



1 Opinion by Gustafson.

2 **NATURE OF DECISION**

3 Petitioner appeals a letter from the county counsel,  
4 refusing petitioner's demand that the county revoke a  
5 building permit.

6 **MOTION TO INTERVENE**

7 Mark A. Wattles moves to intervene on the side of  
8 respondent. There is no opposition to the motion, and it is  
9 allowed.

10 **FACTS**

11 In April, 1996, the county issued a building permit  
12 pursuant to a farm management plan. On October 4, 1996,  
13 petitioner sent what she characterizes as a "demand letter"  
14 to the county, demanding that the county revoke the building  
15 permit. According to petitioner, the permit was "illegally"  
16 issued three days after the farm management plan approval  
17 expired.<sup>1</sup> The county responded with a letter from the  
18 county counsel, in which the county refused to revoke the  
19 building permit. Petitioner appeals the county's letter  
20 refusing to revoke the permit.

21 **MOTION TO DISMISS**

22 Intervenor moves to dismiss this appeal because the

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<sup>1</sup>Based upon petitioner's assertion in her October 4, 1996 letter to the county planning director, condition 9 of the farm management plan approval specified that the approval would "automatically" expire if a building permit for a single family home was not obtained within a two year period. Record 2.

1 county counsel's letter to petitioner is not an appealable  
2 land use decision. Intervenor argues petitioner's appeal of  
3 that letter is an impermissible collateral attack on the  
4 issuance of the April building permit. As intervenor  
5 explains, petitioner's real challenge is to the issuance of  
6 the building permit, which she believes was illegally  
7 issued. Intervenor argues that petitioner's appeal, six  
8 months after the building permit was issued, is untimely.

9 Petitioner argues the issuance of the building permit  
10 in April, 1996, was not itself a land use decision, and  
11 therefore she could not appeal it. According to petitioner,  
12 the first appealable decision the county made regarding the  
13 building permit was in response to her letter, six months  
14 later, when the county refused her demand that it revoke the  
15 permit. Petitioner does not explain why she could demand  
16 that the building permit be revoked in October, but could  
17 not have done so in April.

18 The essence of petitioner's argument is that the  
19 decision to issue the building permit in April was wrong.  
20 If, as she argues, the original issuance of the building  
21 permit was not a land use decision, then it cannot be made  
22 so six months later through a letter demanding that it be  
23 revoked. The fact that petitioner has characterized her  
24 appeal of the issuance of the building permit as an appeal  
25 of the county's refusal to revoke the building permit, does  
26 not change the underlying action being appealed.

1           The county counsel's October 11, 1996 letter, in  
2 response to petitioner's demand letter, is not an appealable  
3 land use decision.

4           This appeal is dismissed.