

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Environment and Natural Resources

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Ayes, 37; Nays, 19--Barreto, Bentz, Davis, Esquivel, Hack, Hayden, Heard, Kennemer, Krieger, Nearman, Olson, Parrish, Post, Sprenger, Stark, Weidner, Whisnant, Whitsett, Wilson; Excused, 3

Prepared By: Beth Reiley, Administrator

Meeting Dates: 6/1

WHAT THE MEASURE DOES: Lengthens time period from 90 to 120 days for local government to take action on application for permit, limited land use decision, or zone change after remand based on final order of Land Use Board of Appeals. Permits local government to terminate application if local government does not receive request within 180 days of effective date of final order or final resolution of judicial review. Permits extension beyond 120-day period up to 365 additional days if parties enter into mediation. Permits local government to terminate application if matter is not resolved through mediation prior to expiration of 365-day extension.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

BACKGROUND: The Land Use Board of Appeals (LUBA), created by the Legislative Assembly in 1979, is an independent special “court” that rules on appeals of land use decisions made by local governments. Appeals of LUBA decisions go to the Court of Appeals. The LUBA consists of three members appointed by the Governor and confirmed by the Senate; members serve four-year terms and are eligible for reappointment.

ORS Chapters 215 and 227 designate 90 days as the time period for local governments to take final action on applications for permits, limited land use decisions, or zone changes after a remand based on final order of LUBA. Additionally, those statutes stipulate that the 90-day time period begins after the applicant has made a request in writing that the local government proceeds.

House Bill 2830A would lengthen the time period for local governments to take final action on applications after a remand based on a final order of LUBA to 120 days.