

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** Under OAR 661-010-0067 written consent to extend the deadline for filing record objections also constitutes written consent to extend the deadline for filing the petition for review. But where a motion to extend the deadline to file record objections is not consented to by all parties, granting the motion would not also extend the deadline for filing the petition for review, which would create the possibility that the record might be supplemented after the petition for review is filed and necessitate delaying the appeal to allow petitioner to file an amended petition for review. *WKN Chopin LLC v. Umatilla County*, 65 Or LUBA 457 (2012).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** Under OAR 661-010-0067(2), where all parties consent in writing to extend the deadline for filing record objections, the deadline for filing the petition for review is automatically extended for the same number of days unless the parties expressly provide otherwise. *WKN Chopin LLC v. Umatilla County*, 65 Or LUBA 459 (2012).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** The filing of a record objection suspends the briefing schedule, even if the objection was filed three days late, and LUBA will consider the untimely objections, absent a showing that the untimely filing prejudiced a party’s substantial rights to a speedy review. *JCK Enterprises, LLC v. City of Cottage Grove*, 63 Or LUBA 582 (2011).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** The late filing of a record objection by intervenor-respondent does not prejudice the petitioner’s substantial rights to speedy review, where settling the record must be delayed in any event due to the filing of an amended record prompted by the petitioner’s earlier record objections. *JCK Enterprises, LLC v. City of Cottage Grove*, 63 Or LUBA 582 (2011).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** Although parties may have additional motivation other than the integrity of the record to file record objections, including delaying the time for filing the petition for review, that does not mean that the record objection is without merit or was filed for the sole purpose of obtaining more time to file the petition for review. *Roberts v. Clatsop County*, 43 Or LUBA 617 (2002).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** Record objections that are presented for the first time in the petition for review will be denied as untimely filed. *Cape v. City of Beaverton*, 41 Or LUBA 515 (2002).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** A motion to supplement the record filed after the petition for review and respondent’s brief have been filed will be denied where it is not clear whether the document to be added to the record was placed before the decision maker, and no “unique circumstances” are identified to warrant supplementing the record at such a late state of the appeal. *Root v. City of Medford*, 36 Or LUBA 778 (1999).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** Late filing of a record objection is a technical violation of LUBA rules and will not provide a basis for denying the record objection, absent prejudice to a party’s substantial rights. *Schaffer v. City of Turner*, 35 Or LUBA

744 (1998).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** Filing an objection to the record one day after the 10-day period established by OAR 661-10-026(2) is a technical violation of LUBA’s rules that will not prevent consideration of the objection unless the local government demonstrates the delay caused prejudice to its substantial rights. *Northwest Environmental Advocates v. City of Portland*, 32 Or LUBA 471 (1996).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** Failure to file a record objection within the time required by LUBA rules may provide a basis for denying the record objection or for providing an abbreviated deadline for filing the petition for review after the record objection is resolved. However, even an untimely record objection suspends the deadline for filing the petition for review until the record objection is resolved. *Cole v. Columbia County*, 28 Or LUBA 62 (1994).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** The filing of an objection to the local record suspends the time for filing a petition for review, even if the objection is not timely filed. Failure to file a record objection in a timely manner may provide a basis for denying the record objection or setting an abbreviated time for filing the petition for review, but does not provide a basis for dismissing the appeal. *Cole v. Columbia County*, 27 Or LUBA 701 (1994).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** OAR 661-10-026(2) requires that objections to the record be filed within 10 days after the record is served on the party making the objection. *Churchill v. Tillamook County*, 25 Or LUBA 786 (1993).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** Filing an objection to the record two days after the date required by OAR 661-10-026(2), and within 10 days after the date petitioner received the record, is a technical violation of LUBA’s rules that does not affect LUBA’s review of the challenged decision. *Churchill v. Tillamook County*, 25 Or LUBA 786 (1993).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** Where the copy of the record initially served on petitioner was lost in the mail, LUBA will grant an extension of time for petitioner to file objections to the record. *Gray v. Clatsop County*, 21 Or LUBA 583 (1991).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** A record objection filed four days late, but before the petition for review is due, will suspend the deadline for filing the petition for review where respondent makes no attempt to explain how its substantial rights may have been prejudiced by a delay of four days in filing the record objection. *Benjamin v. City of Ashland*, 19 Or LUBA 600 (1990).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** OAR 661-10-026(2) requires that a record objection be filed within 10 days following service of the record on the person filing the record objection. Where a party alleges it never received the copy of the record the local government contends was served on the party by mail, and the party thereafter takes prompt action to obtain a copy of the record and advises respondent by mail that he assumes he

will have 10 days from the date he actually received the record to file any objections, a record objection filed within 10 days after the party actually received the record is timely. *Benjamin v. City of Ashland*, 19 Or LUBA 600 (1990).

**27.10.2 LUBA Procedures/Rules – Time Limits – Record Objections.** Petitioner’s failure to file his record objection until three days after the date required by OAR 661-10-026(2) is a technical violation of LUBA’s rules and will not result in rejection of the record objection where the respondent (1) was granted extensions to file the record in the appeal proceeding and related appeal proceedings, and (2) does not allege how it was prejudiced by the late filing of the record objection. *Davis v. City of Bandon*, 19 Or LUBA 507 (1990).