

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.

8
9 YAMHILL COUNTY,

10 *Respondent,*

11 and

12
13 MARALYNN ABRAMS,

14 *Intervenor-Respondent.*

15
16 LUBA No. 2008-061

17
18 FINAL OPINION

19 AND ORDER

20
21
22 Appeal from Yamhill County.

23
24 Charles Swindells, Portland, represented petitioner.

25
26 Fredric Sanai, Assistant County Counsel, McMinnville, represented respondent.

27
28 Edward H. Trompke, Portland, represented intervenor-respondent.

29
30 HOLSTUN, Board Member; RYAN, Board Chair; BASSHAM, Board Member,
31 participated in the decision.

32
33 TRANSFERRED

07/02/2008

34
35 You are entitled to judicial review of this Order. Judicial review is governed by the
36 provisions of ORS 197.850.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

NATURE OF THE DECISION

Petitioner appeals a county vested rights determination that intervenor-respondent was entitled to proceed with development authorized under a Measure 37 waiver.

MOTION TO INTERVENE

Maralynn Abrams (intervenor), the applicant below, moves to intervene on the side of respondent in this appeal. There is no opposition to the motion, and it is granted.

FACTS

A lengthy recitation of the facts is not necessary given our disposition of this appeal. In sum, intervenor obtained a vested rights determination from the county that she may continue and complete development of her property based on waivers obtained under Measure 37.

MOTION TO DISMISS

The county and intervenor move to dismiss this appeal on the grounds that the challenged decision is not a land use decision subject to our jurisdiction. For the reasons expressed in our final order and opinion issued this day in *Friends of Yamhill County v. Yamhill County*, ___ Or LUBA ___ (LUBA No. 2008-060), LUBA does not have jurisdiction to hear this appeal. Pursuant to petitioner’s conditional motion to transfer to Yamhill County Circuit Court under OAR 661-010-0075(11), this appeal is transferred.