

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

3 Top Cut Feedlots, Inc.)
)
4 Petitioner,) LUBA No. 80-007
)
5 vs.)
)
6 Umatilla County Board of) ORDER DISMISSING
Commissioners,) PETITIONER'S APPEAL
7 Respondent.)
8

9 This matter came before the Board on Respondent Umatilla
10 County Board of Commissioners' motion for an order dismissing
11 petitioner's appeal for failure to file Notice of Intent
12 to Appeal within the time prescribed by statute. Respondent
13 appeared by motion and accompanying memorandum by and through
14 their county counsel, Michele Hallman.

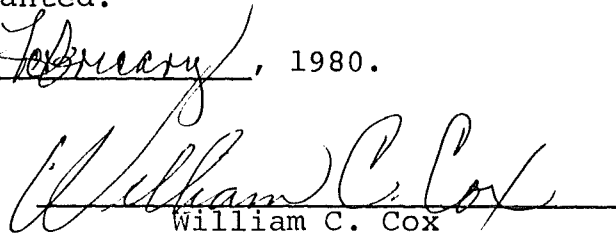
15 Petitioner did not file any documents in opposition to
16 respondent's motion to dismiss.

17 Petitioner wishes to appeal the land use decision of
18 respondent entitled Comprehensive Plan Map Amendment No.
19 P-018 which became final on November 7, 1979. The Land Use
20 Board of Appeals received a letter from Brent Horn, President
21 of Top Cut Feedlots, Inc., petitioner herein on December 10,
22 1979. This letter was purported to be an official notice of
23 intent to appeal the Umatilla County Board of Commissioners'
24 land use planning decision as above indicated. The letter,
25 however, did not contain the information or filing fees required
26 by this Board. In addition, it was received more than 30 days

1 after the contested decision in violation of Oregon Laws 1979,
2 Ch 772 and this Board's Administrative Rule No. 4(C). Mr.
3 Horn was mailed a copy of this Board's rules on December
4 10, 1979. On January 14, 1979, this Board received petitioner's
5 Notice of Intent to Appeal in a form required by Board rules,
6 however, the Notice did not contain the required filing fee
7 or deposit for costs. Said filing fee and deposit for costs
8 were not received by this Board until January 25, 1980.

9 In light of the above sequence of events, petitioner
10 failed to meet the required filing deadlines and, thus, his
11 Notice of Intent to Appeal was not timely. Therefore, respon-
12 dent's motion to dismiss is granted.

13 Dated this 1st day of February, 1980.

14
15 
16 William C. Cox
Hearings Referee