



Deschutes County opposes SB 452

SB 452 places a limit on fees charged to land use applicants for appeal of a hearing officer decision. This will force local governments to subsidize the cost of such appeals.

By limiting what can be charged for appeals at an amount that is less than actual cost of service, Counties, including Deschutes County, will have to subsidize such appeals by increasing fees charged for other Community Development services or with General Fund dollars.

Deschutes County sets its appeal fee at a level designed to cover actual cost of service. We require a deposit of \$2,490 plus 20% of the underlying application fee. The County gives a 75% refund if the hearing body (BOCC) declines to hear an appeal. In 2010 there were three appeals to the Board; in 2009 there were seven, and in 2008 there were 18 appeals. Other developers should not have to subsidize appellants in land use applications, nor should the taxpayers of Deschutes County.

Local jurisdictions should be allowed to determine 100% of their costs for services, including all appeal fees. This includes removing the state imposed maximum of \$250 to appeal administrative decisions, and allowing local jurisdictions to fully recover all costs associated with appeals to the Land Use Board of Appeals (LUBA). Local jurisdictions could then set their own fee structures and determine the amount of subsidies, if any, to provide applicants and/or appellants.

SB 452 does not limit the cost of appeals. It simply passes that cost along to others who have nothing to do with the land use application or the appeal itself. That is fundamentally unfair and should be rejected.