

ASSIGNMENTS OF ERROR

(1) Legal Requirement for AOE LUBA's definition of a petition for review (PFR) has many elements, including assignments of error. Oregon Administrative Rule (OAR) 661-010-0030 for a PFR specifically requires AOE's under its contents of a petition section: OAR 661-010-0030(4)(d).

OAR 661-010-0030(4)(d)

“(4) Contents of Petition: The petition for review shall:”

“(d) **Set forth each assignment of error** under a separate heading. Where several assignments of error present essentially the same legal questions, the argument in support of those assignments of error shall be combined;”

An assignment of error generally consists of a sentence or short paragraph that briefly (1) identifies the finding, omission or aspect of the decision that is challenged and (2) cites one or more bases on which LUBA is urged to conclude that the decision is erroneous and the error(s) warrants reversal or remand. An assignment of error is typically followed by supporting arguments that include discussion of the standard of review, the applicable law and the evidence in the record that has some bearing on that applicable law. The lack of cognizable assignments of error makes it more difficult to read and respond to the petition for review. Noncompliance with OAR 661-010-0030(4)(d) is somewhat self-penalizing, in that LUBA cannot reverse or remand a decision based on assignments of error that it does not understand.