

24.1 Standing – Before Local Government. Absent a local provision or other authority that limits standing to appeal a permit revocation decision only to current owners of the property to which the permit applies, a city errs in dismissing the permit holder’s local appeal of a permit revocation decision for lack of standing, solely because the permit holder informs the city that the property has been sold to a third party. *Merton v. City of Jefferson*, 53 Or LUBA 559 (2007).

24.1 Standing - Before Local Government. Where a county code grants standing to file a local appeal to parties who are “adversely affected” by planning commission decisions, but the local code does not define the term “adversely affected,” LUBA will assume the county’s intended meaning of that term is consistent with its meaning in other land use laws. As that term is used in the 1979 statute that governed standing to appeal to LUBA, adversely affected means the “decision impinges upon the petitioner’s use and enjoyment of his or her property or otherwise detracts from interests personal to the petitioner.” *Jefferson Landfill Comm. v. Marion Co.*, 297 Or 280, 283, 686 P2d 310 (1984). *Burke v. Crook County*, 46 Or LUBA 413 (2004).

24.1 Standing - Before Local Government. Where a local code grants standing to appeal planning commission decisions to parties who are “adversely affected,” a county may not limit standing to appeal to the applicant, nearby property owners and persons who testified, where the local code does not clearly adopt that limited interpretation of the term “adversely affected.” *Burke v. Crook County*, 46 Or LUBA 413 (2004).

24.1 Standing – Before Local Government. LUBA will reject a challenge to a petitioner’s standing based on an allegation that petitioner appeared below as an agent of the property owner and not on its own behalf, where the only evidence cited to support that allegation is a letter from the property owner that does not authorize petitioner to act as an agent of the property owner; petitioner filed the application leading to the challenged decision; and it is clear from the record that petitioner appeared on its own behalf and not the property owner’s. *Confederated Tribes v. City of Coos Bay*, 42 Or LUBA 385.

24.1 Standing – Before Local Government. When undisputed evidence in the record establishes that petitioner appeared below, and therefore establishes petitioner’s standing before LUBA, the Board will not take evidence outside of the record for purposes of establishing standing before the Court of Appeals, because such evidence will not “affect the outcome” of LUBA’s proceedings, within the meaning of OAR 661-010-0045(2). *Friends of Yamhill County v. Yamhill County*, 41 Or LUBA 247 (2002).

24.1 Standing – Before Local Government. An organization that appears before a hearings officer and county board of commissioners has standing to appeal the county’s decision to LUBA under ORS 197.830(2), and need not establish that it also meets the test for representational standing under *1000 Friends of Oregon v. Multnomah Co.*, 39 Or App 917, 593 P2d 1171 (1979). *Central Klamath County CAT v. Klamath County*, 40 Or LUBA 111 (2001).

24.1 Standing – Before Local Government. Where the notice of intent to appeal challenges a governing body’s decision determining that petitioner has no standing to file a local appeal of a planning director’s decision, but the petition for review assigns error only to the planning director’s decision, the petition for review provides no basis to reverse or remand the governing body’s decision. *Doob v. Josephine County*, 39 Or LUBA 301 (2001).

24.1 Standing – Before Local Government. A person’s previous experience in appealing land use decisions or his philosophical interest in the correct application of the county’s land use regulations may be germane to whether that person, who appears before the county, might qualify as “aggrieved” by a county permit decision, but such experience or interest is not germane to whether that person is “adversely affected” by the decision. *Doob v. Josephine County*, 39 Or LUBA 301 (2001).

24.1 Standing – Before Local Government. The question of whether intervenor was a proper party in an earlier local proceeding is determined by the local ordinance governing standing and not the ordinance that regulates the content of materials that may be presented in that proceeding. Where a party appeared during the local proceeding, the party has standing at LUBA under OAR 661-10-050. *Evans v. Multnomah County*, 33 Or LUBA 555 (1997).

24.1 Standing – Before Local Government. Where the local code provides that a property owner may file a conditional use application, a property owner has standing to file an application for approval of a home occupation, even though the property owner does not propose to reside in the dwelling and conduct the home occupation. *Tarbell v. Jefferson County*, 21 Or LUBA 294 (1991).

24.1 Standing – Before Local Government. Where the local code makes no distinction among "interested persons," "disinterested witnesses," and "parties," any person who appears at a local hearing is recognized as an "interested person" who could be aggrieved by the local decision. *Lowrie v. Polk County*, 19 Or LUBA 564 (1990).

24.1 Standing – Before Local Government. A statement in a governing body's decision that a person is not adversely affected by a hearings officer's decision is not equivalent to a determination that such a person is not "aggrieved" for purposes of determining standing. *Lowrie v. Polk County*, 19 Or LUBA 564 (1990).