

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 DONALD A. GRESDEL,
5 *Petitioner,*

6
7 vs.

8
9 CITY OF KLAMATH FALLS,
10 *Respondent.*

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12 LUBA No. 2002-168

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14 FINAL OPINION
15 AND ORDER

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17 Appeal from City of Klamath Falls.

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19 Donald A. Gresdel, Klamath Falls, represented himself.

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21 Rick Whitlock, City Attorney, Klamath Falls, represented respondent.

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23 HOLSTUN, Board Member; BASSHAM, Board Chair; BRIGGS, Board Member,
24 participated in the decision.

25
26 DISMISSED

02/14/2003

27
28 You are entitled to judicial review of this Order. Judicial review is governed by the
29 provisions of ORS 197.850.

1 Holstun, Board Member.

2 Petitioner appeals a city planning commission decision that recommends that the city
3 council approve an application for vacation of a portion of a road. The city moves to dismiss
4 the appeal. First, the city argues the challenged planning commission decision is not a
5 “final” decision, as required by ORS 197.015(10)(a)(A). Second, the city argues that
6 petitioner has not exhausted available local remedies, as required by ORS 197.825(2)(a).
7 Finally, the city argues that petitioner did not “appear” below, as required by ORS
8 197.830(2)(b).

9 Petitioner has not responded to the motion to dismiss. Because we are given no
10 reason to question the city’s arguments, the motion to dismiss is granted.

11 This appeal is dismissed.