

1 Opinion by Sherton.

2 The local record in this appeal was received by the
3 Board on October 3, 1991. The petition for review was due
4 on October 24, 1991. OAR 661-10-030(1). No extension of
5 time for filing the petition for review has been requested
6 or granted. As of this date, no petition for review has
7 been filed.

8 Respondent moves that this appeal be dismissed because
9 petitioner failed to file a petition for review within 21
10 days after the local record was received by the Board, as
11 required by OAR 661-10-030(1). Respondent also requests
12 that petitioner's filing fee and deposit for costs be
13 awarded to respondent, as required by OAR 661-10-075(1)(c).

14 Petitioner argues that at a meeting between petitioner
15 and respondent's counsel on October 18, 1991, respondent's
16 counsel verbally agreed to an extension of time until
17 November 1, 1991 to file the petition for review.
18 Petitioner concedes he did not file a written request for an
19 extension of time with this Board, as required by OAR
20 661-10-067. However, petitioner argues that in view of
21 respondent's verbal agreement to extend the time limit for
22 filing the petition for review to November 1, 1991,
23 respondent should not have filed a motion to dismiss this
24 appeal prior to that date.

25 ORS 197.830(10) provides that a petition for review
26 must be filed within the deadlines established by Board

1 rule. ORS 197.830(8) provides that if a petition for review
2 is not filed as required by ORS 197.830(10), the filing fee
3 and deposit for costs shall be awarded to the local
4 government as cost of preparation of the record. OAR
5 661-10-030(1) provides, in relevant part:

6 "* * * The petition for review shall be filed with
7 the Board within 21 days after the date the record
8 is received by the Board. * * * Failure to file a
9 petition for review within the time required by
10 this section, and any extensions of that time
11 under OAR 661-10-045(7) or OAR 661-10-067(2),
12 shall result in dismissal of the appeal and
13 forfeiture of the filing fee and deposit for costs
14 to the governing body. See OAR 661-10-075(1)(c)."

15 Because petitioner has neither filed a petition for
16 review within the time required by our rules,¹ nor requested
17 an extension of time for filing the petition for review as
18 provided by our rules, the above cited statutory provisions
19 and OAR 661-10-030(1) require that we grant respondent's
20 motion to dismiss and request for award of petitioner's
21 filing fee and deposit for costs. Darrow Rocks Community
22 Assoc. v. Polk County, 18 Or LUBA 405 (1989); Piquette v.
23 City of Springfield, 16 Or LUBA 47 (1987); Hutmacher v.
24 Marion County, 15 Or LUBA 514 (1987).

25 This appeal is dismissed. Petitioner's filing fee and
26 deposit for costs are awarded to respondent.

¹Additionally, petitioner did not file a petition for review by
November 1, 1991, the date to which petitioner contends respondent verbally
agreed to extend the deadline for filing the petition for review.