FISCAL IMPACT OF PROPOSED LEGISLATION   Measure: SB 359

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

Only Impacts on Original or Engrossed
Versions are Considered Official

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Measure Description:
Limits amount of appeal fee that city or county may charge for quasi-judicial review of city or county decisions on land use application.

Government Unit(s) Affected:
Cities, Counties, Department of Land Conservation and Development, Land Use Board of Appeals (LUBA), Special Districts

Summary of Expenditure Impact:
See Analysis.

Local Government Mandate:
This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis: This bill would limit the appeal fees that cities and counties may charge. Some local governments have a fee-based appeals process in which the party filing the appeal would cover the costs to the local government. The bill would cap the appeals to fee to 10% of the original application fee or $1,000 whichever is less. In addition, the bill would limit the amount the charge for transcripts to the actual cost or $500 whichever is less. The aggrieved party could elect to have the final decision reviewed by the Land Use Board of Appeals and prohibits the local government from charging a fee for such an appeal.

Counties report that a typical appeal can cost between $2,500 and $5,000. If counties were forced to use county General Fund to subsidize this work, it could mean funding would be taken from other county programs such as, public safety, mental health, juvenile services, and public health. Some counties could choose to send appeals straight to LUBA. .

The Legislative Fiscal Office (LFO) believes that the measure is likely to have a fiscal impact. However, the magnitude of that impact is unknown due to the unknown number and complexity of the appeals that may be filed.