

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

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

BRIAN PUZISS, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 YAMHILL COUNTY, )  
 )  
 Respondent, )  
 )  
 and )  
 )  
 WILLIAM L. KELLEY, )  
 )  
 Intervenor-Respondent. )

LUBA No. 97-263  
FINAL OPINION  
AND ORDER

Appeal from Yamhill County.

Brian Puziss, Portland, represented himself.

John C. Pinkstaff, McMinnville, represented respondent.

Walter R. Gowell, McMinnville, represented intervenor-respondent.

GUSTAFSON, Chief Administrative Law Judge; HANNA, Administrative Law Judge, participated in the decision.

DISMISSED 02/19/98

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

1 Gustafson, Chief Administrative Law Judge.

2 The county moves to dismiss this appeal on the basis that  
3 the petition for review has not been timely filed. The  
4 petition for review in the appeal was due February 11, 1998.  
5 The petition for review has not been filed, nor has an  
6 extension of time to file the petition for review been  
7 granted.

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

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

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

22 The deadline for filing the petition for review is  
23 strictly enforced. See Terrace Lakes Homeowners Assn. v. City  
24 of Salem, 29 Or LUBA 532, aff'd 138 Or App 188 (1995);  
25 Bongiovanni v. Klamath County, 29 Or LUBA 351 (1995).

26 Because a petition for review was not filed within the  
27 time required by our rules, and petitioner did not obtain  
28 written consent to extend the time for filing the petition for  
29 review beyond February 11, 1998, ORS 197.830(10) and  
30 OAR 661-10-030(1) require that we dismiss this appeal and that

1 petitioner's filing fee and deposit for costs shall be  
2 forfeited.

3       This appeal is dismissed.