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

DEPARTMENT OF LAND CONSERVATION )  
AND DEVELOPMENT, )  
Petitioner, )  
vs. )  
YAMHILL COUNTY, )  
Respondent. )

LUBA No. 96-225  
FINAL OPINION  
AND ORDER

Appeal from Yamhill County.

Celeste J. Doyle, Assistant Attorney General, Salem,  
represented petitioner.

John C. Pinkstaff, Assistant County Counsel,  
McMinnville, represented respondent.

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

DISMISSED 09/15/97

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

1 Opinion by Gustafson.

2 Respondent moves to dismiss this appeal on the ground  
3 that the notice of intent to appeal (NITA) was not timely  
4 filed. The NITA was filed 21 days from the date the  
5 decision was mailed to petitioner, but 26 days from the date  
6 the decision was signed. Petitioner does not oppose the  
7 motion.

8 ORS 197.830(8) requires that a NITA be filed not later  
9 than 21 days after the date the decision sought to be  
10 reviewed becomes final. OAR 661-10-010(3) defines "final"  
11 as the date the decision is reduced to writing and bears the  
12 necessary signatures of the decision-maker(s), unless a  
13 local rule or ordinance specifies that the decision becomes  
14 final at a later time. Yamhill County has no local rule or  
15 ordinance specifying a later time at which a land use  
16 decision by the Board of County Commissioners becomes final.

17 The challenged decision was reduced to writing with the  
18 necessary signatures on October 23, 1996, and thus became  
19 final on that date. The NITA was filed on November 18,  
20 1996, more than 21 days from the date the decision became  
21 final. Under ORS 197.830(8), the NITA was not timely filed,  
22 and thus we have no jurisdiction over this appeal. Wicks-  
23 Snodgrass v. City of Reedsport, 148 Or App 217 \_\_ P2d \_\_,  
24 petition for review pending, 325 Or 56 (1997); Michael-Mark  
25 Ltd. v Yamhill County, \_\_ Or LUBA \_\_ (LUBA No. 97-032,  
26 August 4, 1997).

1        This appeal is dismissed.