

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

PEGGY SUE JACOBUS, JUDY DAHL,
ANN FELBER, and KURT KNABKE,
Petitioners,

vs.

KLAMATH COUNTY
Respondent,

and

CITY OF CHILOQUIN
Intervenor-Respondent.

LUBA No. 2023-058

FINAL OPINION
AND ORDER

Appeal from Klamath County.

Charles W. Woodward, IV represented petitioners.

County Counsel represented respondent.

Mark S. Bartholomew represented intervenor-respondent.

RUDD, Board Member; RYAN, Board Chair; ZAMUDIO, Board
Member, participated in the decision.

DISMISSED

08/25/2023

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

1 Opinion by Rudd.

2 **MOTION TO INTERVENE**

3 City of Chiloquin (intervenor) moves to intervene on the side of the county.

4 The motion is unopposed and is granted.

5 **DISMISSAL**

6 On July 20, 2023, the Board received petitioners' notice of intent to appeal
7 (NITA) a county board of commissioners' decision approving an exception to
8 Statewide Planning Goal 4 (Forest Lands) and establishing a Limited Use
9 Overlay on the subject property. On July 21, 2023, we issued our order stating:
10 "The NITA does not contain the name of the governing body's legal counsel, as
11 required by OAR 661-010-0015(3)(f)(B)."

12 We directed petitioners to, within seven days of the date of our order, (1)
13 file with LUBA an original and two copies of a corrected NITA that complied
14 with our rules; and (2) serve the same on all parties entitled to service of the
15 NITA. The order explained that if a corrected NITA was not filed and served
16 within seven days of the date of the order, the Board would dismiss the appeal.
17 *Green v. Linn County*, ___ Or LUBA ___ (LUBA No 2021-068, Nov 9, 2021);
18 *Wendt v. City of Klamath Falls*, 81 Or LUBA 266, *aff'd*, 304 Or App 874, 466
19 P3d 106 (2020); *Bruce v. City of Hillsboro*, 32 Or LUBA 382, 387 (1997).

20 As of today's date, petitioners have not filed a corrected NITA, and the
21 deadline to do so has passed. Accordingly, the appeal is dismissed.