



1 Opinion by Hanna.

2 **NATURE OF THE DECISION**

3 Petitioners appeal the board of county commissioners'  
4 (commissioners) decision adopting Periodic Review Work Task 8,  
5 LCDC Order Number 00631) (periodic review order), as it  
6 relates to the communities of Boring and Mulino (ZDO-139.

7 **STANDING**

8 The county challenges the standing of petitioners Kraljev  
9 and other members of the Mulino Community, none of whom  
10 appeared below. Both petitioners and the county agree that  
11 only petitioner Shields appeared before the local government  
12 during its hearings on the challenged periodic review order.  
13 Apparently, the remaining petitioners base their standing on  
14 ORS 197.830(3), which allows parties who did not appear below  
15 to appear before LUBA if the local government did not give the  
16 required notice. At oral argument, petitioners' attorney  
17 argued: (1) that each of the petitioners was entitled to and  
18 did not receive individual notice; and (2) that the county  
19 violated ORS 215.060 by providing published notice in a  
20 newspaper of general circulation rather than in a local  
21 newspaper distributed in closer proximity to petitioners.

22 We find no merit to either argument. The published  
23 notice in a newspaper of general circulation satisfies the  
24 notice requirements of ORS 215.060. Petitioner Shields was  
25 the only petitioner to appear before the county, and therefore  
26 is the only petitioner to have standing to appear before LUBA

1 in this case.

2 **MOTION TO STRIKE**

3 The county moves to strike Appendices D, E, F and G of  
4 the petition for review because they are not part of the  
5 record before LUBA. Petitioner does not object to the motion.  
6 The county's motion is granted.

7 **DISCUSSION**

8 Petitioner makes two assignments of error: (1) the county  
9 failed to give individual property owners notice when it  
10 adopted the periodic review order; and (2) the county failed  
11 to follow the requirements of OAR 660-22-060, which requires  
12 that counties "ensure that residents of unincorporated  
13 communities have adequate opportunities to participate in all  
14 phases of the planning process."<sup>1</sup>

---

<sup>1</sup>Implicit in these assignments of error is the notion that LUBA has jurisdiction to consider this appeal. ORS 197.644(2) grants authority over most periodic review matters to the Land Conservation and Development Commission, stating:

"The commission shall have exclusive jurisdiction for review of the evaluation, work program and completed work program tasks as set forth in ORS 197.628 to 197.646. The commission shall adopt rules governing standing, the provision of notice, conduct of hearings, adoption of stays, extension of time periods and other matters related to the administration of ORS 197.180, 197.245, 197.254, 197.295, 197.320, 197.620, 197.625, 197.628 to 197.646, 197.649, 197.650, 197.712, 197.747, 197.840, 215.416, 227.175 and 466.385."

ORS 197.825(2)(c) limits LUBA's authority, stating that the jurisdiction of the Board:

"Does not include those matters over which the Department of Land Conservation and Development or the Land Conservation and Development Commission has review authority under ORS 197.251, 197.430 to 197.455, 197.628 to 197.644, 197.649 and 197.650[.]"

We need not and do not decide in this case the extent to which this Board may have jurisdiction to consider issues relevant to the county's periodic review order.

1           To the extent that LUBA may have jurisdiction to consider  
2 these assignments of error, we find that neither assignment of  
3 error establishes a basis for remand or reversal of the  
4 county's decision; therefore, both are denied.

5           The county's decision is affirmed.