

CERTIFICATE AND ORDER
FOR FILING

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PERMANENT
ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE

Nov 30 11 10 AM '89

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on 11/30/89 BARBARA ROBERTS
SECRETARY OF STATE
(Date)

by the LAND USE BOARD OF APPEALS

(Department)

Division)

to become effective upon filing
(Date)

The within matter having come before the LAND USE BOARD OF APPEALS after
(Department) (Division)

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

Notice of Intended Action published in Secretary of State's Bulletin: NO YES Date Published: 11/15/89

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken: (List Rule Number(s) or Rule Title(s) or Appropriate Lines Below)

Adopted:
(New Total Rules) _____

Amended:
(Existing Rules) 661-10-075

Repealed:
(Total Rules Only) _____

LAND USE BOARD OF APPEALS

as Administrative Rules of the _____
(Department) (Division)

DATED this 30th day of November, 19 89

By: Corinne C. Shelton
(Authorized Signer)

Title: Chief Referee

Statutory Authority: ORS 19.230(4) and 197.820(4) or

Chapter(s) _____, Oregon Laws 19 _____ or

House Bill(s) _____, 19 _____ Legislature; or Senate Bill(s) _____, 19 _____ Legislature

Subject Matter: Appeal may be transferred to circuit court of the county in which the
appealed decision was made if the Board determines the appealed
decision is not reviewable as a land use decision.

For Further Information Contact: Jan Zwemke Phone: 373-1265
(Rule Coordinator)

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(10) Motion to Transfer to Circuit Court:

(a) Any party may request, pursuant to ORS 197.230,

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that an appeal be transferred to the circuit court

BARBARA ROBERTS
SECRETARY OF STATE

county in which the appealed decision was made, in the event the Board determines the appealed decision is not reviewable as a land use decision as defined in ORS 197.015(10).

(b) A request for a transfer pursuant to ORS 197.230 shall be initiated by filing a motion to transfer to circuit court not later than ten days after the date respondent's brief is due under OAR 661-10-035(1).

(c) If the Board determines the appealed decision is not reviewable as a land use decision as defined in ORS 197.015(10), and a motion to transfer to circuit court is filed as provided in section (10)(b) of this rule, the Board shall not dismiss the appeal and shall transfer the appeal to the circuit court of the county in which the appealed decision was made.