



# Oregon

Kate Brown, Governor

## Department of Land Conservation and Development

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**Date:** May 9, 2017

**To:** The Honorable Brian Clem, Chair  
House Committee on Agriculture and Natural Resources

**From:** Ellen Miller, Legislative Coordinator/Urban Policy Analyst  
Department of Land Conservation and Development (DLCD)

**RE:** Senate Bill 418A



Thank you for this opportunity to provide you with information about SB 418A. The bill, as engrossed, 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.

This bill would allow a city to make separate submittals of an economic opportunities analysis or a residential lands need analysis and housing needs analysis, to be followed by a subsequent submittal of any actions to accommodate any land found to be needed. 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 bill would prohibit parties from objecting to a review for final approval of an urban growth boundary (UGB) amendment on the basis of an earlier, approved phase of a work task.

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 a UGB. If the periodic review process does not satisfy a city’s needs, perhaps a better method for addressing the issue would be to modify the periodic review statutes to address those concerns.

The agency is concerned about prohibiting an approved phase of a work task as the basis for an objection to an UGB amendment approval (page 2, lines 23-25). Without the ability to object to a city’s final UGB amendment submitted to DLCD based upon any part of a work task, parties may be encouraged to seek judicial review of agency final orders at each sequential phase of work tasks. These judicial reviews will go through the Court of Appeals every step of the way and have the potential to slow down the process considerably. Additionally, DLCD, not the local government, will be required to defend the decisions.

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