

1                                   BEFORE THE LAND USE BOARD OF APPEALS

2                                   OF THE STATE OF OREGON

3  
4       DAVID J. GRAMMON and CHRISTY M. )

5       GRAMMON, )

6                                   ) )

7                    Petitioners, )

LUBA No. 95-086

8                                   ) )

9            vs. )

FINAL OPINION

10                                  ) )

AND ORDER

11       CITY OF COVE, )

12                                  ) )

13                    Respondent. )

14

15

16            Appeal from City of Cove.

17

18            Sam H. Ledridge, La Grande, represented petitioners.

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20            David C. Baum, La Grande, represented respondent.

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22            GUSTAFSON, Referee; LIVINGSTON, Chief Referee; HANNA,

23

Referee, participated in the decision.

24

25                                  DISMISSED                                  09/18/95

26

27            You are entitled to judicial review of this Order.

28

Judicial review is governed by the provisions of ORS

29

197.850.

1 Gustafson, Referee.

2 The City of Cove moves to dismiss this appeal because  
3 petitioners have not filed a petition for review.

4 ORS 197.830(10) requires that a petition for review be  
5 filed within the deadlines established by Board rule.  
6 OAR 661-10-030(1) provides, in relevant part:

7 " \* \* \* The petition for review shall be filed with  
8 the Board within 21 days after the date the record  
9 is received by the Board. \* \* \* Failure to file a  
10 petition for review within the time required by  
11 this section, and any extensions of that time  
12 under \* \* \* OAR 661-10-067(2), shall result in  
13 dismissal of the appeal \* \* \*."

14 The petition for review in this appeal was due August  
15 25, 1995. As of this date, petitioners have not filed a  
16 petition for review. Therefore, pursuant to ORS 197.830(10)  
17 and OAR 661-10-030(1) this appeal is dismissed, and the  
18 filing fee and deposit for costs shall be forfeited to the  
19 governing body. McCauley v. Jackson County, 20 Or LUBA 176  
20 (1990); Piquette v. City of Springfield, 16 Or LUBA 47  
21 (1987); Hutmacher v. Marion County, 15 Or LUBA 514 (1987).

22 This appeal is dismissed.