

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

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CHRISTOPHER NEIL van HALEWYN, )  
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 Petitioner, )  
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 vs. )  
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 CITY OF HILLSBORO, )  
 )  
 Respondent, )  
 )  
 and )  
 )  
 GAIL MADSEN and )  
 KAREN WALKER, )  
 )  
 Intervenors-Respondent. )

LUBA No. 97-042

)  
FINAL OPINION  
AND ORDER

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DALE WEBB KENT, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 CITY OF HILLSBORO, )  
 )  
 Respondent, )  
 )  
 and )  
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 GAIL MADSEN and )  
 KAREN WALKER, )  
 )  
 Intervenors-Respondent. )

LUBA No. 97-043

Appeal from City of Hillsboro.

Christopher Neil van Halewyn and Dale Webb Kent,  
Hillsboro, filed the petition for review and argued on their  
own behalf.

1 Daniel H. Kearns and Lawrence R. Derr, Portland, filed  
2 the response brief and argued on behalf of respondent and  
3 intervenors-respondent. With them on the brief was Timothy  
4 J. Sercombe and Preston Gates & Ellis.

5  
6 HANNA, Referee; Gustafson, Chief Referee; LIVINGSTON,  
7 Referee, participated in the decision.

8  
9 DISMISSED 10/01/97

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11 You are entitled to judicial review of this Order.  
12 Judicial review is governed by the provisions of ORS  
13 197.850.

1 Opinion by Hanna.

2 Intervenor-Respondent moves to dismiss these appeals on  
3 the ground that the notices of intent to appeal (NITA) were  
4 not timely filed. The NITAs were filed 19 days from the  
5 date the decision was mailed to petitioner, but 29 days from  
6 the date the decision was signed.

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

17 The challenged decision was reduced to writing with the  
18 necessary signatures on February 18, 1997 and thus became  
19 final on that date. The NITAs were filed on March 19, 1997,  
20 more than 21 days from the date the decision became final.<sup>1</sup>  
21 Under ORS 197.830(8), the NITAs were not timely filed, and  
22 thus we have no jurisdiction over these appeals. Wicks-  
23 Snodgrass v. City of Reedsport, 148 Or App 217 \_\_\_\_ P2d  
24 (1997); DeBates v. Yamhill County, \_\_\_\_ Or LUBA \_\_\_\_ (LUBA No.

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<sup>1</sup> The 21st day fell on March 11, 1997.

1 97-091, September 29, 1997);

1 Michael-Mark Ltd. v. Yamhill County, \_\_\_ Or LUBA \_\_\_ (LUBA No.  
2 97-032, August 4, 1997).

3       These appeals are dismissed.