



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



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**TO: The Honorable Representative Brian Clem, Chair
House Committee on Rural Communities, Land Use and Water**

RE: HB 2894

Thank you for the opportunity to provide testimony on House Bill 2894. The bill, as introduced, overrides the current rules that govern the location of lands to be included in an urban growth boundary (UGB) expansion. The bill requires a city outside of Metro to apply objective criteria for determining the development capacity of rural land (outside the UGB) including but not limited to: degree of development; cost of providing infrastructure; deed restrictions; and physical, topographical or other impediments. The city may include or exclude the land for inclusion in a UGB based on this analysis.

The bill does not expressly require rulemaking, however, the task of developing objective criteria and revising rules relating to urban growth boundary analysis and will likely fall to the department.

The Land Conservation and Development Commission (LCDC) adopted implementing rules for legislation passed unanimously in 2013 (HB 2254). Among other requirements, HB 2254 directed LCDC to adopt rules related to the prioritization of lands to be added to UGBs, including consideration of the provision of infrastructure; development; physical, topographical or other impediments; and development hazards (see ORS 197A.320(2)(b) and(3)). These new rules apply to both the simplified UGB process, as well as the traditional UGB process.

The intent of HB 2254 (2013) was to reduce complexity, costs, time and controversy for cities in determining which lands to add to their UGBs. HB 2894 would reverse the previous efforts of the associated design group and Rulemaking Advisory Committee by adding complexity.

Effect of the -1 Amendment

The proposed -1 amendment to HB 2894 applies the proposed criteria only to land a city is studying for inclusion in a UGB, rather than both land inside the existing UGB as well as land considered for addition. The amendment directs the department to establish objective criteria,

which is not within its authority. LCDC has the authority to adopt rules to implement the bill. The – 1 amendment does not address the department’s concern stated above.

Thank you again for this opportunity to provide you with information about HB 2894. If committee members have questions about this testimony, please contact Ellen Miller at 503-934-0020 or through email at ellen.l.miller@state.or.us.

Copy: Lauri Aunan, Governor’s Office
Greg Macpherson, LCDC Chair