1	BEFORE THE LAND USE BOARD OF APPEALS
2 3	OF THE STATE OF OREGON
4	COLIN W. SWALES and
5	PHILIP C. LANG,
6	Petitioners,
7	
8	VS.
9	
10	CITY OF ASHLAND,
11	Respondent,
12	
13	and
14	
15	OREGON SHAKESPEARE FESTIVAL,
16	Intervenor-Respondent.
17	•
18	LUBA No. 2000-188
19	
20	FINAL OPINION
21	AND ORDER
22	
23	Appeal from City of Ashland.
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25	Colin W. Swales and Philip C. Lang, Ashland, represented themselves.
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27	Paul Nolte, City Attorney, Ashland, represented respondent.
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29	John R. Hassen and Alan D. B. Harper, Medford, represented intervenor-respondent.
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31	BRIGGS, Board Chair; BASSHAM, Board Member; HOLSTUN, Board Member,
32	participated in the decision.
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34	DISMISSED 03/15/2001
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36	You are entitled to judicial review of this Order. Judicial review is governed by the
37	provisions of ORS 197.850.
38	

1	Opinion by Briggs.
2	The petition for review in this appeal was due February 20, 2001. The petition for
3	review is dated February 22, 2001, and the certificate of service indicates that the petition for
4	review was mailed on February 23, 2001. OAR 661-010-0075(2)(a)(B) provides that a
5	petition for review shall be deemed "filed" if it is mailed by first class mail on or before the
6	date it is due. Intervenor-respondent moves to dismiss this appeal because the petition for
7	review was not timely filed. ²

ORS 197.830(11) 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 or settled by the Board. * * * Failure to file a petition for review within the time required by this section, and any extensions of that time under * * * OAR 661-010-0067(2), shall result in dismissal of the appeal * * *."

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

The deadline for filing the petition for review is strictly enforced. *Terrace Lakes Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, *aff'd* 138 Or App 188, 906 P2d 871 (1995); *Bongiovanni v. Klamath County*, 29 Or LUBA 351 (1995).

Because a petition for review was not filed within the time required by our rules, and petitioners did not obtain written consent to extend the time for filing the petition for review under OAR 661-010-0067(2) beyond February 20, 2001, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss this appeal.

This appeal is dismissed.

¹An amended petition for review that more closely followed the format for briefs set out in OAR 661-010-0030 was received by the Board on March 1, 2001. However, for the purposes of determining whether the petition for review is timely, we use the date that the initial petition for review was filed.

²Petitioners filed a response to the motion to dismiss on March 12, 2001. Nothing in their response changes the outcome of this appeal.