

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Portland State University Population Research Center to issue population forecasts for land use planning that are currently produced by counties.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to population forecasts for land use planning; creating new provisions; amending ORS
3 195.036 and 197.639; repealing ORS 195.034; and declaring an emergency.

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

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

6 **SECTION 2. (1) For the purpose of land use planning, the Portland State University
7 Population Research Center shall issue a population forecast for:**

8 (a) **Each county;**

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

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

13 (2) **A local government for which the center issues population forecasts under subsection
14 (1) of this section shall apply the current final population forecast when changing the com-
15 prehensive plan or a land use regulation of the local government.**

16 (3) **The center shall:**

17 (a) **Issue population forecasts not less than once every four years; and**

18 (b) **Issue population forecasts at the same time for areas within an urban growth
19 boundary that includes two or more cities or portions of two or more counties.**

20 (4) **When issuing a population forecast, the center shall:**

21 (a) **Incorporate available local data; and**

22 (b) **Incorporate information about local conditions that may not be apparent from local
23 data, received from representatives of local governments and members of the public.**

24 (5) **A population forecast must forecast population for a 50-year period with:**

25 (a) **Forecasting increments produced on a schedule established by rule of the State Board
26 of Higher Education adopted in consultation with the Department of Land Conservation and
27 Development; and**

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

30 (6) **Within 45 days after the center issues a proposed population forecast under this sec-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 tion, an affected local government or a member of the public may file objections with the
 2 center. An objection may be supported by the inclusion of additional data or information that
 3 supports the objection. If the center:

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

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

9 (7) Periodically, the department may require the center to submit its forecasting meth-
 10 odology and local data collection practices for review by an advisory committee established
 11 by the department and composed of experts in the field of population forecasting, represen-
 12 tatives of cities and counties and members of the public.

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

14 (a) Not a land use decision; and

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

16 (9) The Land Conservation and Development Commission, in consultation with the board,
 17 shall adopt rules to implement the population forecasting program required by this section.

18 (10) Each biennium, the commission shall allocate, from the grant funding described in
 19 ORS 197.639 (5), an amount of moneys that the commission, in consultation with the board,
 20 determines is sufficient to operate the population forecasting program required by this sec-
 21 tion.

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

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

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

30 (a) A local government for which the center is to issue population forecasts under section
 31 2 (1) of this 2013 Act that initiates a periodic review, or any other legislative review of its
 32 comprehensive plan that concerns the urban growth boundary, on or before the date the
 33 center issues a final population forecast for all affected areas may continue its review under
 34 a population forecast that satisfies the requirements of ORS 195.034 and 195.036, as those
 35 sections were in effect immediately before the effective date of this 2013 Act.

36 (b) The Land Conservation and Development Commission shall adopt rules to regulate the
 37 transition from the application of population forecasts produced under ORS 195.034 and
 38 195.036, as those sections were in effect immediately before the effective date of this 2013
 39 Act, to the application of population forecasts produced under section 2 of this 2013 Act and
 40 ORS 195.036, as amended by section 4 of this 2013 Act.

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

42 195.036. *[The coordinating body under ORS 195.025 (1) shall establish and maintain a population*
 43 *forecast for the entire area within its boundary for use in maintaining and updating comprehensive*
 44 *plans, and shall coordinate the forecast with the local governments within its boundary.] Metro, in*
 45 *coordination with local governments within its boundary, shall issue a population forecast*

1 **for the entire area within its boundary to be applied by Metro and local governments within**
 2 **the boundary of Metro as a basis for changes to comprehensive plans and land use regu-**
 3 **lations.**

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

5 197.639. (1) In addition to coordination between state agencies and local government established
 6 in certified state agency coordination programs, the Department of Land Conservation and Devel-
 7 opment may establish one or more state assistance teams made up of representatives of various
 8 agencies and local governments, utilize the Economic Revitalization Team established under ORS
 9 284.555 or institute an alternative process for coordinating agency participation in the periodic re-
 10 view of comprehensive plans.

11 (2) The Economic Revitalization Team may work with a city to create a voluntary comprehen-
 12 sive plan review that focuses on the unique vision of the city, instead of conducting a standard pe-
 13 riodic review, if the team identifies a city that the team determines can benefit from a customized
 14 voluntary comprehensive plan review.

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

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

22 (5) The commission shall establish an advisory committee composed, at a minimum, of repre-
 23 sentatives from the League of Oregon Cities, the Association of Oregon Counties, metropolitan ser-
 24 vice districts, the Special Districts Association of Oregon, land use planning public interest groups
 25 and developer interest groups. The advisory committee shall advise the commission and the depart-
 26 ment on the allocation of grants and technical assistance funding from General Fund sources and
 27 other issues assigned by the commission.

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

31 **SECTION 6.** ORS 195.034 is repealed.

32 **SECTION 7.** This 2013 Act being necessary for the immediate preservation of the public
 33 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
 34 **July 1, 2013.**