Land Use Regulatory Reform: HB 2253, 2254, 2255

Modernizing Oregon's Growth Management Program

House Land Use Committee

3-6-2013

Key Result: Residential Growth in Oregon is Not Occurring Outside of Cities, Unlike Many Other Western States

Housing Units Outside of City Limits (2000-2010 Census Data)

	Oregon			Washington			Idaho		
	2000	2010	% change	2000	2010	% change	2000	2010	% change
Housing Units	360,000	360,000	0.0	510,000	542,000	6.2	180,000	210,000	16.7

Key Result: Oregon is Grows More Efficiently than Other Western States

Percentage Change 2000-2010 Census Data (Cities Over 20,000)				
	Oregon	Washington	Idaho	California
Increase in Population	16.0%	16.8%	28.8%	10.7%
Increase in Urban Land Area	7.1%	9.4%	37.8%	6.2%
Change in Population per Square Mile in Urban Areas	8.3%	6.7%	-6.6%	4.7%

Key Result:
Land Use Change on Non-Federal Lands 1974-2009

Ninety-eight percent of all non-Federal land in Oregon that was in forest, agricultural, or range uses in 1974 remained in these uses in 2009.

Key Results: Experience with Urban Growth Boundaries

During 2010 and 2011, there were 11 UGB amendments that added 2,796 acres to UGBs. 61% of the land was zoned for farm use, and 26% was zoned for forest use.

Over the 23-year period from 1988 through 2011, approximately 51,247 acres of land were added to UGBs statewide, almost half of which (23,919 acres) was added to the Metro UGB. More than one-third of the acreage was zoned for farm use, and one percent for forest use.

PLAN AMENDMENT DATA **2011 Table V**

Farm and Forest Land moved into Urban Growth Boundaries by Calendar Year

Year	Number	Acres		Use From Agriculture**	Use From Forest**
1988	12	516		150 acres	68 acres
1989	25	1,445		259 acres	100 acres
1990	9	2,737		1,734 acres	17 acres
1991	21	1,480		177 acres	70 acres
1992	15	970		297 acres	120 acres
1993	22	2,277		1,390 acres	448 acres
1994	20	1,747		201 acres	20 acres
1995	15	624		219 acres	143 acres
1996	19	3,816		2,466 acres	16 acres
1997	12	668		508 acres	40 acres
1998	21	2,726		493 acres	2 acres
1999	10	927		587 acres	72 acres
2000	8	624	*	0 acres	0 acres
2001	4	140	*	11 acres (52.3%)	0 acres
2002	55	17,962	*	3,281 acres (19.0%)	1,659 acres (9.5%)
2003	10	385		124 acres (26.0%)	85 acres (18.0%)
2004	7	3,391		2,090 acres (65.0%)	176 acres (5.0%)
2005	10	739	*	70 acres (63.0%)	8 acres (7.0%)
2006	15	3,231		670 acres (20.0%)	27 acres (7.0%)
2007	19	292		105 acres (20.0%)	65 acres (22.0%)
2008	6	972		949 acres (98.0%)	0 acres (0.0%)
2009	7	782		686 acres (88.0%)	4 acres (10.0%)
2010	5	58		37 acres (98.0%)	2 acres (0.0%)
2011	6	2,738	*	1,662 acres (88.0%)	699 acres (0.0%)
Totals	**353**	**51,247**		**18,166 from Ag. (33.6%)**	**3,841 from Forest (1.0%)**

So, What's the Problem?

- Complexity
- Cost
- Time
- Litigation
- Lack of Transparency

Recent UGB Litigation

- Madras, 2008, Ct. of Appeals affirms LUBA approval of city's UGB amendment
- Adair Village, 2006-08, multiple LUBA and Ct. of Appeals cases, ultimately UGB amendment approved
- Bend, 2009, LCDC remand
- Roseburg, 2009, LUBA remand of population forecast.
- Newburg, 2010 EOA, Ct. of Appeals affirms LUBA remand
- Newburg, 2010 HNA, LUBA remand.
- Woodburn, 2010, Ct. of Appeals remand of LCDC approval
- Roseberg, 2011, LUBA remand
- McMinnville, 2011, Ct. of Appeals remand of LCDC approval

HB 2253 – Population Forecasting for Land Use Planning

HB 2254 – New (Optional) Method for Cities to Amend their Urban Growth Boundary

HB 2255 – Planning for Employment Uses

HB 2254: Urban Growth Management – New Method

Step 1 (Forecast Population Growth)

Population forecast updated every 4 years.
Population forecast is not a land use decision.

Step 2 (Convert Population Forecast into Forecast of Land Need)

City determines **amount of land need** based on:
(a) Rate of population change over next 14 years; and
(b) Range (e.g. middle 80 percent) of ratios of the rate of population change to the rate of change in urban land area for cities in the area.

Step 3 (Land Supply)

City determines how much of the land need can be met on lands inside its existing UGB:
•Infill of urban lands
•Development of rural lands inside current UGB
•Redevelopment
= NET LAND NEED

Step 4 (Location)

City studies all adjacent land within X distance for possible addition to UGB, *excluding*:
•Lands that are not feasible to serve w. urban services;
•Lands w.i. particular hazard categories; and
•Lands to protect unique natural resources.

Step 5 (Location)

City adds lands from study area according to the following priorities:
•Exception, non-resource and urban reserves added first;
•Lower-value resource lands next;
•High-value resource lands last.

Step 6 (Key Features)

•**Assures a *supply of serviceable land.***
•**Designed to *reduce costs and litigation, significantly,* and speed review if there is a challenge.**
•***Replaces periodic review***
•***Protects farm and forest lands* by tracking trends and adjusting if needed.**

Steps 1 and 2 (Convert Population Forecast into Forecast of Land Need)

Population forecast

City determines **amount of land need** based on:

- Population forecast; and
- Population forecast converted to land need forecast, based on empirical data from other cities in that same area of the state.

Step 3 (Land Supply)

City determines how much of the land need can be met on lands inside its existing UGB:

TOTAL LAND NEED, Less:

- Infill of vacant urban lands
- Development of rural lands inside current UGB
- Redevelopment

= NET LAND NEED

Step 4 (Location)

City studies all adjacent land within X distance for possible addition to UGB, *excluding*:

- Lands that are not feasible to serve with urban services;
- Lands w.i. particular hazard categories; and
- Lands to protect unique natural resources.

Step 5 (Location)

City adds lands from the study area according to the following priorities:

- Exception, non-resource and urban reserves added first;
- Lower-value resource lands next;
- High-value resource lands last.

Step 6 (Key Features)

- Assures an adequate supply of ***serviceable land*** *for housing and employment uses.*
- Assures clarity regarding who will provide ***urban services*** to newly-urbanizing areas.
- Designed to ***reduce costs and litigation***, and speed review if there is a challenge.
- ***Replaces periodic review.***
- ***Protects farm and forest lands*** by tracking trends by areas, and adjusting as needed.

HB 2255

SB 766 (2011)

- Regionally-significant Industrial Areas
- Industrial Projects of State Significance

HB 2255

- Industrial Reserves
- Large Industrial Opportunities