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

HAZEN INVESTMENTS, INC.,)	
an, Oregon corporation,)	LUBA NO. 80-147
)	
Petitioner,)	
)	FINAL OPINION
vs.)	AND ORDER
)	
LANE COUNTY,)	
)	
Respondent.)	

Appeal from Lane County.

Terence J. Hammons	William Van Vactor
Hammons & Jensen	Legal Counsel
46 Irving Road	125 E. 8th Street
Eugene, OR 97404	Eugene, OR 97401

Cox, Referee; Reynolds, Chief Referee; Bagg, Referee;
participated in the decision.

Dismissed. 11/25/80

You are entitled to judicial review of this Order.
Judicial review is governed by the provisions of Oregon Laws
1979, ch 772, sec 6(a).

1 COX, Referee.

2 This matter is before the Board on Respondent Lane County's
3 Motion to Dismiss for failure to file a timely notice of
4 appeal.

5 Petitioner filed a notice of intent to appeal with this
6 Board on October 24, 1980, indicating that petitioner was
7 contesting Lane County Zoning and Land Use Ordinance No. 840,
8 involving zoning and rezoning for the Spencer Creek Subarea.

9 The issue presented by this motion to dismiss is when does
10 a land use decision become final for purposes of determining
11 the date that the notice of intent to appeal must be filed with
12 this Board in order to comply with Oregon Laws 1979, ch 772,
13 sec 4(4) which states:

14 "A notice of intent to appeal a land use decision
15 shall be filed not later than 30 days after the date
the decision sought to be reviewed becomes final."

16 The contested ordinance was enacted and signed by the
17 appropriate Lane County officials on August 29, 1980. The
18 effective date of the ordinance was, per Lane County Charter
19 Section 18(4) 30 days from the date of the enactment or
20 September 28, 1980.

21 Petitioner contends that the order did not become final
22 until September 28, 1980 and, therefore, its filing of a notice
23 of intent to appeal on October 24, 1980 was within the 30 day
24 rule set forth above.

25 Respondent Lane County argues that the contested ordinance
26 became final on August 29, 1980, the date that the document was

1 enacted rather than the date it became effective.

2 LUBA Rule of Procedure 3(C) states:

3 "'Final decision or determination' means a
4 decision or determination which has been reduced to
5 writing and which bears the necessary signatures of
the governing body."

6 This Board interprets its own rule and the above set forth
7 provision of Oregon Laws 1979, ch 772 to mean that the
8 decisions sought to be reviewed becomes "final" for the
9 purposes of appeal on the date that it is enacted rather than
10 the date it becomes effective. It is on the date that it is
11 enacted that the decision is reduced to writing and signed by
12 the necessary members of the governing body.

13 Therefore, it is the decision of this Board that Respondent
14 Lane County's motion to dismiss shall be granted for failure of
15 petitioner to timely file its notice of intent to appeal. The
16 \$150.00 deposit for costs shall be returned to petitioner.