

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

4 JOHN LEKAS,
5 *Petitioner,*

6 vs.
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8
9 CLACKAMAS COUNTY
10 *Respondent,*

11 and
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17 PORTLAND GENERAL ELECTRIC COMPANY,
18 *Intervenor-Respondent.*

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LUBA No. 2025-076

20 FINAL OPINION

21 AND ORDER

22 Petitioner appealed from Clackamas County.

23 Petitioner represented themselves.

24 Caleb J. Huegel represented respondent.

25 Iván Resendiz Gutierrez represented intervenor-respondent.

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

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DISMISSED 01/06/2026

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

Opinion by Zamudio.

NATURE OF THE DECISION

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

FACTS

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

11 On December 1, 2025, the Board received petitioner's Corrected NITA.
12 Although the Corrected NITA corrected some of the deficiencies identified in the
13 Notice of Noncompliance, the Corrected NITA, again, did not (1) contain the
14 name, address, electronic mail address, and telephone number for the applicant
15 and intervenor-respondent Portland General Electric (PGE) and PGE's attorney,
16 or (2) demonstrate that the Corrected NITA was served on PGE, the county, and
17 the county's legal counsel. OAR 661-010-0015(3)(f)(B), (C); OAR 661-010-
18 0015(2).

19 On December 2, 2025, LUBA issued a second Notice of Noncompliance
20 identifying the continued deficiencies in the Corrected NITA and instructing
21 petitioner to, within seven days, file a Second Corrected NITA that complies with
22 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.