

HB 3272 A -3, -4 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 5/14, 5/21

WHAT THE MEASURE DOES:

Allows the Land Use Board of Appeals (LUBA), if LUBA denies a petitioner's objection to the record, to establish a new deadline for a petition for review to be filed that may not be less than 14 days from the later of the original brief deadline, 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 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.

No fiscal impact; no revenue impact

House vote: Passed. Ayes, 57; Excused, 1--Marsh; Excused for Business of the House, 2--Speaker Kotek, Witt

ISSUES DISCUSSED:

- Land Use Board of Appeals process and deadlines
- Attorney fees for petitions and motions without merit

EFFECT OF AMENDMENT:

-3 Requires, for specified types of cases, that a motion by the petitioner or cross-petitioner to take evidence be made no later than the date the record is settled.

-4 Removes new language requiring, for specified types of cases, that a motion by the petitioner or cross-petitioner to take evidence be made no later than the date the record is settled for filing an objection to the record.

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 A would allow LUBA to establish a new deadline for the filing of a review petition if it denies a petitioner's objection to the record, require that a motion by the petitioner or cross-petitioner to take evidence be made no later than the date the record is settled for filing an objection to the record for specified types of cases, and authorize LUBA to award reasonable attorney fees for motions filed without merit.