



Portland Tribune

Our Opinion: Legislature should OK land-use bargain

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Prior to the start of the 2014 Oregon Legislature, both Republicans and Democrats touted the need to take action to sustain the state's economic recovery.

Now, the Legislature has the opportunity to do just. Prior to the body proclaiming sine die on March 5, lawmakers can approve the land-use "grand bargain" that has been forged in recent days.

Last week, Oregon's Court of Appeals effectively derailed a land-use plan that would have outlined urban and rural development in the Portland area for the next 50 years. The court's ruling threatens land-use decisions that would have made acreage available for future schools, housing and high-tech businesses, particularly in Washington County.

The court's decision also creates further uncertainty in a land-use process that has become extremely technical and time-consuming. The urban reserves in question were approved by Metro and the Oregon Land Conservation and Development Commission in 2011, but they were challenged in the Oregon Court of Appeals.

The court rejected the plan, citing three key problems.

First, the court questioned why Clackamas County had designated the Stafford area as an urban reserve. This is a logical concern when you consider the transportation and road improvements that would be required if that area were to become an urban hub.

Second, the court's ruling said Multnomah County had failed to meet its legal requirements in considering whether areas of the Tualatin Mountains should be rural reserves.

But it's the third area that caused the most consternation. The court stated that Washington County had failed to provide sound justification for its designation of urban and rural reserves.

By rejecting the reserves, the court also thwarted an expansion of the region's urban growth boundary, because the boundary extension depended on the reserves being upheld.

Chief Judge Rick Haselton pointed out that LCDC must "remand the entire submittal to Metro and the counties so that they can ultimately assess whether any new joint designation, in its entirety, satisfies that standard."

Such a remand could take years to resolve.

As frustrating as this process may be, this is how the system is designed to work — at least for now. Decisions are made, the public is informed, and if members of the public don't like the decision, they have the right to appeal in court.

The problem is that when it comes to land development, the amount of time it takes to get approval for urban growth expansion is unrealistic. When the need arises for additional land in the urban area, it often takes more than a decade to get approval. By that time, the needs have, in all likelihood, changed.

This is why it's important for the Oregon Legislature to step in.

According to Rep. Brian Clem, D-Salem, after lengthy meetings this past weekend between developers, conservationists and government leaders, the parties have agreed on a plan that will supersede the court ruling and allow the urban boundary expansion to move forward. The first hearing was held Tuesday afternoon.

"This is a good compromise for agriculture, residential and industrial interests in the county," said Washington County Chairman Andy Duyck, "and brings certainty to future urban and rural land decisions."

Even Jason Miner, executive director of 1,000 Friends of Oregon said, "We have historically opposed the Legislature making land-use decisions, but this is an exception situation and a chance to restore the balance to the land-use planning system that the Legislature intended."

When Oregon pioneered land-use regulation in the 1970s, it wasn't without its share of detractors. However, those same laws that have protected this state have become unwieldy in the current era. The Oregon Legislature has the opportunity to show some resolve by approving this grand bargain, but also understanding that this is only a short-term fix.

Oregon's land-use planning system has become unworkable and the Legislature should appoint a commission — once again — to find a way to fix the process so that these last-minute resolutions aren't needed in the future.