

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

3
4 KEN D. LODGE, MARSH SEYMOUR,)
5 and CHRIS BROWN,)
6)
7 Petitioners,)
8)

9 vs.)

10)
11 CLACKAMAS COUNTY,)
12)
13 Respondent,)
14)

15 and)

16)
17 WEST LINN-WILSONVILLE SCHOOL)
18 DISTRICT 3JT,)
19)
20 Intervenor-Respondent.)

LUBA No. 97-195

FINAL OPINION
AND ORDER

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22
23 Appeal from Clackamas County.

24
25 John T. Gibbon, Tigard, represented petitioner.

26
27 Michael E. Judd, Chief Assistant County Counsel, Oregon
28 City, represented respondent.

29
30 Peter R. Mersereau, Portland, represented intervenor-
31 respondent.

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33 HANNA, Administrative Law Judge; GUSTAFSON, Chief
34 Administrative Law Judge; LIVINGSTON, Administrative Law
35 Judge, participated in the decision.

36
37 DISMISSED 10/22/97

38
39 You are entitled to judicial review of this Order.
40 Judicial review is governed by the provisions of ORS
41 197.850.

1 Opinion by Hanna

2 Respondent moves to dismiss this appeal on the ground
3 that the notice of intent to appeal (NITA) was not timely
4 filed. Petitioner joins the request, acknowledging that the
5 NITA was mailed to LUBA on the 21st day after the date the
6 decision was final, but received and filed by LUBA on the
7 22nd day. Under ORS 197.830(8), the NITA was not timely
8 filed, and thus we have no jurisdiction over this appeal.
9 J.C. Reeves Corp. v. Washington County, __ Or LUBA ____ (LUBA
10 No. 96-226, December 19, 1996), aff'd 147 Or App 241 (1997);
11 Oak Lodge Water District v. Clackamas County, 18 Or LUBA
12 643, 645 (1990) (a notice of intent to appeal mailed to LUBA
13 within the 21-day time limit, but received by LUBA after the
14 21-day time limit has expired, is not timely filed).

15 This appeal is dismissed.