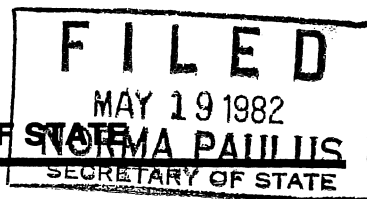


**CERTIFICATE AND ORDER**

for

**FILING ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE**



I HEREBY CERTIFY that the attached copy is a true, full and correct copy of rule(s) adopted by the \_\_\_\_\_

Land Use Board of Appeals

(Agency)

on May, 1982

(Date)

to become effective \_\_\_\_\_ upon filing

(Date)

The within matter having come before the \_\_\_\_\_ Land Use Board of Appeals \_\_\_\_\_ after

(Agency)

all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following rule(s) be adopted: Perm.  or Temp.

(List Rule Number(s) or Rule Title on Appropriate Lines Below)

Adopted:  
(New Rules)

\_\_\_\_\_  
\_\_\_\_\_

Amended:  
(Existing Rules)

Amendment of OAR 661-10-075

\_\_\_\_\_  
\_\_\_\_\_

Suspended:  
(Temporary Only)

\_\_\_\_\_  
\_\_\_\_\_

Repealed:  
(Existing Rules)

\_\_\_\_\_  
\_\_\_\_\_

as Administrative Rules of the \_\_\_\_\_ Land Use Board of Appeals \_\_\_\_\_

(Agency)

DATED this 19<sup>th</sup> day of May, 1982

By:

*Michael D. Reynolds*

(Authorized Signer)

Title: Chief Hearings Referee

Statutory Authority: \_\_\_\_\_ Oregon Laws 1979, ch 772, sec 2a(4)

Subject Matter: \_\_\_\_\_ Amendment of Rules (Change of Address)

Statement of Need Attached:

Fiscal Impact Attached:

For Further Information Contact: \_\_\_\_\_ Michael D. Reynolds

Phone: 373-1265

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

In the Matter of the Amendment )  
to Land Use Board of Appeals ) STATEMENT OF NEED FOR  
of the State of Oregon Rules of ) EMERGENCY OF OAR 661-10-075  
Procedure, OAR 661-10-075. )

I. FINDINGS

OAR 661-10-075 indicates the Board's address as 475 Cottage Street, NE, Suite 219, Salem, Oregon 97301. Because of the Board's relocation to 106 State Library Building, Salem, Oregon 97310, OAR 661-10-075 must be amended to prevent any possible confusion in the filing of documents with the Board.

II. LEGAL AUTHORITY

The Board relies on Oregon Laws 1979, ch 772, sec 2a(4) as authority to amend a rule of procedure without prior notice or hearing.

III. NEED FOR AMENDMENT

An amendment is needed to OAR 661-10-075 to avoid any mailing and personal delivery delays due to the incorrect address.

IV. PRINCIPAL AUTHORITY RELIED UPON

The principal authority relied upon in this rule amendment is the Rules of Procedures of the Land Use Board of Appeals on file in the offices of the Secretary of State and the Land Use Board of Appeals.

V. FISCAL IMPACT

The amendment of OAR 661-10-075 will result in no fiscal impact on any person or entity whatsoever.

Dated this 19<sup>th</sup> day of May, 1982.

  
Michael D. Reynolds  
Chief Hearings Referee

BEFORE THE LAND USE BOARD OF APPEALS  
OF THE STATE OF OREGON

In the Matter of the Amendment )  
to Land Use Board of Appeals ) AMENDMENT OF OAR 661-10-075  
of the State of Oregon Rules of )  
Procedure, OAR 661-10-075. )

OAR 661-10-075 of the Land Use Board of Appeals' Rules of Procedure, is amended as set forth below with the new material underlined and deleted material in brackets:

Miscellaneous Provisions

661-10-075 (1) Extension of Time:

(a) Except as provided in subsection (2) of this section, any time deadline established by these rules for the filing of documents with the Board, other than the Notice of Intent to Appeal and the Petition for Review, may be extended by the Board upon motion of the party seeking the extension. The motion shall state the reasons for the granting of the extension and must be filed with the Board within the time required for performance of the act for which an extension of time is requested.

(b) A written stipulation consenting to an extension of time for filing respondent's brief must also contain a provision consenting to an extension of the time within which the Board is required to issue a final order by an amount of time equal to the extension stipulated by the parties.

(2) Cost Bill: In order for the Board to award costs, in whole or in part, to the prevailing party, the prevailing party shall file a cost bill within 15 days of the date the final order is issued and shall serve a copy of the cost bill on all parties to the proceeding. The prevailing party may be awarded as costs statutory witness fees, if any are incurred, and costs associated with the court reporting of the proceedings before the Board if the proceedings have been so reported at the election of the prevailing party. In addition, if the prevailing party is the governing body, the governing body may be awarded costs incurred in preparing the record. If the prevailing party is the petitioner, the petitioner may be awarded the cost of the filing fee. Any objections to the cost bill must be filed with the Board within 10 days after it is

filed with the Board. Costs awarded against more than one party shall be divided equally among all such parties unless the Board otherwise directs.

(3) Cross Petition: Any person identified in the Notice as a respondent who desires to file a petition for review may do so by filing a cross petition for review. The cover page shall identify the petition as a cross petition and the party filing the cross petition. The cross petition must be filed within the time required for filing the petition for review and must comply in all respects with the requirements of this rule governing the petition for review, except that a Notice of Intent to Appeal need not have been filed by such party.

(4) Reply Briefs: Reply briefs shall not be allowed unless permission is first obtained from the Board. If allowed, the reply brief shall be confined solely to matters raised in the respondent's brief and the form shall be similar to the form of a respondent's brief. However, a petitioner may, as a matter of right, file a reply brief on the question of the Board's jurisdiction if that issue is raised in the respondent's brief. Reply briefs shall have a gray cover.

(5) Service of Documents on All Parties: All documents, written correspondence or other material filed with or submitted to the Board by any party shall also be served on all parties to the review proceeding. Any document filed with or submitted to the Board shall contain a proof of service on all parties.

(6) Copies of Documents to be Filed With the Board:

(a) The petition for review and any briefs filed with the Board shall be filed together with four copies.

(b) Any other document filed with the Board, except documents to be included as part of the record on review, shall be filed together with one copy.

(7) Conferences: On its own motion or at the request of any party, the Board may conduct one or more conferences. The Board shall provide reasonable notice advising all parties of the time, place and purpose of the conference.

(8) Appearances Before the Board: A party to a proceeding before this Board may appear on his own behalf or be represented by an attorney. Appearances by a person other than an individual shall be by attorney, in all cases. As used in this Rule, attorney means an active member of the Oregon State Bar.

(9) Computation of Time: The time provided in these rules for acts to be performed shall be computed by excluding the first day and including the last day. If the last day is Saturday, Sunday or other legal holiday, the act must be performed on the next judicial day.

(10) Address and Hours of the Board: The Board's address is [475 Cottage Street, NE, Suite 219, Salem, Oregon, 97301] 106 State Library Building, Salem, Oregon 97310. The telephone number is 373-1265. The offices of the Board shall be open from 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of legal holidays.

(11) Citations to Board Decisions: Citations to Board decisions shall be in the following form: \_\_\_\_\_ Or LUBA \_\_\_\_\_ ( ).

Dated this 19<sup>th</sup> day of May, 1982.

  
Michael D. Reynolds  
Chief Hearings Referee