

1 Petitioners respond that under OAR 661-010-010(3)(b)¹ and the county's Rural Land
2 Development Code (RLDC) 31.130(C)² a decision is not final until it is mailed to the parties
3 entitled to notice. We agree with petitioners that the county's decision was not final until it
4 was mailed to petitioner on July 9, 1999, as defined by local code and our administrative
5 rule. Consequently, petitioners' notice of intent to appeal, dated July 28, 1999, was filed "on
6 or before the 21st day" after the challenged decision became final.

7 Intervenors' OAR 661-010-010(3)(b)³ motion to dismiss is denied.

8 Dated this 1st day of September, 1999.

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Tod A. Bassham
Board Member

¹OAR 661-101-0010(3)(b) defines "Final decision" as:

"Unless a local rule or ordinance specifies that the decision becomes final at a later time than defined in this section, a decision becomes final

- "(a) when it is reduced to writing, bears the necessary signatures of the decision maker(s), and
- "(b) if written notice of the decision is required by law, when written notice of the decision is mailed to persons entitled to notice."

²RLDC 31.130(C) provides that:

"A quasi-judicial decision of the Hearing Body shall not become final until written findings of fact are prepared and approved by a majority vote of the participating member, signed by the Presiding Officer or a designate, and mailed as required by Article 33."

³ OAR 661-101-0010(3)(b) defines "Final decision" as:

- "Unless a local rule or ordinance specifies that the decision becomes final at a later time than defined in this section, a decision becomes final
- "(a) when it is reduced to writing, bears the necessary signatures of the decision maker(s), and
 - "(b) if written notice of the decision is required by law, when written notice of the decision is mailed to persons entitled to notice."