

1 BEFORE THE LAND USE BOARD OF APPEALS  
2 OF THE STATE OF OREGON  
3

4 OREGON DEPARTMENT OF )  
5 AGRICULTURE and DEPARTMENT OF )  
6 LAND CONSERVATION AND )  
7 DEVELOPMENT, )

8 )  
9 Petitioners, )

10 )  
11 vs. )

12 ) LUBA No. 99-006  
13 METRO, )

14 )  
15 Respondent, )

16 )  
17 and )

18 )  
19 CITY OF HILLSBORO, )

20 )  
21 Intervenor-Respondent. )

FINAL OPINION  
AND ORDER

22 \_\_\_\_\_ )  
23 )  
24 1000 FRIENDS OF OREGON and )  
25 COALITION FOR A LIVABLE FUTURE, )

26 )  
27 Petitioners, )

28 )  
29 vs. )

30 ) LUBA No. 99-012  
31 METRO, )

32 )  
33 Respondent, )

34 )  
35 and )

36 )  
37 CITY OF HILLSBORO, )

38 )  
39 Intervenor-Respondent. )

40  
41 Appeal from Metro.  
42

43 Richard M. Whitman, Assistant Attorney General, Salem, represented petitioners in  
44 LUBA No. 99-006.  
45

1 Mary Kyle McCurdy, Portland, represented petitioners in LUBA No. 99-012.

2

3 Lawrence S. Shaw, Portland, represented respondent.

4

5 Timothy J. Sercombe, Salem, represented intervenor-respondent.

6

7 BASSHAM, Board Member; HOLSTUN, Board Chair; BRIGGS, Board Member,  
8 participated in the decision.

9

10 DISMISSED

08/06/99

11

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

14

1 Bassham, Board Member.

2 These cases were previously consolidated with LUBA No. 99-007. On March 19,  
3 1999, Metro filed a notice of withdrawal of the decision challenged in these appeals pursuant  
4 to ORS 197.830(12)(b). On June 21, 1999, the Board received Metro's decision on  
5 reconsideration. On July 9, 1999, petitioners in LUBA No. 99-007 filed an amended notice  
6 of intent to appeal Metro's decision on reconsideration, pursuant to OAR 661-010-  
7 0021(5)(a)(A).

8 Because petitioners in LUBA Nos. 99-006 and 99-012 did not file an amended notice  
9 of intent to appeal or refile the original notice of intent to appeal within 21 days of the date  
10 the Board received Metro's decision on reconsideration, those appeals must be dismissed.  
11 OAR 661-010-0021(5)(e). In an order issued this date, the Board bifurcated LUBA No. 99-  
12 007 from LUBA Nos. 99-006 and 99-012 to allow the latter appeals to be dismissed.

13 LUBA Nos. 99-006 and 99-012 are dismissed.