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May 13, 2019

Senate Committee on Environment and Natural Resources
900 Court Street NE
Salem, OR 97301

RE: HB 3272A - Land Use Board of Appeals

Dear Chair Dembrow and Honorable Members of the Committee:

Thank you for the opportunity to comment on HB 3272A. This bill applies to appeals of land use decisions from the local government level to the Land Use Board of Appeals (LUBA). We initially opposed the bill, but Rep. Meek has made changes to it, so we are now neutral.

HB 3272A provides that if LUBA denies a petitioner's record objection, the Board may establish a new deadline for the petitioner's opening brief that is not less than 14 days from the latter of the original brief deadline or the date of the record objection denial. The bill also clarifies when motions to take new evidence may be made. Finally, it authorizes the Board to award attorney fees for motions filed without merit.

HB 3272A arises out of one particular set of cases; while we are neutral, it is important for the Committee to realize that LUBA operates quite efficiently and with fairness. Out of the over 10,000 land use decisions made by local governments each year, only about 120 are appealed to LUBA. The LUBA process is already constrained by very short timelines. In particular, the opening brief must be filed within 21 days of when the record is settled, and *no extensions* are permitted unless all the parties consent.

Sincerely,

A handwritten signature in black ink that reads "Mary Kyle McCurdy".

Mary Kyle McCurdy
Policy Director and Staff Attorney