

24.2.8 Standing – Before LUBA – Legislative Decision. Standing to appeal a post-acknowledgment plan amendment to LUBA is governed by ORS 197.620(1), which requires only that the petitioner participate in the proceedings below. No statute governing LUBA requires that petitioners who wish to advance a facial constitutional challenge to an ordinance at LUBA must first demonstrate that the ordinance injures their legally protected interests. *Barnes v. City of Hillsboro*, 61 Or LUBA 375 (2010).

24.2.8 Standing – Before LUBA – Legislative Decision. Where a local government adopts plan or land use regulation amendments but fails to provide the Department of Land Conservation and Development with timely notice as required by ORS 197.610(1), the Department or any other person has standing to appeal the decision to LUBA notwithstanding failure to appear before the local government. *Home Depot, Inc. v. City of Beaverton*, 37 Or LUBA 1020 (2000).

24.2.8 Standing – Before LUBA – Legislative Decision. Petitioners' appeal was timely filed pursuant to the second sentence of ORS 197.830(8) where the city failed to provide notice of the decision to petitioners pursuant to ORS 197.615(2). Petitioners were entitled to notice under ORS 197.615(2) notwithstanding that they requested notice of a limited land use decision rather than a land use decision. *Casey Jones Well Drilling, Inc. v. City of Lowell*, 34 Or LUBA 263 (1988).

24.2.8 Standing – Before LUBA – Legislative Decision. Petitioners may appeal a legislative post-acknowledgment amendment to LUBA despite failing to appear during the local proceedings if (1) they requested, in writing, notice of the challenged decision and such notice was not mailed to them more than 21 days before they filed the notice of intent to appeal (ORS 197.830(8)); (2) DLCD's notice of the proposed amendment did not reasonably describe the nature of the local government's final decision (ORS 197.620(2)); or (3) published notice of the local hearing did not reasonably describe the final decision (ORS 197.830(3)). *Williams v. Clackamas County*, 27 Or LUBA 602 (1994).

24.2.8 Standing – Before LUBA – Legislative Decision. Where a local government's final decision is not to adopt a legislative amendment to its acknowledged comprehensive plan and land use regulations, ORS 197.830(2) and ORS 197.620(1) deny standing to appeal such a final decision to LUBA. *ODOT v. Klamath County*, 25 Or LUBA 761 (1993).

24.2.8 Standing – Before LUBA – Legislative Decision. Giving oral testimony, during the "oral communication" portion of a regular board of county commissioners meeting, which concerns only the appeal to LUBA of an individual farm dwelling permit, does not constitute an appearance in legislative county code update proceedings. *McKay Creek Valley Assoc. v. Washington County*, 19 Or LUBA 537 (1990).