

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

ANDREW SCHLUMPBERGER and  
LINDSAY SCHLUMPBERGER,  
*Petitioners,*

vs.

CITY OF ST. HELENS,  
*Respondent,*

and

TRACEY A. HILL FAMILY TRUST,  
*Intervenor-Respondent.*

LUBA No. 2020-075

FINAL OPINION  
AND ORDER

Appeal from City of St. Helens.

Damien R. Hall represented petitioners.

Timothy V. Ramis represented respondent.

Daniel Kearns represented intervenor-respondent.

ZAMUDIO, Board Member; RUDD, Board Chair; RYAN, Board  
Member, participated in the decision.

DISMISSED

01/22/2021

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

1 Zamudio, Board Member.

2 The Board received the city's record transmittal on September 10, 2020.  
3 On September 30, 2020, petitioners filed a stipulated motion to suspend the  
4 briefing schedule pursuant to OAR 661-010-0067(2). That stipulated motion  
5 provided that any party may move to reinstate the appeal and that, upon  
6 reinstatement, petitioner would have seven days to submit the petition for review.  
7 See OAR 661-010-0067(2) (providing that the deadline for filing the petition for  
8 review may be extended with the written consent of all parties). On October 5,  
9 2020, the Board issued an order suspending this appeal pursuant to the parties'  
10 stipulated motion.

11 On January 4, 2021, intervenor filed a motion to reactivate the appeal. On  
12 January 8, 2021, the Board issued an order reinstating the appeal and setting a  
13 briefing schedule, by which the petition for review was due to be filed on January  
14 15, 2021. Petitioners did not file a petition for review. Failure to file a petition  
15 for review within the time required by OAR 661-010-0030(1) or any extensions  
16 of that time under OAR 661-010-0067(2) shall result in dismissal of the appeal.  
17 OAR 661-010-0030(1).

18 The appeal is dismissed.<sup>1</sup>

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<sup>1</sup> On January 19, 2021, petitioners filed a motion to dismiss. That motion is moot.