

1                                   BEFORE THE LAND USE BOARD OF APPEALS  
2                                   OF THE STATE OF OREGON  
3

4   MERIDITH MARTIN, DOUGLAS MARTIN,                                    )  
5   and MARTIN FAMILY,    )  
6    )  
7                    Petitioners,                                        )           LUBA No. 95-259  
8    )  
9            vs.    )           FINAL OPINION  
10    )           AND ORDER  
11   CLACKAMAS COUNTY,    )  
12    )  
13                    Respondent.   )

14  
15  
16            Appeal from Clackamas County.

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18            Meridith Martin, Douglas Martin, and the Martin Family,  
19   Oak Grove, represented themselves.

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21            Stacy L. Fowler, Assistant County Counsel, Oregon City,  
22   represented respondent.

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24            HANNA, Referee; LIVINGSTON, Chief Referee; GUSTAFSON,  
25   Referee, participated in the decision.

26  
27                    DISMISSED    04/24/96

28  
29            You are entitled to judicial review of this Order.  
30   Judicial review is governed by the provisions of ORS  
31   197.850.

1 Opinion by Hanna.

2 Petitioners appeal the county's decision to interpret  
3 its zoning ordinance to prohibit raising or keeping pot-  
4 bellied pigs in an R-10 zone. After the county filed the  
5 record, petitioners filed objections to the record. We  
6 entered an order resolving those objections on February 26,  
7 1996, and stated that the "petition for review is due 21  
8 days after the date of this order." Petitioners mailed the  
9 petition for review on March 20, 1996, 23 days after the  
10 date of our order.<sup>1</sup>

11 ORS 197.830(10) requires that a petition for review be  
12 filed within the deadlines established by Board rule. OAR  
13 661-10-030(1) provides, in relevant part:

14 "\* \* \* The petition for review together with four  
15 copies shall be filed with the Board within 21  
16 days after the date the record is received by the  
17 Board. \* \* \* Failure to file a petition for review  
18 within the time required by this section, and any  
19 extensions of that time under \* \* \* OAR 661-10-  
20 067(2), shall result in dismissal of the appeal \*  
21 \* \*." (Emphasis added.)

22 OAR 661-10-067(2) provides that the time limit for filing  
23 the petition for review may be extended only by written  
24 consent of all the parties.

25 The deadline for filing the petition for review is  
26 strictly enforced. See Terrace Lakes Homeowners Assn. v.  
27 City of Salem, 29 Or LUBA 532, aff'd 138 Or App 188 (1995);

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<sup>1</sup>Under OAR 661-10-075(2)(a)(B) a petition for review is deemed filed on the date it is postmarked.

1 Bongiovanni v. Klamath County, 29 Or LUBA 351 (1995);  
2 McCauley v. Jackson County, 20 Or LUBA 176 (1990).  
3 Petitioners did not file the petition for review within 21  
4 days of the date the record was settled, or obtain a written  
5 extension of time for filing the petition for review under  
6 OAR 661-10-067(2). The petition for review was not timely  
7 filed.

8 This appeal is dismissed.