

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

3
4 ERNEST H. WHITE,
5 *Petitioner,*

6
7 vs.

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9 CITY OF ALBANY,
10 *Respondent.*

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12 LUBA No. 2006-129

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14 FINAL OPINION
15 AND ORDER

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17 Appeal from City of Albany.

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19 Ernest H. White, Albany, represented himself.

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21 James V.B. Delapoer, Albany, represented respondent.

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

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25 DISMISSED

07/26/2006

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

Opinion by Bassham.

On July 18, 2006, the Board received a letter from petitioner stating that petitioner wished to appeal a city decision identified as PA 06-06 that approves the division of property at a certain address. In an order dated July 19, 2006, the Board advised petitioner that the letter did not comply with the requirements of a notice of intent to appeal at OAR 661-010-0015 and was not accompanied by the required filing fee and deposit for costs. The Board requested that petitioner either clarify that he did not intend the letter to constitute a notice of intent to appeal, or submit an amended notice that conforms to the Board's rules and that is accompanied by the required fee and deposit.

Petitioner responded by letter dated July 24, 2006, stating that he must withdraw the appeal because he is unable to raise the required fee and deposit for costs. Accordingly, this appeal is dismissed.