BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

JEAN HASSELL TRUST,
Petitioner,

vs.

CITY OF TIGARD,
Respondent.

LUBA No. 2001-119

FINAL OPINION
AND ORDER

Appeal from City of Tigard.

John T. Gibbon, Tigard, represented petitioner.

Timothy Ramis, Gary Firestone and Heidi Decker, Portland, represented respondent.

BRIGGS, Board Chair; BASSHAM, Board Member; HOLSTUN, Board Member, participated in the decision.

DISMISSED 12/04/2001

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

Opinion by Briggs.

The record in this case was received by the Board on July 27, 2001. The parties stipulated to an extension of time to file the petition for review in order to enter into mediation. According to the stipulation, the petition for review was due November 19, 2001. The petition for review has not been filed, nor has a new 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 November 19, 2001, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss this appeal.

This appeal is dismissed.