



# Oregon

Kate Brown, Governor

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**TO:** The Honorable Brian Clem, Chair  
House Committee on Agriculture and Land Use

**FROM:** Palmer Mason, Senior Policy Advisor

**RE: House Bill 2357**

This bill amends ORS 197.830 to, among other things, require that participants in a local land use decision reside or maintain a place of business within 25 miles of the boundary of the jurisdiction making the decision in order to have standing to seek review of the decision at the Land Use Board of Appeals.

The department is not taking a position on this bill, but is providing these comments for the committee's consideration.

The director of the Department of Land Conservation and Development is permitted by ORS 197.090(2) to participate in and seek review of local land use decisions subject the requirements in ORS 197.830 to 197.845. The bill would change this authority by limiting the department's participation in decisions made within 25 miles of a department office (i.e., "place of business"). The department currently maintains offices in Bend, Eugene, La Grande, Medford, Newport, Portland, and Salem. As a result, the department's enforcement authority could NOT be applied consistently and equally across the state. In our view, the equal enforcement of the law throughout Oregon is a fundamental principle of the state's land use planning system.

If the bill is meant to address unfounded appeals, the committee should know that ORS 197.830(14) (b) mandates that LUBA award reasonable attorney fees and expenses against a party that presents a position not well-founded in law or factually supported.