
Representation Locally: Persons May Appear on Behalf of Other Persons

One of the most important functions of the Hugo Land Use Committee is keeping the resources and efforts focused on the charity's land use mission. Decisions regarding the organizations funds and activities must promote the organizations's public purpose rather than private interest. Individual members (persons) of the Hugo Land Use Committee may represent its land use mission (see mission panel) and may represent neighbors (persons), on a case-by-case basis.

LAND USE COMMITTEE

Hal Anthony
Wayne McKy
Holger Sommer
Mike Walker

LUBA, in *Neighbors 4 Responsible Growth*, was not aware of any requirements that persons can not be represented by other persons in local land use proceedings.¹ It is common for individuals in local land use proceedings (applicants and opponents alike) to appear through other individual persons.

Applicants for land use approval frequently appear through and are represented by engineers, planners and other non-lawyer professional individuals. Individual supporters or opponents of land use applications often appear on behalf of other individual supporters or opponents. Individuals (persons) can represent other persons and artificial entities (persons like associations and organizations) in local land use proceedings.

Representation At LUBA And Author(s) Of Petition For Review Before LUBA

LUBA's administrative rules require that individuals appear on their own behalf or be represented by an attorney. OAR 661-010-0075(6). Artificial entities wishing to participate in an appeal at LUBA must appear through and be represented by a lawyer.

Authors of Petition For Review²



“Intervenor moves to strike the petition for review. Intervenor contends the petition for review was “written by a very experienced land use attorney,” and speculates that the petition for review was not written by the nine *pro se* petitioners who signed as authors of the brief. At oral argument petitioner Bob Rice thanked intervenor for the backhanded compliment. However, he stated that the *pro se* petitioners were indeed the authors of the petition for review. Intervenor appeared to withdraw the motion at oral argument. However, even if the motion was not withdrawn, intervenor offers no basis for questioning petitioner Rice's contention that the *pro se* petitioners who signed the petition for review are it authors.”²

In response to *Jaffer v. City of Monmouth*², Jim Just, Executive Director, Goal One Coalition, stated with conviction, “There aren't any such standards, and there is no case law. The whole thing was absurd. There's no requirement that any petitioner actually write his or her own brief - only that a *pro-se* cannot submit a brief on behalf of anyone else. LUBA should have come right out and said there's no basis in law for the principle that a person signing the brief must be its author.”

Want More Information On The Hugo Land Use Committee?

Josephine County officially permits “limited power of attorney” for persons to demonstrate they are appearing for and/or representing other persons, including the land use applicant.



Want more information on the *Land Use Committee*? Contact a member on how you can become involved in your community's land use projects.

Want to know more about the Goal One Coalition?

Jim Just, Executive Director
Goal One Coalition
39625 Almen Drive
Lebanon OR 97355
541-258-6074
Email: jim@goal1.org
Web Page: www.goal1.org

1. *Neighbors 4 Responsible Growth v. City of Veneta*, 50 Or LUBA 745 (2005).

2. *Jaffer v. City of Monmouth*, ____ Or LUBA ____ (LUBA No. 2005-123, April 14, 2006).

Disclaimer. This brochure is as much about providing information and provoking questions as it is about opinions concerning the adequacy of findings of fact and land use decisions. It does not provide recommendations to citizens and it is not legal advice. It does not take the place of a lawyer. If citizens use information contained in this paper, it is their personal responsibility to make sure that the facts and general information contained in it are applicable to their situation.

Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the Hugo Neighborhood Association & Historical Society (*Hugo Neighborhood*). It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life by promoting an informed citizenry in decision-making. The *Hugo Neighborhood* is an informal nonprofit charitable and educational organization with a land use and history mission promoting the social welfare of its neighbors.

Land Use & History

The *Hugo Neighborhood's* land use mission is to promote the social welfare of the citizens of the area by working to promote Oregon Statewide Goal 1 — Citizen Involvement, and by preserving, protecting, and enhancing the livability and economic viability of its farms, forests, and rural neighbors. It will act, as requested, as a technical resource assisting neighbors to represent themselves.

Volunteer membership dues are \$10.00 annually and used for paper, ink, envelopes, publications and mailings. Make checks to the *Hugo Neighborhood* and send them to a member of the Land Use Committee; they will get them to our treasurer.

Hugo Neighborhood Association
Web Page: <http://jeffnet.org/~hugo/>
Edited by Hal Anthony, Wayne McKy,
Holger Sommer, & Mike Walker

Consultant: Jim Just, Executive Director
Goal One Coalition

Hugo Land Use Committee Hugo Neighborhood Association

Hal Anthony, Member
3995 Russell Road
Grants Pass, Oregon 97526
541-476-4156

Wayne McKy, Member
6497 Hugo Road
Grants Pass, Oregon 97526
541-476-4006

Holger Sommer, Member
P.O. Box 367
Merlin, Oregon 97532
541-476-5744

Mike Walker, Member
3388B Merlin Rd #195 (mail)
Grants Pass, Oregon 97526
541-471-8271

Representation By
Hugo Land Use
Committee



January 5, 2007

Land Use Committee
Hugo Neighborhood Association

Members of the CAC/NA Coalition