

24.3 Standing – Representational. The inclusion of a party’s name and address in a list of residents who “endorse” a report that was prepared by opponents to a project application, which includes a complete list of residents in the project area, and states that “100% of the residents * * * do not support” the project, and designates various individuals as “lead authors” and “supporting authors,” but which does not list the party in question as one of the authors, is not sufficient to constitute an “appearance” for purposes of ORS 197.830(7)(b)(B). The party’s intent regarding the inclusion of her name in the report is irrelevant; to demonstrate an appearance, the party must submit a document or oral testimony that the local government would reasonably recognize as an appearance by that party. *Conte v. City of Eugene*, 76 Or LUBA 498 (2017).

24.3 Standing – Representational. Where an entity named “Shepherdsfield Ministries” moves to intervene in an appeal to LUBA, but the entity fails to establish that it appeared during the proceedings below under that name, or that it has met the requirements for representational or organizational standing, the entity has not established standing to intervene. *Central Oregon Landwatch v. Deschutes County*, 74 Or LUBA 664 (2016).

24.3 Standing – Representational. Where a principal or owner in a corporation appears in a local proceeding by submitting a letter on corporate letterhead, but the letter is phrased in the first person singular and appears to set out the views of the principal in his individual capacity, LUBA will presume that the letter constitutes an individual appearance as well as a representative appearance on behalf of the corporation. *Pliska v. Umatilla County*, 61 Or LUBA 429 (2010).

24.3 Standing – Representational. 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).

24.3 Standing – Representational. Where a local government procedure requires each participant in a land use proceeding to establish their status as either a party or a witness, and an individual representing an organization at no point advises the local government that she is appearing on her own behalf as well as on behalf of the organization, LUBA will not presume that the individual has appeared on her own behalf for purposes of ORS 197.830(2)(b). *Friends of Douglas County v. Douglas County*, 39 Or LUBA 156 (2000).

24.3 Standing – Representational. The fact that a neighborhood association did not exist on the date of the challenged local decision does not, of itself, preclude its standing; an organization that was not in existence at the time of a land use decision may assert standing to represent the interests of members who would have standing in their own right. *Wilbur Residents v. Douglas County*, 33 Or LUBA 761 (1997).

24.3 Standing – Representational. An unincorporated association formed after the appealed decision was rendered cannot satisfy statutory “appearance” and “aggrievement” requirements and, therefore, may only assert representational standing to represent the interests of its members who satisfy the statutory standing requirements. *Citizens Concerned v. City of Sherwood*, 22 Or LUBA 390 (1991).

24.3 Standing – Representational. To establish representational standing, an organization must show that (1) its members have standing to sue in their own right, (2) neither the claim asserted nor the relief sought requires the participation of individual members in the lawsuit, and (3) the interests the organization seeks to protect are germane to the organization’s purpose. *Tuality Lands Coalition v. Washington County*, 21 Or LUBA 611 (1991).

24.3 Standing – Representational. The principles applicable to determining whether an organization has representational standing to appeal a decision to LUBA are also applicable to determining whether an organizational petitioner acting in its representational capacity is deemed to have *actual notice* for purposes of calculating the time for filing the notice of intent to appeal under ORS 197.830(3). *Tuality Lands Coalition v. Washington County*, 21 Or LUBA 611 (1991).

24.3 Standing – Representational. Where one of a petitioner organization’s members did not receive actual notice of a land use decision more than 21 days prior to the time the notice of intent to appeal was filed, an evidentiary hearing to establish that *other* individual members of the organization or the organization’s board of directors had actual notice of the challenged decision more than 21 days before the challenged decision was made, is not warranted. Even if other members received such actual notice, petitioner’s notice of intent to appeal in its *representational* capacity would be timely. *Tuality Lands Coalition v. Washington County*, 21 Or LUBA 611 (1991).

24.3 Standing – Representational. Where an organizational petitioner timely files a notice of intent to determine in its representational capacity, it is only necessary to determine whether petitioner also filed the notice of intent to appeal within 21 days of the date it, as an *organization*, is deemed to have actual notice of the challenged decision, if there were a dispute concerning the member’s standing upon whom petitioner’s representational capacity to bring the appeals and its representational standing depend. *Tuality Lands Coalition v. Washington County*, 21 Or LUBA 611 (1991).