
AGENDA ITEM SUMMARY

Meeting Date: 2/7/2011
Meeting Type: Work Session
Staff Contact/Dept.: Linda Pauly, DSD
Staff Phone No: (541) 726-4608
Estimated Time: 60 minutes
Council Goals: Mandate

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE: SPRINGFIELD 2030 REFINEMENT PLAN AND URBAN GROWTH BOUNDARY: OVERVIEW AND PHASING OF PROPOSED AMENDMENTS TO THE *EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN* TO COMPLY WITH HB3337 (ORS 197.304)

ACTION REQUESTED: Conduct the first of two joint work sessions with the Lane County Board of Commissioners to (1) receive an update about Springfield's four-year planning process to establish an urban growth boundary (UGB) and comply with HB 3337, and (2) begin a discussion about Springfield's proposed Metro Plan amendments and phased adoption process.

ISSUE STATEMENT: ORS 197.304 requires Springfield, Eugene and Lane County to evaluate the sufficiency of their residential land supplies and to establish a discrete UGB for each City. Development Services Director Bill Grile will summarize the planning process Springfield has used to comply with ORS 197.304 and provide a status update about progress to date. Staff will present an outline of the proposed Metro Plan amendments that will be presented to the elected officials for possible adoption in a three-step process later this year.

ATTACHMENTS: 1. ORS 197.304 (HB3337)
2. Memorandum: Legislative History of HB3337

**DISCUSSION/
FINANCIAL
IMPACT:** HB3337 was enacted by the Oregon Legislature in 2007 and codified as ORS 197.304. This law requires Springfield (and also Eugene) to "(d)emonstrate *** that its comprehensive plan provides sufficient buildable lands within an urban growth boundary *** to accommodate estimated housing needs for 20 years" and to "separately from (Eugene) *** (e)stablish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the (Metro Plan)." For Springfield, that jurisdictional area encompasses the lands east of Interstate 5.

ORS 197.304 requires Springfield and Lane County to co-adopt Metro Plan amendments. Springfield proposes to phase the scheduled adoption of these amendments in three separate steps. The first step is the main topic of this work session and one to follow on February 22nd.

Step 1 action items require co-adoption by Springfield and Lane County and include:

- Adopt *Springfield Residential Land and Housing Needs Analysis*;
- Adopt Springfield Urban Growth Boundary (a tax lot-specific map of the acknowledged Metro Urban Growth Boundary east of I-5); and
- Adopt Springfield 2030 Refinement Plan policies to address deficiencies.

Details about the Step 1 action items will be presented at the February 22nd work session with a public hearing about these is scheduled for April 4, 2011.

Step 2 action items entail *Metro Plan* Chapter 4 text amendments that will require co-adoption by Springfield, Eugene and Lane County. Step 3 action items will address commercial/industrial land needs and present a proposed expansion of Springfield's UGB. Approval of proposed Step 3 items will require co-adoption by Springfield and Lane County.

197.304 Lane County accommodation of needed housing. (1) Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has a population of 50,000 or more within its boundaries shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County. The city shall, separately from any other city:

(a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and

(b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

(2) Except as provided in subsection (1) of this section, this section does not alter or affect an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions adopted by Lane County or local governments in Lane County.

[2007 c.650 §2]

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MEMORANDUM

To: Bill Grile, Greg Mott and Linda Pauly

From: Corinne C. Sherton

Re: Legislative History of ORS 197.304

Date: December 29, 2010

In our meeting with Richard Whitman and other DLCD staff, a question came up regarding whether the requirement of ORS 197.304(1) that Springfield “separately from any other city, establish an urban growth boundary * * *” (emphasis added) can be satisfied by Springfield adopting its UGB as an amendment to the acknowledged Metro Plan UGB, or whether Springfield must adopt its own UGB, separate from the Metro Plan UGB, as though it were a City adopting a UGB for the first time.

ORS ch 197 uses the word “establish” or “establishment” in many ways and places, but only in ORS 197.304 is it used in a requirement to “establish” a UGB. Therefore, the question is whether “establish” in ORS 197.304 was intended to have the same meaning it has in Statewide Planning Goal 14, which does contain several references to “establishment and change” of UGB’s (i.e. implying that establishment of a UGB is something different from amendment of a UGB).

Legislative History

ORS 197.304 was the product of HB 3337 (2007). I have reviewed the legislative history of HB 3337, including the audiotapes of committee hearings and work sessions and the exhibits submitted to the committees. HB 3337 as originally introduced by Rep. Beyer and Sen. Morrisette, at the request of the Oregon Home Builders Assoc. (OHBA), was quite different from the version that was eventually enacted. The original HB 3337 would have applied to any local government within a metropolitan planning organization and focused on requiring updates to the buildable lands inventories (BLI’s) and housing needs analyses (HNA’s) required by ORS 197.296(3). It contained no provisions regarding Springfield or Eugene establishing separate UGB’s.

Proposed amendments to HB 3337 were introduced during the April 24, 2007 work session of

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the House Committee on Agriculture and Natural Resources. These proposed amendments replaced the original HB 3337 with the language that subsequently was adopted by the Legislature and is now codified as ORS 197.304. Jon Chandler of OHBA gave a brief explanation of what the amendments would do, stating that the bill would be applicable only to Eugene and Springfield, referring to the amendments' requirement that each city establish its own UGB, and saying that everything else about planning in the area would continue on a regional basis. Chandler also said that the amendments addressed DLCD's concerns about one city encroaching on the other's UGB by referencing "the jurisdictional areas of responsibility, which are referenced in the existing comprehensive plan."

The amendments were adopted and, with virtually no discussion, the amended bill was passed out of the House Committee on Agriculture and Natural Resources. On May 3, 2007, HB 3337A passed the House on a 50-5 vote.

On May 22, 2007, the Senate Committee on Environment and Natural Resources held a hearing and work session on HB 3337A. The Bill was generally described by its sponsors in the same way Chandler had described it during the April 24 work session. Nothing specific was said about how the cities of Springfield and Eugene were to "establish a [UGB]," as provided in Sec. 2(1)(a) of the Bill. The Legislative Fiscal Analysis submitted as Exhibit A analyzed the cost of compliance with HB 3337A as the cost of doing the BLI and HNA required by ORS 197.296. With one exception, there was no mention of anything else the cities would have to do to comply with the requirements of HB 3337A. The one exception was the City of Eugene, which opposed the Bill and testified that, due to the age of its BLI, it would also have to conduct an inventory of commercial and industrial land, so it could take a "wholistic" view of the process, as in periodic review. Eugene's projected costs for such additional inventories were also included in the Legislative Fiscal Analysis

In written and oral testimony, both proponents and opponents of HB 3337A often referred to the HB 3337A-mandated process of Springfield and Eugene each adopting its own UGB as "splitting," "dividing" or "separating" the existing Metro Plan UGB. No one questioned that HB 3337A requires that the dividing line between the two UGB's be I-5, "consistent with the jurisdictional areas of responsibility specified in the acknowledged [Metro] Plan." HB 3337A, Sec. 2(1)(a). No one disputed that the remainder of the acknowledged Metro Plan would remain in effect after Springfield and Eugene adopted their own UGB's.

After the May 22 work session, the Senate Committee on Environment and Natural Resources passed out HB 3337A, on a 4-1 vote, with virtually no discussion. In explaining his "nay" vote, Sen. Prozanski said he doesn't agree with "UGB splitting" in a regional setting, that it's not the best land use planning. On June 1, 2007, HB 3337A passed the Senate on a 25-2 vote, subsequently becoming Oregon Laws 2007, chapter 650.

Conclusions

There is no reference in the legislative history of HB 3337A to any intent that “establish an urban growth boundary,” as used in ORS 197.304(1)(a), incorporate the technical meaning of “establish” used in Goal 14. Rather, the frequent usage in written and oral testimony of the descriptions “splitting,” “dividing,” and “separating” the existing Metro Plan UGB, to describe the HB 3337A-mandated adoption of separate UGB’s by Springfield and Eugene, is more consistent with adoption of those separate UGB’s as amendments to the current Metro Plan UGB. Further, there is no doubt that the remainder of the Metro Plan (other than the current Metro UGB) will remain in effect when the HB 3337A process is concluded. Therefore, the demonstration required by ORS 197.304(1)(b), that a city’s comprehensive plan provides a 20-year supply of buildable land, as required by ORS 197.296, means that the necessary BLI and HNA must also be adopted as amendments to the Metro Plan. If Springfield carries out the HB 3337A-mandated process of establishing its UGB and demonstrating compliance with ORS 197.296 as amendments to the acknowledged Metro Plan,¹ then its UGB and housing analysis will become part of the Metro Plan, and in the future Springfield will be able to make decisions consistently with the (new) acknowledged Metro Plan, as it is required to do under existing law.

¹ The adoption of a UGB pursuant to ORS 197.304(1)(a), and a BLI and HNA pursuant to ORS 197.304(1)(b), come under the “notwithstanding clause” of ORS 197.304(1), which provides:

“Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, [Springfield] shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County. [Springfield] shall, separately from any other city:”

Consequently, Springfield can adopt its UGB, BLI and HNA as Metro Plan amendments, in conjunction with Lane County, without joint adoption by the City of Eugene.