

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 2

Yeas: Cameron, Davis, Frederick, Unger, Clem

Nays: 0

Exc.: Holvey, Thatcher

Prepared By: Lynn Beaton, Administrator

Meeting Dates: 5/23, 5/30

WHAT THE MEASURE DOES: Requires Land Use Board of Appeals (LUBA) to track and report specific land use review data on website. Requires LUBA to track and report number of reviews of land use decisions or limited land use decisions commenced for which petition is filed, and rate at which reviews result in decision of board to uphold, reverse or remand land use decision or limited land use decision. Allows LUBA to establish categories for tracking and reporting information. Requires LUBA to track and report lists of petitioners, number of reviews commenced, and rate at which petitioner's reviews have resulted in decisions of LUBA to uphold, reverse, or remand land use decisions. Requires LUBA to track and report lists of respondents, number of reviews involving each respondent, and rate at which reviews involving respondent have resulted in decisions to uphold, reverse or remand land use decisions. Requires LUBA to provide brief summary of circumstances of each review under which LUBA required losing party to pay attorney fees of prevailing party. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- "Law of the Case" doctrine precluding reconsideration of previously decided cases
- LUBA tracking and reporting data concerning appeals
- Effects of changing land use planning process by passing HB 2254

EFFECT OF COMMITTEE AMENDMENT: Preserves requirement that Land Use Board of Appeals (LUBA) track and report specific land use review data on website, and deletes remainder of bill. Declares emergency, effective on passage.

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 applying the state land use goals, or by a local government or special district applying state land use goals to adopt or amend a comprehensive plan provision or a land use regulation. 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. LUBA currently tracks information concerning reviews of land use decisions and limited land use decisions, but does not provide summary information concerning these reviews.

Senate Bill 77 B directs LUBA to track and then report certain summary information about reviews on its website.