



## STATUTORY MINOR CORRECTION

### LUBA 1-2026 CHAPTER 661 LAND USE BOARD OF APPEALS

**FILED**

01/16/2026 11:07 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Update reference from OSB member to licensee.

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Filed By:  
Alyx Peterson  
Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Changing a term or phrase in order to conform with a change prescribed by law

AMEND: 661-010-0012

RULE TITLE: Appearance and Representation Before the Board

RULE SUMMARY: Updating to reflect the change of terminology from Oregon State Bar "member" to that of a "licensee" in line with Senate Bill 166 (2025).

RULE TEXT:

- (1) Appearances Before the Board: An individual shall either appear on their own behalf or be represented by an attorney. A corporation or other organization shall be represented by an attorney. In no event may a party be represented by someone other than an active licensee of the Oregon State Bar. In the event someone other than an active licensee of the Oregon State Bar files a notice of intent to appeal on behalf of a corporation, other organization, or another individual, the individual filing the notice of intent to appeal will be given an opportunity to provide an amended notice of intent to appeal that conforms with this section. If an amended notice of intent to appeal is not filed within the time set by the Board, then the Board will dismiss the appeal.
- (2) Notice of Representation: If a party retains or changes counsel after an appeal is filed, including a change from one attorney to another or addition of an attorney within the same law firm, then the party shall file a notice of representation in writing. The notice of representation may not be combined with another document and shall contain the name, address, electronic mail address, and telephone number of the attorney. See Exhibit 8.
- (3) Representation by Co-Counsel: Where a party is represented by more than one attorney, including more than one attorney within the same law firm, the party must designate one attorney as lead counsel, who will be that party's counsel for the purpose of receiving documents from the Board and other parties. Lead counsel is responsible for notifying co-counsel of documents and communications received from the Board and other parties.
- (4) Duty To Maintain Current Contact Information: All parties to an appeal have a duty to maintain current contact information with the Board, including during the time that an appeal is pending or suspended, until the final opinion and order is issued. Unless updated contact information is provided, the Board shall rely on the contact information provided in the notice of intent to appeal, motion to intervene, or notice of representation.
- (5) Notice of Withdrawal: Where an attorney withdraws from representation in an appeal, the attorney shall file a notice of withdrawal in writing. The notice of withdrawal may not be combined with another document. The notice of withdrawal shall contain the name, address, electronic mail address, and telephone number of the party and the name,

address, electronic mail address, and telephone number of the new attorney, if one is being substituted. A notice of withdrawal shall be promptly filed and include any pending deadlines. See Exhibit 9.

(6) Lead Petitioner or Intervenor:

(a) A lead petitioner is responsible for notifying the other petitioners of documents and communications received from the Board and other parties, but each petitioner remains responsible for their own representation.

(b) A lead intervenor is responsible for notifying the other intervenors of documents and communications received from the Board and other parties, but each intervenor remains responsible for their own representation. A lead intervenor's responsibilities under this subsection extend only to intervenors who joined in the lead intervenor's motion to intervene and does not extend to intervenors who filed separate motions to intervene.

(7) Notice of Related Matters: When a party files a notice of intent to appeal, a motion to intervene, or a brief, or a local government transmits the record, if the party is aware of another appeal pending before the Board or in another forum that involves the same or a closely related land use matter, then the party shall file a notice with the Board identifying the related matter by title and case number. The notice may not be combined with another document. A party may likewise notify the Board if the party is aware of another matter pending in another forum that raises the same or a closely related legal issue. A party need not notify the Board of a related matter if another party has already done so. See Exhibit 10.

STATUTORY/OTHER AUTHORITY: ORS 197.820(1), ORS 197.820(4)(a), ORS 197.820(4)(b)

STATUTES/OTHER IMPLEMENTED: ORS 197.830(9), ORS 197.830(13)(a), ORS 197.830(15), ORS 197.835(3)

**EXHIBIT 8**  
(661-010-0012)

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

Jane Smith,	)	
	)	
Petitioner,	)	
	)	
vs.	)	LUBA No. _____
	)	
Willamette County,	)	
	)	
Respondent.	)	

**NOTICE OF REPRESENTATION**

Notice is hereby given that [PETITIONER, INTERVENOR, OR RESPONDENT] is represented by: [INDICATE NAME, ADDRESS, ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY]. [IF MORE THAN ONE ATTORNEY IDENTIFIED] Attorney, Taylor Doe, is designated as lead counsel.

[PETITIONER, INTERVENOR, OR RESPONDENT] has as their mailing address and telephone number: [INDICATE MAILING ADDRESS, ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER].

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature

[Add Certificates of Filing and Service on separate page. See Exhibits 5 & 6.]

1 **EXHIBIT 9**  
2 (661-010-0012)

3  
4 **BEFORE THE LAND USE BOARD OF APPEALS**  
5 **OF THE STATE OF OREGON**  
6

7 Jane Smith, )  
8 )  
9 Petitioner, )  
10 )  
11 vs. ) LUBA No. \_\_\_\_\_  
12 )  
13 Willamette County, )  
14 )  
15 Respondent. )  
16

17 **NOTICE OF WITHDRAWAL**  
18

19 Notice is hereby given that [PETITIONER'S, INTERVENOR'S, OR  
20 RESPONDENT'S] attorney, [INDICATE NAME OF ATTORNEY], is  
21 withdrawing as counsel in this appeal.  
22

23 [PETITIONER, INTERVENOR, OR RESPONDENT] has as their mailing  
24 address and telephone number: [INDICATE MAILING ADDRESS,  
25 ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER].  
26

27 [PETITIONER, INTERVENOR, OR RESPONDENT] will proceed *pro se* [OR]  
28 will be represented by: [INDICATE NAME, ADDRESS, ELECTRONIC MAIL  
29 ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY]. [IF MORE  
30 THAN ONE ATTORNEY IDENTIFIED] Attorney, Taylor Doe, is designated as  
31 lead counsel.  
32

33 [INDICATE APPEAL STATUS AND NEXT PENDING DEADLINE.] This  
34 appeal is currently suspended. [OR] This appeal is in briefing. The response brief  
35 is due [DATE].  
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Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature

[Add Certificates of Filing, Service, and, if necessary, Authenticity on separate page. See Exhibits 5, 6, & 11.]

**EXHIBIT 10**  
(661-010-0012)

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

Jane Smith, )  
)  
Petitioner, )  
)  
vs. ) LUBA No. \_\_\_\_\_  
)  
Willamette County, )  
)  
Respondent. )

**NOTICE OF RELATED MATTERS**

Notice is hereby given that [PETITIONER, INTERVENOR, OR  
RESPONDENT] is aware of the following related matters:

SMITH v. CITY OF WILLAMETTE

LUBA No. 2022-000

Filed: 01/01/2022

Status: Pending Record

Relation to current matter: [PETITIONER, INTERVENOR, OR  
RESPONDENT] is the same party appealing a permit contingent on this  
pending appeal.

SMITH v. CITY OF WILLAMETTE

A220000

Filed: 01/01/2022

Status: Pending Briefing

Relation to current matter: [PETITIONER, INTERVENOR, OR  
RESPONDENT] has appealed a related LUBA decision regarding a  
previous stage of a subdivision plan.

1 [PETITIONER, INTERVENOR, OR RESPONDENT] will file an updated  
2 notice if [PETITIONER, INTERVENOR, OR RESPONDENT] becomes aware  
3 of or initiates any related matters of which [PETITIONER, INTERVENOR, OR  
4 RESPONDENT] has not already notified the Board.

5  
6 Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

7  
8 \_\_\_\_\_  
9 Signature

10  
11 [Add Certificates of Filing and Service on separate page. See Exhibits 5 & 6.]  
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