

ROUGH NOTES: EFFECTIVE LAND USE TESTIMONY

June 19, 2013

V. INSTITUTIONAL RESOURCES

A. Oregon Land Use Board of Appeals Home Page

<http://www.oregon.gov/luba/Pages/index.aspx>

LUBA's review statutes are located between ORS 197.805-850. LUBA's administrative rules are at OAR 661-010-000 et seq. LUBA has a website that contains all the current cases and publishable orders that are available for review. LUBA head notes are also a useful search tool and those are located in a searchable format on LUBA's website as well.

1. Frequently Asked Questions (FAQs)

<http://www.oregon.gov/LUBA/pages/faq.aspx>

- Question 1: What is LUBA and what does it do?
- Question 2: Is LUBA part of the LCDDC?
- Question 3: Must every party in a LUBA appeal have an attorney?
- Question 4: Is mediation available?
- Question 5: What kinds of decisions can be appealed to LUBA?
- Question 6: Who are the parties in a LUBA appeal?
- Question 7: How is an appeal started in LUBA?
- Question 8: What are the fees for a LUBA appeal?
- Question 9: What other expenses are there in a LUBA appeal?
- Question 10: How long does an appeal take?
- Question 11: Does an appeal automatically stop a development that has been approved by a local government or special district?
- Question 12: How is a LUBA appeal different from the hearings by the local government?
- Question 13: What happens after the Notice of Intent to Appeal is filed at LUBA?
- Question 14: Can a LUBA decision be appealed?
- Question 15: What is a cost bill?

2. LUBA Rules & Statutes

<http://www.oregon.gov/LUBA/Pages/Rules.aspx>

Oregon Administrative Rules (OAR) are maintained by the Oregon Secretary of State: OAR 661.

Oregon Revised Statutes (ORS) are maintained by the Oregon State Legislature.

ORS 92	Subdivisions and Partitions
ORS 195	Local Government Planning Coordination
ORS 197	Comprehensive Land Use Planning Coordination
ORS 215	County Planning; Zoning; Housing Codes
ORS 227	City Planning and Zoning

3. LUBA Headnotes

<http://www.oregon.gov/LUBA/Pages/Headnote-Index.aspx>

One of your most valuable resources for land use interpretations of the law is the LUBA Headnotes.

LUBA's Disclaimer LUBA provides headnotes as a research aid only. Changes made prior to publication in the Oregon LUBA Reports may not be reflected here. Headnotes are not considered part of the Board's opinions and should not be cited as legal authority.

Headnotes However, two most valuable features of LUBA's website are the LUBA headnotes and search features. **The headnotes will give a summary of law concerning various issues, with citations to the case law. Reading the cases will then give a more detailed explanation, with further citations to statutes, goals, rules and cases.** The search feature makes it easy to find the cases in the opinions feature (search case name). You can also search the cases back to 1990 using the key word search feature.

Its very important when building a case at the local level to try to base your arguments on state law (statutes, rules, or goals) if possible, to avoid "deference" problems with local interpretations of the local government's own ordinances.

Other Indexes and Digests for LUBA Headnotes

DuBay's LUBA Digest Provides in one volume the reference tools for research in the published opinions and orders of the Oregon Land Use Board of Appeals. DuBay's Luba Digest Volume 2: Covering Oregon Luba Reports, Volumes 15-29 (Oregon Land Use Board of Appeals) DuBay, John L.; Ledbury, Ron (Editor) Published by Northwest Law Publishing, Beaverton, Oregon, 1995.

Others to research.

B. Land Conservation & Development/Oregon Land Conservation & Development <http://www.oregon.gov/LCD/pages/index.aspx>

C. Other Resources

This section is just a very draft beginning.