

27.7.1 LUBA Procedures/Rules – Parties – Petitioner. Where petitioners’ counsel attempts to amend a timely filed Notice of Intent to Appeal (NITA), to add additional petitioners who were mistakenly omitted from the original NITA, but the amended NITA is filed after the time limit set forth in ORS 197.830(9) for filing a NITA before LUBA, petitioners’ mistaken omission of the petitioners from the original NITA was not merely a “technical violation” of LUBA’s rules at OAR 660-010-0015. The additional petitioners listed in the Amended NITA have not established that their NITA was filed within the time limit set forth in ORS 197.830(9), and are therefore not parties to the appeal. *Cossins v. Josephine County*, 77 Or LUBA 240 (2018).

27.7.1 LUBA Procedures/Rules – Parties – Petitioner. Consolidation of appeals does not permit a petitioner who is not a petitioner in both appeals to file a petition for review in the appeal in which he is not a party, and that person’s signature on a “Joint Petition for Review” does not make that person a petitioner or other party entitled to file a petition for review in the other appeal. *Willis v. Clackamas County*, 76 Or LUBA 479 (2017).

27.7.1 LUBA Procedures/Rules – Parties – Petitioner. LUBA will decline to treat two separate petitions for review that are signed by the same person as a single petition filed by that person in an appeal to which he is not a party, as inconsistent with OAR 660-010-0030, which contemplates the filing of a single petition for review, rather than multiple petitions for review. *Willis v. Clackamas County*, 76 Or LUBA 479 (2017).

27.7.1 LUBA Procedures/Rules – Parties – Petitioner. The unrepresented lead petitioner in an appeal to LUBA cannot file a motion on behalf of another unrepresented petitioner seeking the other petitioner’s withdrawal from the appeal. *Frewing v. City of Portland*, 73 Or LUBA 392 (2016).

27.7.1 LUBA Procedures/Rules – Parties – Petitioner. LUBA’s rules do not authorize a person who is a party in one appeal to file a motion in a different, consolidated appeal to which that person is not a party. Consolidation does not change party status. *STOP Tigard Oswego Project, LLC v. City of West Linn*, 68 Or LUBA 539 (2013).

27.7.1 LUBA Procedures/Rules – Parties – Petitioner. The filing of a Notice of Intent to Appeal (NITA) is a jurisdictional prerequisite to commencing a LUBA appeal. Where all petitioners withdraw the NITA, the appeal must be dismissed. *Brown v. Jackson County*, 55 Or LUBA 178 (2007).

27.7.1 LUBA Procedures/Rules – Parties – Petitioner. After the petitioner withdraws from an appeal, any intervenor-petitioner who has not timely filed a separate notice of intent to appeal may not continue the appeal, and the appeal must be dismissed. *Marylhurst Neighborhood Assoc. v. City of West Linn*, 52 Or LUBA 612 (2006).

27.7.1 LUBA Procedures/Rules – Parties – Petitioner. All petitioners who are not represented by an attorney must represent themselves in a LUBA appeal. Neither a lead petitioner nor any other individual petitioner may present arguments or file documents on behalf of other unrepresented petitioners. *Gillette v. Lane County*, 51 Or LUBA 823 (2006).

27.7.1 LUBA Procedures/Rules – Parties – Petitioner. That an intervenor-respondent in one appeal also filed a petition for review challenging aspects of the same decision in a different appeal does not preclude the intervenor-respondent from advancing a cross-assignment of error in the response brief. Land use decisions often have multiple aspects or components, and a party on appeal may seek to overturn one aspect while preserving others. *Knutson Family LLC v. City of Eugene*, 48 Or LUBA 399 (2005).

27.7.1 LUBA Procedures/Rules – Parties – Petitioner. Under LUBA’s rules, an organization must be represented by an attorney. Where an unrepresented organization is a named petitioner in an appeal to LUBA, but fails to obtain counsel within the time set by the Board, that party will be dismissed from the appeal. *Ziemer v. City of Florence*, 43 OR LUBA 1 (2002).

27.7.1 LUBA Procedures/Rules – Parties – Petitioner. LUBA’s rules require that the petition for review “[s]tate the facts that establish petitioner’s standing,” but do not require that such allegations of fact appear in any particular form or any particular portion of the petition for review. *Friends of the Creek v. Jackson County*, 36 Or LUBA 562 (1999).