

House Committee on Rural Communities
900 Court Street NE, Room 347
Salem, Oregon 97301

February 4, 2014

Re: Expedited Review of UGB Expansions, HB 4078

Chair Clem and Members of the Committee:



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

During the 2013 session, the Oregon Legislature passed House Bill 2254 in an effort to provide cities outside of the Metro region with more streamlined approaches to pursuing Urban Growth Boundary planning and expansions.

JIM CLINTON
Mayor

The bill was a result of significant effort by the Governor's Office, the Department of Land Conservation and Development, and many other stakeholders, including the City of Bend. The changes made in that bill, which represent significant progress in improving UGB expansion policy, are now the focus of an agency rulemaking workgroup and we look forward to their implementation in the near future.

JODIE BARRAM
Mayor Pro Tem

MARK CAPELL
City Councilor

HB 2254 did not address the Metro UGB expansion, which is now before you in the form of HB 4078. As its been proposed to be amended in a recent letter from Metro Council President Tom Hughes, HB 4078 would accomplish three things:

VICTOR CHUDOWSKY
City Councilor

DOUG KNIGHT
City Councilor

SCOTT RAMSAY
City Councilor

SALLY RUSSELL
City Councilor

- Require LCDC to issue a written order within 120 days after its vote regarding a decision on urban reserves or the UGB;
- Create an expedited schedule at the Court of Appeals for all future decisions on urban reserves or the UGB that is similar to the expedited process for review of LUBA decisions; and
- Create a specific deadline for the Court of Appeals to issue a final decision on an existing appeal of a UGB expansion.

ERIC KING
City Manager

These policies go collectively further than the statewide policies passed in HB 2254 as streamlining measures and we believe they would prove just as valuable to non-Metro cities throughout the state. In particular, the two elements that propose to create a schedule and deadline for UGB amendments that are reviewed by the Court of Appeals should warrant consideration as statewide policies.

Among the justifications for the Oregon Legislature's involvement in the current Metro UGB expansion process are the more than ten years spent to date and the prospect of much more time as a result of ongoing legal reviews.

The Metro UGB expansion, however, is not the only expansion process that

has taken so much time and faced intense legal scrutiny. McMinnville's UGB expansion has taken more than 20 years and has included multiple trips to the Court of Appeals. Woodburn's process has lasted more than 15 years, and resulted in multiple trips to the Court of Appeals.

And as a result of its own unique sets of circumstances and significant legal scrutiny, the City of Bend has been at its current process for more than ten years, with the prospect of many more to come.


In each in case, these cities have been left either to continue working under the current framework or wait for the new process takes shape while Metro stands to receive policies that are more aggressive than those being put in place for the rest of the state.

The City of Bend has no position on the bill before you, and isn't seeking to amend it or affect its passage, partly because its relating to clause is too narrow.

We understand that given the limitations of the short session, the odds of getting this addressed now are limited. What we're seeking, absent such an opportunity, is support for taking this issue up in the future, whether in the interim, or with legislation in the 2015 session. The City of Bend is certainly committed to devoting resources and working collaboratively with other interests to help make this happen.

Thank you for your time and consideration on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric King', written over a faint, illegible printed name.

Eric King, City Manager