

27.8 LUBA Procedures/Rules – Consolidation. Consolidation of separate appeals under LUBA’s rules is a matter of administrative convenience for the parties and the Board, and does not affect the legal relations of the parties to each other or to the matters appealed. Consolidation of two appeals does not permit a person who is a petitioner in one appeal to file a response brief in the other appeal, absent filing a timely motion to intervene on the side of respondent in that other appeal. *Leach v. Lane County*, 45 Or LUBA 733 (2003).

27.8 LUBA Procedures/Rules – Consolidation. Where two appeals concern the same decision, but the petitioner in one appeal will raise different issues than the petitioner in the other appeal, LUBA will not consolidate the appeals or suspend the second appeal while the first appeal is suspended for settlement discussions, where LUBA will ultimately have to reach the issues that will be raised in the second appeal in any event and the parties in first appeal agree not to take any action that would moot the second appeal while it is still pending at LUBA. *Doherty v. Morrow County*, 43 Or LUBA 627 (2002).

27.8 LUBA Procedures/Rules – Consolidation. LUBA allows consolidations of appeals where consolidation facilitates review of separately appealed, closely related land use decisions. A motion to consolidate will be denied where it is uncertain whether consolidation will facilitate or complicate LUBA’s review of the challenged decision. *Mountain West Investment v. City of Silverton*, 38 Or LUBA 938 (2000).

27.8 LUBA Procedures/Rules – Consolidation. Where a different, closely related decision is not separately appealed to LUBA, LUBA has no jurisdiction to conduct a consolidated review of the decision that was not appealed as part of its review of the decision that was appealed. *Jebousek v. City of Newport*, 34 Or LUBA 340 (1998).

27.8 LUBA Procedures/Rules – Consolidation. ORS 197.830(8) and OAR 661-10-015(1) and (4) require that a notice of intent to appeal be accompanied by a filing fee of 50 dollars and a deposit for costs of 150 dollars. LUBA will not refund filing fees or deposits for costs when appeals are consolidated. *Tylka v. Clackamas County*, 23 Or LUBA 715 (1992).

27.8 LUBA Procedures/Rules – Consolidation. The purpose of LUBA's rule allowing appeals of closely related land use decisions to be consolidated is to facilitate review of such decisions. A motion to consolidate appeals of closely related land use decisions will be denied where it is uncertain whether consolidation will facilitate or complicate LUBA's review of the challenged decisions. *Davenport v. City of Tigard*, 23 Or LUBA 696 (1992).