



1 no prejudice to petitioner. OAR 661-010-0005. The one-day delay in filing provides no  
2 independent basis for denying the city's motion.

3 On the merits, the city should be required to file the record in this matter if we need  
4 that record to determine whether we have jurisdiction to proceed with this appeal. In a case  
5 with similarities to this one we explained:

6 "The motion to dismiss appears to be based solely on the legal nature of the  
7 challenged resolution. Petitioner does not explain why the record of the local  
8 proceeding \* \* \* would provide any assistance in determining the legal nature  
9 of the challenged decision. Petitioner merely suggests the record and  
10 transcript might provide some unspecified assistance to petitioner, this Board  
11 and the appellate courts on review. Absent some argument from petitioner  
12 explaining why it believes the record \* \* \* may have some bearing on the  
13 jurisdictional issue presented in the motion to dismiss, we allow the city's  
14 motion to extend the time for filing the record \* \* \*. *Goose Hollow Foothills*  
15 *Assoc. v. City of Portland*, 21 Or LUBA 555, 556 (1991).

16 However, unlike *Goose Hollow Foothills Assoc.*, we conclude in this case that the  
17 record may include documents that have some bearing on whether the challenged decision is  
18 a land use decision or limited land use decision subject to our review. Accordingly, the city's  
19 motion to extend the time for filing the record is denied. The record is due 14 days from the  
20 date of this order. In addition, except for the deadline for filing record objections, all other  
21 deadlines are suspended pending our resolution of the motion to dismiss.

22 Dated this 27th day of November, 2002.

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Anne Corcoran Briggs  
Board Member