

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

03/20/18 PM 1:08 LUBA

3  
4 RH HOLDINGS, LLC,  
5 *Petitioner,*

6  
7 vs.

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9 JACKSON COUNTY,  
10 *Respondent,*

11  
12 and

13  
14 RICHARD W. MARTUCCI,  
15 *Intervenor-Respondent.*

16  
17 LUBA No. 2017-124

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19 FINAL OPINION  
20 AND ORDER

21  
22 Appeal from Jackson County.

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24 Souvanny Miller and Mark S. Bartholomew, Medford, represented  
25 petitioner.

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27 Joel C. Benton, County Counsel, Medford, represented respondent.

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29 H.M. Zamudio, Medford, represented intervenor-respondent.

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31 RYAN, Board Chair; BASSHAM, Board Member; HOLSTUN Board  
32 Member, participated in the decision.

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34 DISMISSED

03/20/2018

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36 You are entitled to judicial review of this Order. Judicial review is  
37 governed by the provisions of ORS 197.850.

**NATURE OF THE DECISION**

LUBA Nos. 2017-121 and 2017-124 both appealed the same decision, a county decision approving a conditional use permit for aggregate removal.

**BIFURCATION**

Pursuant to OAR 661-010-0055, we previously consolidated the appeals. By this final opinion and order, we bifurcate the appeals.

**DISMISSAL**

RH Holdings, LLC (RH Holdings) is the petitioner in LUBA No. 2017-124. LUBA No. 2017-124 was previously consolidated with LUBA No. 2017-121. The single petition for review that RH Holdings filed in the consolidated appeals is labeled on its cover and within as a “cross petition for review,” and contains a single assignment of error labeled as a “contingent cross assignment of error.” OAR 661-010-0030(7). Accordingly, although RH Holdings filed a cross petition for review in LUBA No. 2017-121, RH Holdings did not file a petition for review in LUBA No. 2017-124.

Accordingly, LUBA No. 2017-124 is dismissed. ORS 197.830(11).