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

PORTLAND CITY TEMPLE,)
)
Petitioner,)
)
vs.)
) LUBA No. 96-098
CLACKAMAS COUNTY,)
) FINAL OPINION
Respondent,) AND ORDER
)
and)
)
JERRY RICHARDS and ED SEAGRAVES,)
)
Intervenors-Respondent.)

Appeal from Clackamas County.

John Pike, Oregon City, represented petitioner.

Michael E. Judd, Chief Assistant County Counsel, Oregon City, represented respondent.

John T. Gibbon, Tigard, represented intervenors-respondent.

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

DISMISSED 08/07/96

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

1 Gustafson, Referee.

2 Respondent and intervenors-respondent move to dismiss
3 this appeal on the basis that the petition for review has
4 not been filed within the deadline established by Board rule
5 under ORS 197.830(12). The Board's rule, stated at
6 OAR 661-10-030(1), provides, in relevant part:

7 "The petition for review shall be filed with the
8 Board within 21 days after the date the record is
9 received by the Board. * * * Failure to file a
10 petition for review within the time required by
11 this section, and any extensions of that time
12 under * * * OAR 661-10-067(2), shall result in
13 dismissal of the appeal and forfeiture of the
14 filing fee and costs to the governing body."

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

19 Petitioner did not file its petition for review within
20 twenty-one days after the record was filed. Therefore, this
21 appeal must be dismissed and, in accordance with
22 OAR 661-10-030(1), the filing fee and costs are forfeited to
23 the governing body.¹

24 This appeal is dismissed.

¹Respondent and intervenors-respondent have apparently agreed to equally divide the forfeited filing fee and costs.