



Main Office • 133 SW 2nd Ave, Ste 201 • Portland, OR 97204
Willamette Valley Office • 454 Willamette St, Ste 213 • Eugene, OR 97401
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528

February 24, 2021

To: Co-Chairs Sen. Taylor and Rep. Reardon and Committee Members
Subcommittee on Natural Resources of the Joint Committee on Ways & Means
From: Mary Kyle McCurdy, Deputy Director

Re: HB 5531 (Land Use Board of Appeals)

Thank you for the opportunity to provide testimony **in support of HB 5531**. 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.

HB 5531 provides full biennial funding to the Land Use Board of Appeals (LUBA). LUBA provides an effective, efficient, and consistent means of deciding appeals of local land use decisions.

The legislature created LUBA in 1979. Prior to that time, appeals of local land use decisions went to the individual circuit courts of the 36 counties, resulting in sometimes inconsistent and often slow decisions. In addition, appealing a matter to circuit court was expensive for those businesses, organizations, and individuals who felt that the land use laws were being incorrectly applied.

The legislature created LUBA as a result of the general consensus that then-current system was not working. As a result, LUBA today is made up of three attorney-referees with land use expertise, and operates under statutory deadlines to render its decisions. As required by statute, its decisions are thorough, addressing all issues raised. Therefore, LUBA's decisions are not often appealed to the Oregon Court of Appeals and when they are, LUBA has been upheld approximately 90% of the time.

LUBA is a critical player in the implementation of Oregon's statewide planning program. It is consistent with land use Goal 1, public Involvement, in that it provides a cost-effective forum that is accessible to those wishing to appeal a land use decision – one need not be a lawyer to appear before LUBA. This accessibility has not caused an unwarranted flood of appeals; rather, despite the many thousands of local land use decisions made every year, only about 150 are appealed.

LUBA's track record of quick and sound decisions ensures the consistent and accurate local application of Oregon's land use laws, thereby protecting environmental resources, farm and forest lands, housing choice, and economic development. We urge you to support its budget.