction to LCDC for further rulemaking on the UGB review and amendment process. The bill covers a number of topics that require further research, and this work should be given the time it needs so that the results can be incorporated into further rulemaking and conversation.
3. The proposed standard method simplifies the process for determining land needs, particularly for housing. This is a critical part of the bill, because Bend's recent experience shows that there is strong disagreement as to how much population and housing growth must be accommodated within a current UGB prior to expansion. HB 2254 includes some simple standards for evaluating the capacity of a UGB, and making some reasonable assumptions about redevelopment and infill, before estimating how much land might be needed in an UGB amendment. This will aid a community in their decision making by providing usable guidance in navigating the complex world of UGB expansions.
4. HB 2254 provides further guidance on simplifying the process for considering areas to include in a UGB amendment. This bill includes direction for rulemaking that simplifies the land priorities currently at ORS 197.298, provides direction on a study area related to the size of a city, and further clarifies when soil capability needs to be considered.

HB 2254 is a good start to making necessary changes in state law that will benefit both cities and their constituents by providing much needed clarity for making a decision on a UGB amendment. It is obvious from our experience that the current system does not serve the state, cities or residents well. 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