


CABLE HUSTON^{LLP}

TOMMY BROOKS

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September 9, 2020

Via Certified Mail / Return Receipt Requested
and First Class Mail

Land Use Board of Appeals
775 Summer Street NE, Suite 330
Salem, Oregon, 97301-1283

**Re: Riverbend Landfill Co.'s Notice of Intent to Appeal
Yamhill County Board Order 20-284
Denying Permits: SDR-16-14-FP-03-14 Site Design Review
and Floodplain Development**

Dear Clerk:

Enclosed for filing is an original and two copies of Riverbend Landfill Co.'s Notice of Intent to Appeal, along with a check in the amount of \$400 for the applicable filing fee and deposit.

Please contact me or my assistant (Peggy Hall phall@cablehuston.com) if you have any questions concerning the enclosed filing submission.

Very truly yours,



Tommy Brooks

TAB:prh
Enclosures

cc: via sadlot@co.yamhill.or.us
and Certified Mail / Return Receipt Requested
Timothy S. Sadlo
Yamhill County Counsel's Office
535 NE 5th Street
McMinnville, OR 97128

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

3 RIVERBEND LANDFILL CO.,
4

5 Petitioner,

6 v.

7 YAMHILL COUNTY OREGON,
8

9 Respondent.

LUBA No. _____

10 **NOTICE OF INTENT TO APPEAL**

11 **I.**

12 Notice is hereby given that Petitioner Riverbend Landfill Co. (“Petitioner”) intends to
13 appeal the land use decision by Respondent Yamhill County (“County”), entitled “Board Order
14 20-284” which the County captioned as “In the Matter of an Order Denying Docket SDR-16-
15 14/FP-03-14, Site Design Review and Floodplain Development Permits for Riverbend Landfill
16 Expansion, Including Findings for Denial, on Remand from the Land Use Board of Appeals;
17 Applicant Riverbend Landfill Company” (“Final Order”). Petitioner never received a mailed
18 copy of the Final Order but, according to the County, the Final Order was signed and mailed
19 August 20, 2020, becoming final on that date. The Final Order denied applications for a site
20 design review and Floodplain Development Permit for the enhancement and expansion of an
21 existing solid waste disposal facility. A copy of the Final Order, without attachments, is attached
22 as **Exhibit A**.

23 **II.**

24 Petitioner appeared before the County below as the applicant and participated in the
25 proceedings that led to the land use decision. Petitioner is represented by:

26 /

Page 1 – NOTICE OF INTENT TO APPEAL

CABLE HUSTON LLP
1455 SW BROADWAY, SUITE 1500
PORTLAND, OREGON 97201-3412
TELEPHONE: (503) 224-3092, FACSIMILE: (503) 224-3176

80029.135\4817-5358-7913.v2

1 Tommy A. Brooks
2 Cable Huston, LLP
3 1455 SW Broadway, Suite 1500
4 Portland, OR 97201-3412
5 (503) 224-3092
6 tbrooks@cablehuston.com

7 III.

8 Respondent has as its mailing address: Yamhill County, Planning/Community
9 Development Department, 525 NE 4th Street, McMinnville, OR 97128. Respondent's telephone
10 number is: (503) 434-7516. Respondent is represented by:

11 Timothy S. Sadlo
12 Yamhill County Counsel's Office
13 535 NE 5th Street
14 McMinnville, OR 97128
15 (503) 434-7502
16 sadlot@co.yamhill.or.us

17 IV.

18 The County's records indicate that persons other than representatives of the Petitioner
19 were provided notice of the land use decision. The list of persons to whom notice of the land use
20 decision was mailed is attached as **Exhibit B**.

21 **NOTICE: Anyone designated in paragraph IV of this Notice who desires to**
22 **participate as a party in this case before the Land Use Board of Appeals must file with the**
23 **Board a Motion to Intervene in this proceeding as required by OAR 661-010-0050.**

24 Dated: September 9, 2020.

25 CABLE HUSTON LLP

26 

Tommy A. Brooks, OSB No. 076071
Of Attorneys for Petitioner

1 CERTIFICATE OF FILING

2 I hereby certify that on September 9, 2020, I filed the original of the foregoing **NOTICE**
3 **OF INTENT TO APPEAL**, together with two copies, with the Land Use Board of Appeals, 775
4 Summer Street NE, Suite 330, Salem Oregon, 97301-1283, by causing it to be mailed via
5 certified mail, return receipt requested at the United States Post Office in Portland, Oregon, with
6 postage prepaid.

7 CABLE HUSTON LLP

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9 _____
10 Tommy A. Brooks, OSB No. 076071
11 Of Attorneys for Petitioner

1 CERTIFICATE OF SERVICE

2 I hereby certify that on September 9, 2020, I served a true and correct copy of the
3 foregoing **NOTICE OF INTENT TO APPEAL** by mailing, via first class mail, a true and
4 correct copy thereof, certified by me as such, placed in a sealed envelope addressed at the
5 addresses set forth and deposited in the United States Post Office, Portland, Oregon on all
6 persons listed in paragraphs III and IV of the Notice of Intent to Appeal pursuant to OAR 661-
7 010-0015(2).

8
9 CABLE HUSTON LLP

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11 _____
12 Tommy A. Brooks, OSB No. 076071
13 Of Attorneys for Petitioner
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