

HB 4124 STAFF MEASURE SUMMARY

Carrier: Rep. Witt

House Committee On Agriculture and Natural Resources

Action Date: 02/15/18

Action: Do Pass.

Vote: 9-0-0-0

Yeas: 9 - Barreto, Clem, Esquivel, McKeown, McLain, Salinas, Smith DB, Sprenger, Witt

Fiscal: No fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Allows a county governing body, upon remand of a Land Use Board of Appeals decision, to have the planning commission or a hearings officer conduct hearings and make a decision regarding designated agricultural lands or forestlands. Requires the county governing body to review the planning commission or hearings officer decision, and to take one of three actions: schedule a public hearing and issue a final decision on the application; leave the planning commission or hearings officer decision as the final county decision; or adopt the planning commission or hearings officer decision by consent order as the decision of the governing body. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Offers county governments additional, voluntary options for processing LUBA remand cases
- Mandates decision oversight by the county governing body
- Process mirrors other county land use review processes

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Land Use Board of Appeals (LUBA) was created to simplify the land use appeals process, speed resolution of land use disputes, and to provide consistent interpretation of state and local land use laws. LUBA reviews only final land use decisions and limited land use decisions, and will issue a final opinion and order to affirm, reverse, or remand a challenged decision. Currently, upon remand of a LUBA decision, county governing bodies conduct hearings and make a decision for lands designated under a statewide planning goal addressing agricultural lands or forestlands.

House Bill 4124 would allow a county governing body to have the planning commission or a hearings officer conduct hearings and make a decision regarding designated agricultural lands or forestlands following a LUBA remand decision.