

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

3
4 LES K. POOLE,
5 *Petitioner,*

6
7 vs.

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9 CITY OF MILWAUKIE,
10 *Respondent,*

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12 and

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14 TRI-COUNTY METROPOLITAN
15 TRANSPORTATION DISTRICT OF OREGON,
16 *Intervenor-Respondent.*

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18 LUBA No. 2012-008

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20 FINAL OPINION
21 AND ORDER

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23 Appeal from City of Milwaukie.

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25 Les K. Poole, Milwaukie, represented himself.

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27 Timothy V. Ramis, Lake Oswego, represented respondent.

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29 Steven W. Abel, Portland, represented intervenor-respondent.

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31 BASSHAM, Board Member; RYAN, Board Chair; HOLSTUN, Board Member,
32 participated in the decision.

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34 DISMISSED

04/18/2012

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

NATURE OF THE DECISION

Petitioner appeals a city decision approving a bridge for a light rail project.

MOTION TO INTERVENE

Tri-County Metropolitan Transportation District of Oregon (intervenor) moves to intervene on the side of respondent. There is no opposition to the motion and it is allowed.

PETITION FOR REVIEW

The petition for review in the appeal was due March 23, 2012. The petition for review has not been filed, nor has an extension of time to file the petition for review been granted. On March 30, 2012, intervenor filed a motion to dismiss this appeal pursuant to OAR 661-010-0030(1), which provides in relevant part:

“* * * The petition for review together with four copies shall be filed with the Board within 21 days after the date the record is received or settled by the Board. * * * Failure to file a petition for review within the time required by this section, and any extensions of that time under * * * OAR 661-010-0067(2), shall result in dismissal of the appeal * * *.”

OAR 661-010-0067(2) provides that the time limit for filing the petition for review may be extended only by written consent of all the parties. Petitioner concedes that he has not obtained the written consent of all the parties.

Because a petition for review was not filed within the time required by our rules, and petitioner did not obtain written consent to extend the time for filing the petition for review under OAR-661-010-0067(2) beyond March 23, 2012; ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss this appeal.

This appeal is dismissed.