

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 LOGAN RAMSEY, MARGARETTA RAMSEY,)
5 AMANDA L. RAMSEY, MARIE F. RAMSEY,))
6 and MARY S. POPE,)

7)
8 Petitioners,)
9)

10 vs.)

11)
12 CITY OF PORTLAND,)
13)

14 Respondent,)
15)

16 and)
17)

18 ARNOLD ROCHLIN, and FRIENDS OF)
19 FOREST PARK,)
20)

21 Intervenors-Respondent.)
22

LUBA No. 91-158

FINAL OPINION
AND ORDER

23
24 Appeal from City of Portland.

25
26 Logan Ramsey, Portland, represented himself.

27
28 Adrienne Brockman, Portland, represented respondent.

29
30 Arnold Rochlin, Portland, represented himself.

31
32 Nancy H. Diamond, Portland, represented intervenor-
33 respondent Friends of Forest Park.

34
35 SHERTON, Referee; HOLSTUN, Chief Referee; KELLINGTON,
36 Referee, participated in the decision.

37
38 DISMISSED 01/13/92

39
40 You are entitled to judicial review of this Order.
41 Judicial review is governed by the provisions of ORS
42 197.850.

1 Opinion by Sherton.

2 **MOTIONS TO INTERVENE**

3 Arnold Rochlin and Friends of Forest Park, a nonprofit
4 Oregon corporation, move to intervene in this appeal on the
5 side of respondent. There is no opposition to the motions,
6 and they are allowed.

7 **FACTS**

8 The notice of intent to appeal was filed with this
9 Board on September 27, 1991. The Board received the local
10 record on October 18, 1991. Under OAR 661-10-030(1), the
11 petition for review was due on November 8, 1991.

12 On November 7, 1991, petitioner Logan Ramsey (hereafter
13 petitioner) filed a motion for an extension of time to file
14 the petition for review. On November 10, 1991, intervenor
15 Rochlin filed an objection to petitioner's motion for
16 extension of time and a motion to dismiss. On November 20,
17 1991, respondent also filed a motion to dismiss.

18 On November 28, 1991, petitioner moved that this Board
19 not take any action on the motions to dismiss until the
20 Court of Appeals acts on his appeal of this Board's decision
21 dismissing his earlier appeal, Ramsey v. City of Portland,
22 ___ Or LUBA ___ (LUBA No. 91-127, November 7, 1991)
23 (Ramsey I). In a telephone conference call on December 9,
24 1991, the parties agreed that the motion for extension of
25 time to file the petition for review and motions to dismiss
26 filed in this appeal present the same questions at issue in

1 Ramsey I. The parties further agreed this appeal should be
2 suspended until a final appellate judgment is entered in
3 Ramsey v. City of Portland, CA A72533. The following day,
4 we issued an order suspending this proceeding until an
5 appellate judgment is entered in Ramsey v. City of Portland,
6 CA A72533. On December 20, 1991, the Court of Appeals
7 issued an Order of Dismissal and Appellate Judgment in
8 Ramsey v. City of Portland, CA A72533.¹

9 **MOTION FOR EXTENSION OF TIME / MOTIONS TO DISMISS**

10 The motion for extension of time to file the petition
11 for review filed by petitioner on November 7, 1991 bears
12 respondent's written consent, but states that intervenors-
13 respondent (intervenors) refused to consent to the extension
14 of time. In the motion, petitioner argues the extension of
15 time is warranted because of the size of the record, the
16 complexity of the constitutional issues involved in this
17 appeal and the fact that petitioner, who is not an attorney,
18 is representing himself.

19 Intervenor Rochlin argues the motion for extension of
20 time must be denied because neither he nor intervenor
21 Friends of Forest Park consents to the extension, as is
22 required by OAR 661-10-067(2). Both intervenor Rochlin and
23 respondent move to dismiss this appeal on the ground that

¹The appeal was dismissed because petitioner failed to file the opening brief within the time limit established by Oregon Rules of Appellate Procedure (ORAP) 4.66.

1 petitioner failed to file a petition for review within the
2 time required by OAR 661-10-030(1).

3 The issues raised in this appeal and the arguments in
4 the parties' motions and responses are identical to those in
5 Ramsey v. City of Portland, LUBA No. 91-145, also dismissed
6 this date. Accordingly, for the reasons stated in Ramsey v.
7 City of Portland, ___ Or LUBA ___ (LUBA No. 91-145,
8 January 13, 1992), petitioner's motion for extension of time
9 to file the petition for review is denied and the motions to
10 dismiss are granted.

11 This appeal is dismissed.