

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

3
4 HERITAGE HOMES INVESTMENT COMPANY,
5 *Petitioner,*

6
7 vs.

8
9 METRO,
10 *Respondent.*

11
12 LUBA No. 98-174

13
14 Appeal from Metro.

15
16 William C. Cox, Portland, represented petitioner.

17
18 Kenneth D. Helm, Portland, represented respondent.

19
20 BASSHAM, Board Member; HOLSTUN, Board Chair; BRIGGS, Board Member,
21 participated in the decision.

22
23 DISMISSED

01/03/00

24
25 You are entitled to judicial review of this Order. Judicial review is governed by the
26 provisions of ORS 197.850.
27

1 Opinion by Bassham.

2 The petition for review in the appeal was due July 1, 1999. The petition for review
3 has not been filed, nor has an extension of time to file the petition for review been granted.

4 ORS 197.830(10) requires that a petition for review be filed within the deadlines
5 established by Board rule. OAR 661-010-0030(1) provides, in relevant part:

6 " * * * The petition for review together with four copies shall be filed with the
7 Board within 21 days after the date the record is received by the Board. * * *
8 Failure to file a petition for review within the time required by this section,
9 and any extensions of that time under * * * OAR 661-010-0067(2), shall
10 result in dismissal of the appeal * * *."

11 OAR 661-010-0067(2) provides that the time limit for filing the petition for review may be
12 extended only by written consent of all the parties.

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

16 Because a petition for review was not filed within the time required by our rules, and
17 petitioner did not obtain written consent to extend the time for filing the petition for review
18 under OAR 661-010-0067(2) beyond July 1, 1999, ORS 197.830(10) and OAR 661-010-
19 0030(1) require that we dismiss this appeal.

20 This appeal is dismissed.