

1 Opinion by Holstun.

2 **NATURE OF THE DECISION**

3 Petitioner challenges a conditional use permit
4 authorizing an 85-space recreational vehicle campground on
5 18.49 acres of land.

6 **MOTION TO INTERVENE**

7 Gerald L. Kirstein, the applicant below, moves to
8 intervene on the side of respondent. There is no opposition
9 to the motion, and it is allowed.

10 **FACTS**

11 The subject 18.49 acres were formerly part of an
12 84-acre property known as LakeShore Village. Petitioner has
13 a long-running dispute with county and other local public
14 officials over various actions concerning part or all of
15 LakeShore Village. Those actions apparently include real
16 estate transactions, land divisions, lot line adjustments
17 and zone changes, as well as the disputed conditional use
18 permit for the subject 18.49 acres. Only the conditional
19 use permit is before LUBA in this appeal.

20 **DECISION**

21 LUBA's rules set forth the required contents for
22 petitions for review. OAR 661-10-030(3). The petition for
23 review is to include the following:

- 1 1. "[A] clear and concise statement of the case
2 * * *." OAR 661-10-030(3)(b).¹
- 3 2. An explanation of why the challenged decision
4 is a land use decision subject to LUBA's
5 review jurisdiction. OAR 661-10-030(3)(c).
- 6 3. A copy of the challenged decision and the
7 findings supporting the decision.
8 OAR 661-10-030(3)(e).
- 9 4. A copy of comprehensive plan and land use
10 regulation provisions cited in the petition
11 for review, unless quoted verbatim in the
12 petition for review. OAR 661-10-030(3)(f).
- 13 5. Separate assignments of error with argument
14 in support of each assignment of error.
15 OAR 661-10-030(3)(d).

16 Although each of the above requirements is important,
17 the requirement of OAR 661-10-030(3)(d) that the petition
18 for review include assignments of error, supported by
19 argument, is particularly important. See Bjerk v. Deschutes
20 County, 17 Or LUBA 187, 194 (1988).

21 Petitioner's petition for review does not comply with
22 our rules.² Most importantly, the petition for review does

¹The statement of the case is to identify the nature of the land use decision and present a summary of material facts and a summary arguments.

²As we explained in our October 18, 1994 order denying petitioner's motion for evidentiary hearing:

"On October 12, 1994, the deadline for filing the petition for review in this matter, petitioner filed pages 1 through 8 of a document captioned 'Petition for Review -- Motion for Conference -- Reconsideration Motion for Evidentiary Hearing.' On October 13, 1994, petitioner filed by mail five copies of pages 5 and 9 through 11 of his 'Petition for Review -- Motion for Conference -- Reconsideration Motion for Evidentiary Hearing,' together with one copy of 30 pages of various

1 not include assignments of error, supported by argument. A
2 partial transcript of a December 14, 1993 hearing before the
3 county hearings officer is included at pages two through
4 eight of the petition for review.³ The remaining pages make
5 it clear that petitioner disputes various past actions by
6 county and other local officials regarding the subject
7 property. However, petitioner does not explain why those
8 past actions have any relevance to the disputed conditional
9 use permit or provide a basis for reversal or remand of the
10 challenged conditional use permit.

11 The closest petitioner comes to articulating a legal
12 theory for why the challenged conditional use permit should
13 be reversed or remanded is on page 10 of the petition for
14 review, where petitioner quotes Jackson County Land Use and
15 Development Ordinance (LUDO) 285.030(5) which provides:

documents. On October 14, 1994, petitioner filed by mail five sets of blue brief covers and four additional copies of the 30 pages of various documents. We treat the entire document as constituting a petition for review, a motion for evidentiary hearing and a motion for a hearing on the motion for evidentiary hearing. * * *" (Footnotes omitted.)

³The transcript shows petitioner posed questions concerning a prior decision denying approval for the disputed project and asked how conditions had changed. Petitioner challenged the validity of the underlying zoning and noted he has a pending federal action against a number of county officials. The hearings officer told petitioner he could not cross-examine persons present at the December 14, 1993 hearing. When petitioner persisted in his attempts to cross-examine persons present at the hearing, the hearings officer ordered petitioner to submit his remaining comments in writing. After additional exchanges between petitioner and the hearings officer, petitioner left the hearing. Petitioner cites no county plan or land use regulation provision giving him a right to cross-examination in this matter.

1 "An application may be rejected by the Planning
2 Director where a violation of this or other County
3 ordinances or state law is found to exist until
4 such time as the violation is remedied or the
5 application itself is intended to remedy the
6 violation. Such violations may also be considered
7 sufficient grounds for denial of an application by
8 the County if the proposed application cannot and
9 does not remedy the violation."

10 Although petitioner asserts the subject property's current
11 zoning was improperly applied and that a variety of other
12 actions concerning the property were fraudulent or improper
13 in some way, petitioner does not establish that such is the
14 case. More importantly, LUDO 285.030(5) simply provides the
15 planning director "may" reject an application "where a
16 violation of [the LUDO] or other County ordinances or state
17 law is found to exist;" it does not require that the
18 planning director do so.

19 Petitioner's citation to LUDO 285.030(5) is
20 insufficiently developed to provide a basis for reversal or
21 remand. Dougherty v. Tillamook County, 12 Or LUBA 20, 33
22 (1984); Deschutes Development v. Deschutes County, 5 Or LUBA
23 218, 220 (1982). We express no view concerning petitioner's
24 dispute with the county and intervenor concerning actions
25 other than the conditional use permit challenged in this
26 appeal. However, the petition for review does not establish
27 that there is any basis for reversal or remand of the
28 challenged conditional use permit.

29 The county's decision is affirmed.