

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

3
4 VINCENT TADEI, SUSAN TADEI,
5 and PAUL TADEI,
6 *Petitioners,*

7
8 vs.

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10 CITY OF ASTORIA,
11 *Respondent.*

12
13 LUBA No. 2021-048

14
15 ORDER

16 On January 31, 2022, petitioners filed a petition for review. In an order
17 dated February 4, 2022, we noted that the petition for review did not comply with
18 the requirements set out in OAR 661-010-0030 in several ways, and ordered
19 petitioners to file and serve a certificate of compliance, as required by OAR 661-
20 010-0030(2)(k), and a supplemental petition for review that includes a copy of
21 the challenged decision, as required by OAR 661-010-0030(4)(e).

22 On February 7, 2022, the city filed a motion to strike the petition for review
23 for failure to comply with OAR 661-010-0030(2)(a), (2)(c), (2)(k), and (4)(a)-
24 (f); failure to identify alleged errors in the city’s decision; and for failure to
25 include a request for relief. The city’s motion does not request that the deadline
26 for filing the response brief be suspended or extended, or seek dismissal of the
27 appeal. Accordingly, we take the motion to strike the petition for review under
28 advisement. *See Scholes v. Jackson County*, 28 Or LUBA 407, 410 (1994)

1 (affirming decision because the petition for review, which set out no assignments
2 of error or arguments in support thereof and no request for relief, provided no
3 basis to reverse or remand the challenged decision); *Cox v. Polk County*, 174 Or
4 App 332, 337, 25 P3d 970 (2001) (LUBA has the discretion to refuse to consider
5 a petition for review or response brief that does not substantially conform to OAR
6 661-010-0030 or OAR 661-010-0035).

7 All other deadlines in the appeal remain unaffected by this order. Oral
8 argument in this appeal will be scheduled by separate letter.

9 Dated this 10th day of February 2022.

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Melissa M. Ryan
Board Member