

Bond Case Briefs

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Oakleigh-McClure Neighbors v. City of Eugene

Court of Appeals of Oregon - February 19, 2015 - P.3d - 2015 WL 720336

Opponents of development sought judicial review of final order of Land Use Board of Appeals (LUBA) affirming city's decision to approve a multi-unit development after LUBA did not permit neighbor who had submitted written testimony for city hearing on application to intervene.

The Court of Appeals held that opponents' notice of intent to appeal city's approval was effectively filed as to neighbor when opponents served notice on neighbor, and thus neighbor's motion to intervene was timely.

Notice of intent to appeal city's approval of multi-unit development to Land Use Board of Appeals (LUBA), filed by opponents of the development, was effectively filed as to neighbor, who submitted written testimony opposing development to city for hearing and sought to intervene in appeal, when opponents served notice of intent to appeal on neighbor, not when party filed its original notice, and thus neighbor's motion to intervene was timely under statute requiring a motion to intervene to be filed within 21 days of filing of notice of intent to appeal, even though neighbor's motion was filed more than 21 days after opponents filed their original notice. Opponents failed to serve notice of intent to appeal on neighbor when they filed their original notice, and neighbor's motion to intervene was filed within 21 days of being served with notice.