

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

3
4 BILL MARTINEZ and ROSALIE)
5 MARTINEZ,)
6)
7 Petitioners,) LUBA No. 97-198
8)
9 vs.) FINAL OPINION
10) AND ORDER
11 CITY OF ALBANY,)
12)
13 Respondent.)

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15
16 Appeal from City of Albany.

17
18 Michael J. Martinis, Salem, represented petitioners.

19
20 James V.B. Delapoer, Albany, represented respondent.

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

24
25 DISMISSED 12/03/97

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 Hanna, Administrative Law Judge.

2 Respondent moves to dismiss this appeal on the ground
3 that the petition for review has not been filed within the
4 time required by OAR 661-10-030(1).¹

5 ORS 197.830(10) requires that a petition for review be
6 filed within the deadlines established by Board rule. OAR
7 661-10-030(1) provides, in relevant part:

8 "* * * The petition for review together with four
9 copies shall be filed with the Board within 21
10 days after the date the record is received by the
11 Board. * * * Failure to file a petition for review
12 within the time required by this section, * * *
13 shall result in dismissal of the appeal * * *."

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

18 Because a petition for review was not filed within the
19 time required by our rules, ORS 197.830(10) and
20 OAR 661-10-030(1) require that we dismiss this appeal.

21 This appeal is dismissed.

¹ The petition for review in the appeal was due November 18, 1997, and has not been filed.