

1 random urges that the Board take jurisdiction of the case
2 because the thirty day rule

3 " . . . requires that parties and persons
4 appearing and testifying and/or having an
5 interest in the land use decision be given
6 notice that a decision has been made."
7 Statement of Facts, Page 2.

8 The statement alleges that there was "no notification to
9 interested land owners or persons affected by the Order"
10 (made by the Board of Commissioners) and that petitioners
11 have been denied due process thereby.

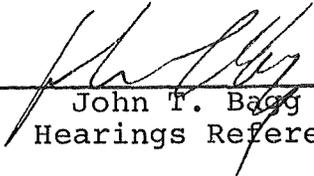
12 Even assuming that no notice was given to persons who
13 should be given notice of local decisions, and assuming that
14 there exists a requirement for such notice, there is still no
15 allegation by petitioners as to when they became aware that a
16 county decision had, in fact, occurred. There is no allegation
17 that within thirty days of the petitioners becoming aware of
18 the county land use decision, that they acted promptly to
19 secure review.

20 We do not reach any conclusion with respect to requirements
21 of notice of local land use decisions. Our decision in this
22 case is based upon the failure of petitioners to allege facts
23 that show that this Board has jurisdiction to review the
24 complained of Klamath County land use decision.

25 The case is dismissed. As the county was not required
26 to produce a record pending the outcome of this motion and
as petitioners' attorney understood that materials needed for
/ / .

1 the purposes of his memorandum would be independently obtained
2 by him, the petitioners' deposit of \$150.00 shall be returned
3 to petitioners.

4 Dated this 26th day of February, 1980.

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8 John T. Bagg
9 Hearings Referee
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