

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

COMPASS CORPORATION,)
)
Petitioner,)
) LUBA No. 92-054
vs.)
) FINAL OPINION
CITY OF LAKE OSWEGO,) AND ORDER
)
Respondent.)

Appeal from City of Lake Oswego.
Gregory S. Hathaway, Portland, represented petitioner.
Jeffrey G. Condit, Lake Oswego, represented respondent.
SHERTON, Referee; HOLSTUN, Chief Referee; KELLINGTON,
Referee, participated in the decision.

DISMISSED 08/13/92

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

1 Opinion by Sherton.

2 **MOTION TO DISMISS**

3 Respondent moves that this appeal be dismissed because
4 petitioner failed to file a timely petition for review.
5 Respondent points out that a stipulated motion approved by
6 this Board extended the deadline for filing the petition for
7 review to July 1, 1992. Respondent argues that under OAR
8 661-10-030(1), petitioner's failure to file the petition for
9 review within the time required requires this Board to
10 dismiss the appeal.

11 Respondent's motion to dismiss was filed with the Board
12 and served on petitioner on July 21, 1992. Under the
13 Board's rules, petitioner has 10 days following receipt of a
14 motion to file a response. OAR 661-10-065(2). As of this
15 date, petitioner has made no response to respondent's
16 motion.

17 ORS 197.830(10) provides that a petition for review
18 must be filed within the deadlines established by Board
19 rule. OAR 661-10-030(1) provides, in relevant part:

20 " * * * The petition for review shall be filed with
21 the Board within 21 days after the date the record
22 is received by the Board. * * * Failure to file a
23 petition for review within the time required by
24 this section, and any extensions of that time
25 under * * * OAR 661-10-067(2), shall result in
26 dismissal of the appeal * * *."

27 OAR 661-10-067(2) provides that the time limit for filing
28 the petition for review may only be extended with the
29 written consent of all parties.

1 The petition for review in this appeal was due on
2 July 1, 1992. No additional extension of time for filing
3 the petition for review has been requested or granted. As
4 of this date, no petition for review has been filed.

5 Because petitioner has neither filed a petition for
6 review within the time required by our rules, nor obtained
7 an extension of time for filing the petition for review,
8 ORS 197.830(10) and OAR 661-10-030(1) require that we grant
9 respondent's motion to dismiss. McCauley v. Jackson County,
10 20 Or LUBA 176 (1990); Piquette v. City of Springfield, 16
11 Or LUBA 47 (1987); Hutmacher v. Marion County, 15 Or LUBA
12 514 (1987).

13 This appeal is dismissed.