



January 30, 2025

House Committee On Agriculture, Land Use, Natural Resources, and Water
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Re: HB 3013 – Support

Co-Chair Helm, Co-Chair Owens, Vice-Chair McDonald, and members of the committee,

Thank you for the opportunity to provide testimony on HB 3013. Central Oregon LandWatch (“LandWatch”) is a land use and conservation advocacy organization that, for more than 35 years, has protected Central Oregon’s forests and high desert, rivers and springs, fish and wildlife, and its vibrant communities. We work to conserve the region’s ecosystems, wildlife habitat, and working rural lands balanced with a responsible, sustainable approach to planning and fostering thriving communities.

LandWatch supports HB 3013 and the -1 amendment. This bill would close a troublesome loophole in enforcement of decisions made by the Oregon Land Use Board of Appeals (LUBA). As an administrative body, LUBA lacks its own enforcement powers. When parties do not comply with a LUBA final order, recourse must be sought in circuit court. Currently, however, some parties to a LUBA appeal do not have standing to seek enforcement in circuit court. This leaves the public without recourse to ensure that our land use laws, and LUBA’s interpretations of those laws, are followed.

A hypothetical example of this loophole looks like this: a local government approves a land use application. An interested neighbor testifies in opposition to the application and believes the local government’s land use decision fails to comply with an applicable land use regulation. The neighbor appeals the decision to LUBA. LUBA agrees with the neighbor and remands or reverses the local government land use decision. But the applicant proceeds with developing the land use on the property anyways. The neighbor goes to circuit court seeking to enjoin the development. The circuit court dismisses the neighbor’s case because the neighbor doesn’t have standing to enforce LUBA’s order.

HB 3013 would give this neighbor standing in circuit court to enforce a final order from LUBA. Many Oregonians, empowered by Goal 1 (Citizen Involvement) of the land use system, volunteer their time and energies to upholding local land use plans and the statewide land use system. Without the means of enforcement of the land use system, public participation is disincentivized; people won’t participate in the land use process if their efforts are ultimately in





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vain. Ensuring that LUBA orders can be enforced in circuit court makes participating in the land use process worth the while.

LandWatch respectfully requests this Committee's support for HB 3013 and the -1 amendments.

Thank you for your consideration of this testimony.

Regards,

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Central Oregon LandWatch



WE DEFEND AND PLAN FOR CENTRAL OREGON'S LIVABLE FUTURE