

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 FRIENDS OF YAMHILL COUNTY,

5 *Petitioner,*

6
7 vs.

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9 YAMHILL COUNTY,

10 *Respondent,*

11
12 and

13
14 MICHAEL KELLEY,

15 *Intervenor-Respondent.*

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17 LUBA No. 2015-039

18
19 FINAL OPINION

20 AND ORDER

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22 Appeal from Yamhill County.

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24 David C. Noren, Hillsboro, represented petitioner.

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26 Timothy S. Sadlo, Assistant County Counsel, McMinnville, represented
27 respondent.

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29 Michael J. Gelardi, Portland, represented intervenor-respondent.

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

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34 DISMISSED

 11/16/2015

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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.

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MOTION TO INTERVENE

Michael Kelley, the applicant below, moves to intervene on the side of respondent. No party opposes the motion, and it is granted.

DECISION

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, on July 22, 2015, Yamhill County withdrew the decision challenged in this appeal for reconsideration. On October 15, 2015, the Board received Yamhill County’s decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until November 5, 2015 to either refile its original notice of intent to appeal in this matter, or file an amended notice of intent to appeal. The Board has not received a refiled original notice of intent to appeal or an amended notice of intent to appeal in accordance with OAR 661-010-0021(5)(a).

OAR 661-010-0021(5)(e) provides “[i]f no amended notice of intent to appeal is filed or no original notice of intent to appeal is refiled, as provided in [OAR 661-010-0021(5)(a)], the appeal will be dismissed.”

This appeal is dismissed. *Matrix Development v. City of Tigard*, 25 Or LUBA 557 (1993).