

REVENUE: No revenue impact
FISCAL: May have fiscal impact, statement not yet issued
SUBSEQUENT REFERRAL TO: None

Action:

Vote:

Yeas:

Nays:

Exc.:

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Meeting Dates: 2/25

WHAT THE MEASURE DOES: Modifies the appeal fees that may be charged in quasi-judicial review of city or county land use application decisions. Contains non-substantive scrivener's changes.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Under current Oregon law, governing bodies may establish fees to defray costs incurred in acting upon an appeal from a hearing officer, planning commission or other designated person. The existing statute mandates that those fees not be more than the average cost of such appeals or the actual cost of the appeal, excluding the cost of written transcript preparation. Likewise, a fee may be charged for the written transcript, but that fee shall not exceed the actual cost of preparing the transcript up to \$500 and it must be refunded if an appellant prevails at a hearing or on appeal.

Senate Bill 359 modifies these fees to allow a reasonable fee not to exceed 10 percent of the original application fee or \$1,000, whichever is less and excluding the transcript preparation. Senate Bill 359 also allows governing bodies to charge a reasonable fee for the written transcript preparation so long as it does not exceed the actual cost of preparing the transcript or \$500, whichever is less. Any fees charged, however, may not exceed the actual cost to the county for providing the service. Senate Bill 359 additionally allows an aggrieved party to have the final decision reviewed by the Land Use Board of Appeals and prohibits the county from charging a fee for such an appeal.

Senate Bill 359 also contains non-substantive scrivener's changes.