

24.2.9 Standing – Before LUBA – Limitations on. Where LUBA issues an interlocutory order approving or denying a motion to intervene, an appeal of LUBA’s Final Opinion and Order to the Oregon Court of Appeals would allow challenge to that interlocutory order. Where the contested motion to intervene is briefed and ripe for resolution, delaying the resolution of the motion would unnecessarily prejudice the other parties, and complicate final resolution of the appeal by allowing a person LUBA has determined lacks standing to intervene to file a petition for review. *Conte v. City of Eugene*, 76 Or LUBA 498 (2017).

24.2.9 Standing – Before LUBA – Limitations on. After the petitioner withdraws from an appeal, any intervenor-petitioner who has not timely filed a separate notice of intent to appeal may not continue the appeal, and the appeal must be dismissed. *Marylhurst Neighborhood Assoc. v. City of West Linn*, 52 Or LUBA 612 (2006).

24.2.9 Standing – Before LUBA – Limitations on. Standing to appeal to LUBA is a matter of state law, and a local government cannot adopt code provisions that purport to enlarge or diminish the requirements for establishing standing to appeal to LUBA. *Multnomah County v. Multnomah County*, 46 Or LUBA 365 (2004).

24.2.9 Standing – Before LUBA – Limitations on. The legislature did not contemplate in adopting the standing requirements to appeal to LUBA at ORS 197.830(2) that a local government could “appear” before itself and thereby gain standing to appeal the local government’s own decision to LUBA. *Multnomah County v. Multnomah County*, 46 Or LUBA 365 (2004).

24.2.9 Standing – Before LUBA – Limitations on. While it may be possible for a local government to adopt code provisions that allow a department or subdivision within the local government to “appear” before the local government decision maker and establish standing for that department or subdivision to appeal the final land use decision to LUBA for purposes of ORS 197.830(2), the statute does not permit a local government to appeal its own decision and appear before LUBA as both petitioner and respondent. *Multnomah County v. Multnomah County*, 46 Or LUBA 365 (2004).

24.2.9 Standing – Before LUBA – Limitations on. A party attempting to intervene in a LUBA appeal need only have appeared before the local government and file a timely motion to intervene with LUBA. Unlike petitioners before LUBA, there is no requirement that intervenors have exhausted all administrative remedies below. *Comrie v. City of Pendleton*, 45 Or LUBA 758 (2003).

24.2.9 Standing – Before LUBA – Limitations on. ORS 197.805 can be read in isolation to suggest that LUBA must apply the “practical effect” limitation on the judicial power described in *Utsey v. Coos County*, 176 Or App 524, 32 P3d 933 (2001), as a “sound principle of judicial review.” However, read in context with ORS 197.830, it is clear that the legislature did not intend to require that petitioners invoking LUBA’s review under ORS 197.830(2) establish that the challenged decision impacts their interests. *Central Klamath County CAT v. Klamath County*, 41 Or LUBA 524 (2002).