

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

Carrier: Rep. Meek

Action Date: 04/09/19
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 6-0-1-0
Yeas: 6 - Clem, Helm, McLain, Post, Smith DB, Williams
Exc: 1 - Boshart Davis
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Laura Kentnesse, LPRO Analyst
Meeting Dates: 3/28, 4/9

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 review petition 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.

ISSUES DISCUSSED:

- Process to appeal land use decisions to LUBA
- Timeline for record corrections and objections
- Process for, and frequency of, extensions
- Public participation in appeals process
- LUBA authority to award attorney fees
- Strategies to prevent or limit delay of approved development projects

EFFECT OF AMENDMENT:

Replaces the measure.

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.