

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

3
4 LANE LOWRY
5 *Petitioner,*

6
7 vs.

8
9 CITY OF PORTLAND,
10 *Respondent*

11
12 LUBA No. 2015-057

13
14 FINAL OPINION
15 AND ORDER

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17 Appeal from City of Portland.

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19 Lane Lowry, Portland, represented petitioner.

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21 Ian M. Leitheiser, Deputy City Attorney, Portland, represented
22 respondent.

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24 HOLSTUN, Board Chair; BASSHAM, Board Member; RYAN, Board
25 Member, participated in the decision.

26
27 DISMISSED 10/20/2015

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

DECISION

The deadline for filing the petition for review in this appeal expired on September 23, 2015. The petition for review has not been filed, nor has an extension of time to file the petition for review been requested or 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 and forfeiture of the filing fee and deposit for costs to the governing body. * * *”

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, 535, *aff'd* 138 Or App 188, 906 P2d 871 (1995); *Hutmacher v. Marion County*, 15 Or LUBA 514, 515 (1987).

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 deadline for filing the petition for review, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss this appeal, and this appeal is dismissed.

1 Additionally, in accordance with OAR 661-010-0030(1), the city is
2 awarded petitioner's filing fee and deposit for costs, in the total amount of
3 \$400.