

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Because the cross petition for review is the functional equivalent of a petition for review, OAR 661-010-0030(7) imposes the same filing deadline that applies to petitions for review, and LUBA strictly enforces that filing deadline for cross petitions for review in the same way it strictly enforces that filing deadline for the petition for review. LUBA will grant a motion to strike a cross petition for review that is filed one day late. *Warren v. Josephine County*, 66 Or LUBA 471 (2012).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Under OAR 661-010-0067 written consent to extend the deadline for filing record objections also constitutes written consent to extend the deadline for filing the petition for review. But where a motion to extend the deadline to file record objections is not consented to by all parties, granting the motion would not also extend the deadline for filing the petition for review, which would create the possibility that the record might be supplemented after the petition for review is filed and necessitate delaying the appeal to allow petitioner to file an amended petition for review. *WKN Chopin LLC v. Umatilla County*, 65 Or LUBA 457 (2012).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Under OAR 661-010-0067(2), where all parties consent in writing to extend the deadline for filing record objections, the deadline for filing the petition for review is automatically extended for the same number of days unless the parties expressly provide otherwise. *WKN Chopin LLC v. Umatilla County*, 65 Or LUBA 459 (2012).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. If a petition for review is delivered to the United States Postal Service and mailed to LUBA via “Priority Mail” it is mailed by “First Class Mail” and therefore filed on the date it was delivered to the United States Postal Service under OAR 661-010-0075(2)(a)(B), where the United States Postal Service defines “First Class Mail” to include “Priority Mail.” *Canfield v. Lane County*, 59 Or LUBA 505 (2009).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where a petitioner transmits the petition for review to LUBA in any way other than by first class mail with the United States Postal Service, the petition for review is not “filed” until it is received by LUBA. In that circumstance it is legally irrelevant whether the petitioner acted in good faith in using a carrier other than the United States Postal Service and it is legally irrelevant that the choice to transmit the petition for review by a means other than first class mail resulted in no delay in LUBA receiving the petition for review. *Canfield v. Lane County*, 59 Or LUBA 505 (2009).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Whether the OAR 661-010-0030(1) requirement that a LUBA appeal be dismissed if the petition for review is not filed within the 21-day deadline established by that rule is a *jurisdictional* requirement or merely a *compulsory non-jurisdictional* basis for dismissing the appeal, the ten-day rule in OAR 661-010-0065(2) that requires a motion to be filed within 10-days after discovery of a failure to comply with LUBA’s rules does not apply to a motion

to dismiss based on a petitioner's failure to comply with the deadline established by OAR 661-010-0030(1) for filing the petition for review. *Canfield v. Lane County*, 59 Or LUBA 505 (2009).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. The failure of a pro se petitioner to sign a petition for review does not necessarily mean that that petitioner has “failed to timely file a petition for review” under OAR 660-010-0030(1), with the consequence that that petitioner must be dismissed from an appeal. *Abeel v. City of Portland*, 58 Or LUBA 247 (2009).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Under OAR 661-010-0075(2)(a), a petition for review is filed with LUBA on the date it is mailed “by first class mail with the United States Postal Service.” If the petition for review is filed with LUBA in any other manner, the petition for review is filed on the date it is delivered to LUBA. A petition for review that is delivered to a Postal Annex store before the filing deadline expires and is thereafter delivered to LUBA by United Parcel Service on a date after the filing deadline expires is not timely filed and the appeal must be dismissed. *Lund v. City of Mosier*, 58 Or LUBA 344 (2009).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where a petition for review was not filed within the time required by LUBA's rules, and no written consent to extend the time for filing the petition for review under OAR-661-010-0067(2) was obtained, ORS 197.830(11) and OAR 661-010-0030(1) require that the appeal be dismissed. *Verizon Wireless, LLC v. Clackamas County*, 56 Or LUBA 660 (2008).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. A petitioner may not dismiss his attorney after the petition for review has been filed and the time for filing the petition for review has run and then submit a new or amended petition for review. *Taylor v. City of Canyonville*, 55 Or LUBA 681 (2007).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where the petition for review has already been filed, a petitioner may not supplement the arguments presented therein, and LUBA will deny a motion to file a revised petition for review. *Knapp v. City of Corvallis*, 55 Or LUBA 683 (2007).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where a petitioner has decided to seek voluntary dismissal of the appeal, to avoid delay and prejudice to other parties the petitioner should file an unequivocal motion for dismissal as soon as reasonably possible. That obligation is not met where the petitioner files an equivocal motion to dismiss on the date the petition is due, based on information that petitioner was long aware of, and that is accompanied by a nonmeritorious motion to resettle the record and restart the deadline for filing the petition for review. Under such circumstances, LUBA will dismiss the appeal for failure to file the petition for review, not based petitioner's motion to dismiss. *Ford v. Jackson County*, 54 Or LUBA 434 (2007).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. When a local government provides a corrected cover page for the record, the corrected cover page is not a supplemental record and does not restart the 21-day deadline for filing the petition for review. *Santiam Water Control District v. City of Stayton*, 54 Or LUBA 549 (2007).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where it is undisputed that petitioner received the record, even though petitioner may not have received the letter that LUBA sent to petitioner advising him that LUBA had received the record, that does not excuse petitioner's failure to file a petition for review before the deadline expires. *Anantha v. City of Portland*, 54 Or LUBA 727 (2007).

27.10.3 LUBA Procedures/Rules - Time Limits - Petition for Review. Where petitioner received a copy of the record that was filed with LUBA, he cannot reasonably claim that he was unaware that he was obligated to file his petition for review within the deadline established by ORS 661-010-0030(1). That petitioner may not have received the letter that LUBA sent to petitioner advising him that LUBA had received the record does not excuse petitioner's failure to timely file a petition for review. *Bleu v. Clackamas County*, 52 Or LUBA 606 (2006).

27.10.3 LUBA Procedures/Rules - Time Limits - Petition for Review. While it is possible that LUBA might grant a petitioner's request that a notice of intent to appeal be treated as the petition for review, a petitioner may not wait until over two weeks after the deadline for filing the petition for review has expired to make such a request. *Bleu v. Clackamas County*, 52 Or LUBA 606 (2006).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Petitioner's presumption that the parties had an implicit agreement to extend the deadline for filing the petition for review pending settlement discussions does not excuse petitioner's failure to obtain and file a stipulation to that effect. Where respondent refuses to stipulate to an extension of the deadline for filing the petition for review after it has expired, LUBA will dismiss the appeal. *Byrtus v. City of Brookings*, 51 Or LUBA 556 (2006).

27.10.3 LUBA Procedures/Rules - Time Limits - Petition for Review. Where the record was mailed to and received by petitioner and LUBA, the deadline for filing the petition for review expires 21 days after the record is received by LUBA, and petitioner's claim that he did not receive a letter from LUBA advising him of the date LUBA received the record does not affect that deadline. *Cunningham v. Josephine County*, 50 Or LUBA 58 (2005).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. OAR 661-010-0067(2) requires that a motion for extension of time to file a petition for review be denied where the motion is not consented to in writing by all parties, there is no indication that intervenors ever had plans or have plans to consent to extend the deadline, and no petition for review is filed within the 21-day deadline for filing a petition for review, pursuant to OAR 661-010-0030(1). *ODOT v. City of Phoenix*, 50 Or LUBA 548 (2005).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where there is no dispute that both the local government record and LUBA’s letter acknowledging receipt of the record and identifying the deadline for filing the petition for review were mailed to the address that was specified by the lead petitioner, but the petition for review was not filed before that deadline expired, and petitioner did not obtain written consent to extend the time for filing the petition for review under OAR 661-010-0067(2), ORS 197.830(11) and OAR 661-010-0030(1) require that LUBA dismiss the appeal. That there may have been delays in forwarding documents from lead petitioner’s Oregon address to his California address does not excuse failure to timely file the petition for review. *Hawk v. Josephine County*, 49 Or LUBA 451 (2005).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Allowing intervenors-petitioner to belatedly sign the signature page of a timely filed petition for review is not tantamount to allowing a late petition for review. Intervenors’ failure to sign or join the petition for review prior to its filing is at most a technical violation that does not affect our review, absent prejudice to another party’s substantial rights. *Kane v. City of Beaverton*, 49 Or LUBA (512).

27.10.3 LUBA Procedures/Rules - Time Limits - Petition for Review. Where petitioners failed to file a petition for review on or before the deadline for filing the petition for review and petitioners were unable to secure the local government’s agreement to suspend the deadline, the appeal must be dismissed. That petitioners were *pro se* petitioners and did not understand the LUBA appeal process does not excuse their failure to file a timely petition for review. *Davis v. Wasco County*, 48 Or LUBA 454 (2005).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. The date the petition for review is postmarked is not necessarily determinative of the date the petition is “mailed,” for purposes of OAR 661-010-0030(1) and 661-010-010-0075(2)(a)(B). *Mason v. City of Corvallis*, 48 Or LUBA 651 (2005).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Depositing the petition for review postage paid in a postal service deposit box on the date it is due is sufficient to “mail” and hence file the petition for review under OAR 661-010-0075(2)(a)(B), even if the petition for review is postmarked the following day, and even if the petition for review is deposited after the last collection time for that deposit box. *Mason v. City of Corvallis*, 48 Or LUBA 651 (2005).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Petitioners do not sustain their burden of demonstrating that a petition for review was timely filed, where the only evidence that bears on that question is (1) a postmark dated one day late and (2) an affidavit by petitioners’ attorney averring that he arrived at the post office two minutes prior to midnight on the day the petition for review was due, and he was “certain” that he deposited the petition for review with the postal clerk before midnight. *Bollinger v. City of Hood River*, 46 Or LUBA 602 (2004).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Given the severe consequence that dismissal of an appeal represents, and the ease with which the risk of that consequence can be avoided by filing a record objection or precautionary record objection while record disputes are resolved, a prudent petitioner will always file a record objection or precautionary record objection with any other documents that may be filed to provide notice of the parties’ negotiations concerning the content of the record. *Laurance v. Douglas County*, 44 Or LUBA 845 (2003).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. If a petition for review is filed with LUBA in any way other than by “first class mail with the United States Postal Service,” OAR 661-010-0075(a)(A) applies and the date of filing is the date the petition for review is actually delivered to LUBA. *Doob v. Josephine County*, 43 Or LUBA 473 (2003).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Under OAR 661-010-0065(4), LUBA may extend the deadline for filing the petition for review on its own motion without the written consent of all parties, where the extension is required to avoid prejudice to one or more party’s substantial rights due to LUBA’s failure to contemporaneously advise the parties that the record had been received. *Confederated Tribes v. Jefferson County*, 42 Or LUBA 597.

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. The deadline for filing the petition for review is strictly enforced, even where irregularities occur in providing petitioner with notice of the deadline for filing the petition for review. *Allen v. Grant County*, 41 Or LUBA 21 (2001).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Even assuming that petitioner failed to receive LUBA’s order notifying petitioner of the deadline for filing the petition for review, and that lack of actual or imputed knowledge of that deadline might excuse failure to file the petition on or before the deadline, petitioner has an obligation to act promptly and request appropriate relief once he learns of the deadline, to avoid prejudice to other parties’ substantial rights. An unjustified 21-day delay in filing for such relief prejudices other parties’ substantial rights and is a sufficient basis to deny the requested relief. *Allen v. Grant County*, 41 Or LUBA 21 (2001).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. The requirement at OAR 661-010-0030(1) that LUBA dismiss an appeal where the petition for review is not timely filed implements the statutory policy that “time is of the essence” in land use matters. That the statutes governing LUBA’s review do not provide for dismissal where the petition is untimely filed does not mean that OAR 661-010-0030(1) is inconsistent with LUBA’s governing statutes. *Rookard v. Lane County*, 41 Or LUBA 14 (2001).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Petitioners are entitled to rely on a Board order extending the time to file a petition for review, notwithstanding that the order was issued without the written agreement of all parties,

where no party's substantial rights are prejudiced by the extension of time. *Ballou v. Douglas County*, 40 Or LUBA 573 (2001).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. An untimely-filed petition for review requires dismissal of the appeal where petitioners rely on a motion to extend the time for filing the petition for review to avoid the deadline, but the motion is not signed by all the parties and petitioners are aware that all of the parties have not consented to the extension of time. *Ballou v. Douglas County*, 40 Or LUBA 377 (2001).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Petitioners do not have the right to rely on a Board order extending the time for filing a petition for review, where not all of the parties have stipulated to the extension of time and petitioners unreasonably believed that some of the intervenors were represented by a single attorney who had consented to the extension of time on behalf of only one intervenor. *Ballou v. Douglas County*, 40 Or LUBA 377 (2001).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Failure to file the petition for review within 21 days of LUBA's receipt of the record is not excused by the fact that LUBA's letter to the parties acknowledging receipt of the record failed to specify the date the record was received, where petitioner knew or should have known from service of the record and other information that the 21-day period to file the petition for review had commenced. *Bybee v. City of Salem*, 40 Or LUBA 187 (2001).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where a motion to intervene has been filed and served but not yet received by LUBA and the parties, and an order extending the deadline for filing the petition for review is entered based on the mistaken understanding that all parties consent to the extension, the intervening party may thereafter object to the extension and is entitled to have the original deadline for filing the petition for review reestablished, if that can be done without prejudicing petitioner's substantial right to rely on the deadline that was established in the order. *Pereira v. Columbia County*, 39 Or LUBA 760 (2001).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Although OAR 661-010-0067(2) authorizes LUBA to suspend the deadline for filing the petition for review to allow time to rule on a motion to dismiss, the filing of a motion to dismiss or a memorandum opposing a motion to dismiss does not automatically suspend the deadline for filing the petition for review. *Wynnyk v. Jackson County*, 39 Or LUBA 500 (2001).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. A motion to extend the deadline for filing a petition for review cannot be granted under OAR 661-010-0067(2) unless *all* parties, including intervenors, consent to the requested extension. *Bauer v. City of Portland*, 37 Or LUBA 489 (2000).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Possible confusion about whether LUBA granted an initial request to extend the deadline for filing the petition for review is irrelevant, where petitioners fail to submit a petition for review

within the extended deadline that was requested in the initial request. *Root v. Crook County*, 37 Or LUBA 257 (1999).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. OAR 661-010-0030 requires that the petition for review be filed within 21 days after the record is filed or settled. That deadline is not violated where petitioner in a consolidated appeal files its petition prior to the date the consolidated record is settled rather than waiting until after the consolidated record is filed. *Friends of Clean Living v. Polk County*, 36 Or LUBA 544 (1999).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Any request to extend the deadline for filing the petition for review under OAR 661-010-0067(2) must be signed by all parties, including intervenors-respondent. *Genstar Land Company v. City of Sherwood*, 35 Or LUBA 832 (1999).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where the petition for review is filed more than 21 days after the date the record is settled, the appeal will be dismissed. *North Park Annex v. City of Independence*, 35 Or LUBA 512 (1999).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. A record objection filed after the deadline for filing the petition for review does not suspend the deadline for filing the petition for review. *Landwatch Lane County v. Lane County*, 34 Or LUBA 348 (1998).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. An appeal at LUBA will be dismissed where a petition for review is filed after the deadline established by OAR 661-010-0030(1), unless petitioner obtains the written consent of all parties to extend the filing deadline. *Landwatch Lane County v. Lane County*, 34 Or LUBA 348 (1998).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where the city serves a copy of the record on petitioner via delivery on her doorstep, pursuant to petitioner's agreement with the city, the city's failure to serve the record on petitioner personally or to a person at petitioner's house does not violate OAR 661-010-0075(2)(b) or toll the date on which the petition for review is due. *Peebles v. City of Wilsonville*, 34 Or LUBA 235 (1998).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. When the petition for review is not filed within the time established under OAR 661-10-030(1), the appeal will be dismissed and the filing fee and deposit for costs forfeited to the governing body. *Grammon v. City of Cove*, 30 Or LUBA 31 (1995).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. The requirement that a petitioner file a petition for review within twenty-one days after the

record is settled will be strictly enforced, and failure to comply will result in dismissal of the appeal. *Terrace Lakes Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532 (1995).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Although LUBA's rules distinguish between transmittal of the record, which is accomplished by actual delivery to LUBA, and service of the record on a petitioner, the rules do not distinguish between service in person or by first-class mail, under OAR 661-10-075(2)(b)(B), in determining when a copy of the record is served on a petitioner, as required by OAR 661-10-025. *Terrace Lakes Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532 (1995).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where petitioner neither files a petition for review within the time provided by LUBA's rules nor obtains an extension of time to file the petition for review, LUBA will dismiss the appeal. *Reames v. Deschutes County*, 28 Or LUBA 335 (1994).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where a petitioner obtains the written consent of all parties to extend the deadline for filing the petition for review, filing the written agreement one day after the petition for review was due constitutes a technical violation of OAR 661-10-067(4) and does not prevent LUBA from granting an extension of time to file the petition for review under OAR 661-10-067(2). *Friends of Cedar Mill v. Washington County*, 28 Or LUBA 746 (1994).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Failure to file a record objection within the time required by LUBA rules may provide a basis for denying the record objection or for providing an abbreviated deadline for filing the petition for review after the record objection is resolved. However, even an untimely record objection suspends the deadline for filing the petition for review until the record objection is resolved. *Cole v. Columbia County*, 28 Or LUBA 62 (1994).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. The filing of an objection to the local record suspends the time for filing a petition for review, even if the objection is not timely filed. Failure to file a record objection in a timely manner may provide a basis for denying the record objection or setting an abbreviated time for filing the petition for review, but does not provide a basis for dismissing the appeal. *Cole v. Columbia County*, 27 Or LUBA 701 (1994).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. LUBA will not consider a motion for reversal that includes arguments not contained in the petition for review, where the motion for reversal is filed three weeks after the deadline for filing the petition for review. *Fechtig v. City of Albany*, 27 Or LUBA 480 (1994).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where the petitioner neither files a petition for review within the time required by LUBA's rules, nor obtains an extension of time for filing the petition for review, LUBA will dismiss the

appeal. ORS 197.830(10); OAR 661-10-030(1). *Fleming v. Marion County*, 27 Or LUBA 78 (1994).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. A motion to stay LUBA proceedings that is not signed by all parties is not the equivalent of a written stipulation by all parties for an extension of time to file the petition for review and, therefore, filing such a motion to stay LUBA proceedings does not suspend the time for filing a petition for review. *Hackett v. Multnomah County*, 26 Or LUBA 551 (1994).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. If a petition for review is not filed within the time required under LUBA's rules, ORS 197.830(10) and OAR 661-10-030(1) require LUBA to dismiss the appeal. *Hackett v. Multnomah County*, 26 Or LUBA 551 (1994).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Under OAR 661-10-067(2), LUBA may not extend the deadline for filing a petition for review, unless all parties consent to the extension. *Zippel v. Josephine County*, 26 Or LUBA 626 (1994).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where petitioners neither filed a petition for review within the time required by LUBA's rules, nor obtained an extension of time for filing the petition for review, LUBA will dismiss the appeal under ORS 197.830(10) and OAR 661-10-030(1). *Vomih v. City of Portland*, 26 Or LUBA 58 (1993).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where a request to amend the petition for review to add an assignment of error is delivered to LUBA two days before the final opinion and order is due, the request will be denied as untimely. *Adler v. City of Portland*, 25 Or LUBA 546 (1993).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where petitioners neither file a petition for review within the time provided by LUBA's rules nor obtain an extension of time to file the petition for review, LUBA will dismiss the appeal. *Fleming v. Marion County*, 25 Or LUBA 96 (1993).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. If an objection to the local record is filed, the time limits for filing the petition for review, respondents' briefs and LUBA's final opinion and order are suspended, regardless of whether the record objection is ultimately sustained or denied. OAR 661-10-026(5). *DLCD v. Klamath County*, 24 Or LUBA 656 (1993).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where the petitioner has neither filed a petition for review within the time required by LUBA's rules, nor obtained an extension of time for filing the petition for review, ORS 197.830(10) and OAR 661-10-030(1) require LUBA to dismiss the appeal. *Compass Corporation v. City of Lake Oswego*, 23 Or LUBA 593 (1992).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. The untimely filing of a petition for review is not a technical violation of LUBA's rules. *Weeks v. City of Tillamook*, 23 Or LUBA 255 (1992).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. A motion to dismiss does not suspend the time for filing the petition for review. The only events that suspend the time for filing a petition for review in a LUBA appeal are the filing of (1) a motion for an evidentiary hearing, (2) a record objection, or (3) a written stipulation signed by all parties for an extension of time to file the petition for review. *Weeks v. City of Tillamook*, 23 Or LUBA 255 (1992).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where petitioners neither file a petition for review within the time required by LUBA's rules, nor obtain an extension of time to file the petition for review pursuant to LUBA's rules, ORS 197.830(10) and OAR 661-10-030(1) require dismissal of the appeal. *Hollywood Neigh. Assoc. v. City of Portland*, 22 Or LUBA 636 (1992).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where all parties acknowledge an oral agreement to extend the time for filing the petition for review was reached prior to the date the petition for review was required to be filed, that a stipulated motion for extension of time to file the petition for review was filed one day after the day the petition for review was otherwise due is a technical violation of LUBA's rules and will not result in dismissal of the appeal. *Rabe v. City of Tualatin*, 22 Or LUBA 832 (1992).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. If petitioner's motion for extension of time to file the petition for review does not satisfy the requirement of OAR 661-10-067(2) for the written consent of all parties, and the petition for review was not filed within 21 days after the date the Board received the record, the appeal must be dismissed. OAR 661-10-030(1). *Ramsey v. City of Portland*, 22 Or LUBA 535 (1992).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Under LUBA's rules, if petitioner's motion for extension of time to file the petition for review does not satisfy the requirement of OAR 661-10-067(2) for the written consent of all parties, and a petition for review is not filed within 21 days after the date LUBA received the local record, the appeal must be dismissed. *Ramsey v. City of Portland*, 22 Or LUBA 295 (1991).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. The provision of OAR 661-10-067(2) allowing extensions of time for filing the petition for review only where all parties to the appeal consent to such extension does not exceed LUBA's statutory authority. *Ramsey v. City of Portland*, 22 Or LUBA 295 (1991).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where a petitioner neither files a petition for review within the time required by LUBA rules, nor

obtains an extension of time for filing the petition for review, ORS 197.830(8) and (10) and OAR 661-10-030(1) require that LUBA grant respondent's motion to dismiss and request for award of petitioner's filing fee and deposit for costs. *Keister v. Clackamas County*, 21 Or LUBA 212 (1991).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Under ORS 197.830(10) and OAR 661-10-030(1), in the absence of an agreement between the parties to extend the time for filing the petition for review, the consequence of failing to file a timely petition for review is dismissal of the appeal and award of petitioner's filing fee and deposit for costs to respondent. *Burghardt v. City of Molalla*, 20 Or LUBA 431 (1991).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Where a petitioner neither files a petition for review within the time required by LUBA rules, nor obtains an extension of time for filing the petition for review, ORS 197.830(8) and (10) and OAR 661-10-030(1) require that LUBA grant respondent's motion to dismiss and request for award of petitioner's filing fee and deposit for costs. *McCauley v. Jackson County*, Or 20 Or LUBA 176 (1990).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. A record objection filed four days late, but before the petition for review is due, will suspend the deadline for filing the petition for review where respondent makes no attempt to explain how its substantial rights may have been prejudiced by a delay of four days in filing the record objection. *Benjamin v. City of Ashland*, 19 Or LUBA 600 (1990).

27.10.3 LUBA Procedures/Rules – Time Limits – Petition for Review. Filing a motion to consolidate does not extend the time for filing a petition for review. *Bloomer v. Baker County*, 19 Or LUBA 90 (1990).