



Opinion by Rudd.

1  
2  
3  
4  
5

On July 5, 2022, the Board received petitioner’s notice of intent to appeal (NITA) a hearings officer’s decision denying an application for temporary or seasonal use of a property for wedding events. On July 7, 2022, we issued our order identifying six ways in which the NITA did not comply with our rules.<sup>1</sup>

---

<sup>1</sup> As we explained in our July 7, 2022 order:

“First, the NITA was filed without the two copies that are required by OAR 661-010-0015(1)(a).

“Second, the NITA does not include the telephone number for the county’s governing body, as required by OAR 661-010-0015(3)(f)(B).

“Third, the NITA does not include the address for the county’s legal counsel, as required by OAR 661-010-0015(3)(f)(B).

“Fourth, the NITA does not include the name, address, and telephone number of the applicant, as required by OAR 661-010-0015(3)(f)(C).

“Fifth, the NITA does not include the names and addresses of all other persons to whom the county mailed written notice of the land use decision, as shown on the governing body’s records, as required by OAR 661-010-0015(3)(f)(D).

“Sixth, the NITA does not include proof of service upon all persons required to be named in the NITA, as required by OAR 661-010-0015(3)(i). The certificate of service attached to the NITA states that the NITA was served on all persons listed in paragraph IV, but paragraph IV does not contain any addresses. OAR 661-010-0015(2); OAR 661-010-0015(3)(f)(D). The certificate of service states that the NITA was served on all persons listed in paragraph III. Both the county’s governing body and the county’s legal counsel

1           We directed petitioner to file a corrected NITA that complies with our rules  
2 and serve all parties entitled to service of the NITA with a copy of the corrected  
3 NITA within seven days of the date of our order.<sup>2</sup> Our order explained that if a  
4 corrected NITA was not filed and served within seven days of the date of this  
5 order, the Board would dismiss the appeal. *Bruce v. City of Hillsboro*, 32 Or  
6 LUBA 382, 387 (1997); *Wendt v. City of Klamath Falls*, \_\_\_ Or LUBA \_\_\_  
7 (LUBA No 2020-026, Mar 18, 2020), *aff'd*, 304 Or App 874, 466 P3d 106  
8 (2020); *Green v. Linn County*, \_\_\_ Or LUBA \_\_\_ (LUBA No 2021-068, Nov 9,  
9 2021).

10           As of today's date, petitioner has not filed a corrected NITA and the  
11 deadline to do so has passed. Accordingly, the appeal is dismissed.

---

must be served. OAR 661-010-0015(3)(f)(B). The applicant must also be named in the NITA and served. OAR 661-010-0015(3)(f)(C).” *Gala v. Jackson County* (Order, LUBA No 2022-058, July 7, 2022) (slip op at 1-2).

<sup>2</sup> In addition, because petitioner is required to provide accurate and complete contact information, we directed petitioner to:

“(1) Confirm with the county that the address provided for the county’s governing body in the corrected NITA is accurate. The address provided for the county’s governing body in the original NITA was inconsistent with LUBA’s records.

“(2) Confirm with the county that the phone number provided for the county’s legal counsel in the corrected NITA is accurate. The phone number provided for the county’s legal counsel in the original NITA was inconsistent with LUBA’s records.” *Gala* (slip op at 2-3).