

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

3
4 PING LEE,
5 *Petitioner,*

6
7 vs.

8
9 CITY OF ALBANY,
10 *Respondent,*

11
12 and

13
14 LOWE'S HIW, INC.
15 *Intervenor-Respondent.*

16
17 LUBA No. 2010-009

MAR31 '10 AM 10:43 LUBA

18
19 FINAL OPINION
20 AND ORDER

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22 Appeal from City of Albany.

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24 George B. Heilig, Corvallis, represented petitioner.

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26 James V. B. Delapoer, Albany, represented respondent.

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28 Michael C. Robinson, Portland, represented intervenor-respondent.

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30 RYAN, Board Member, BASSHAM, Board Chair; HOLSTUN, Board Member;
31 participated in the decision.

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33 DISMISSED

03/31/2010

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

1 Opinion by Ryan.

2 The petition for review in the appeal was due on March 16th 2010. The petition for
3 review has not been filed, nor has an extension of time to file the petition for review been
4 granted. Respondent moves to dismiss the appeal.

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

7 “* * * The petition for review together with four copies shall be filed with the
8 Board within 21 days after the date the record is received or settled by the
9 Board. * * * Failure to file a petition for review within the time required by
10 this section, and any extensions of that time under * * * OAR 661-010-
11 0067(2), shall result in dismissal of the appeal * * *.”

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

14 The deadline for filing the petition for review is strictly enforced. *Terrace Lakes*
15 *Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, 535, *aff'd* 138 Or App 188, 906 P2d
16 871 (1995); *Hutmacher v. Marion County*, 15 Or LUBA 514, 515 (1987).

17 Because a petition for review was not filed within the time required by our rules, and
18 petitioner did not obtain written consent to extend the time for filing the petition for review
19 under OAR-661-010-0067(2) beyond March 16th 2010, ORS 197.830(11) and OAR
20 661-010-0030(1) require that we dismiss this appeal.

21 This appeal is dismissed.