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1
                BEFORE THE LAND USE BOARD OF APPEALS
                       OF THE STATE OF OREGON
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 4
   ROBERT P. PIERLE, JR.,
                                   )
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                                   )
 6
             Petitioner,
 7
 8
        vs.
                                           LUBA No. 96-044
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10
   CITY OF MEDFORD,
                                   )
11
                                   )
                                            FINAL OPINION
12
                                              AND ORDER
             Respondent,
                                   )
13
                                   )
14
        and
15
16
   ONTRACK, INC.,
17
18
             Intervenor-Respondent.
                                                   )
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20
21
        Appeal from City of Medford.
22
23
        Robert P. Pierle, Jr., Medford, represented himself.
24
25
        Eugene
                F. Hart, Jr., City Attorney, Medford,
26
    represented respondent.
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28
        Diane Conradi, Grants Pass, represented intervenor-
29
    respondent.
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         HANNA, Chief Referee; GUSTAFSON, Referee; LIVINGSTON,
    Referee, participated in the decision.
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33
34
                                   10/21/96
             DISMISSED
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36
        You are entitled to judicial review of this Order.
37
    Judicial review is governed by the provisions of ORS
38
   197.850.
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- 1 Hanna, Chief Referee.
- 2 Intervenor-respondent moves to dismiss this appeal
- 3 based on petitioner's failure to timely file a petition for
- 4 review.
- ORS 197.830(10) provides that a petition for review
- 6 must be filed within the deadlines established by Board
- 7 rule. OAR 661-10-030(1) provides, in relevant part:
- 8 "* * * The petition for review shall be filed with
- 9 the Board within 21 days after the date the record
- 10 is received by the Board. * * * Failure to file a
- 11 petition for review within the time required by
- 12 this section, and any extensions of that time
- 13 under * * * OAR 661-10-067(2), shall result in
- dismissal of the appeal * * *."
- 15 OAR 661-10-067(2) provides that the time limit for filing
- 16 the petition for review may be extended only with the
- 17 written consent of all parties.
- 18 Because a petition for review was not filed within the
- 19 time required by our rules, and petitioner did not obtain
- 20 consent to extend the time for filing the petition for
- 21 review under OAR-661-10-067(2), ORS 197.830(10) and
- 22 OAR 661-10-030(1) require that we dismiss this appeal.
- 23 McCauley v. Jackson County, 20 Or LUBA 176 (1990); Piquette
- 24 v. City of Springfield, 16 Or LUBA 47 (1987); Hutmacher v.
- 25 Marion County, 15 Or LUBA 514 (1987).
- This appeal is dismissed.