

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

3
4 SUSAN WOLD, AFFIANT IN RE ESTATE
5 OF ARDELLE BADEN,
6 SUSAN WOLD, and MICHAEL BADEN,
7 *Petitioners,*

8
9 Vs.

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11 COLUMBIA COUNTY,
12 *Respondent.*

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14 LUBA No. 2007-108

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16 FINAL OPINION
17 AND ORDER

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19 Appeal from Columbia County.

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21 Heather A. Kmetz, Portland, represented petitioners.

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23 Sarah Hanson, St. Helens, represented respondent.

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25 HOLSTUN, Board Chair; BASSHAM, Board Member; RYAN, Board Member,
26 participated in the decision.

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28 DISMISSED

07/03/2007

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

Opinion by Holstun.

The decision that is the subject of this appeal is dated April 25, 2007. In that decision, the board of county commissioners denied petitioners' Ballot Measure 37 claim for compensation or a waiver of county land use regulations. The county contends that under OAR 661-010-0015(1)(a), the deadline for filing a notice of intent to appeal to challenge that April 25, 2007 decision expired 21 days later, on May 7, 2007. Petitioners' notice of intent to appeal was not filed until June 7, 2007. The county moves to dismiss, arguing that the notice of intent to appeal was untimely filed.¹

On June 22, 2007, petitioners withdrew their notice of intent to appeal. Petitioners' withdrawal of their notice of intent to appeal makes it unnecessary for LUBA to rule on the county's motion to dismiss.

This appeal is dismissed. The Board will return petitioners' \$150 deposit for costs.

¹ We note that Ballot Measure 37 is codified at ORS 197.352. ORS 197.352(9) provides that a decision under ORS 197.352(9) "shall not be considered a land use decision as defined by ORS 197.015[(11)]." Because LUBA's jurisdiction is generally limited to land use decisions, ORS 197.352(9) would appear to provide an additional basis for dismissing this appeal.