
HB 4124
County Options for Processing Applications on Remand from LUBA

TO: Members of Senate Environment and Natural Resources

FROM: Amanda Rich, Oldcastle Materials

DATE: February 23, 2018

HB 4124 is a good governance bill inspired by the principle that a process designed to provide a final answer should eventually provide a final, reliable answer. Not the answer any given party seeks, simply a final answer providing clarity, ending conflict and allowing parties to move on or move forward.

To that end, HB 4124 creates an optional process for county commissions to address land use applications involving agricultural or forest land, when the applications are before the commission on remand from LUBA. The optional process is designed to reduce the length of time necessary to achieve final resolution, while maintaining integrity in the application review process.

HB 4124 was carefully drafted to accomplish the following goals:

- Maintain outcome neutrality,
- Respect the significance of applications involving agricultural and forestland,
- Maintain stakeholder involvement,
- Increase the potential to reach a final decision in a timely and less costly fashion,
- Decrease the potential for facts of an application to become blurred by the passage of years,
- Increase counties' flexibility to apply the process best suited to an application,
- Ensure ease of implementation, and
- Require final decision making by the elected county commission.

The bill accomplishes those process goals by:

- maintaining the existing process for applications involving agricultural and forestland the first time they come before the commission,
- making the new process (only available when an application is on remand from LUBA) voluntary for counties
- maintaining public input by delegating authority to hold hearings and issue an initial decision to a public hearings officer or planning commission if a commission chooses to use the process
- requiring automatic review by the county commission of any decision made under the process
- requiring the commission to affirmatively choose and implement one of three options upon review of the decision:
 - hold a public hearing before the commission and its own decision
 - declare the decision of the public hearings officer or planning commission final
 - adopt the decision of the public hearings officer or planning commission as the county commission's decision via consent calendar

HB 4124 comes to you with unanimous votes from the House Agriculture & Natural Resources Committee and the House of Representatives. (Floor vote: 53 Yes, 6 Excused for House Business, 1 Excused)

I respectfully urge your support for this measure and thank you for your consideration.
