

Nov 10 11 51 AM '86

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

3	GORDON L. SINGLETON,)	
)	
4	Petitioner,)	LUBA No. 86-051
)	
5	vs.)	FINAL OPINION
)	AND ORDER OF DISMISSAL
6	CITY OF ROSEBURG,)	
)	
7	Respondent.)	

8
9 Appeal from City of Roseburg.

10	Gordon L. Singleton	A. Keith Martin
	PO Box 1790	Legal Counsel
11	Roseburg, OR 97470	900 SE Douglas Street
		Roseburg, OR 97470
12	Petitioner	Attorney for
		Respondent

13	Phil R. Singleton	Rev. James Teel
	PO Box 1920	Roseburg Rescue Mission
14	Roseburg, OR 97470	PO Box 1937
		Roseburg, OR 97470
15	Participant	Respondent-Applicant

16 BAGG, Referee; DuBAY, Chief Referee; KRESSEL, Referee.

17 DISMISSED 11/10/86

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

1 Bagg, Referee.

2 This matter is before the Board on the motion of Respondent
3 City of Roseburg. Respondent states that petitioner's failure
4 to file the petition for review within the 21 days after the
5 record was filed requires us to dismiss the appeal and award
6 respondent the filing fee and deposit for costs. We agree.

7 ORS 197.830(7) provides:

8 "If a petition for review is not filed with the board
9 as required in subsections (8) and (9) of this
10 section, the filing fee and deposit shall be awarded
to the local government...as cost of preparation of
the record."

11 OAR 661-10-030(1) echoes this requirement.

12 The petition for review was due August 19, 1986. That date
13 was 21 days after respondent filed the record. No petition has
14 been filed. Accordingly, the appeal is dismissed. The filing
15 fee and deposit are awarded to respondent. ORS 197.830(7).