

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

3  
4 CATHY TALARICO, and MISSION VIEW                                   )  
5 and SANDHURST NEIGHBORHOOD                                    )  
6 ASSOCIATIONS,    )  
7    )  
8                                   Petitioners,                                )  
9    )  
10                    vs.    )  
11    )                   LUBA No. 96-172  
12 CITY OF TUALATIN,    )  
13    )                   FINAL OPINION  
14                                   Respondent,                                )                   AND ORDER  
15    )  
16                    and    )  
17    )  
18 GRACE COMMUNITY CHURCH,    )  
19    )  
20                                   Intervenor-Respondent.                        )

21  
22  
23                    Appeal from City of Tualatin.

24  
25                    John A. Rankin, Tualatin, represented petitioners.

26  
27                    Brenda Braden, City Attorney, Tualatin, represented  
28 respondent.

29  
30                    David B. Smith, Tigard, represented intervenor-  
31 respondent.

32  
33                    GUSTAFSON, Referee; HANNA, Chief Referee; LIVINGSTON,  
34 Referee, participated in the decision.

35  
36                                   DISMISSED                                   11/27/96

37  
38                    You are entitled to judicial review of this Order.  
39 Judicial review is governed by the provisions of ORS  
40 197.850.

1 Gustafson, Referee.

2 The petition for review in this appeal was due November  
3 18, 1996. The petition for review has not been filed, nor  
4 has an extension of time to file the petition for review  
5 been granted beyond November 18, 1996. ORS 197.830(10)  
6 requires that a petition for review be filed within the  
7 deadlines established by Board rule. OAR 661-10-030(1)  
8 provides, in relevant part:

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

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

20 The deadline for filing the petition for review is  
21 strictly enforced. See Terrace Lakes Homeowners Assn. v.  
22 City of Salem, 29 Or LUBA 532, aff'd 138 Or App 188 (1995);  
23 Bongiovanni v. Klamath County, 29 Or LUBA 351 (1995);  
24 McCauley v. Jackson County, 20 Or LUBA 176 (1990).

25 Because a petition for review was not filed within the  
26 time required by our rules, and petitioners did not obtain  
27 consent to extend the time for filing the petition for  
28 review under OAR-661-10-067(2) beyond November 18, 1996,  
29 ORS 197.830(10) and OAR 661-10-030(1) require that we

1 dismiss this appeal.

2       This appeal is dismissed.