

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass the A-Engrossed Measure
Vote: 3 - 2 - 0
Yeas: Bates, Prozanski, Avakian
Nays: Atkinson, Beyer
Exc.: 0
Prepared By: Sue Marshall, Administrator
Meeting Dates: 5/07

WHAT THE MEASURE DOES: Modifies the definitions of “land use decision” and “limited land use decision” to exclude decisions of local government to approve or withhold approval of a final subdivision of a partition plat and determinations of whether a final subdivision or a partition plat substantially conforms to tentative subdivision or partition plan. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- *Hammer v. Clackamas County* Court of Appeals decision
- Concerns of financial lenders about length and uncertainty of land use decisions
- Impact on low-income housing

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In *Hammer v. Clackamas County*, the Court of Appeals found that the county surveyor’s approval of a subdivision plat was a land use decision that could be appealed to the state Land Use Board of Appeals (LUBA). This decision ran counter to the standard practice for local governments to review subdivision and partition final plats using an administrative procedure that does not provide for notice, opportunity to comment and appeal to LUBA.

House Bill 3025-A amends the definitions of “limited land use decision” and “land use decision” to specifically exclude subdivision and partition final plat reviews.