

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 PHILIP ABRAHAM and DAVID ABRAHAM,
5 *Petitioners,*

6
7 vs.

8
9 CITY OF OREGON CITY,
10 *Respondent,*

11
12 and

01/10/19 PM 1:48 LUBA

13
14 ICON CONSTRUCTION
15 AND DEVELOPMENT, LLC,
16 *Intervenor-Respondent.*

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18 LUBA No. 2018-125

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20 FINAL OPINION
21 AND ORDER

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23 Appeal from City of Oregon City.

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25 Philip Abraham, Oregon City, and David Abraham, Oak Grove,
26 represented themselves.

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28 William K. Kabeiseman, Portland, represented respondent.

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30 Michael C. Robinson, represented intervenor-respondent.

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32 RYAN, Board Chair; BASSHAM, Board Member; ZAMUDIO, Board
33 Member, participated in the decision.

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35 DISMISSED 01/10/2019

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

1 Opinion by Ryan.

2 The petition for review in this appeal was due on January 4, 2019. On
3 that date, petitioners moved for a 21-day extension of time to file the petition
4 for review.¹ OAR 661-010-0067(2) provides that the time limit for filing the
5 petition for review may be extended only by written consent of all the parties.
6 Intervenor-respondent Icon Construction and Development Group, LLC
7 (intervenor) and the city both oppose the extension. Accordingly, OAR 661-
8 010-0067(2) prohibits extending the time limit for filing the petition for review.

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

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

18 The deadline for filing the petition for review is strictly enforced. *Terrace*
19 *Lakes Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, 535, *aff'd* 138
20 Or App 188, 906 P2d 871 (1995); *Hutmacher v. Marion County*, 15 Or LUBA
21 514, 515 (1987).

¹ On December 21, 2018, LUBA received a Notice of Withdrawal from petitioners' previous attorney. On December 31, 2018, LUBA issued an order designating petitioner Philip Abraham as lead petitioner, pursuant to OAR 661-010-0015(3)(f)(A).

1 Because a petition for review was not filed within the time required by
2 our rules, and petitioners did not obtain written consent to extend the time for
3 filing the petition for review under OAR 661-010-0067(2) beyond January 4,
4 2019, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss
5 this appeal.

6 This appeal is dismissed.