

**76TH OREGON LEGISLATIVE ASSEMBLY
STAFF MEASURE SUMMARY
HOUSE REVENUE COMMITTEE**

**MEASURE: SB 452
CARRIER:**

**REVENUE: May have revenue impact; statement not yet issued
FISCAL: May have fiscal impact; statement not yet issued**

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Christine Broniak, Economist

Meeting Dates: 3/2

WHAT THE BILL DOES: Modifies provisions by which a city or county governing authority handles land-use appeals. Changes fees that may be charged by governing body for hearing an appeal and developing transcripts. Requires that the governing body refund both the transcript fee and appeals fee if the governing body declines to hear the appeal. Prohibits the governing body from charging a fee if the land-use decision is appealed to the Land-Use Board of Appeals.

ISSUES DISCUSSED:

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EFFECT OF COMMITTEE AMENDMENTS:

BACKGROUND: Currently, statute provides guidelines by which a party aggrieved by a land-use decision may appeal the decision and the procedure by which a county or city governing body shall handle the appeal. The appeal may currently be made to a county or city governing body or a planning commission. The measure would require the governing body of the county or city to hear the appeal or to designate another entity to act as the appellate authority. Currently, the governing body may charge fees to act upon an appeal, but the fees must reflect the actual or average cost of the appeal. The measure would allow the governing body to charge a fee of 10% of the original application fee or \$1,000, whichever is less, for acting upon an appeal. Under current statute, the governing body may charge up to \$500 for a transcript of the appeals, but a party to the appeal may have their own transcript done and waive this fee. The measure would allow the governing body to charge the lesser of \$500, or the cost to prepare the transcript. Parties to the appeal may have a transcript prepared, but this does not waive the transcription fee. The measure requires that transcript fees and appeals fees are refunded in the case where the appellate authority of a county declines to review the decision of a hearings officer or other decision-making authority. Further, the measure adds the provision that a county or city may not charge a fee for an appeal to move to the Land-Use Board of Appeals. Language in the measure is similar for requirements applying to county and city governing authorities.

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