

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

3
4 AMBROSE SU,
5 *Petitioner,*

6
7 vs.

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9 CITY OF REDMOND,
10 *Respondent,*

11
12 and

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14 CASCADE HEALTHCARE
15 COMMUNITY,
16 *Intervenors-Respondent.*

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18 LUBA No. 2004-205

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20 FINAL OPINION
21 AND ORDER

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23 Appeal from City of Redmond.

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25 Ambrose Su, Bend, represented himself.

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27 Steven D. Bryant, Redmond, represented respondent.

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29 Edward P. Fitch, Redmond, represented intervenor-respondent.

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

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34 DISMISSED

04/01/2005

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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.

MOTION TO INTERVENE

Cascade Healthcare Community Inc. moves to intervene on the side of the Respondent. There is no opposition, the motion is allowed.

PETITION FOR REVIEW

The petition for review in the appeal was due January 24, 2005. The petition for review has not been filed, nor has an extension of time to file the petition for review been granted.

ORS 197.830(11) requires that a petition for review be filed within the deadlines established by Board rule. OAR 661-010-0030(1) 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.

The deadline for filing the petition for review is strictly enforced. *Terrace Lakes Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, *aff'd* 138 Or App 188, 906 P2d 871 (1995); *Bongiovanni v. Klamath County*, 29 Or LUBA 351 (1995).

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 January 24, 2005, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss this appeal.

This appeal is dismissed.¹

¹ On March 21, 2005, petitioner filed a document opposing the respondent’s request for attorney fees. As of the date of this opinion, the Board has not received a request for attorney fees in this case.