

HB 3272 -2 STAFF MEASURE SUMMARY
House Committee On Agriculture and Land Use

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Meeting Dates: 3/28, 4/9

WHAT THE MEASURE DOES:

Limits the extension that the Land Use Board of Appeals (LUBA) may provide a petitioner whose objection to the record is denied, to seven days from the later of: the original deadline or the date of denial. Prohibits LUBA, after the deadline for filing an objection to the record, from accepting motions to take evidence that is not in the record for specified types of cases. Authorizes LUBA to award reasonable attorney fees for motions filed without merit or made for the purpose of causing frustration or delay.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Allows the Land Use Board of Appeals (LUBA), if LUBA denies a petitioner's objection to the record, to establish a new deadline for the review petition to be filed that may not be less than 14 days from the later of: the original deadline of the brief, or the date of denial of the petitioner's record objection. Requires, for specified types of cases, that a motion by the petitioner or cross-petitioner to take evidence must be made no later than the date the record is settled for filing an objection to the record. Authorizes LUBA to award reasonable attorney fees for motions filed without merit; eliminates provision allowing fees to be awarded for motions filed for the purpose of causing frustration or delay.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

BACKGROUND:

The Land Use Board of Appeals (LUBA) was established by the legislature in 1979, and has exclusive jurisdiction to review all land use decisions made by local governments and special districts. LUBA is governed by ORS Chapter 197, which specifies review procedures and scope, among other provisions.

House Bill 3272 would limit the extension that LUBA may provide a petitioner whose objection to the record is denied, prohibit LUBA from accepting motions to take evidence not in the record after the deadline for filing an objection to the record, and authorize LUBA to award attorney fees for motions filed without merit or made for the purpose of causing frustration or delay.