



Oregon

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14 February 2008



Bob Swank
Lane Council of Governments
99 East Broadway, Suite 400
Eugene, OR 97401

RE: Adoption of coordinated population projections for Lane County (DLCD File Lane County 011-07)

Dear Mr. Swank:

This letter is a follow-up to our correspondence of 20 November 2007, and the following documents received from you:

1. Letter dated 5 December 2007
2. Report on Lane County Coordinated Population Forecast 2030 – 2035 dated February 2008, including Appendices A (November 2007) and B (February 2008)

As we stated in our 20 November letter, under Oregon Administrative Rule (OAR) 660-024-0030, counties must adopt and maintain a coordinated 20-year population forecast for the county and for each of the urban areas within the county. The methodology for preparing the coordinated population forecast is also described in Section 0030.

Based upon our review of the above documents you gave us, we believe that the 2030 – 2035 coordinated population forecast prepared by LCOG for Lane County is consistent with the applicable statutes and administrative rule.

If Lane County does not have an adopted coordinated population forecast as required under Division 24, Lane County will need to adopt one. In adopting LCOG's forecast for 2030 – 2035, Lane County will need to make findings to demonstrate that the 2030 – 2035 coordinated population forecast is consistent with statutory and Division 24 requirements.

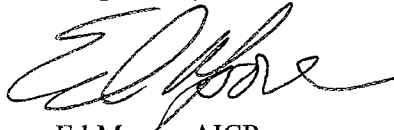
Now to the 2030 – 2035 forecast contained in the two appendices. In adopting a coordinated population forecast for the County and its urban areas, you will need to recommend to the County which population forecast they should adopt (i.e. Total Forecast or OEA Forecast). Under the rule the county is not allowed to adopt a range of population.

There is also other option the County could consider, that of adopting either “safe harbor” described in Division 24 (660-024-0030(3) and (4)). Should you choose to follow the “safe harbor” approach, you will also need to review HB 3436 for modifications to the “safe harbor” (Attached). The reason I mention the “safe harbor” for making the coordinated population forecast for Lane County and its urban areas is that using the “safe harbor” approach will protecting you in defending against a law suit over the coordinated population forecast.

Finally, should any of the local governments enumerated in this coordinate population forecast wish to use the population forecast in their local planning, the Lane County Board of Commissioners will need to make findings and adopt them as the official coordinated population forecast for the county and its incorporated cities. In adopting the coordinated forecast, Lane County, and subsequently any city wanting to use the coordinated population forecast, must follow applicable procedures and requirements in ORS 197.610 to 197.650 and provide notice to all other local governments in the county. The adopted forecast must be included in the comprehensive plan or in a document referenced by the plan.

I hope the above will be helpful in your discussion with the county regarding adoption of the 2030 – 2035 coordinated population forecast your agency has prepared. Should you have any questions or need further clarification, please feel free to contact me.

Respectfully,



Ed Moore, AICP
South Willamette Valley Regional Representative

e-copy: Darren Nichols, Community Services Manager
Rob Hallyburton, Economic Development/TGM Manager
Gloria Gardiner, Urban Planning Specialist
Bob Rindy, Policy and Legislative Liaison

Enrolled
House Bill 3436

Sponsored by Representative ROBLAN

CHAPTER

AN ACT

Relating to population forecasting for land use planning.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) If the coordinating body under ORS 195.025 (1) has adopted, within 10 years before a city initiates an evaluation or amendment of the city's urban growth boundary, a population forecast as required by ORS 195.036 that no longer provides a 20-year forecast for an urban area, a city may propose a revised 20-year forecast for its urban area by extending the coordinating body's current urban area forecast to a 20-year period using the same growth trend for the urban area assumed in the coordinating body's current adopted forecast.

(2) If the coordinating body has not adopted a forecast as required by ORS 195.036 or if the current forecast was adopted more than 10 years before the city initiates an evaluation or amendment of the city's urban growth boundary, a city may propose a 20-year forecast for its urban area by:

(a) Basing the proposed forecast on the population forecast prepared by the Office of Economic Analysis for the county for a 20-year period that commences when the city initiates the evaluation or amendment of the city's urban growth boundary; and

(b) Assuming that the urban area's share for the forecasted county population determined in paragraph (a) of this subsection will be the same as the urban area's current share of the county population based on the most recent certified population estimates from Portland State University and the most recent data for the urban area published by the United States Census Bureau.

(3)(a) If the coordinating body does not take action on the city's proposed forecast for the urban area under subsection (1) or (2) of this section within six months after the city's written request for adoption of the forecast, the city may adopt the extended forecast if:

(A) The city provides notice to the other local governments in the county; and

(B) The city includes the adopted forecast in the comprehensive plan, or a document included in the plan by reference, in compliance with the applicable requirements of ORS 197.610 to 197.650.

(b) If the extended forecast is adopted under paragraph (a) of this subsection consistent with the requirements of subsection (1) or (2) of this section:

(A) The forecast is deemed to satisfy the requirements of a statewide land use planning goal relating to urbanization to establish a coordinated 20-year population forecast for the urban area; and

(B) The city may rely on the population forecast as an appropriate basis upon which the city and county may conduct the evaluation or amendment of the city's urban growth boundary.

(4) The process for establishing a population forecast provided in this section is in addition to and not in lieu of a process established by goal and rule of the Land Conservation and Development Commission.

Passed by House May 8, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 24, 2007

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President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State