

UGB – Rulemaking Advisory Committee

Meeting Notes: 11/26/2013 (2nd meeting – City of Wilsonville City Hall)

Attendees: Marilyn Worrix (Chair); Richard Whitman; Jim Rue; Carrie MacLaren; Bob Rindy; Gordon Howard; Casaria Taylor; Jerri Bohard; Jeff Condit; Greg Winterowd; Gil Kelley; Stephan Lashbrook; Terry Moore; Mary Kyle McCurdy; Alissa Hansen; Peggy Lynch; Pamela Barlow-Lind; Kathy Verble; Kim Travis; Lynn Schoessler; Jon Chandler, Mike Freese; Steve Faust; John VanLandingham; Dick Benner; Jim Johnson; Erin Doyle; Joy Vaughn (ODFW).

Via phone: Nick Lelack; Damian Syrnyk, Mia Nelson.

Agenda Item 1: Welcome

Marilyn Worrix thanked everyone for attending the meeting both in person and on the phone and indicated her appreciation of the City of Wilsonville for lending us the meeting room.

Carrie MacLaren gave an overview of the day's agenda - the agenda and related materials were handed out (and had been emailed) previously to the committee, including the following maps and documents: Determination of Regions (DLCD memo, 11/22/13), 1990-2000 Growth Rates for cities >10,000 (map), 2000-2010 Growth Rates for cities <10,000 (map), 2000-2010 Growth Rates for cities >10,000 (map), 2000-2010 Growth Rates for cities <10,000 (map), Population Density of cities <10,000 (map), Population Density of cities >10,000 (map), Population Growth and Density spreadsheet, ODOT Regions (map), Other Examples of Regions (map), Initial discussion of Research Tasks 1 and 2 (DLCD memo), Probable Drafting Error in HB 2254 (DLCD memo).

It was noted that the department had just completed a training session (over lunch) to bring several committee members up to speed on basic UGB law and practice and to provide history re HB 2253.

Agenda Item 2: Define Regions

Bob Rindy reminded the group that at the previous (1st) meeting of the UGB group it was decided we would start our journey with "Task 1, determining regions" (See "Policy and Research Tasks for UGB Rulemaking" handout at Oct 31, 2013 meeting). Bob began by noting that, for this discussion, the department had recently emailed the committee a background memo titled "Determination of Regions" (November 22, 2013). The memo provides a description and the actual wording of several requirements in HB 2254 that include the term "major regions."

Bob gave an overview of the issue, and indicated why it may be necessary to determine "major regions" of the state for purposes of this project, based on wording in HB 2254 associated with certain requirements. HB 2254 requires that, for certain steps in the new UGB process, determinations must be made for "major regions of the state." Bob noted that the law also includes requirements that must be

applied to lands that are “similarly situated.” As such, he suggests that the committee should decide whether this term means the same as “regions”. Or, if not, the group should try and better define it.

Slide show: Bob Rindy began by showing some maps to the group (previously handed out or emailed). He explained that the maps display some data on population growth of cities (by range) and density of cities (by range) on a statewide basis, both for large and small cities. This is based on data the agency has recently produced or updated and which may help with determining regions.

Mary Kyle McCurdy explained why she doesn’t agree that the intent of the term “regions” in the law is the same as the term “similarly situated” lands. Gil Kelley indicated he doesn’t believe defining regions will be a quick or appropriate way to sort various areas of the state for purposes of the law. He would not suggest we begin our rules process using the lens of “regions”.

Marilyn Worrix mentioned wording in HB 2254 that says “Willamette Valley” and asked whether this represents intent to describe at least one of the “major regions of the state” that this group is trying to define today. Richard Whitman responded that the discussion among the Design Team (in 2012) implied something like that, but that ultimately the law was worded so as to leave this group with flexibility defining other regions. He said the design team implied that there were perhaps 4, 5 or 6 regions defined by similar urban growth patterns but the team did not talk about boundaries of these regions. Gil Kelley again cautioned against defaulting to “regions” as context for everything else the group will be discussing. He doesn’t see their importance for discerning the various data sets we will be seeking.

Continuing with the slides, Bob Rindy explained there are many examples of regions already established by other agencies, but seemingly for a very different purpose than in HB 2254 (the slides show regions as defined by several other agencies). Two of the slides (Titled “Population Density per Square Mile”) show density ranges of large and small cities of the state but in displaying this they also provide the department’s recommended set of regions.

Mary Kyle McCurdy said she believes the law doesn’t require that we define regions – instead it was intended that regions be used as an evaluative measure only, and that a region may shift as we go but assumes it wouldn’t be case by case. We don’t need to collect data by regions; we need cities in the regions to use the data for a particular region.

Terry Moore suggested that three things, politics, fairness and efficiency, in that order, should be considered in describing regions. The maps of city growth rates in the slides don’t show a homogenous pattern of growth. He suggested for example we should not lump all small cities into the same region. He asked again what we gain by defining regions for this project.

Erin Doyle said the reason for requiring UGB analysis by regions is particularly evident with differences between the Willamette Valley and the rest of the state. Population density illustrates regional differences, on the map (in the slides). We need to be careful, when comparing city to city, that we understand the reasons for describing a particular region. Land use restrictions, needs, etc are very different in different areas of the state. Peggy Lynch stated that she believes Mary Kyle is probably

correct. Data access is her main point. If better guidance isn't going to be provided in the rule LCDC needs better data.

Dick Benner said it seems there is an implication in the statute that there will be different regions. The group has a lot of discretion as to what the regions are and how they will be defined. He'd like to be convinced that the way we treat regions, one way or another, will provide guidance to the rulemaking. He hopes the group doesn't spend a lot of brain time trying to establish a major regions map.

Jim Johnson noted that the word "similarly situated" is what the law says; different than "regions." He agrees with Dick, that this is more a data issue than anything else. He suggested the group stay focused on how to implement urbanization around the state. Gil Kelley suggested that the Oregon Solutions regions already established seem pretty good. He reiterated he doesn't see the need to focus on getting the map of regions just right at this particular time.

Richard Whitman reasserted that LCDC has to define regions under this law. In terms of politics, it's a mix of political and programmatic desires to be more responsive to what we hear at the state level – the desire to "not have the Willamette valley imposed on the rest of the state." There was a strong urge by the Design Team in crafting the legislation to be more responsive to the politics pressing for more regional differentiation. He suggested that if this group wants to work through the numbers some more, before drawing lines, then that would be ok.

Marilyn Worrix asked whether other necessary data can be gathered by the group (as per suggested research tasks) if we don't know the particular regions that it is being gathered for?

Greg Winterowd reiterated Gil's point that he believes the regional solutions teams currently work well together and the regional layout they use is a good one.

Carrie MacLaren stated that the group had acknowledged at our last meeting that our first try may be only a "rough cut" for regions. The reason for scheduling this task first was to help the data research that we are about to start on. Carrie would like us to have an idea of a reasonable map of regions but with our commitment to retool and collapse these as necessary in the future.

Terry Moore suggested we establish large regions and then have "big/medium/small" cities be an additional breakdown within each region. With a smaller number of regions we can then evaluate the various sized cities. Mary Kyle McCurdy indicated, regarding the size of the cities: 10k is too simplistic - maybe a 2,500, 5k, 10k breakdown. Kathy Verble suggested that if we are basing this on urbanization, population as an initial breakdown would be a better starting point. She'd like to know the rationale behind the regional solution team regions before agreeing to use those definitions. Gordon Howard added these are study areas shown in the maps, but they may not be standard.

Lynn Schoessler stated that the current regional solution team regions align with the federally recognized Economic Development Regions. Jeff Condit suggested breaking eastern Oregon into north and south, and western Oregon into north and south and the coast being a region of its own. Jerri Bohard added that MPOs could be considered in defining regions: Noted there is an MPO that would

suggest dividing the top half of eastern Oregon from the rest and also would suggest including Klamath Falls in the southern half of western Oregon. She reminded the group that Metropolitan Planning Organizations (MPOs) are a federal designation for federal transportation planning purposes.

Dick Benner indicated he likes the breakdown of regions that Jeff suggested; the suggestion is a good one with the caveat that we may adjust it later on to reflect some further analysis. The only exception would be the coast – he would make the coast, north and south, be one region. Mike Freese said he thinks Ontario would fit better with northeastern Oregon rather than southeastern. He suggested that in gathering data we make sure it can be split re west and east of the coast range. Terry Moore suggested we already know what we are gathering the data for.

Marilyn Worrix said it sounds like everyone agrees to have the lines be flexible and preliminary. She noted that there seems to be a fair amount of liking of division of Eastern Oregon into north and south, even as a preliminary basis. We would try and stick to using county lines.

Damian Syrnyk likes the suggestion for looking at the coast as one region. Regarding splitting eastern Oregon, he likes northeast and southeast but suggests we add a placeholder to split the north into two regions depending on data. For the coast he noted that it shouldn't necessarily follow county lines because Lane and Douglas counties fall partly along the coast and partly into western Oregon. Peggy said Lane and Douglas counties make splitting off the coast difficult. There is also the Coastal Zone where maybe some data is available.

Jim Johnson suggested that with regard to placing Ontario in a divided Eastern region we need to look at public land ownerships. He agreed we should go by county boundary with the understanding we can look again at it later. He suggested we keep the coast together, split eastern Oregon. Richard Whitman suggested that Klamath County could go with Lake County or it could go with Rogue Valley...either way. Erin Doyle noted (and Jon Chandler agreed) that “politically” there are two regions: the Willamette Valley and everywhere else in the state.

Carrie MacLaren concluded, stating that there are a definitely a few different ways to look at things as we do this. Staff will re-look at the data considering the various suggestions we are hearing today.

Agenda Item 3: Discussion of Research Tasks 1 & 2

Carrie introduced this topic, indicating that the department is hoping to begin the necessary research as soon as possible, but there are many steps to take in order to do this. This discussion today is intended for us to get input from the committee as the department begins to think about how to describe these tasks, such as in order to solicit bids for the research.

Dick Benner suggested DLCD should talk with Ted Reed of Metro regarding what sort of employment data Metro found to be the most useful as they went through their most recent efforts. Metro recently begin to convene MPOs and Ted may have a sense about data sets for regions. Metro's own data covers the three-county area, including outside the UGB in those counties.

Kim Travis asked where commute patterns might fit in to this consideration; it might be interesting to look. Jerri Bohard said ODOT does a commute study and has maps of commute sheds (ODOT refers to them as “the grateful dead maps”). The current study is probably about two years old. She indicated that Tom Kloster (sp?) at ODOT is the keeper of the data for the MPOs.

Erin Doyle indicated they have staff to do surveys of cities. However, she warned that some cities are not very responsive to surveys so a survey might not yield the best return. Marilyn Worrix indicated we are looking for cities that have recent data.

Bob Rindy asked Greg Winterowd and Terry Moore whether they have done work that might include gathering of the type of data this task is looking for. Terry said some but not very recently. Greg said they look at available data but using that data takes a lot of interpretation. Terry Moore suggested that we may not need a full census in order to establish the benchmark for research; instead look at the case studies model DLCD used previously (1990).

Alissa Hansen said we need to keep in mind that Goal 5 has an impact on the land/efficiency determinations, i.e., regarding Goal 5 resources. Greg Winterowd said one issue is how to define buildable land so that it can help define what is efficient. There is no consistent definition of buildable land and we need a clear definition. This is a good opportunity to define buildable land to keep it consistent across local governments and state agencies.

Gil Kelley said keep in mind the “time lens” for data, noting that data for the time period for the recent recession years may skew the outcomes. Getting logic of process down will help with the research tasks. Suggest a reductive analysis – look at it starting from the city’s point of view, a logic map. Dick Benner suggests look at Metro’s Urban Growth Report and think of those steps in determining data needs.

Terry Moore suggested that DLCD provide the group with a road map of the various steps in the process so we can work through those in our discussions. Greg Winterowd noted that there is possibly an ECO Northwest handbook on how to estimate housing needs? Damian Syrnyk suggested he means DLCD’s booklet called “Planning for Residential Growth” (1997). Mary Kyle noted that the booklet shows examples where a city may plug in assumptions and the process in that work book will reduce a city’s workload in a typical analysis.

Dick Benner noted that where the typical process has tended to fail is in converting the number of units “needed” into an analysis of the actual or most likely need. Metro has tried this; while no other UGB process has been as complex as Metro’s, their data gathering for that project may help us sort through what is needed and available. Peggy Lynch added that Richard Bjeland (retired OHCD staff) had created a program in the past that maybe the group could look at. The software program was a modeling tool that may still apply today.

Richard Whitman (in response to a question: how is this different than the previous safe harbor streamlining attempt) replied: First, the whole notion of “ranges” is new. But second, this attempts to draw a path delineating the entire way through the process for a city, particularly small cities. This is designed so a contract planner can come in when hired by a city and can do this easily and

inexpensively. It takes the safe harbor notion for particular steps and broadens it out to the whole process. The new method is oriented around long term performance for the land use process rather than case by case, concerning growth management. Looking back and looking forward in terms of how have we done it re land consumption, resources losses, and adjusting the system so it becomes more or less difficult to get through depending on how the system as a whole is performing.

Mary Kyle McCurdy asked if cities will get just a population forecast under the new PSU population forecasting system (HB 2253) or if it might also include household size/age/etc. That data is important and is translated to land needs for residential uses. Jim Rue said that such data is not “what DLCD is paying for” with regard to our contract with PSU for the population forecasting. Mary Kyle suggested that, at some point, that data will be necessary.

Erin Doyle suggested looking at a couple of cities to see what data source they pulled from for household size, ages, etc. We should also keep in mind there are a lot of diverse communities (MPO, bedroom community, etc.). Peggy Lynch indicated she is concerned with the small city discussion; small cities are becoming basically just retirement centers and that should be kept in mind.

Greg Winterowd suggested we break the process into subcommittees to bring recommendations to the whole group.

Wrap up, Next Steps

Carrie outlined next steps: Volunteers for subcommittee work should send Carrie MacLaren an email so indicating, right away. (Erin Doyle and Jon Chandler volunteered).

DLCD suggests we don't have a meeting of the full RAC in December due to holidays and vacations. Instead, our next meeting would be in January. The Department may convene a subcommittee meeting in December. With those who want to be on a subcommittee.

Overall, based on the doodle poll, the 3rd Thursday of the month seems to work for most in terms of scheduling RAC meetings over the next 6-8 months. Some people indicated overall conflicts with third Thursdays (Legislative Days, other meetings). Carrie asked everyone nevertheless for now to hold 3rd Thursdays of each month as a potential meeting date, except for this coming January when we would meet on the 2nd Thursday. We may skip February and start meeting 3rd Thursdays beginning in March.

In January we will report back to this committee on research scoping and provide the suggested “logic tree.” If anyone has additional suggested agenda topics let us know. We will bring back a list of subcommittees and everyone will choose their committee.

Jerry Bohard noted that ODOT has economists and DLCD might try and meet with them to scope research.

The meeting adjourned at 3:30PM