24.1 Standing – Before Local Government. A zone verification is subject to LUBA's jurisdiction and a person adversely affected by the decision may appeal the decision to LUBA "[w]ithin 21 days of the date a person knew or should have known of the decision where no notice is required." ORS 197.830(5)(b). The city was not obligated to and did not provide notice of the zone verification decision to petitioner. Petitioner was put on inquiry notice of the zone verification decision when the city provided petitioner multiple notices of a subsequent land use application, review, and approval for site review, traffic impact analysis, and adjustment review for the same subject property and development described in the zone verification decision. The city invited petitioner to participate in that subsequent land use action and to review public planning documents at the planning division and online. The appeal was untimely filed and must be dismissed because petitioner failed to make such inquiries and the 21-day appeal period expired before petitioner filed the appeal. *Leyden v. City of Eugene*, 79 Or LUBA 151 (2019).

24.1 Standing – Before Local Government. Any error in a planning commission's finding that the petitioner lacked standing to file a local appeal is harmless, where on appeal to the board of commissioners the board disposed of petitioner's appeal on the merits and did not rely on standing as a basis to deny the appeal. *Richards v. Jefferson County*, 77 Or LUBA 152 (2018).

24.1 Standing – Before Local Government. A county cannot apply more rigorous standing or timely appeal requirements on (1) local appeals of permit decisions than are authorized under ORS 215.416(11) or (2) local appeals of permit decisions under circumstances where, but for the county choosing to provide a local appeal, the petitioner would have the right to appeal the permit decision directly to LUBA under ORS 197.830(3). *Eng v. Wallowa County*, 76 Or LUBA 432 (2017).

24.1 Standing – Before Local Government. A county is not required to evaluate a petitioner's standing to file a local appeal based on the presumption that the petitioner was entitled to notice of the decision, where there is no dispute that the petitioner did not live within the notice area and was not entitled to notice of the decision at the time the decision was made. That the petitioner now lives within the notice area does not establish entitlement under state or local law to notice of the decision or to file a local appeal. *Eng v. Wallowa County*, 76 Or LUBA 432 (2017).

24.1 Standing – Before Local Government. A petitioner's actual knowledge that the applicant has applied to the county for a dwelling permit and that the county intends to approve it, and that a well dug on the property is to perfect the permit for a dwelling, is more than sufficient knowledge to place the petitioner on "inquiry notice" that the county has approved a dwelling on the applicant's property. Where the petitioner waits more than a year after being placed on "inquiry notice" that the county had approved a dwelling to actually discover the permit decision and file a local appeal, the local appeal is untimely filed, under local appeal provisions based on ORS 197.830(3)(b). *Eng v. Wallowa County*, 76 Or LUBA 432 (2017).

24.1 Standing – Before Local Government. Observation of well-digging equipment traveling on a dead-end road toward one of several nearby properties is insufficient in itself to place a reasonable person on "constructive" or "inquiry notice" that the county had approved development on a specific property, for purposes of ORS 197.830(3)(b) and local code equivalents. *Eng v. Wallowa County*, 76 Or LUBA 432 (2017).

24.1 Standing – Before Local Government. Information sufficient to place a petitioner on "inquiry notice" for purposes of ORS 197.830(3)(b) must, at a minimum, allow the petitioner to identify the property on which development has been approved. If the petitioner must conduct factual inquiries to determine which property in the neighborhood is being developed, the 21-day deadline to discover the decision approving the development may expire before the petitioner has acquired information sufficient to make effective inquiries with the local government. *Eng v. Wallowa County*, 76 Or LUBA 432 (2017).

24.1 Standing – Before Local Government. Information sufficient to place a petitioner on "inquiry notice" for purposes of ORS 197.830(3)(b) must indicate to a reasonable person that the local government has likely issued a land use approval of some kind. Observation of road traffic associated with well-digging activities is insufficient in itself, because the activity of digging a well does not necessarily mean that the county has issued a land use approval. *Eng v. Wallowa County*, 76 Or LUBA 432 (2017).

24.1 Standing – Before Local Government. Absent a local provision or other authority that limits standing to appeal a permit revocation decision only to current owners of the property to which the permit applies, a city errs in dismissing the permit holder's local appeal of a permit revocation decision for lack of standing, solely because the permit holder informs the city that the property has been sold to a third party. *Merton v. City of Jefferson*, 53 Or LUBA 559 (2007).

24.1 Standing – Before Local Government. Where a county code grants standing to file a local appeal to parties who are "adversely affected" by planning commission decisions, but the local code does not define the term "adversely affected," LUBA will assume the county's intended meaning of that term is consistent with its meaning in other land use laws. As that term is used in the 1979 statute that governed standing to appeal to LUBA, adversely affected means the "decision impinges upon the petitioner's use and enjoyment of his or her property or otherwise detracts from interests personal to the petitioner." *Jefferson Landfill Comm. v. Marion Co.*, 297 Or 280, 283, 686 P2d 310 (1984). *Burke v. Crook County*, 46 Or LUBA 413 (2004).

24.1 Standing – Before Local Government. Where a local code grants standing to appeal planning commission decisions to parties who are "adversely affected," a county may not limit standing to appeal to the applicant, nearby property owners and persons who testified, where the local code does not clearly adopt that limited interpretation of the term "adversely affected." *Burke v. Crook County*, 46 Or LUBA 413 (2004).

24.1 Standing – Before Local Government. LUBA will reject a challenge to a petitioner's standing based on an allegation that petitioner appeared below as an agent of the property owner and not on its own behalf, where the only evidence cited to support that allegation is a letter from the property owner that does not authorize petitioner to act as an agent of the property owner; petitioner filed the application leading to the challenged decision; and it is clear from the record that petitioner appeared on its own behalf and not the property owner's. *Confederated Tribes v. City of Coos Bay*, 42 Or LUBA 385 (2002).

24.1 Standing – Before Local Government. When undisputed evidence in the record establishes that petitioner appeared below, and therefore establishes petitioner's standing before LUBA, the

Board will not take evidence outside of the record for purposes of establishing standing before the Court of Appeals, because such evidence will not "affect the outcome" of LUBA's proceedings, within the meaning of OAR 661-010-0045(2). *Friends of Yamhill County v. Yamhill County*, 41 Or LUBA 247 (2002).

24.1 Standing – Before Local Government. An organization that appears before a hearings officer and county board of commissioners has standing to appeal the county's decision to LUBA under ORS 197.830(2), and need not establish that it also meets the test for representational standing under *1000 Friends of Oregon v. Multnomah Co.*, 39 Or App 917, 593 P2d 1171 (1979). *Central Klamath County CAT v. Klamath County*, 40 Or LUBA 111 (2001).

24.1 Standing – Before Local Government. Where the notice of intent to appeal challenges a governing body's decision determining that petitioner has no standing to file a local appeal of a planning director's decision, but the petition for review assigns error only to the planning director's decision, the petition for review provides no basis to reverse or remand the governing body's decision. *Doob v. Josephine County*, 39 Or LUBA 301 (2001).

24.1 Standing – Before Local Government. A person's previous experience in appealing land use decisions or his philosophical interest in the correct application of the county's land use regulations may be germane to whether that person, who appears before the county, might qualify as "aggrieved" by a county permit decision, but such experience or interest is not germane to whether that person is "adversely affected" by the decision. *Doob v. Josephine County*, 39 Or LUBA 301 (2001).

24.1 Standing – Before Local Government. The question of whether intervenor was a proper party in an earlier local proceeding is determined by the local ordinance governing standing and not the ordinance that regulates the content of materials that may be presented in that proceeding. Where a party appeared during the local proceeding, the party has standing at LUBA under OAR 661-10-050. *Evans v. Multnomah County*, 33 Or LUBA 555 (1997).

24.1 Standing – Before Local Government. Where the local code provides that a property owner may file a conditional use application, a property owner has standing to file an application for approval of a home occupation, even though the property owner does not propose to reside in the dwelling and conduct the home occupation. *Tarbell v. Jefferson County*, 21 Or LUBA 294 (1991).

24.1 Standing – Before Local Government. Where the local code makes no distinction among "interested persons," "disinterested witnesses," and "parties," any person who appears at a local hearing is recognized as an "interested person" who could be aggrieved by the local decision. *Lowrie v. Polk County*, 19 Or LUBA 564 (1990).

24.1 Standing – Before Local Government. A statement in a governing body's decision that a person is not adversely affected by a hearings officer's decision is not equivalent to a determination that such a person is not "aggrieved" for purposes of determining standing. *Lowrie v. Polk County*, 19 Or LUBA 564 (1990).