

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3087

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Limits amount of appeal fee that city or county may charge for quasi-judicial review of city or county decisions on land use application.

Government Unit(s) Affected:

Cities, Counties, Land Use Board of Appeals (LUBA)

Summary of Expenditure Impact:

Indeterminate- See Analysis	

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

At this time, the Legislative Fiscal Office (LFO) believes that the ramifications of this measure are not fully understood by state agencies and local governments, therefore the fiscal impact cannot be determined. It is difficult to determine the impact this bill will have on local governments and the Land Use Board of Appeals (LUBA); particularly workload -which translates to FTE count; as at this time it is unknown how many additional appeals may be submitted.

HB 3087 will change the fee amount that the governing body can prescribe to *“10% of the original application fee or \$1,000, whichever is less”*. This change will result in a fee reduction for some local governments; estimated revenue loss is estimated to \$1.6 million in total for Cities. This reduction in fees may make local appeals more affordable for many participants and thus result in an increased workload for local governments as well as LUBA. Additionally, this fee reduction and possible increase in workload may encourage some local governments to elect to eliminate their local appeals process and thus utilize LUBA’s appeals process more often, resulting in a possible savings for local governments and additional expense to LUBA.

In recent years LUBA has experienced a decline in appeals and staffs 5.00 FTE to process less than 150 appeals per year. Should appeals increase to 175-200 per year, LUBA anticipates the need for at least one (1.00 FTE) additional employee.