BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

NICK BAIDA,
Petitioner,

vs.

CITY OF GRANTS PASS,
Respondent,

and

HOLGER T. SOMMER,
Intervenor-Respondent.

LUBA No. 2008-047

FINAL OPINION
AND ORDER

Appeal from City of Grants Pass.

Nick Baida, Grants Pass, represented himself.

Carl RJ Sniffen, City Attorney, Grants Pass, represented respondent.

Holger T. Sommer, Merlin, represented himself.

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

DISMISSED 03/25/2009

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

Opinion by Holstun.

The petition for review in the appeal was due August 12, 2008. The petition for review has not been filed, nor has an 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, 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 time for filing the petition for review under OAR-661-010-0067(2) beyond August 12, 2008, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss this appeal.

This appeal is dismissed.