

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

3
4 JAMES PHILLIPS,
5 *Petitioner,*

6
7 vs.

8
9 CITY OF HAPPY VALLEY,
10 *Respondent.*

11
12 LUBA No. 2014-052

13
14 FINAL OPINION
15 AND ORDER

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17 Appeal from City of Happy Valley.

18
19 James Phillips, Clackamas, represented himself.

20
21 Pamela J. Beery, Portland, represented respondent.

22
23 HOLSTUN, Board Member; RYAN, Board Chair; BASSHAM, Board
24 Member; participated in the decision.

25
26 DISMISSED 10/20/2014

27
28 You are entitled to judicial review of this Order. Judicial review is
29 governed by the provisions of ORS 197.850.

1 Opinion by Holstun.

2 The petition for review in the appeal was due July 15, 2014. The petition
3 for review has not been filed, nor has an extension of time to file the petition
4 for review been granted.

5 ORS 197.830(11) requires that a petition for review be filed within the
6 deadlines established by Board rule. OAR 661-010-0030(1) provides, in
7 relevant part:

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

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

16 The deadline for filing the petition for review is strictly enforced.
17 *Terrace Lakes Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, 535,
18 *aff’d* 138 Or App 188, 906 P2d 871 (1995); *Hutmacher v. Marion County*, 15
19 Or LUBA 514, 515 (1987).

20 Because a petition for review was not filed within the time required by
21 our rules, and petitioner did not obtain written consent to extend the time for
22 filing the petition for review under OAR-661-010-0067(2) beyond July 15,
23 2014, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss
24 this appeal.

25 This appeal is dismissed.