

Chapter 1 : Cost-Benefit Analysis of Local Land Use Allocation Decisions

Preface.. 1 The Cost of Making Land Use Decisions.. Introduction. Beyond the 'market versus the government' debates. The study of transaction costs in planning and property research.

The vote came after city staff and City Attorney Jeff Taraday expressed concerns about possible long-term financial risk to the city if the council makes a bad decision. In explaining the issue, Environmental Programs Manager Kernen Lien noted that as legislators, councilmembers are seeking opinions from their constituents. Those were the main reasons that councilmembers in August passed by a vote Resolution Councilmember Diane Buckshnis, who was one of three councilmembers opposing the resolution, Tuesday night urged her fellow councilmembers to reconsider their support. Councilmember Kristiana Johnson, who voted for the resolution two years ago, said she is leaning toward continuing that support. The next step is to schedule a public hearing on the matter during a future council meeting, with the date still to be determined. In other business, the council had a minute discussion related to logistics of a special meeting of the council Finance Committee. The goal is to discuss in more detail a proposal that the city pick up the entire cost of parking lot and street frontage improvements for the multi-generational waterfront center building planned to replace the Edmonds Senior Center. The Finance Committee would normally take up the issue during its meeting next week, but Committee Chair Dave Teitzel will be out of town. The council wanted to ensure it would be appropriate to hold a special meeting, outside of the regular council meeting time, later in September. There were concerns raised about meeting transparency, since the waterfront center proposal involves a significant amount of money. Fraley-Monillas suggested that the meeting, whenever it is held, be videotaped, but others noted that no council committee meetings are currently video recorded. Such a decision would set a precedent for future meetings, with the council having to decide what would be important enough to require video coverage, Buckshnis said. A motion by Fraley-Monillas to videotape the meeting died for a lack of a second, although Council President Mike Nelson said later in the discussion that he believes all council committee meetings should be on video, in the interest of transparency. Currently, council committee meetings are held simultaneously in separate rooms in the Public Safety Complex, with no video available. Audio recordings are made and notes are taken. In the end, councilmembers agreed that a special Finance Committee meeting on the waterfront center proposal will be held, with the date and time to be determined. We will provide more details on that meeting when available. In other action, the council: Registration for the sixth annual festival runs Oct. Scarecrow Festival coordinator Dave Buelow told the council there will be a new noncompetitive category this year for those who want to be part of the fun, but are not interested in collecting votes. There will also be a scarecrow hunt involving prizes, he said.

Chapter 2 : RCW Appeal of land use decisionsâ€™Fees and costs.

*The Cost of Land Use Decisions: Applying Transaction Cost Economics to Planning and Development [Edwin Buitelaar] on calendrierdelascience.com *FREE* shipping on qualifying offers. By applying transaction cost economics to an evaluation of land use systems, the author here tackles the ongoing debate between market and government in planning.*

A petitioner in a LUBA appeal must explain why the appealed decision is a land use decision. If the explanation is not stated in the petition for review see question 13 the appeal may be dismissed. Note that both a land use decision and a limited land use decision must be "final" before either can be appealed to LUBA. Generally, a decision is considered final when it is reduced to writing. Local government regulations may also require the signatures of certain decision makers or officials to be placed on the document. You should check the local regulations to determine when a local decision becomes final. If local ordinances or regulations provide for an appeal from one decision maker e. Who are the parties in a LUBA appeal? The parties in a LUBA appeal are the "Petitioner," the "Respondent" and persons who "intervene" on the side of either. The Petitioner is the person, organization or corporation dissatisfied with the land use decision or limited land use decision made by the local government or special district. The motion must be filed within 21 days after the Petitioner files the Notice of Intent to Appeal. The motion must indicate whether you or your organization want to intervene on the side of Petitioner or Respondent. If you intervene on the side of Petitioner, you will be referred to as Intervenor-Petitioner. If you intervene on the side of Respondent, you will be referred to as Intervenor-Respondent. How is an appeal started in LUBA? An appeal is started when a Petitioner files a "Notice of Intent to Appeal" a land use decision or a limited land use decision. The Notice of Intent to Appeal and the required fees see next question must be filed at LUBA within 21 days after the land use decision becomes final as described by OAR 3. If the deadline is missed, LUBA will dismiss the appeal. Postal Service showing the date mailed and the certified or registered number. Interpretation and application of these provisions is very complex. If you find yourself in the position of having to rely on one of these provisions in filing a Notice of Intent to Appeal, you would be well advised to consult an attorney who is familiar with Oregon land use law. What are the fees for a LUBA appeal? What other expenses are there in a LUBA appeal? The major expense is for attorney fees. If you do not hire an attorney, there will still be expenses for typing and copying briefs and correspondence, postage, and travel to Salem for oral argument. City of Albany, Or App 10 LUBA has required unrepresented parties who presented meritless claims to pay the attorney fees of the prevailing party. If you are unsure about the legal sufficiency of your arguments you would be well advised to consult with an attorney who is familiar with Oregon land use law. How long does an appeal take? It varies from case to case. That deadline is extended when record objections or motions to take evidence not in the record are filed. It may also be extended for other motions or for cases involving particularly complex issues. Does an appeal automatically stop a development that has been approved by a local government or special district? In order to stop development while a LUBA appeal is pending, the Petitioner must file a Motion for Stay of the land use decision or limited land use decision. If LUBA eventually upholds the land use decision, the bond is used to reimburse the developer for attorney fees and "actual damages resulting from the stay. How is a LUBA appeal different from the hearings by the local government? LUBA is like an appellate court. It is not a political body. A LUBA appeal is not an opportunity to present new evidence. There is no informal participation by interested citizens or groups. However, in some circumstances, LUBA may allow the filing of an amicus brief. If a party sends correspondence to LUBA, a copy must also be sent at the same time to all other parties or their attorneys. Failure to meet a deadline can result in dismissal of an appeal. As a general rule, LUBA holds only one hearing in each appeal. The hearing is for legal argument based on the briefs filed by the parties, not for the presentation of evidence by witnesses. This is a major difference from most local hearings. The general rule is that LUBA cannot consider evidence that was not considered by the local decision makers. Keep this in mind when you present a case to LUBA. The only evidence that LUBA can consider is the evidence already in the record of the decision. Keep these reasons in mind when presenting

arguments to LUBA. The local officials failed to follow the correct procedures in making the decision, and the procedural error deprived the Petitioner of a substantial right. The land use decision is not supported by "substantial evidence in the whole record;" or If the decision is a limited land use decision, it is not supported by "substantial evidence in the record. By law, local decision makers can choose which evidence they wish to believe, so long as the evidence they rely on is "substantial evidence. A sequence of steps is followed. There are deadlines for each step. These are outlined below. Within 21 days after the Notice of Intent to Appeal is filed at LUBA, the Respondent the unit of government that made the land use decision or limited land use decision must file a copy of the record of the decision with LUBA. The record consists of the materials submitted to, and not rejected by, the decision makers in the course of the local proceedings. The Respondent must provide a copy of the record to the Petitioner. The Respondent is required to provide a copy of the record to an Intervenor only if the Intervenor requests a copy and reimburses the Respondent for reasonable copying costs. Within 14 days after the record is filed, any party may object to the contents of the record. An objection may assert that the record: If an objection to the record is filed, the appeal is suspended until the objection is settled by the parties or by an order of LUBA. An objection to the record should be filed only if it is necessary to the merits of your appeal. It may be wasteful to object to a technical error or minor omission from the record if the error or omission is not relevant to your claims or will not help you prevail in the appeal. If a record objection is filed, the Petition for Review must be filed within 21 days after the date the record is settled by LUBA. The Petition for Review sets forth the reasons why the land use decision or limited land use decision should be reversed or remanded. In preparing the Petition for Review, keep in mind the bases on which LUBA may reverse or remand a decision see question A Petition for Review like all other documents filed in a LUBA appeal, except the Notice of Intent to Appeal must be accompanied by proof of service on the other parties. Respondent must file a response brief answering the arguments made in the Petition for Review within 42 days after LUBA receives the record from the local government whose decision is being appealed or within 42 days after the record is settled by LUBA, if a record objection is filed. Some or all of the parties may arrange with LUBA to participate by telephone. The hearing usually takes about 60 minutes. Petitioner has 30 minutes to stress the key points made in the Petition for Review. No new evidence is allowed. This is called "rebuttal. Petitioner may use up to 10 minutes remaining from the original 30 minutes for rebuttal. However, only parties who have submitted written briefs may participate in oral argument. Because of limited space, please notify LUBA no later than 12 days prior to the oral argument if more than 10 people plan to attend, so alternate room arrangements can be made. LUBA does not rule on cases at oral argument. Instead, a written decision is usually issued a few weeks afterward. The order will end with one of the following actions: To obtain transfer of an appeal to the circuit court, a Motion to Transfer must be filed by the requesting party. Can a LUBA decision be appealed? The appeal is governed by state law ORS A petition for judicial review must be filed in the Court of Appeals within 21 days after the date LUBA mailed its final opinion and order. What is a cost bill? A "cost bill" asks LUBA to require the losing party to reimburse the winning party for certain costs incurred during the appeal. The losing side may respond to the cost bill within 10 days after the cost bill is filed at LUBA. Thereafter, LUBA will issue an order awarding or denying the requested costs.

Chapter 3 : Chapter C RCW: JUDICIAL REVIEW OF LAND USE DECISIONS

By applying transaction cost economics to an evaluation of land use systems, the author here tackles the ongoing debate between market and government in planning.

Governance , Urban Studies and tagged with: Therefore, land use decision should be regarded as a collective decision rather than an individual choice. Traditionally, land use decision process is dominated by the so-called informative, rational and impartial government and designated planners, meaning that they represent all the stakeholders to make land use decisions. With the rise of democratic movements and the prevalence of communicative planning theory, the traditional mode is faced with considerable criticisms and gradually shifts to several participatory planning modes in which land use decisions are made through certain negotiations and bargains among stakeholders. Apparently, this shift has advantages in making the decision process more democratic, but its economic impacts remain unclear. Aside from the time and fact that structures need to be built, several steps are essential and certain inputs are necessary in the process Buitelaar, Land use decision is an inevitable step in urban renewal, and costs related to land use decision are not ignorable as the foremost process costs. Both the process efficiency and allocative efficiency will be seriously influenced when land use decision costs are very high Webster, ; Buitelaar, Theoretically, they point out the total costs as a tradeoff between decision costs and external costs can decrease when the degree of public participation increases. Considering the limited land resources, the growing desires for protecting green spaces and the inefficiency of yet developed lands, we find there is a significant shift of urban development from expansion to renewal in Shenzhen China. Since , the developer rather than the government has been the entity responsible for unifying the ownership in urban renewal in Shenzhen. To finish an urban renewal project, land use decision is an inevitable and important process. Before , the municipal government dominates land use decision process in traditional planning mode TPM. The municipal planning bureau MPB and its designated planning team PT are responsible for drawing up a planning document. In the planning making process, they always listen to the advices from the other bureaus of the municipal government MOB. Members of MPC are composed of the mayors, leaders of relevant municipal bureaus, leaders of all the district governments, experts of planning, ecology, transport, aesthetic and so on. The documents take in effect after the approval of MPC and DEVs may analyze and evaluate based on the documents to decide whether to be formally engaged or not. Then the DEV begin to negotiate with PO about compensation, but compensation is always related to land use decisions if property replacement is permitted. Also, the DG may provide their visions for the future development of this area, not to mention that the DEV itself is not satisfied with some details in the documents. No matter in the negotiation process or construction process, as long as the DEV wants to revise any contents of the documents, application should be sent to the MPB, meaning that another planning cycle begins. Compared to TPM, stakeholders including MG involve and cooperate in planning making and revision process though MPC still has the final power to decide. Then the DEV tries to persuade PO to accept the approved planning document and reach compensation contracts with them. If revisions are necessary, two different paths may follow according to the modified contents. The technical standard issued by the MPB has detailed divisions and explanations for major and minor revision. Land use decision costs in urban renewal refer to the deadweight losses of the society for completing the tasks related to planning in the whole urban renewal process, and these costs can be divided into direct and indirect costs. We investigate two urban renewal cases in Shenzhen. The former case started in in which TPM was applied in land use decisions, and the latter started in in which PPM was applied. In ownership unification process in B, the time for planning revision and persuading POs both declines. The indirect costs are saved because the application of PPM results in the great savings of time duration for completing all the tasks related to planning. Did you like this article? Share it with your friends! His research interests focus on analyzing land-related issues in emerging economics, especially the innovations or improvements of relevant fundamental institutions e. Leave a Reply Your email address will not be published.

Chapter 4 : Land Use Board of Appeals Frequently Asked Questions (FAQ's)

This article presents a survey of standard microeconomic models that are designed to be used in the cost-benefit analysis of local land use decisions at the individual parcel or block level.