

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

LUBA 3-2023

CHAPTER 661

LAND USE BOARD OF APPEALS

FILED

10/11/2023 2:36 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Reflecting the effective dates of LUBA's rules, including LUBA's two temporary rules.

EFFECTIVE DATE: 10/11/2023 THROUGH 12/31/2023

AGENCY APPROVED DATE: 10/11/2023

CONTACT: Alyx Peterson
503-373-1265
LUBA.support@luba.oregon.gov

775 Summer St NE
Suite 330
Salem, OR 97301

Filed By:
Alyx Peterson
Rules Coordinator

NEED FOR THE RULE(S):

The proposed amendment is necessary to clarify the effective dates of LUBA's temporary rules.

JUSTIFICATION OF TEMPORARY FILING:

LUBA currently has a temporary rule in effect and is also this same day temporarily amending another rule, OAR 661-010-0040, in response to circumstances involving in-person oral argument. This temporary rule is to reflect the effective dates of LUBA's rules, including both of LUBA's temporary rules.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

These amendments amend various provisions of OAR chapter 660, division 10, which is available at <https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=125>.

AMEND: 661-010-0000

SUSPEND: Temporary 661-010-0000 from LUBA 2-2023

RULE TITLE: Introduction

RULE SUMMARY: Clarifies that all appeals filed before or after October 11, 2023, will be governed by the temporary rules.

RULE TEXT:

Scope of Rules and Effective Date: All proceedings commenced by a notice of intent to appeal filed on or after August 1, 2022 shall be governed by these rules. Proceedings commenced before August 1, 2022, shall be governed by OAR 661-010-0005 through OAR 661-010-0075 as effective on the date the notice of intent to appeal was filed, except that all proceedings commenced on or after September 25, 2023, shall be governed by the current temporary version of OAR 661-010-0071(3) regarding Reversal or Remand of Land Use Decisions, effective September 25, 2023 to December 31, 2023, and except that the temporary version of OAR 661-010-0040, as effective October 11, 2023 to April 1, 2024, shall apply to all proceedings pending on October 11, 2023, no matter when commenced, and all proceedings filed on or after that date.

STATUTORY/OTHER AUTHORITY: ORS 197.820(4)

STATUTES/OTHER IMPLEMENTED: ORS 197.805