

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

3
4 JOHN DUNZER,
5 *Petitioner,*

6
7 vs.

8
9 CLATSOP COUNTY,
10 *Respondent.*

11
12 LUBA No. 2017-118

12/15/17 am 8:53 LUBA

13
14 FINAL OPINION
15 AND ORDER

16
17 Appeal from Clatsop County.

18
19 John Dunzer, Seaside, represented himself.

20
21 Heather J. Reynolds, Clatsop County Counsel, Astoria, represented
22 respondent.

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

26
27 DISMISSED 12/15/2017

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

1 Petitioner's request appears to seek review of our December 6, 2017 order
2 denying his request for a waiver of fees, and to rely on ORS 21.682. As we
3 previously explained in our December 6, 2017 order, LUBA is not a circuit
4 court and has no authority to waive fees. ORS 21.682 does not apply to LUBA.

5 The Board did not receive the required filing fee and deposit for costs on
6 or before 5:00 p.m. on December 13, 2017. Accordingly, pursuant to OAR 661-
7 010-0015(1)(c), this appeal is dismissed.

proceeding, including sheriff's fees under ORS 21.300 (1)(a), if the judge finds that the party is unable to pay all or any part of the fees and costs. Waiver or deferral under this section of the fees or court costs of an inmate, as defined in ORS 30.642, is subject to ORS 30.642 to 30.650.

“(2) A presiding judge may delegate authority to waive or defer fees and court costs under this section to the court administrator for the court in which the judge serves. A delegation of authority under this subsection must be in writing and must be subject to clear standards. If a delegation is made under this subsection, an applicant may seek review of the court administrator's decision by a judge. If an applicant requests review of a court administrator's decision, the court administrator shall forward the application for waiver or deferral of the fees or court costs to the appropriate judge.

“(3) A court may not delay or refuse to enter an order or judgment in an action or proceeding because deferred fees and court costs have not been paid.

“(4) The Chief Justice of the Supreme Court by order may provide standards and practices for waiver or deferral of fees or court costs under ORS 21.680 to 21.698.”

Certificate of Mailing

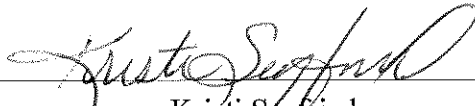
I hereby certify that I served the foregoing Final Opinion and Order for LUBA No. 2017-118 on December 15, 2017, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

Heather L. Reynolds
Clatsop County Counsel
PO Box 145
Astoria, OR 97103

John Dunzer
2964 Keepsake Drive
Seaside, OR 97138

Dated this 15th day of December, 2017.

Kelly Burgess
Paralegal



Kristi Seyfried
Executive Support Specialist