1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3 4 5	BRIAN SPARKS, )
6	Petitioner,
7	) LUBA No. 98-022
8	vs. )
9	) FINAL OPINION
10	POLK COUNTY and CITY OF ) AND ORDER
11	MONMOUTH, )
12 13	Degrandent a
14	Respondents. )
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16	
17	Appeal from Polk County and City of Monmouth.
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19	Brian Sparks, Monmouth, represented himself.
20	
21	Mark Irick, Dallas, represented respondent City of
22	Monmouth, and David Doyle, Dallas, represented respondent Polk
23	County.
24	GEOGRAPHICAL DE LA CALLANTA DE LA CA
25	GUSTAFSON, Board Chair; HANNA, Board Member, participated
26 27	in the decision.
28	DISMISSED 04/24/98
29	DISMISSED 04/24/90
30	You are entitled to judicial review of this Order.
31	Judicial review is governed by the provisions of ORS 197.850.
	J

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- 1 Gustafson, Board Chair.
- The petition for review in this appeal was due April 8,
- 3 1998. On April 6, 1998, the Board received a letter from
- 4 petitioner, which petitioner referred to as a "21 Day
- 5 Response." That letter did not meet the specifications of a
- 6 petition for review, as listed in OAR 661-10-030(2). In
- 7 response, on April 9, 1998, the Board issued a letter
- 8 informing petitioner that we construed his letter as a
- 9 petition for review, but that it was deficient in numerous
- 10 respects. Accordingly, pursuant to OAR 661-10-030(3), we
- 11 allowed petitioner three days to correct the deficiencies.
- 12 In response to our letter, on April 12, 1998, petitioner
- 13 submitted another letter, requesting that we excuse the
- 14 deficiencies in his initial letter and consider that initial
- 15 letter as a complete petition for review. The city and county
- 16 now move to dismiss this appeal on the basis that petitioner
- 17 has not timely filed a petition for review that meets the
- 18 requirements of OAR 661-10-030(2).
- 19 We grant respondents' motion. Petitioner's "21 Day
- 20 Response" fails to meet the requirements for a petition for
- 21 review in numerous respects. For instance, it follows none of
- 22 the specifications for the format of a petition for review as
- 23 listed in OAR 661-10-030(2). Nor does it comply with the
- 24 requirements for the content of a petition for review, as
- 25 specified in OAR 661-10-030(4). Petitioner was provided the
- 26 opportunity and chose not to attempt to submit a petition in

- 1 conformance with our rules.
- 2 This appeal is dismissed.