

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

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4                                   RICHARD REID,  
5                                   *Petitioner,*

6  
7                                   vs.

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9                                   CITY OF SALEM,  
10                                  *Respondent,*

11                                  and

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14                                  SALEM AREA CHAMBER  
15                                  OF COMMERCE,  
16                                  *Intervenor-Respondent.*

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18                                  LUBA No. 2005-063

19  
20                                  FINAL OPINION  
21                                  AND ORDER

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23                    Appeal from City of Salem.

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25                    Richard Reid, Salem, represented himself.

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27                    C. Randall Tosh, City Attorney, Salem, represented respondent.

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29                    Brian G. Moore, Salem, represented intervenor-respondent.

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

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34                    DISMISSED

07/12/2005

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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**

Salem Area Chamber of Commerce moves to intervene on the side of respondent. There is no opposition to the motion, and it is granted.

**MOTION TO DISMISS**

The petition for review in the appeal was due June 9, 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 June 9, 2005, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss this appeal.

This appeal is dismissed.

**COST BILL**

Respondent also moves for award of the filing fee and deposit for costs pursuant to OAR 661-010-0075(1)(c) in the amount of \$325 because respondent prepared the record and petitioner did not file a petition for review. Petitioner has not responded to respondent’s cost bill.

- 1 Respondent is awarded petitioner's filing fee and deposit for costs, in the amount of \$325, as the
- 2 cost of preparing the record.