

**Appendix V.A.4. LUBA 28.8.5 HEADNOTES**  
**(28.8.5 Grounds for Reversal/Remand - Noncompliance with Applicable Law)**  
**FOR ASSIGNMENT OF ERRORS**  
**June 19, 2013**

**LUBA HEADNOTES 28**

**28. LUBA SCOPE OF REVIEW**

- 28.1 Generally
- 28.2 Denials

**28.8 Grounds for Reversal/Remand**

- 28.8.1 Generally
- 28.8.2 Lack of Jurisdiction
- 28.8.3 Unconstitutionality
- 28.8.4 Procedural Errors
- 28.8.5 Noncompliance with Applicable Law**
- 28.8.6 Inadequate Findings
- 28.8.7 Unsupported by Substantial Evidence

**28.8.5 LUBA Scope of Review – Grounds for Reversal/Remand – Noncompliance with Applicable Law.** Under ORS 197.829(1), *Clark v. Jackson County*, 313 Or 508, 836 P2d 710 (1992) and *Church v. Grant County*, 187 Or App 518, 69 P3d 759 (2003), a local government’s interpretation and LUBA’s review of that interpretation are guided by the principles articulated in *PGE v. Bureau of Labor and Industries*, 317 Or 606, 859 P2d 1143 (1993). Where the local government’s interpretation finds almost no support in the relevant text of the land use regulation and comprehensive plan, LUBA will not defer to that interpretation. *Siporen v. City of Medford*, 59 Or LUBA 78 (2009).

**OR FURTHER HEADNOTES GO TO:**

**LUBA HEADNOTES 28.8.5 GROUNDS FOR REVERSAL/REMAND - NONCOMPLIANCE WITH APPLICABLE LAW**

(<http://www.oregon.gov/LUBA/docs/headnotes/28.8.5.pdf>)  
(Also see Appendix V.A.3. LUBA) Headnote Index)

Note to Files: These headnotes need to be expanded at some future date.