

**27.7.2 LUBA Procedures/Rules – Parties – Respondent.** If an intervenor-respondent wishes to request that LUBA remand a county decision so that the county can apply a different statute than the one the county applied in the appealed decision, that request is not properly presented to LUBA where the intervenor-respondent neither filed a cross petition for review nor raised the issue in a cross assignment of error in the intervenor-respondent’s response brief. *WKN Chopin LLC v. Umatilla County*, 66 Or LUBA 1 (2012).

**27.7.2 LUBA Procedures/Rules – Parties – Respondent.** Under OAR 661-010-0075(6), a county may only appear in a LUBA appeal through an attorney. Where the county attorney advises LUBA that the county will not participate in an appeal, and the county planning department later provides LUBA with a copy of its letter responding to the petitioner’s record objections, LUBA will not treat that letter as the county’s response to petitioner’s record objections. *SOPIP v. Coos County*, 56 Or LUBA 802 (2008).

**27.7.2 LUBA Procedures/Rules – Parties – Respondent.** Under OAR 661-010-0075(6) corporations, including municipal corporations, must be represented by an attorney in a LUBA appeal. Although LUBA does not require that the local government record of an appealed land use decision be filed by an attorney, any subsequent appearance by a city—after the record is filed—to oppose record objections, oppose any other motions, file motions on the local government’s behalf or otherwise appear on behalf of the local government must be through an attorney who is admitted to practice in the State of Oregon. *Robson v. City of La Grande*, 53 Or LUBA 604 (2006).

**27.7.2 LUBA Procedures/Rules – Parties – Respondent.** The principle of affirmative waiver of issues before the local decision maker described in *Newcomer v. Clackamas County*, 92 Or App 174, 758 P2d 369 (1988), does not apply to representations before LUBA, such as a respondent’s representation that it would not file a response brief. To the extent a petitioner relies on such a representation to submit an abbreviated petition for review, it does so at its own risk. LUBA. *Friends of the Metolius v. Jefferson County*, 46 Or LUBA 799 (2004).

**27.7.2 LUBA Procedures/Rules – Parties – Respondent.** A county is by statute and rule a party to an appeal of a county land use decision to LUBA, and nothing prohibits a county from indirectly representing the interests of others, such as an applicant who failed to file a timely motion to intervene, in exercising the county’s right to defend its decision before LUBA. *Friends of the Metolius v. Jefferson County*, 46 Or LUBA 799 (2004).

**27.7.2 LUBA Procedures/Rules – Parties – Respondent.** Where pursuant to an intergovernmental agreement a county renders a final land use decision based on a recommendation by the city council, the county is the proper respondent, and the city will be dismissed as a respondent, absent a demonstration that the city must remain as a respondent in order to reach an issue regarding the county’s decision. *Roberts v. Clatsop County*, 43 Or LUBA 577 (2002).

**27.7.2 LUBA Procedures/Rules – Parties – Respondent.** LUBA does not have authority to deny respondent the right to appear and defend its decision in an appeal before LUBA. *Sanchez v. Clatsop County*, 26 Or LUBA 631 (1994).

**27.7.2 LUBA Procedures/Rules – Parties – Respondent.** A motion to intervene on the side of respondent filed 11 days after the petition for review was filed, and 14 days before the respondents' briefs were due, is filed within the time allowed by ORS 197.830(6)(a). *Testa v. Clackamas County*, 29 Or LUBA 577 (1995).