

HB 3458 A STAFF MEASURE SUMMARY

Carrier: Sen. Golden

Senate Committee On Natural Resources

Action Date: 05/17/23

Action: Do pass the A-Eng bill.

Vote: 4-0-1-0

Yeas: 4 - Golden, Prozanski, Smith DB, Taylor

Exc: 1 - Girod

Fiscal: No fiscal impact

Revenue: No revenue impact

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Meeting Dates: 5/10, 5/17

WHAT THE MEASURE DOES:

Prohibits a party from raising new issues before the Land Use Board of Appeals (LUBA) in cases where LUBA remands all or a portion of a decision related to an acknowledged comprehensive plan or land use regulation and the local government adopts the same changes following remand with revised findings and additional evidence responding to the remand. Allows LUBA to partially affirm decisions if a local government demonstrates that a land use decision adopting a change to an acknowledged comprehensive plan or land use regulation contains a severability clause and specifically challenged portions of the changes are complete and capable of being executed with the legislative intent. Applies to decisions made and petitions filed with LUBA on or after the effective date of this Act. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Parties can currently bring up new issues on appeal and can repeat appeals
- Distinction between quasi-judicial and legislative appeal processes
- Impact on local governments

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 (LUBA), which was established by the Legislative Assembly in 1979 and consists of three board members who are appointed by the Governor.

House Bill 3458 A would prohibit a party from raising certain new issues with LUBA on appeal and would allow LUBA to partially affirm certain decisions.