

LAND USE  
BOARD OF APPEALS  
JUN 25 11 53 AM '86

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

3 JAMES BAINBRIDGE and MILDRED    )  
4 BAINBRIDGE, husband and wife,   )

5                   Petitioners,                    )

6                   vs.                                    )

7 LINN COUNTY and JAMES MONROE    )  
8 and ANDRES HEUBERGER,           )

9                   Respondents.                    )

LUBA No. 85-088

FINAL OPINION  
AND ORDER OF DISMISSAL

10                   Appeal from Linn County.

11                   Diane Spies  
12                   Attorney at Law  
13                   4512 SW Kelly  
14                   Portland, OR 97201  
15                   Attorney for  
16                   Petitioners

17                   Allison Smith  
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21                   Attorney for  
22                   Respondent County

23                   D. Michael Wells  
24                   Hutchinson, Anderson  
25                   Cox & Teising, P.C.  
26                   777 High Street  
27                   Eugene, OR 97401  
28                   Attorney for  
29                   Respondent-Participants

30                   DUBAY, Referee; KRESSEL, Referee; BAGG, Referee.

31                   DISMISSED                                   06/25/86

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

1 DuBay, Referee.

2 This matter is before the Board on two motions for an order  
3 dismissing the appeal in the above-referenced matter.

4 On June 16, 1986, Respondents-Participants Monroe and Heuberger  
5 filed a motion to dismiss on the ground that petitioners had not  
6 filed their petition for review within the time required by Board  
7 order of May 21, 1986, which extended the time to May 30, 1986 for  
8 its filing. On June 20, 1986, petitioners also filed a motion to  
9 dismiss the appeal.

10 Based on the foregoing, it is ordered the appeal is dismissed.  
11 Petitioners' deposit for costs and filing fee in the amount of \$200  
12 is awarded to Respondent Linn County in accordance with OAR  
13 661-10-030(1).

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