

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

ANDREW BITANS,
Petitioner,

vs.

WASHINGTON COUNTY,
Respondent,

and

MAIN STREET DEVELOPMENT, INC.,
Intervenor-Respondent.

LUBA No. 2020-020

FINAL OPINION
AND ORDER

Appeal from Washington County.

Mike J. Sargetakis, Portland, represented petitioner.

Jacquilyn E. Saito, Hillsboro, represented respondent.

Christopher P. Koback, Portland, represented intervenor-respondent.

ZAMUDIO, Board Member; RUDD, Board Chair, participated in the
decision.

RYAN, Board Member, did not participate in the decision.

DISMISSED

10/09/2020

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

2 **NATURE OF THE DECISION**

3 Petitioner challenges a county hearings officer decision removing a
4 condition of approval from a previous county decision approving with conditions
5 a seven-lot subdivision, design adjustments, and a design exception.

6 **FAILURE TO FILE PETITION FOR REVIEW**

7 A petitioner must file the petition for review within the deadlines
8 established by LUBA's rules. ORS 197.830(11), (13). Our rules require that the
9 petition for review be filed within 21 days after the date the record is received or
10 settled by the Board. OAR 661-010-0030(1). The deadline for filing the petition
11 for review is strictly enforced. *Terrace Lakes Homeowners Assoc. v. City of*
12 *Salem*, 29 Or LUBA 532, 535, *aff'd*, 138 Or App 188, 906 P2d 871 (1995);
13 *Hutmacher v. Marion County*, 15 Or LUBA 514, 515 (1987). Failure to timely
14 file a petition for review "shall result in dismissal of the appeal." OAR 661-010-
15 0030(1).

16 On August 28, 2020, the Board issued an order settling the record and
17 setting a briefing schedule in which the petition for review was due September
18 18, 2020. The deadline for filing the petition for review may be extended if all
19 parties consent in writing and the motion to extend the deadline is filed with the
20 Board within the time for filing the petition for review. OAR 661-010-0067(2)
21 (providing that the deadline for filing the petition for review may be extended by
22 the written consent of all parties); OAR 661-010-0067(4) ("A motion for

1 extension of time shall state the reasons for granting the extension and must be
2 filed with the Board within the time required for performance of the act for which
3 an extension of time is requested.”). On September 9, 2020, petitioner filed a
4 stipulated motion to extend the time for filing the petition for review, which was
5 signed by all parties. On September 14, 2020, the Board granted petitioner’s
6 stipulated motion, extending the time for filing the petition for review to
7 September 25, 2020.

8 Petitioner did not timely file a petition for review by September 25, 2020,
9 or timely file a second stipulated extension of time to file the petition for review
10 beyond September 25, 2020. Accordingly, the appeal must be dismissed.

11 The appeal is dismissed.