HB 3458 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

Prepared By:	Anna Glueder, LPRO Analyst
Meeting Dates:	3/27, 3/30

WHAT THE MEASURE DOES:

Limits issues that may be raised for appeal of land use decisions where local government amends comprehensive plans or land use regulations to (1) issues that were raised no later than the final evidentiary hearing or the close of the record, (2) issues that, when raised, were accompanied by statements or evidence sufficient to allow the governing body an adequate opportunity to respond to each issue, and (3) in the case of an adopted change in response to a remand from the Land Use Board of Appeal (LUBA), if the issue is one that could have been but was not previously raised before the board. Allows LUBA to partially affirm a land use decision under certain conditions and excludes affirmed parts from being affected by the reversal or remand. Requires LUBA to reverse or remand new or amended land use regulations if they are not equally or more supportive of the comprehensive plan than the existing regulation. Applies to decisions made and petitions filed with LUBA on or after effective date. Takes effect on 91st day following adjournment sine die.

FISCAL: May have fiscal impact, but no statement yet issued
REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon's land use goals are achieved through local comprehensive plans which are required of each city and county along with zoning and land-division ordinances to put the plan into effect. Land use decisions made by local governments and special districts can be appealed at the Land Use Board of Appeals which was established by the legislature in 1979 and consists of three Board Members who are appointed by the Governor.

House Bill 3485 would limit the issues that can be the basis for an appeal of land use decisions where local governments amend a comprehensive plan or land use regulation.