



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Land Conservation and Development

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May 13, 2015

**TO:** The Honorable Senator Chris Edwards, Chair  
Senate Committee on Environment and Natural Resources

**FROM:** Jim Rue, Director  
Department of Land Conservation and Development

**RE: HB 2456**

House Bill 2456 was introduced on behalf of the Department of Land Conservation and Development (DLCD) in order to repair a drafting error in legislation that was enacted unanimously by the 2013 legislature, HB 2254 regarding urban growth boundary planning. That 2013 legislation authorized a new optional, streamlined process for cities to evaluate and, if necessary, amend their urban growth boundaries (UGBs). HB 2254 is now codified in statute at ORS 197A.300 to 197A.325. The department urges the committee to approve this small “housekeeping” amendment to make sure this law is properly implemented.

HB 2254 (2013) requires the Land Conservation and Development Commission (LCDC) to adopt administrative rules that establish the optional UGB process. These rules must be adopted by January 1, 2016, and must be based on research about urban area development trends in particular regions of the state. It is expected that this new process will substantially reduce legal challenges, local government costs, and the complexity of the process. Although it is optional, this new method may eventually be used by most Oregon cities with growing populations. The department and a group of citizens and stakeholders have been working on the required rules since the summer of 2013 and have made considerable progress. The new rules will be completed and adopted by January 1, 2016, as required by law.

**Problem:** Unfortunately, it was not until well after HB 2254 was enacted that the department and other stakeholders noticed that there was a drafting error in the bill. A subsection meant to include certain specific requirements to guide this rulemaking was inadvertently omitted from a portion of the bill that is now codified in statute at ORS 197A.312. Although the intent of the missing section was understood, its inadvertent omission from the law could create confusion and legal challenges as LCDC strives to complete the required implementing rules.

HB 2254 included two separate sections, one for “small cities” (less than 10,000 in population) and one for “large cities” (over 10,000). Some of the provisions are different in these two sections, but some of those requirements were intended to be identical and thus it has become clear that there is a “missing” subsection in the “large city” portion of the bill. Since the “small city” section was correctly drafted in the legislation, it is easy to discern the exact wording that should have also been provided in the omitted “large city” section.

HB 2456 would simply insert the “missing” wording into ORS 197A.312. This bill would also renumber subsequent sections accordingly.

Thank you for considering this legislation. If you have questions, please contact Bob Rindy, Legislative Coordinator, 503-934-0008; [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us)

Copy: Greg Macpherson, LCDC Chair