

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Baertschiger, Burdick, Close, Prozanski, Roblan

Nays: 0

Exc.: 0

Prepared By: Racquel Rancier, Administrator

Meeting Dates: 2/26, 4/11, 4/16

WHAT THE MEASURE DOES: Requires Land Use Board of Appeals (LUBA) to track and report specific land use review data on website. Requires local government, special district, or state agency when making final decision on application to identify each subsequent quasi-judicial land use decision or limited land use decision related to real property that is object of application. Authorizes LUBA, upon request by petitioner, respondent or intervener, to toll timelines until such subsequent decisions are made, not to exceed two years; consolidate all related appeals; and review in single consolidated proceeding all related quasi-judicial land use decisions and limited land use decisions made in response to application. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Effect of increasing fees on number of appeals and access to system
- Effect of requiring all assignments of error to be listed in notice of intent
- Land Use Goal 1 and public participation
- LUBA appeals process

EFFECT OF COMMITTEE AMENDMENT: Replaces measure.

BACKGROUND: The Land Use Board of Appeals (LUBA) has exclusive jurisdiction to review land use decisions and limited land use decisions. A land use decision is a final determination made by either a state agency wherein the agency applies the state land use goals, or by a local government or special district that concerns the adoption, amendment or application of state land use goals, a comprehensive plan provision, or a land use regulation. A land use decision is typically quasi-judicial when it requires local government to address a narrow land use issue and apply existing regulations to specific properties. A limited land use decision is a final determination made by a local government pertaining to a site within an urban growth boundary that concerns the approval or denial of a tentative subdivision or partition plan, or an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright.

According to LUBA, the average appeal process takes about four to eight months. The Notice of Intent to Appeal a decision must be filed with LUBA within 21 days after the land use decision becomes final. LUBA typically issues a final decision within 77 days after the respondent sends the record of its decision to LUBA for review. Senate Bill 77 A directs LUBA to publish certain information about reviews on its website and, when requested, to toll timelines until all subsequent quasi-judicial land use decisions and limited land use decisions made in response to an application can be reviewed in a single consolidated proceeding.

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This summary has not been adopted or officially endorsed by action of the committee.