

27.9.4 LUBA Procedures/Rules – Stays – Procedures. LUBA will not grant a motion for expedited briefing on a motion for stay where it appears the motion for stay is not likely to be granted, because the motion for stay does not adequately establish that the challenged decision falls under the ORS 197.015(10) definition of “land use decision” and it appears that the notice of intent to appeal may not have been timely filed. *Nyman v. City of Hillsboro*, 59 Or LUBA 533 (2009).

27.9.4 LUBA Procedures/Rules - Stays - Procedures. ORS 197.845(2) and OAR 661-10-068(4) both require that for a stay of a *quasi-judicial* land use decision, the amount of the required undertaking shall be 5,000 dollars. LUBA does not have discretion to increase that amount. *Save Amazon Coalition v. City of Eugene*, 29 Or LUBA 565 (1995).

27.9.4 LUBA Procedures/Rules - Stays - Procedures. Allowing parties responding to a motion for stay only five days to file their responses is not warranted, where the moving party alleges no facts and cites no evidence that the applicant for land use approval plans to take action under the challenged land use decision while the appeal is pending. *ONRC v. City of Seaside*, 27 Or LUBA 662 (1994).