

1 Bagg, Board Member.

2 This matter is before the Board on respondent's motion for
3 an award of the filing fee and deposit for costs on the ground
4 that the time for filing the petition for review has expired.

5 On September 23, 1982, petitioner filed a notice of intent
6 to appeal. Marion County returned the record on October 12,
7 1982, and petitioner's petition for review was due on November
8 1, 1982. The petition has not been filed and there has been no
9 stipulation for any extension of time to file the petition.

10 See LUBA Rule 16, Hoffman v City of Portland, 294 Or 150, ___
11 P2d ___ (1983).

12 1979 Or Laws, ch 772, sec 4(6), as amended, states:

13 "Within 20 days after the date of transmittal of the
14 record, a petition for review of the land use decision
and supporting brief shall be filed with the board."

15 Sec 4(4) provides:

16 "In the event a petition for review is not filed with
17 the board as required in subsection (6) of this
18 section, then the filing fee and deposit shall be
awarded to the city, county, special district or state
agency as cost of preparation of the record."

19 We believe this case must be dismissed and the fee and
20 deposit for costs awarded pursuant to 1979 Or Laws, ch 772, sec
21 4(4), as amended. Without agreement by all parties extending
22 the time for filing the petition for review, this Board will
23 not continue the matter.

24 NOW THEREFORE, this matter is dismissed. It is further
25 ordered respondent shall be awarded the \$50 filing fee and the
26 \$150 deposit for costs for preparation of the record.