

# Enrolled House Bill 2253

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Land Conservation and Development)

CHAPTER .....

AN ACT

Relating to population forecasts for land use planning; creating new provisions; amending ORS 195.036 and 197.639; repealing ORS 195.034; appropriating money; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 2 of this 2013 Act is added to and made a part of ORS chapter 195.

**SECTION 2.** (1) As used in this section, “affected local government” means:

(a) A city or county for which the Portland State University Population Research Center is preparing a population forecast;

(b) A county that contains all or part of a city or an urban growth boundary for which the center is preparing a population forecast; and

(c) A local service district, as defined in ORS 174.116, that includes territory within the area subject to the population forecast.

(2) For the purpose of land use planning, the center shall issue a population forecast for:

(a) Each county except Multnomah, Clackamas and Washington Counties;

(b) The portions of Multnomah, Clackamas and Washington Counties that are not within Metro; and

(c) The area within each urban growth boundary other than the urban growth boundary of Metro.

(3) A local government with land use jurisdiction over land for which the center issues population forecasts under subsection (2) of this section shall apply the current final population forecast when changing the comprehensive plan or a land use regulation of the local government.

(4) The center shall issue population forecasts for each area described in subsection (2) of this section not less than once every four years on a schedule established by rule of the State Board of Higher Education adopted in consultation with the Department of Land Conservation and Development.

(5) When issuing a population forecast, the center shall:

(a) Consider and, if appropriate, incorporate available local data and information about local conditions received from representatives of local governments and members of the public;

(b) Cause, directly or with the assistance of the Department of Land Conservation and Development, the issuance of notice to all affected local governments and to members of the public that have provided a written request for notice to the center; and

(c) Post the methodology and supporting data used to make the population forecast on a publicly available website when the center causes notice to be issued as described in paragraph (b) of this subsection.

(6) A population forecast must forecast population for a 50-year period including:

(a) Forecasts for intervals, within the 50-year period, that are established by rule of the State Board of Higher Education adopted in consultation with the Department of Land Conservation and Development; and

(b) Population cohorts as provided by rule of the board adopted in consultation with the department.

(7) Within 45 days after the center issues a proposed population forecast under this section, a member of the public or an affected local government may file objections with the center. An objection must be supported by the inclusion of data or information that supports the objection. If the center:

(a) Does not receive an objection within the 45-day period, the proposed population forecast becomes final.

(b) Receives an objection within the 45-day period, the center shall review the objections filed, make changes to the proposed population forecast, if necessary in the discretion of the center, and issue a final population forecast.

(8) Periodically, the Department of Land Conservation and Development may require the center to submit its forecasting methodology and local data collection practices for review by an advisory committee established by the department and composed of experts in the field of population forecasting, representatives of cities and counties and members of the public.

(9) The issuance of a final population forecast under this section is:

(a) Not a land use decision; and

(b) A final decision not subject to further review or appeal.

(10) The Land Conservation and Development Commission, in consultation with the State Board of Higher Education, shall adopt rules to implement the population forecasting program required by this section.

(11) Each biennium, the commission shall allocate, from the grant funding described in ORS 197.639 (5), an amount of moneys that the Land Conservation and Development Commission, in consultation with the State Board of Higher Education, determines is sufficient to operate the population forecasting program required by this section.

**SECTION 3.** (1) The first complete set of final population forecasts required by section 2 of this 2013 Act must be issued and made available for use within four years after the effective date of this 2013 Act.

(2) The Portland State University Population Research Center shall phase in production of the first set of population forecasts required by section 2 of this 2013 Act and shall make each population forecast available for use as produced.

(3) Notwithstanding the amendments to ORS 195.036 by section 4 of this 2013 Act and the repeal of ORS 195.034 by section 6 of this 2013 Act:

(a) A local government for which the center is to issue population forecasts under section 2 (2) of this 2013 Act that initiates a periodic review, or any other legislative review of its comprehensive plan that concerns the urban growth boundary, on or before the date the center issues a final population forecast for the urban growth boundary may continue its review under a population forecast that satisfies the requirements of ORS 195.034 and 195.036, as those sections were in effect immediately before the effective date of this 2013 Act.

(b) The Land Conservation and Development Commission shall adopt rules to regulate the transition from the application of population forecasts produced under ORS 195.034 and 195.036, as those sections were in effect immediately before the effective date of this 2013 Act, to the application of population forecasts produced under section 2 of this 2013 Act and ORS 195.036, as amended by section 4 of this 2013 Act.

**SECTION 4.** ORS 195.036 is amended to read:

195.036. *[The coordinating body under ORS 195.025 (1) shall establish and maintain a population forecast for the entire area within its boundary for use in maintaining and updating comprehensive plans, and shall coordinate the forecast with the local governments within its boundary.]* **Metro, in coordination with local governments within its boundary, shall issue a population forecast for the entire area within its boundary to be applied by Metro and local governments within the boundary of Metro as a basis for changes to comprehensive plans and land use regulations.**

**SECTION 5.** ORS 197.639 is amended to read:

197.639. (1) In addition to coordination between state agencies and local government established in certified state agency coordination programs, the Department of Land Conservation and Development may establish one or more state assistance teams made up of representatives of various agencies and local governments, utilize the Economic Revitalization Team established under ORS 284.555 or institute an alternative process for coordinating agency participation in the periodic review of comprehensive plans.

(2) The Economic Revitalization Team may work with a city to create a voluntary comprehensive plan review that focuses on the unique vision of the city, instead of conducting a standard periodic review, if the team identifies a city that the team determines can benefit from a customized voluntary comprehensive plan review.

(3) The department may develop model ordinance provisions to assist local governments in the periodic review plan update process and in complying with new statutory requirements or new land use planning goal or rule requirements adopted by the Land Conservation and Development Commission outside the periodic review process.

(4) A local government may arrange with the department for the provision of periodic review planning services and those services may be paid with grant program funds **allocated under subsection (5) of this section.**

(5) The commission shall establish an advisory committee composed, at a minimum, of representatives from the League of Oregon Cities, the Association of Oregon Counties, metropolitan service districts, the Special Districts Association of Oregon, land use planning public interest groups and developer interest groups. The advisory committee shall advise the commission and the department on the allocation of grants and technical assistance funding from General Fund sources and other issues assigned by the commission.

**(6) The population forecasting program operated by the Portland State University Population Research Center pursuant to section 2 of this 2013 Act is the highest priority for the allocation of grant funding under subsection (5) of this section.**

**SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2013, out of the General Fund, the amount of \$250,000 for the purpose of allocating grant moneys pursuant to section 2 (11) of this 2013 Act to operate the population forecasting program required by section 2 of this 2013 Act.

**SECTION 7.** ORS 195.034 is repealed.

**SECTION 8.** This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect July 1, 2013.

**Passed by House June 12, 2013**

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 20, 2013**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

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Kate Brown, Secretary of State