1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
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4	EDMUND JORDAN, DONNA L. DUVALL,
5	BRIAN K. DUVALL, CHARLES CRAIG,
6	JEFF WALTERS, ALICE M. HAY, ISAIAS
7	HENRIQUEZ, VELDA RODRIGUEZ,
8	JAVIER RODRIGUEZ, RICHARD L. MILLER,
9	DOUGLAS S. MITCHELL, KENNY BROWN,
10	DON RAJALIC, LAURA MOYER, RAY
11	FOSTER, LAURA FOSTER, DEBRA ALLEN,
12	ALAN ALLEN, PATRICIA V. HALVORSON,
13	CHERYL DOOLEY, JEFF WORTHINGTON,
14	EDWIN J. DENNIS, CLARE HIGGINS,
15	CONNIE K. SOUTH, LYNN M. SOUTH,
16	PATRICIA H. KNAPP, JONATHAN C.
17	SHIELDS and MARIA CRISELDA SHIELDS,
18	Petitioners,
19	
20	VS.
21	
22	CITY OF PORTLAND,
23	Respondent,
24	
25	and
26	
27	FRED C. RATHBONE,
28	Intervenor-Respondent.
29	1 1 Th
30	LUBA No. 2000-004
31	EDIAL ORDITON
32	FINAL OPINION
33	AND ORDER
34	Annual from City of Doubland
35	Appeal from City of Portland.
36	Edward Lordon Doutland represented himself
37 38	Edmund Jordan, Portland, represented himself.
	Peter A. Kasting, Portland, represented respondent.
39 40	Peter A. Kasting, Portiand, represented respondent.
	Christopher D. Kohaala Bortland, represented intervenor respondent
41 42	Christopher P. Koback, Portland, represented intervenor-respondent.
42	BASSHAM, Board Chair; BRIGGS, Board Member; HOLSTUN, Board Member
43 44	participated in the decision.
45	participated in the decision.
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1	DISMISSED	03/15/2000
2		
3	You are entitled to judicial	review of this Order. Judicial review is governed by the
4	provisions of ORS 197.850.	
5		

Opinion by Bassham.

The petition for review in this appeal was due February 22, 2000. No petition for
review was filed on that date, nor has an extension of time to file the petition for review been
granted. Both the respondent and intervenor-respondent have filed motions to dismiss this
appeal for failure to timely file the petition for review. By letter dated March 7, 2000,
Edmund Jordan, the lead petitioner, advised the Board that he intended to file a petition for
review but inadvertently missed the deadline. The lead petitioner explains that he is
inexperienced in land use appeals, and requests that his inadvertent error not result in
dismissal of this appeal. A number of the other petitioners joined the lead petitioner in
requesting that LUBA extend the deadline for filing the petition for review under these
circumstances

In addition, by letter dated March 10, 2000, the lead petitioner argued that on February 22, 2000, he mailed to LUBA a box of cassette tapes and documents not in the record. The lead petitioner argues that his February 22, 2000 submission should be considered a motion to take evidence outside the record pursuant to OAR 661-010-0045. A motion to take evidence outside the record has the effect of suspending the deadlines for subsequent review events. OAR 661-010-0045(9). However, the lead petitioner concedes that his February 22, 2000 submission was not recognizable as a motion under OAR 661-010-0045(9) and did not meet the requirements for such motions set forth at OAR 661-010-0045(1) and (2). We conclude that the lead petitioner's February 22, 2000 submission was not a motion to take evidence and therefore that submission did not suspend deadlines for any future review events, including the deadline for filing the petition for review.

ORS 197.830(10) 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 by the Board. * * * Failure to file a petition for review within the time required by this section,

1 2	and any extensions of that time under * * * OAR 661-010-0067(2), shall result in dismissal of the appeal * * *."
3	OAR 661-010-0067(2) provides that the time limit for filing the petition for review may be
4	extended only by written consent of all the parties. The deadline for filing the petition for
5	review is strictly enforced. Terrace Lakes Homeowners Assn. v. City of Salem, 29 Or LUBA
6	532, aff'd 138 Or App 188 (1995); Bongiovanni v. Klamath County, 29 Or LUBA 351
7	(1995).
8	Because a petition for review was not filed within the time required by our rules, and
9	no written consent was obtained to extend the time for filing the petition for review under
10	OAR 661-010-0067(2) beyond February 22, 2000, ORS 197.830(10) and OAR 661-010-
11	0030(1) require that we dismiss this appeal.
12	This appeal is dismissed.