

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3 FRIENDS OF YAMHILL COUNTY,

4 *Petitioner,*

5 vs.

6 YAMHILL COUNTY,

7 *Respondent,*

8 and

9 GORDON COOK,

10 *Intervenor-Respondent.*

11 LUBA No. 2008-082

12 FINAL OPINION

13 AND ORDER

14 Appeal from Yamhill County.

15 Charles Swindells, Portland, represented petitioner.

16 Fredric Sanai, McMinnville, represented respondent.

17 John C. Pinkstaff and Charles F. Hudson, Portland, represented intervenor-
18 respondent.

19 HOLSTUN, Board Member; RYAN, Board Chair; BASSHAM, Board Member,
20 participated in the decision.

21 TRANSFERRED

22 09/30/2008

23 You are entitled to judicial review of this Order. Judicial review is governed by the
24 provisions of ORS 197.850.
25
26
27
28
29
30
31
32
33
34
35
36
37

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

NATURE OF THE DECISION

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

MOTION TO INTERVENE

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

JURISDICTION

Petitioner moves to transfer this appeal to Yamhill County Circuit Court pursuant to ORS 34.102 and OAR 661-010-0075(11). Under circumstances identical to the circumstances presented in this case, LUBA concluded that it lacked jurisdiction. *Friends of Yamhill County v. Yamhill County*, ___ Or LUBA ___ (LUBA No. 2008-060, July 2, 2008). No party objects to petitioner’s motion, and we agree that our decision in *Friends of Yamhill County* is dispositive.

Accordingly, this appeal is transferred.