

# Memorandum

PREPARED FOR: Oregon State Senate  
DATE: April 18, 2023  
BY: Leslie Porter, Analyst  
RE: Legislative Review of Executive Appointments



## LAND USE BOARD OF APPEALS

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The Governor has appointed the following individual to the Land Use Board of Appeals

### Reappointee

Michelle Rudd of Portland

### Term

March 1, 2023 – February 28, 2027

### Appointment/Confirmation Authority

[ORS 197.810 \(2021\)](#)

### Statement of Economic Interest<sup>1</sup>

Required for Chairperson.

### Statutory Requirements<sup>2</sup>

The board consists of not more than three members appointed by the Governor and subject to confirmation by the Senate (**RUDD, RYAN, ZAMUDIO**).<sup>3</sup> Members serve four-year terms and are eligible for reappointment. All appointees must be members in good standing of the Oregon State Bar and are entitled to a salary for their service. The Governor may at any time remove any member of the board for inefficiency, incompetence, neglect of duty, malfeasance in office, or unfitness to render effective service after bringing charges and providing the opportunity for a public hearing.

Membership consists of a board chairperson chosen by the board members and such other board members as the Governor considers necessary. The chairperson apportions the business of the board among the members of the board. Each member has the power to hear and issue orders on petitions filed with the board and on all issues arising under those petitions.

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<sup>1</sup> [ORS 244.050 \(2021\)](#).

<sup>2</sup> [ORS 182.100 \(2021\)](#) for affirmative action policy and [ORS 236.115 \(2021\)](#) for diversity criteria.

<sup>3</sup> [ORS 197.810 \(2021\)](#).

## Duties and Authority

The board adjudicates land use appeals and provides consistent interpretation of state and local land use laws.<sup>4</sup> The board has jurisdiction to review certain land use decisions or limited land use decisions of a local government, special district, or a state agency once the petitioner has exhausted all available remedies.<sup>5</sup>

The board must:<sup>6</sup>

- upon receipt of a petition filed according to statute, review the land use decision or limited land use decision and prepare a final order affirming, reversing, or remanding the land use decision or limited land use decision;
- adopt rules governing the conduct of review proceedings brought before it and the transfer of a matter to the board by the Director of the Department of Land Conservation and Development;
- issue a final order within 77 days after the date of transmittal of the record, with certain exemptions;
- award reasonable attorney fees and expenses to the prevailing party against any other party who the board finds presented a position or filed any motion without probable cause to believe the position or motion was well-founded in law or on factually supported information;
- provide for the publication of its orders that are of general public interest in the form it deems best adapted for public convenience;
- track and report specified information regarding reviews and parties on its website;
- oversee the use of funds in the Board Publications Account; and
- provide specified information and responses for judicial review of board orders.

The board may:<sup>7</sup>

- in conducting review proceedings, sit together or separately at the discretion of the chairperson;
- award costs to the prevailing party including the cost of preparation of the record if the prevailing party is the local government, special district, or state agency whose decision is under review;
- decide cases before it by means of memorandum decisions and prepare full opinions only in such cases as it deems proper; and

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<sup>4</sup> Oregon Land Use Board of Appeals, *About LUBA*, <https://www.oregon.gov/luba/Pages/About-LUBA.aspx> (last visited April 1, 2023).

<sup>5</sup> [ORS 197.825 \(2021\)](#).

<sup>6</sup> [ORS 197.540 to 197.860 \(2021\)](#).

<sup>7</sup> [ORS 197.820 to 197.845 \(2021\)](#).



- grant a stay of a land use decision or limited land use decision under review if the petitioner demonstrates specified harm.



## Land Use Board of Appeals

Agency: **None**

Authorization: **ORS 197.810**

Min Members: **3** Max Members: **3**

Term Length: **4** Term Limit: **None**

Senate Confirmation Required?: **Yes**

Policy Area: **Natural Resources**

Board Admin: **Erin Pence**

Address:

**DSL Building**

**775 Summer Street NE, Suite 330**

**Salem, OR 97301**

**503-373-1265**

**Erin.PENCE@luba.oregon.gov**

## Current Appointments

**Ms Rudd, Michelle**

Position Number: **1**

Term(s):

**3/1/2023 - 2/28/2027**

**3/1/2019 - 2/28/2023**

**Ms Ryan, Melissa M**

Position Number: **2**

Term(s):

**9/25/2022 - 9/24/2026**

**9/25/2018 - 9/24/2022**

**9/25/2014 - 9/24/2018**

**9/25/2010 - 9/24/2014**

**9/25/2006 - 9/24/2010**

**Zamudio, Hilary "H.M." M**

Position Number: **3**

Term(s):

**9/19/2022 - 9/18/2026**

**9/19/2018 - 9/18/2022**

**7/1/2018 - 9/17/2018**

## Vacant Positions