



Oregon

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Date: April 3, 2017

To: The Honorable Michael Dembrow, Chair
Senate Committee On Environment and Natural Resources

From: Ellen Miller, Legislative Coordinator
Department of Land Conservation and Development (DLCD)

RE: Senate Bill 418



Thank you for this opportunity to provide you with information about SB 418. The bill, as introduced, would change existing state law by allowing a city to submit adopted land needs analyses for DLCD approval, to be followed by a subsequent submittal of an action to address any land need. Current law requires concurrent submittal.

Currently state law in ORS 197.296, as interpreted by the Oregon Court of Appeals in *DLCD v. McMinnville* (2001), requires cities that adopt a residential buildable lands inventory and housing needs analysis to also adopt measures to address any residential land need found by that inventory and analysis. State law is silent on the need to adopt measures to address any land need found as a result of an economic opportunities analysis (EOA).

This bill would reverse this Court of Appeals decision and would allow a city to make separate submittals of an EOA or a residential buildable lands inventory and housing needs analysis, to be followed by a subsequent submittal of any actions to address any land need. Each submittal could be approved by the DLCD director, remanded by the director, or referred to LCDC, all within 90 days of submittal of amendment by the local jurisdiction.

The department believes that the intent of this bill is already achieved under current law. A process already exists in state law that allows the sequential review of UGBs – periodic review. The existing periodic review process already allows “segmentation” through development of a work program with specified tasks and timeframes. Periodic review can be used by a city wishing to complete the segmented process envisioned by this bill. Periodic review is, by statute, focused on issues related to economic development, housing, urbanization, public facilities and services, and transportation – the same issues a city addresses when amending an urban growth boundary. If the periodic review process does not satisfy cities’ needs, perhaps a better method for addressing the issue would be to modify the periodic review statutes to address those concerns.

Thank you for your consideration of our comments on SB 418. If committee members have questions about this testimony, I may be contacted at (503) 934-0020 or ellen.l.miller@dlcd.state.or.us.