

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	8 - 0 - 0
Yeas:	Clem, Cowan, Esquivel, Garrett, Greenlick, Hanna, Wingard, Nolan
Nays:	0
Exc.:	0
Prepared By:	Cheyenne Ross, Administrator
Meeting Dates:	03/03

WHAT THE MEASURE DOES: Allows service of an appeal of a Land Use Board of Appeals decision by first class mail.

ISSUES DISCUSSED:

- Service by mail is the norm
- Anomalous rule can prevent a case from being decided on its merits
- Other changes are not substantive but merely conform language

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Current law requires appeals from the Land Use Board of Appeals (LUBA) to be served only via registered or certified mail (ORS 197.850), while appeals from the circuit courts can be served via first class, registered or certified mail (ORS 19.260). No policy basis has been cited to account for this difference. Senate Bill 234 makes service of a LUBA appeal consistent with that of the circuit courts, and has no effect on service of appeals from the Court of Appeals.