

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 VOICESTREAM WIRELESS,  
5 *Petitioner,*

6  
7 vs.

8  
9 CITY OF PORTLAND,  
10 *Respondent,*

11  
12 and

13  
14 BROOKLYN ACTION CORPS  
15 NEIGHBORHOOD ASSOCIATION,  
16 *Intervenors-Respondent.*

17  
18 LUBA No. 2004-103

19  
20 FINAL OPINION  
21 AND ORDER

22  
23 Appeal from City of Portland.

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25 Gregory S. Hathaway, Portland, represented petitioner.

26  
27 Kathryn S. Beaumont, Portland, represented respondent.

28  
29 John G. Humphrey, Portland, represented intervenor-respondent.

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

33  
34 DISMISSED

06/20/2005

35  
36 You are entitled to judicial review of this Order. Judicial review is governed by the  
37 provisions of ORS 197.850.

1 Opinion by Davies.

2 The petition for review in this appeal was due June 1, 2005. The petition for review has not  
3 been filed, nor has an extension of time to file the petition for review been granted.

4 ORS 197.830(11) requires that a petition for review be filed within the deadlines  
5 established by Board rule. OAR 661-010-0030(1) provides, in relevant part:

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

11 OAR 661-010-0067(2) provides that the time limit for filing the petition for review may be  
12 extended only by written consent of all the parties.

13 The deadline for filing the petition for review is strictly enforced. *Terrace Lakes*  
14 *Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, *aff'd* 138 Or App 188, 906 P2d 871  
15 (1995); *Bongiovanni v. Klamath County*, 29 Or LUBA 351 (1995).

16 Because a petition for review was not filed within the time required by our rules, and  
17 petitioner did not obtain written consent to extend the time for filing the petition for review under  
18 OAR-661-010-0067(2) beyond June 1, 2005, ORS 197.830(11) and OAR 661-010-0030(1)  
19 require that we dismiss this appeal.

20 This appeal is dismissed.

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