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

DARRYL C. RAY, KATHERINE RAY, )  
CAROL BECK, DELMAR BECK, DAVID )  
COMPTON, MEREDITH COMPTON, C. )  
ELDON FISHER, EUGENE H. FISHER, )  
RICHARD HOLCOMB and CAROL WHIPPLE, )

Petitioners, )

vs. )

DOUGLAS COUNTY, )

Respondent, )

and )

NORMAN YARD and VIVIAN L. YARD, )

Intervenors-Respondent. )

LUBA No. 95-237

FINAL OPINION  
AND ORDER

Appeal from Douglas County.

Christine M. Cook, Portland, represented petitioners.

Paul E. Meyer, Assistant County Counsel, Roseburg,  
represented respondent.

Stephen Mountainspring, Roseburg, represented  
intervenors-respondent.

LIVINGSTON, Chief Referee; GUSTAFSON, Referee; HANNA,  
Referee, participated in the decision.

DISMISSED 12/12/95

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

1 Opinion by Livingston.

2 The challenged decision became final on November 1,  
3 1995. At 4:25 p.m. on November 22, 1995, the last day of  
4 the appeal period, petitioners delivered to LUBA a notice of  
5 intent to appeal, accompanied by a check in the amount of  
6 \$200 payable to the "Oregon Department of Land Conservation  
7 and Development." Petitioner's error in designating the  
8 payee on the check was not detected before the expiration of  
9 the appeal period. The check cannot be deposited in LUBA's  
10 account.<sup>1</sup>

11 Our rules state that "[a] Notice [of intent to appeal]  
12 unaccompanied by payment of the required fee and deposit  
13 shall not be accepted for filing." OAR 661-10-015(1)(b).  
14 The rules explain:

15 "Filing Fee and Deposit for Costs: The Notice  
16 shall be accompanied by a filing fee of \$50 and a  
17 deposit for costs in the amount of \$150 payable to  
18 the Land Use Board of Appeals. One check, State  
19 of Oregon purchase order or money order for \$200  
20 may be submitted. Cash shall not be accepted."  
21 OAR 661-10-15(4). (Emphasis added.)

22 A check made out to the wrong agency does not  
23 constitute payment of the required fee and deposit. Because  
24 the notice of intent to appeal and appropriate filing fee  
25 and deposit were not timely received, LUBA has no  
26 jurisdiction over the appeal.

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<sup>1</sup>There is also no way to deposit the check in an account of the Oregon Department of Land Conservation and Development and transfer the funds to LUBA.

1        This appeal is dismissed.