

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

JOHN LEKAS,
Petitioner,

vs.

CLACKAMAS COUNTY
Respondent,

and

PORTLAND GENERAL ELECTRIC COMPANY,
Intervenor-Respondent.

LUBA No. 2025-076

FINAL OPINION
AND ORDER

Appeal from Clackamas County.

Petitioner represented themselves.

Caleb J. Huegel represented respondent.

Iván Resendiz Gutierrez represented intervenor-respondent.

ZAMUDIO, Board Chair; BASSHAM, Board Member; WILSON, Board
Member, participated in the decision.

DISMISSED

01/06/2026

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

NATURE OF THE DECISION

Petitioner appeals a hearings officer decision approving a conditional use permit for a powerline corridor along Stafford Road.

FACTS

On November 21, 2025, the Board received petitioner's notice of intent to appeal (NITA). That NITA did not comply with OAR 661-010-0015 in several respects. On November 21, 2025, LUBA issued a Notice of Noncompliance identifying the deficiencies in the NITA and instructing petitioner to submit a Corrected NITA.

On December 1, 2025, the Board received petitioner's Corrected NITA. Although the Corrected NITA corrected some of the deficiencies identified in the Notice of Noncompliance, the Corrected NITA, again, did not (1) contain the name, address, electronic mail address, and telephone number for the applicant and intervenor-respondent Portland General Electric (PGE) and PGE's attorney, or (2) demonstrate that the Corrected NITA was served on PGE, the county, and the county's legal counsel. OAR 661-010-0015(3)(f)(B), (C); OAR 661-010-0015(2).

On December 2, 2025, LUBA issued a second Notice of Noncompliance identifying the continued deficiencies in the Corrected NITA and instructing petitioner to, within seven days, file a Second Corrected NITA that complies with OAR 661-010-0015, and serve a copy of the Second Corrected NITA on all

1 parties entitled to service. The Second Corrected NITA was due by December 9,
2 2025. The second Notice of Noncompliance advised petitioner that “[i]f a
3 [S]econd Corrected NITA is not received by the Board within the time specified,
4 the Board will issue an order requiring petitioner to show cause why they have
5 not corrected the noncompliance. Continued noncompliance and
6 unresponsiveness may result in the Board dismissing this appeal.”

7 On December 12, 2025, LUBA issued an order directing petitioner to,
8 within seven days, show cause why the appeal should not be dismissed for failure
9 to file a Second Corrected NITA and certificate of service that comply with OAR
10 661-015-0015 by either (a) filing a Second Corrected NITA that includes proof
11 of service on all parties entitled to service, or (b) explaining why petitioner
12 believes that a Second Corrected NITA is not required by our rules and why their
13 appeal should not be dismissed. The order advised petitioner that the appeal
14 would be dismissed if petitioner did not respond.

15 As of the date of this final opinion and order, LUBA has not received a
16 Second Corrected NITA, nor a response explaining why a Second Corrected
17 NITA is not required.

18 This appeal is dismissed.