

1 Opinion by Sherton.

2 Respondent and intervenor-respondent move that this
3 appeal be dismissed, because petitioner failed to file a
4 petition for review within the time provided by Board rule.
5 Respondent further moves that, pursuant to
6 OAR 661-10-075(1)(c), it be awarded petitioner's filing fee
7 and deposit for costs as the cost of preparation of the
8 local record.

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

12 " * * * The petition for review shall be filed with
13 the Board within 21 days after the date the record
14 is received by the Board. * * * Failure to file a
15 petition for review within the time required by
16 this section, and any extensions of that time
17 under * * * OAR 661-10-067(2), shall result in
18 dismissal of the appeal * * *."

19 OAR 661-10-067(2) provides that the time limit for filing
20 the petition for review may be extended only with the
21 written consent of all parties. In addition, ORS 197.830(8)
22 and OAR 661-10-075(1)(c) provide that if a petition for
23 review is not filed with the time required by Board rule,
24 petitioner's filing fee and the deposit for costs required
25 by OAR 661-10-015(4) shall be awarded to respondent as cost
26 of preparation of the record.

27 Under OAR 661-10-030(1), the petition for review in
28 this appeal was due on March 7, 1995. No extension of time
29 for filing the petition for review has been requested or

1 granted. As of this date, no petition for review has been
2 filed.

3 Because petitioner has neither filed a petition for
4 review within the time required by our rules, nor obtained
5 an extension of time for filing the petition for review,
6 ORS 197.830(8) and (10), OAR 661-10-030(1) and
7 661-10-075(1)(c) require that we dismiss this appeal and
8 award petitioner's filing fee and deposit for costs to
9 respondent. McCauley v. Jackson County, 20 Or LUBA 176
10 (1990); Piquette v. City of Springfield, 16 Or LUBA 47
11 (1987); Hutmacher v. Marion County, 15 Or LUBA 514 (1987).

12 This appeal is dismissed. Petitioner's filing fee and
13 deposit for costs, in the total amount of \$200, are awarded
14 to respondent.