

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

BLAINE ROCCO MESSERLE individually and as
TRUSTEE OF THE BLAINE R. MESSERLE LIVING TRUST,
Petitioner,

vs.

COOS COUNTY,
Respondent.

LUBA No. 2025-033

FINAL OPINION
AND ORDER

Appeal from Coos County.

Dan G. McKinney represented petitioners.

Colton Totland represented respondent.

WILSON, Board Member; ZAMUDIO, Board Chair; BASSHAM, Board
Member, participated in the decision.

DISMISSED 06/23/2025

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

Opinion by Wilson.

On April 28, 2025, the Board received petitioners' notice of intent to appeal (NITA). The NITA was deficient in several respects and was not accompanied by the proper filing fee required by OAR 661-010-0015(4). On April 29, 2025, LUBA issued a Notice of Noncompliance identifying the deficiencies in the NITA and instructing petitioners to, within seven days, submit payment of the correct filing fee, file a Corrected NITA and certificate of filing that comply with OAR 661-010-0015, and serve a copy of the Corrected NITA on all parties entitled to service. Those items and actions were due by May 6, 2025, but were not received.

On May 30, 2025, the Board issued an order once again directing petitioners to file a Corrected NITA and remit payment of the filing fee not later than June 6, 2025, and notifying petitioners that if LUBA did not receive a response to the order by June 6, 2025, the Board would dismiss the appeal.

The Board did not receive the required Corrected NITA and filing fee on or before June 6, 2025. Accordingly, pursuant to OAR 661-010-0015(1)(c), this appeal is dismissed.