

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
3

4 BOB RICE, JANINE RICE, JASON BROWN,
5 MAJUDDIN JAFFER, PAT JAFFER,
6 JACK SLOAN and JEAN ASTRINSKY,
7 *Petitioners,*
8

9 vs.

10 CITY OF MONMOUTH,
11 *Respondent,*
12

13 and

14 BENSON SAINSBURY,
15 *Intervenor-Respondent.*
16

17 LUBA No. 2006-137
18

19 ORDER
20

21 In this appeal, petitioners challenge a city decision that was adopted to respond to our
22 remand in a prior appeal. Petitioner Majuddin Jaffer moves to delay scheduling oral
23 argument in this appeal until respondent complies with LUBA's May 30, 2006 Order on
24 Costs in that prior appeal. In that order, we awarded costs to petitioners, in the amount of
25 \$175, "to be paid by respondent and intervenor-respondent."

26 Petitioner's motion is denied. If it becomes necessary, ORS 197.825(3)(b)
27 specifically provides that the circuit court has jurisdiction "[t]o enforce orders of the board in
28 appropriate proceedings brought by the board or a party to the board proceeding resulting in
29 the order." Delaying oral argument in this appeal is not an authorized sanction for
30 respondent's and intervenor-respondent's delay in complying with our May 20, 2006 order.

31 Dated this 28th day of September, 2006.
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34 _____
35 Michael A. Holstun
36 Board Member