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

WALTER STRAUSS,)	
)	
Petitioner,)	
)	
vs.)	
)	LUBA No. 93-118
JACKSON COUNTY,)	
)	FINAL OPINION
Respondent,)	AND ORDER
)	
and)	
)	
BONNIE ABEL,)	
)	
Intervenor-Respondent.)	

Appeal from Jackson County.

John R. Hassen, Medford, represented petitioner.

Georgia Daniels, Assistant County Counsel, Medford,
represented respondent.

Glenn H. Munsell, Ashland, represented intervenor-
respondent.

KELLINGTON, Chief Referee; HOLSTUN, Referee; SHERTON,
Referee, participated in the decision.

DISMISSED 09/15/94

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

1 Opinion by Kellington.

2 **NATURE OF THE DECISION**

3 Petitioner appeals a county ordinance amending the
4 Jackson County Comprehensive Plan Aggregate Element and
5 Inventory.

6 **MOTION TO DISMISS**

7 Under ORS 197.830(2)(b), to have standing to appeal a
8 land use decision to LUBA, an appellant must establish that
9 he appeared before the local government, either orally or in
10 writing.¹

11 On July 1, 1994, the county filed a motion to dismiss
12 this appeal proceeding on the basis that petitioner failed
13 to appear during the proceedings below. On July 12, 1994,
14 the parties filed a stipulation with this Board providing
15 petitioner until July 20, 1994 to submit his response to the
16 motion to dismiss and suspending this appeal proceeding
17 until the motion to dismiss is resolved.

18 Petitioner submitted no response to the motion to
19 dismiss. The only allegation regarding whether petitioner
20 appeared during the local proceedings is the county's
21 allegation that petitioner did not appear during those
22 proceedings. It is petitioner's responsibility to establish
23 standing. Because petitioner failed to do so, this appeal

¹Exceptions to this requirement are established under ORS 197.620(2) and 197.830(3). However, no party contends that any of these exceptions apply here.

1 is dismissed.