

REVENUE: Revenue statement issued

FISCAL: Fiscal statement issued

Action:	Without Recommendation as to Passage and Be Referred to the House Committee on Judiciary by prior reference
Vote:	7 - 0 - 0
Yeas:	Cameron, Davis, Frederick, Holvey, Thatcher, Unger, Clem
Nays:	0
Exc.:	0
Prepared By:	Lynn Beaton, Administrator
Meeting Dates:	3/14

WHAT THE MEASURE DOES: Limits amount of appeal fee that city or county may charge for quasi-judicial review of land use decisions to not exceed 10 percent of original application fee or \$1,000, whichever is less. Requires city or county to refund full amount of appeal and transcript fees collected when appellate authority declines to review decision of local decision-making authority. Prohibits city or county from charging fee for appeal of final city or county decision to Land Use Board of Appeals (LUBA). Applies to quasi-judicial review by city or county on or after effective date of Act.

ISSUES DISCUSSED:

- Heard only for purpose of moving to House Committee on Judiciary

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon law allows local cities and counties to charge fees to defray costs incurred from appeals of local “quasi-judicial” decisions. Local quasi-judicial decisions are decisions that involve only a particular area or property, such as a permit or zone change. The amount of the fee charged by the local government must be “reasonable” and cannot exceed the average cost of such an appeal or the actual cost of the appeal, excluding the cost of preparing a written transcript. Current law requires that the city or county refund only the transcript fee, should an appellant prevail at a hearing or on appeal.

House Bill 3087 would limit the fees that cities and counties can charge for an appeal to 10 percent of the original application fee or \$1,000, whichever is less. House Bill 3087 would require cities and counties to refund full amount of the appeal, in addition to the transcript fee, should the appellate authority decline to review the local decision.