

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

3
4 JUSTIN CAPRARI,
5 *Petitioner,*

6
7 vs.

8
9 JACKSON COUNTY,
10 *Respondent.*

11
12 LUBA Nos. 2024-060/066/067/068

13
14 ORDER

15 In this consolidated proceeding, petitioner appeals four enforcement orders
16 issued by a county hearings officer concerning unpermitted structures on
17 petitioner’s property.

18 On October 21, 2024, we issued an order consolidating these four appeals
19 and directing the county to submit a single consolidated record. We received the
20 record on November 12, 2024. Unless LUBA orders otherwise, the petition for
21 review is due within 21 days after the date the record is received or settled by the
22 Board. OAR 661-010-0030(1).¹

¹ OAR 661-010-0030(1) states, in part:

“Filing and Service of Petition: Unless the Board orders otherwise pursuant to ORS 197.830(10)(a), the petition for review shall be filed with the Board within 21 days after the date the record is received or settled by the Board. See OAR 661 010-0025(2) and 661-010-0026(6). The petition shall also be served on the governing body and any party who has filed a motion to intervene. * * * In

1 On November 7, 2024, petitioner filed their petition for review, before we
2 received the record and before the petition for review was due. The petition for
3 review does not comply with OAR 661-010-0030 in several respects. First, it
4 does not “[b]egin with a table of contents and authorities,” as required by OAR
5 661-010-0030(2)(a). Second, it does not “[h]ave blue front and back covers,” as
6 required by OAR 661-010-0030(2)(d). Third, it does not contain “numbers for
7 each line of text and page numbers on the top of each page of text,” as required
8 by OAR 661-010-0030(2)(h). Fourth, it does not “[c]ontain a copy of the
9 challenged decision[s], including any adopted findings of fact and conclusions of
10 law,” as required by OAR 661-010-0030(4)(e).

11 Different standards and processes apply to noncompliance with OAR 661-
12 010-0030 subsection (2) and subsection (4). When we determine that a petition
13 for review fails to conform with the requirements of OAR 661-010-0030(2), we
14 will notify the author that they must file a brief conforming with the requirements
15 of OAR 661-010-0030(2) within a certain time. OAR 661-010-0030(3). We may
16 refuse to consider a brief that does not substantially conform to those
17 requirements. *Id.* When we determine that a petition for review fails to comply
18 with OAR 661-010-0030(4) we may grant permission for petitioner to file an
19 amended petition for review. OAR 661-010-0030(6).

consolidated appeals in which the petitioners are the same the
petitioners shall be limited to a single petition for review.”

1 No later than December 3, 2024, petitioner shall file an amended petition
2 for review that complies with our rules. Petitioner shall contemporaneously serve
3 the county with a copy of the amended petition for review. No deadlines are
4 affected by this order, including the deadline for filing record objections.²

5 Dated this 19th day of November 2024.
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10 _____
11 H. M. Zamudio
 Board Chair

² OAR 661-010-0026(2) states, in part, that “[a]n objection to the record shall be filed with the Board within 14 days of the date the Board receives the record, which is the date stated in the body of the notice of record transmittal sent to the parties by the Board.”