

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

3
4 EASTRIDGE CENTER ASSOCIATES,)
5)
6 Petitioner,)
7) LUBA No. 96-217
8 vs.)
9) FINAL OPINION
10 CITY OF BEND,) AND ORDER
11)
12 Respondent.)

13
14
15 Appeal from City of Bend.

16
17 Robert S. Lovlien, Bend, represented petitioner.

18
19 Ronald L. Marceau, City Attorney, Bend, represented
20 respondent.

21
22 LIVINGSTON, Referee; HANNA, Chief Referee; GUSTAFSON,
23 Referee, participated in the decision.

24
25 DISMISSED 03/28/97

26
27 You are entitled to judicial review of this Order.
28 Judicial review is governed by the provisions of ORS
29 197.850.

1 Livingston, Referee.

2 The petition for review in this appeal was due
3 February 14, 1997. The petition for review has not been
4 filed, nor has an extension of time to file the petition for
5 review been granted beyond February 14, 1997. Petitioner
6 filed a motion for extension of time to file the petition
7 for review to March 14, 1997, but the motion was not
8 stipulated. The motion states that the city attorney "* * *
9 does not have authority from the City Council to stipulate
10 to an extension of time, however, he has represented that he
11 will not object to this motion."

12 ORS 197.830(10) requires that a petition for review be
13 filed within the deadlines established by Board rule. OAR
14 661-10-030(1) provides, in relevant part:

15 "* * * The petition for review together with four
16 copies shall be filed with the Board within 21
17 days after the date the record is received by the
18 Board. * * * Failure to file a petition for review
19 within the time required by this section, and any
20 extensions of that time under * * * OAR 661-10-
21 067(2), shall result in dismissal of the appeal *
22 * *." (Emphasis added.)

23 OAR 661-10-067(2) provides that the time limit for filing
24 the petition for review may be extended only by written
25 consent of all the parties.

26 The deadline for filing the petition for review is
27 strictly enforced. See Terrace Lakes Homeowners Assn. v.
28 City of Salem, 29 Or LUBA 532, aff'd 138 Or App 188 (1995);
29 Bongiovanni v. Klamath County, 29 Or LUBA 351 (1995);

1 McCauley v. Jackson County, 20 Or LUBA 176 (1990).

1 Because a petition for review was not filed within the
2 time required by our rules, and petitioner did not obtain
3 written consent to extend the time for filing the petition
4 for review under OAR-661-10-067(2) beyond February 14, 1997,
5 ORS 197.830(10) and OAR 661-10-030(1) require that we
6 dismiss this appeal.

7 This appeal is dismissed.