27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where a petitioner moves to stay a decision that rezones property from Open Space/Public to Urban High Density Residential and limits the uses that may be approved on a portion of the property, even if LUBA (1) assumes that the property contains irreplaceable trees and natural resources; (2) assumes that a site plan review application is pending before the city that would allow development of housing on the property, including tree removal; (3) concludes that the petitioner has adequately specified the injury they will suffer and that the injury is one that cannot be compensated adequately in money damages; and (4) assumes that the injury is substantial and unreasonable, LUBA will deny the motion for stay where the decision itself does not allow any development or tree removal and where the petitioner has not established that destruction of any trees is probable, rather than merely threatened or feared, in the absence of a stay. *Crowley v. City of Hood River*, 80 Or LUBA 1008 (2019).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. LUBA will stay a city decision approving the demolition of historic contributing structures when, without a stay, demolition of the three buildings could begin immediately. A designated historic district is the sum of its parts, including specific historic contributing structures. A designated historic contributing structure is irreplaceable and its destruction is irreversible and causes an injury that cannot be compensated adequately in money damages. *Niederer v. City of Albany*, 79 Or LUBA 1016 (2019).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where a city decision approves demolition of three "historic contributing structures" and a petitioner moves to stay the decision pending a LUBA proceeding, although arguments that the structures are "degenerated into derelicts" and have been categorized as "dangerous buildings" by the police department may go to the merits of the city's decision, they do not bear on LUBA's consideration of whether petitioner will suffer "irreparable injury" under to ORS 197.845(1) and OAR 661-010-0068 and, therefore, whether a stay should be granted. *Niederer v. City of Albany*, 79 Or LUBA 1016 (2019).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. The "irreparable injury to petitioner" prong is difficult to demonstrate. Generally, a stay is appropriate only if the movant demonstrates that the development will "destroy or injure unique historic or natural resources, or other interests that cannot be practicably restored or adequately compensated for once destroyed." *Roberts v. Clatsop County*, 43 Or LUBA 577, 583 (2002). *Warren v. Washington County*, 78 Or LUBA 1011 (2018).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. In order to satisfy the "irreparable injury" prong of ORS 197.845(1), petitioner must, among other things, adequately specify the claimed irreparable injury to the petitioner. The movant must specify the following five factors: (1) the movant must adequately specify the injury that he or she will suffer; (2) the injury must be one that cannot be compensated adequately in money damages; (3) the injury must be substantial and unreasonable; (4) the conduct the movant seeks to bar must be probable rather than merely threatened or feared; and (5) if the conduct is probable, the resulting injury must be probably rather than merely threatened or feared. *Butte Conservancy v. City of Gresham*, 47 Or LUBA 604, 609 (2004). *Warren v. Washington County*, 78 Or LUBA 1011 (2018).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where petitioner alleges the land

use decision at issue would allow for the removal of 70 percent of a mature Douglas Fir grove in petitioner's neighborhood petitioner has failed to satisfy the "irreparable injury prong" of ORS 197.845(1) where petitioner has not established that the Douglas Fir trees proposed for removal are a "unique * * * natural resource[] * * *," or that the wildlife habitat provided by the Douglas Fir trees "cannot be practicably restored[,]" or that removal of the trees is "probably rather than merely threatened or feared," where the decision imposes several conditions of approval that must be satisfied prior to commencing tree removal. *Warren v. Washington County*, 78 Or LUBA 1011 (2018).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Petitioners adequately specify irreparable injury and establish it is an injury that is probable, rather than merely feared, and cannot adequately be compensated by money damages where petitioners establish that if an Ordinance prohibiting marijuana businesses in the RR-5 zone takes effect, some petitioners will be unable to secure renewals of their existing licenses from the Oregon Liquor Control Commission (OLCC), the agency in charge of licensing marijuana businesses operating in the state, based on statements from an employee of the OLCC that the OLCC will refuse to renew OLCC licenses for existing license holders in the county if the license renewal will take effect after the date the challenged Ordinance takes effect unless the renewals are accompanied by a new Land Use Compatibility Statement (LUCS) issued by the county. *Cossins v. Josephine County*, 77 Or LUBA 564 (2018).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. A petitioner fails to demonstrate that a decision allowing removal of significant trees would cause irreparable harm to the petitioner, where the decision protects 59 of 62 significant trees on the site, and the three trees to be removed are hazardous trees. *Dodds v. City of West Linn*, 74 Or LUBA 605 (2016).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Grading and excavation activities are generally reversible, and are not in themselves activities that cause the irreparable harm that is necessary to warrant the stay of a land use decision. *Dodds v. City of West Linn*, 74 Or LUBA 605 (2016).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. A movant fails to establish irreparable injury in the absence of a stay due to 30 days of exposure to dust and particulate matter generated by a mining operation, based on documents that only establish that long-term exposure to pollution and particulate matter can have serious impacts on respiratory health. *Dion v. Baker County*, 72 Or LUBA 449 (2015).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where a county appears to have relied on a hearings officer's decision that petitioner does not have a legal, nonconforming use right to continue operating an asphalt batch plant in imposing daily fines for every continued day of operation, petitioner is entitled to a stay of the hearings officer's nonconforming use decision if petitioner can demonstrate a colorable claim of error and irreparable injury, even though a stay of that hearings officer's nonconforming use decision may have no effect on whether the county imposes the daily fine while the LUBA appeal proceeds. *Meyer v. Jackson County*, 72 Or LUBA 462 (2015).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Petitioner adequately specifies

irreparable injury and establishes it is an injury that cannot adequately be compensated by money damages and is substantial and unreasonable where (1) the fine is $800 per day and would force petitioner to relocate, (2) there is no suitable relocation site, (3) if a suitable relocation site existed it would cost $4,000 to lease, (4) for any periods of time the asphalt plant is shut down it will lose approximately $180,000 in gross revenue per month and (5) if forced to shut down petitioner would lose its employees and longtime customers. Since petitioner has no legal right to operate during the pendency of the LUBA appeal, petitioner would not be entitled to an award of money damages if it prevailed in its appeal of a hearings officer's decision that it does not have a legal nonconforming use right to operate the asphalt batch plant. *Meyer v. Jackson County*, 72 Or LUBA 462 (2015).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where the conduct a petitioner actually seeks to bar through a stay is a county enforcement decision that is not before LUBA, two of the factors LUBA applies in considering stay requests, whether "the conduct petitioner seeks to bar through the stay is probable" and whether "the resulting injury [is] probable rather than merely threatened or feared" arguably are not present. But where there appears to be a causative relationship between the decision that is before LUBA and the decision to commence the enforcement action, it is appropriate to find that those factors are satisfied. *Meyer v. Jackson County*, 72 Or LUBA 462 (2015).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Arguments that a decision to approve a wetland restoration, if not stayed, may have a "potential adverse impact" on petitioners are insufficient to adequately specify a claimed irreparable injury where the record does not include evidence regarding impacts on petitioners. *Hathaway v. Tillamook County*, 71 Or LUBA 417 (2015).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. In appeal of a permit authorizing construction of a parking lot at a ski area, petitioner's contention that initial construction of the parking lot has begun and "petitioner will suffer irreparable harm to his interests" if the stay is not granted is a bare assertion of irreparable harm, it is not the demonstration of irreparable harm that is required by ORS 197.845(1)(b) and OAR 661-010-0068(1)(c). *Navickas v. Jackson County*, 68 Or LUBA 535 (2013).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Arguments that a petitioner is "adversely affected" by the appealed decision, for purposes of standing under ORS 215.416(11)(a)(A) and colorable claim of error for purposes of a stay under ORS 197.845(1)(a) and OAR 661-010-0068(1)(c), are not necessarily sufficient to establish irreparable harm under ORS 197.845(1)(b) and OAR 661-010-0068(1)(c). *Navickas v. Jackson County*, 68 Or LUBA 535 (2013).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. A movant for a stay under ORS 197.845 must demonstrate that "irreparable injury" will occur if the stay is not granted. "Irreparable injury" is an injury "* * * that cannot be practicably restored or adequately compensated for once destroyed." *Roberts v. Clatsop County*, 43 Or LUBA 577, 583 (2002). A movant for a stay under ORS 197.845(1) has not demonstrated that an injury from cutting of trees is "irreparable" where a revegetation plan requires replanting of trees and restoration of disturbed

riparian areas and the movant does not argue that there is anything special about the trees that would be cut down or that their replacement by younger trees would result in irreparable injury to a protected Goal 5 riparian resource. *Central Oregon Landwatch v. City of Bend*, 66 Or LUBA 448 (2012).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where a claim of irreparable injury is based on the financial cost of complying with a condition of approval, but the movant does not provide any estimate of those costs, the movant has not adequately specified the alleged injury. *Mingo v. Morrow County*, 63 Or LUBA 515 (2011).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where a claim of irreparable injury is based in part on the financial cost of collecting and evaluating noise data required by a disputed condition of approval, but such costs must be occurred even under the movant's understanding of the condition, such costs may not be considered part of the alleged injury for purposes of granting a stay under ORS 197.845(1). *Mingo v. Morrow County*, 63 Or LUBA 515 (2011).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. A movant for a stay under ORS 197.845(1) has not demonstrated that irreparable injury is probable rather than merely threatened or feared, when the alleged injury is based on the movant's speculation that the after a six-month data collection and evaluation period the county will interpret an ambiguous condition of approval differently than the movant does, and under that interpretation require the movant to expend more money on noise reduction measures than the movant believes will be required under the movant's interpretation of the condition. *Mingo v. Morrow County*, 63 Or LUBA 515 (2011).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. The demonstration that must be made to demonstrate adverse affect under ORS 197.830(3) is not the same demonstration that must be made to demonstrate irreparable injury under ORS 197.845(1) to obtain a stay of a land use decision pending appeal at LUBA. The irreparable injury standard is a much more exacting standard. *Zirker v. City of Bend*, 55 Or LUBA 188 (2007).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Noise, dust, and unpleasant sounds and smells from temporary construction activities do not rise to the level of irreparable injury. *Examilotis v. Coos County*, 55 Or LUBA 675 (2007).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. The mere possibility that petitioner may in the future have to move back to a dwelling she owns adjacent to an asphalt batch plant that has aggravated her asthma in the past is insufficient to demonstrate irreparable injury justifying a temporary stay of a decision that allows an expanded batch plant. *O'Rourke v. Union County*, 54 Or LUBA 758 (2007).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Petitioners' allegations that construction traffic during the time that a LUBA appeal was pending would result in irreparable injury are insufficient to warrant a stay of the decision on appeal, where petitioners do not establish how much construction traffic would be generated by construction on the property and the applicant alleges there will only be three to five additional trips twice a day. *Zirker v. City of Bend*,

54 Or LUBA 806 (2007).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. A movant for a stay fails to demonstrate that grading and scraping activity on the property will cause irreparable injury to archeological objects that may be found on the property, where such objects are protected under ORS 358.920(1)(a) and ORS 97.740. *Ott v. Lake County*, 53 Or LUBA 633 (2007).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where two cities have both adopted ordinances annexing the same property and both of those ordinances have been appealed to LUBA, some jurisdictional uncertainty is unavoidable until those appeals are completed. That temporary uncertainty does not amount to a substantial or unreasonable injury that justifies a stay of the annexation ordinance in one of the LUBA appeals. *City of Happy Valley v. City of Damascus*, 50 Or LUBA 711 (2005).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. To demonstrate "irreparable injury" warranting a stay, the movant must demonstrate more than an abstract interest in the public welfare. A perceived threat to the adequacy of the city's industrial lands inventory is not an "injury" to petitioner. *Grahn v. City of Newberg*, 49 Or LUBA 762 (2005).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. A movant for a stay fails to demonstrate that a decision relocating an existing intersection causes irreparable injury, where the movant alleges, without citing to any evidence, that the decision adds substantial new traffic near his residence, but the respondent cites to evidence that the project will remove traffic from the road adjoining the movant's residence, and there will be no net increase in traffic on roads near his residence. *Grahn v. City of Newberg*, 49 Or LUBA 762 (2005).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. The moving party seeking to stay a land use decision during an appeal at LUBA must establish that he will suffer an irreparable injury if the stay is not granted. That injury must be personal to petitioner, and a petitioner must do more than allege that the impacts of a highway project on historic structures located some distance from his property will result in irreparable injury to petitioner. *Rhodes v. City of Talent*, 49 Or LUBA 773 (2005).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Allegations that floodways are dangerous and that a highway crossing to be built as part of a highway improvement project will be dangerous are insufficient to demonstrate that petitioner will suffer an irreparable injury if the decision that allows the highway project is not stayed pending a LUBA appeal of that decision. *Rhodes v. City of Talent*, 49 Or LUBA 773 (2005).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. In an appeal of a decision that allows a highway project that will relocate a sidewalk and impose access restrictions, a party seeking to stay that decision during the LUBA appeal must demonstrate that he will suffer irreparable injury if the stay is not granted. Allegations that the relocated sidewalk will be dangerous to pedestrians and that the access restrictions will cause businesses to fail are inadequate to demonstrate that petitioner will suffer irreparable injury if the stay is not granted. *Rhodes v. City of Talent*, 49 Or LUBA 773 (2005).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Cutting down large trees and altering steep slopes are the kinds of activities that are generally found to constitute irreparable injury. An unexplained assertion from a city planner that new regulations would not have any significant impact on the allowable development is insufficient to reject such a claim of irreparable injury. *Butte Conservancy v. City of Gresham*, 47 Or LUBA 604 (2004).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. When trees are marked for cutting, and property has been marked and staked for clearing and grading, a petitioner has demonstrated that the conduct sought to be barred and the resulting injury that would occur absent a stay are probable. *Butte Conservancy v. City of Gresham*, 47 Or LUBA 604 (2004).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. The fact that an applicant might not currently plan to exercise all of the development rights granted by the challenged decision is irrelevant to whether a petitioner has demonstrated irreparable injury. *Butte Conservancy v. City of Gresham*, 47 Or LUBA 604 (2004).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. A petitioner may not rely upon potential injuries to nonparties as a basis for demonstrating its own irreparable injury. *Roads End Sanitary District v. City of Lincoln City*, 47 Or LUBA 645 (2004).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. An alleged injury that is attributable primarily to petitioner's calculated business decision to crush rock at his quarry in anticipation of winning a state highway contract that ultimately went to his competitor's quarry does not warrant a stay under OAR 197.820(4), where the alleged injury is merely economic and petitioner fails to show any causative link between the county's approval of mining at his competitor's quarry and petitioner's alleged injury in not winning the state contract. *Bryant v. Umatilla County*, 45 Or LUBA 700 (2003).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where respondents' response to a motion for stay include a motion to dismiss for lack of jurisdiction, petitioners are entitled under LUBA's rules to 14 days to respond in writing to the jurisdictional challenge. However, where the motion for stay is sought to stop excavation and grading that will be completed within a few days and LUBA agrees with respondents that petitioners fail to demonstrate that the excavation and grading will result in irreparable injury, LUBA will issue an order on the motion for stay in advance of petitioners' written response to respondents' jurisdictional challenge. *Jaqua v. City of Springfield*, 45 Or LUBA 713 (2003).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. That excavation and grading will continue during LUBA review of appealed decisions that authorize the grading and fill does not result in irreparable harm to petitioners, where petitioners expressly recognize that the "dirt can be put back." *Jaqua v. City of Springfield*, 45 Or LUBA 713 (2003).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Petitioners' allegations that allowing excavation and grading of a site for a proposed hospital in advance of a final city decision on a site plan for the proposed hospital will influence the city's decision on the site plan and thereby

result in irreparable harm to petitioners will be rejected by LUBA as speculative, where it does not appear that any of petitioners' participatory or procedural rights in the master plan review process will be affected by the excavation or grading. *Jaqua v. City of Springfield*, 45 Or LUBA 713 (2003).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Demonstration of irreparable injury generally requires a showing that, if a stay is not granted, the decision will authorize destruction or injury of unique historic or natural resources, or other interests that cannot be practicably restored or adequately compensated for once injured or destroyed. *Roberts v. Clatsop County*, 43 Or LUBA 577 (2002).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Petitioners fail to demonstrate that failure to stay proposed development of condominiums on a golf course will cause irreparable injury, where there is undisputed evidence that, if petitioner prevails, any construction can be removed and the site restored to a golf course fairway. *Roberts v. Clatsop County*, 43 Or LUBA 577 (2002).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. A stay is not warranted where the only injury identified is monetary in nature and the proponent of the stay fails to demonstrate that such injury cannot be compensated adequately in money damages. *Petersen v. Columbia County*, 39 Or LUBA 799 (2001).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where petitioners can establish only that they fear the type and backgrounds of the individuals who may reside in a city-approved adolescent intensive residential treatment facility, such feared injury is not sufficient to establish the irreparable injury necessary to justify a stay under ORS 197.845. *Buckman Community Assoc. v. City of Portland*, 35 Or LUBA 796 (1998).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. A request for a stay of a decision approving removal of sand from a dune will be denied where an existing city permit and weather conditions require that the grading be done between the end of March and the end of April. Petitioner's fear that the grading might nevertheless be done outside the specified 30-day period is merely a "threatened or feared" injury and is not sufficient to show that he will suffer "irreparable injury if the stay is not granted." *Visher v. City of Cannon Beach*, 34 Or LUBA 762 (1998).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Petitioners' allegations that continued construction on a neighboring subdivision will cause lower property values, increased noise and traffic and impaired scenic views are sufficient to demonstrate petitioners will suffer irreparable harm if a stay is not granted. *Hallberg v. Clackamas County*, 31 Or LUBA 577 (1996).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. The fact that the most petitioner can gain if it ultimately prevails in its appeal from a local government decision approving demolition of historic buildings is a 120-day postponement of approval of the demolition permit, does not mean that petitioner will not suffer irreparable harm if a stay of the challenged decision is not granted. *Save Amazon Coalition v. City of Eugene*, 29 Or LUBA 565 (1995).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Although ORS 197.845 does not require that LUBA limit the effect of a stay of a quasi-judicial land use decision, LUBA may limit the effect of such a stay to the particular geographic area or particular provisions of the stayed decision for which colorable claim of error and irreparable harm have been shown. *ONRC v. City of Seaside*, 27 Or LUBA 679 (1994).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. To demonstrate irreparable injury, petitioner must show that it is probable, rather than merely possible or feared, that the conduct petitioner seeks to prevent during the pendency of the LUBA appeal will result in the injury petitioner alleges it will suffer if a stay of the challenged land use decision is not granted. *Heceta Water District v. Lane County*, 23 Or LUBA 698 (1992).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. In an appeal challenging a decision approving a 130-foot-high communication tower, a stay is not justified to avoid irreparable injury where the tower can be removed if petitioners prevail in their appeal. Visual impacts caused by the tower during the pendency of the LUBA appeal are not sufficient to constitute irreparable injury. *Greenlees v. Yamhill County*, 22 Or LUBA 815 (1991).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. An alleged injury is not substantial and unreasonable where the truck parking permit revoked by the challenged decision expires by its own terms within two months following the date of the challenged decision, and petitioner may thus be required to move her log trucks two months earlier than otherwise would been required if the permit had not been revoked. *Marson v. Clackamas County*, 22 Or LUBA 804 (1991).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. The injury feared is not probable where the alleged injury is the inability to find another location to park nine log trucks, but petitioner does not demonstrate that there is no other place within a comparable distance where nine log trucks could be parked until the expiration of the temporary truck parking permit revoked by the challenged decision. *Marson v. Clackamas County*, 22 Or LUBA 804 (1991).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Petitioner adequately identifies the nature of the injury it believes it will suffer under a challenged moratorium, by alleging that when it is ready to begin development of the subject property, there will be an insufficient number of sewer connections available to it. *Western Pacific Development v. City of Brookings*, 21 Or LUBA 537 (1991).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where the only way in which the harm petitioner identifies could occur is if LUBA *affirmed* the challenged moratorium, such harm would occur under a valid moratorium and, therefore, could not constitute harm that is substantial and unreasonable. *Western Pacific Development v. City of Brookings*, 21 Or LUBA 537 (1991).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Where petitioner alleges that his business reputation and the good will of his business will be irreparably harmed, these are losses which cannot be adequately compensated by money damages. *Barr v. City of Portland*, 20 Or

LUBA 511 (1990).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. An allegation that intense logging activity will cause loss of viewshed, natural vegetation and wildlife habitat; damage to the natural drainage of water; and decline in property values through significant alteration of the character of the neighborhood is an adequate specification of the injury to be suffered if the challenged decision is not stayed. *Thurston Hills Neigh. Assoc. v. Springfield*, 19 Or LUBA 591 (1990).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. An allegation that once large trees are felled, the character of the neighborhood, viewshed, property values, drainageways and wildlife habitat will be irreparably damaged, is sufficient to establish that the feared injury is not compensable in monetary damages. *Thurston Hills Neigh. Assoc. v. Springfield*, 19 Or LUBA 591 (1990).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. An alleged injury to the character of a neighborhood due to nearby logging is substantial and unreasonable because, even if the area does reforest, it will take a long time to reforest to the present level. *Thurston Hills Neigh. Assoc. v. Springfield*, 19 Or LUBA 591 (1990).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. An alleged injury to the character of a neighborhood due to nearby logging is probable where the logging will occur within view of the neighborhood and where the trees to be removed comprise a significant percentage of the existing conifer overstory which provides the neighborhood's viewshed and contributes significantly to the character of the neighborhood. *Thurston Hills Neigh. Assoc. v. Springfield*, 19 Or LUBA 591 (1990).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. In an appeal where petitioner challenges the county's approval of an aggregate extraction operation, petitioner's unsupported allegation that the permit applicant may begin aggregate extraction and processing while the appeal is pending is speculative and inadequate to demonstrate the conduct petitioner seeks to bar is probable. *Keudell v. Union County*, 19 Or LUBA 588 (1990).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. A petitioner's fear that he may suffer in future competition with the permit applicant if the applicant is allowed to begin aggregate extraction in accordance with the challenged decision, in the absence of any causal connection between the feared competitive disadvantage and the challenged approval, is inadequate to establish irreparable injury. *Keudell v. Union County*, 19 Or LUBA 588 (1990).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. To establish petitioner will suffer irreparable injury if a stay is not granted, petitioner must (1) specify the injury he or she will suffer, (2) demonstrate that the injury cannot be compensated in monetary damages, (3) demonstrate that the injury is substantial and unreasonable, and (4) demonstrate that the conduct petitioner seeks to bar, and the resulting injury, are probable. *Wissusik v. Yamhill County*, 19 Or LUBA 561 (1990).

27.9.3 LUBA Procedures/Rules – Stays – Irreparable Injury. Alleged injury is not "substantial and unreasonable" and, therefore, is not irreparable, where the grading and clearing activities

petitioners seek to bar are permissible in the exclusive farm use zone applied to the subject property. *Wissusik v. Yamhill County*, 19 Or LUBA 561 (1990).