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BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

BARTHOLEMY CONSTRUCTION, INC., )  
and RED BAR ESTATES, L.L.C., )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
DESCHUTES COUNTY, )  
 )  
Respondent, )  
 )  
and )  
 )  
CENTRAL CASCADE HEALTH )  
SYSTEMS, L.L.C., )  
 )  
Intervenor-Respondent. )

LUBA No. 97-185  
FINAL OPINION  
AND ORDER

Appeal from Deschutes County.

John A. Rankin, Sherwood, represented petitioner.

Bruce W. White, Bend, represented respondent.

Edward P. Fitch, Redmond, represented intervenor-respondent.

LIVINGSTON, Administrative Law Judge; GUSTAFSON, Chief Administrative Law Judge; HANNA, Administrative Law Judge, participated in the decision.

DISMISSED 1/23/98

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

1 Livingston, Administrative Law Judge.

2 The petition for review in this appeal was due November  
3 28, 1997. The petition for review has not been filed, nor has  
4 an extension of time to file the petition for review been  
5 granted.

6 ORS 197.830(10) requires that a petition for review be  
7 filed within the deadlines established by Board rule. OAR  
8 661-10-030(1) provides, in relevant part:

9       "\* \* \* The petition for review together with four  
10 copies shall be filed with the Board within 21 days  
11 after the date the record is received by the Board.  
12 \* \* \* Failure to file a petition for review within  
13 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 \*."

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

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

24 Because a petition for review was not filed within the  
25 time required by our rules, and petitioner did not obtain  
26 written consent to extend the time for filing the petition for  
27 review under OAR-661-10-067(2) beyond November 28, 1997,  
28 ORS 197.830(10) and OAR 661-10-030(1) require that we dismiss  
29 this appeal.

30 This appeal is dismissed.