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March 5, 2023

To: Joint Committee on Ways & Means
Subcommittee on Natural Resources

From: Mary Kyle McCurdy, Deputy Director

Re: HB 5028, Land Use Board of Appeals

Thank you for the opportunity to testify today in support of HB 5028, the Governor's recommended budget (GRB) for the Land Use Board of Appeals (LUBA).

1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice.

Oregon's land use planning program embraces public involvement. Local governments make thousands of land use decisions every year, and the vast majority of those decisions are not appealed. However, if the public or the applicant believes a local decision violates state or local law, the Land Use Board of Appeals (LUBA) provides a quick, consistent, and efficient appeal process - one that is based on law, not politics.

LUBA was created in 1979, to replace a system that was neither quick nor consistent – when appeals of local land use decisions went to the circuit courts. LUBA consists of three Board members, who are required to be attorneys and members of the Oregon Bar. As LUBA describes, its mission is to “provide a simplified appeal process, a speedy resolution of land use disputes and a consistent and correct interpretation of state and local land use laws.”

The Land Use Board of Appeals continues to fulfill this mission, and on a modest budget. Most opinions are issued within the statutory timeframes, few are appealed to the Court of Appeals, and of those that are, LUBA is usually affirmed.

We recommend that LUBA be given additional resources, with a direction to LUBA and the Department of Administrative Services to enable LUBA case management, including filing of all case documents, to be entirely electronic.