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

THOMAS & KRISTA BERRY,)
)
Petitioner,) LUBA No. 98-127
)
vs.) FINAL OPINION
) AND ORDER
JACKSON COUNTY,)
)
Respondent.)

Appeal from Jackson County.

Thomas and Krista Berry, Medford, represented themselves.

Armina J. Brown, Medford, represented respondent.

GUSTAFSON, Board Chair; HANNA, Board Member, participated in the decision.

DISMISSED 09/23/98

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

1 Opinion by Gustafson.

2 The petition for review in this appeal was due September
3 15, 1998. No petition for review has been filed.

4 On August 26, 1998, petitioners filed a "Motion for
5 Voluntary Remand" in this appeal.¹ However, in filing their
6 motion, petitioners did not obtain from the county a
7 stipulation to extend the deadline for filing the petition for
8 review during the pendency of the motion. Nor have
9 petitioners otherwise obtained agreement from the county to
10 extend that deadline. Petitioners' motion itself does not
11 toll the deadline for filing the petition for review.

12 ORS 197.830(10) requires that a petition for review be
13 filed within the deadlines established by Board rule. OAR
14 661-10-030(1) provides, in relevant part:

15 "* * * The petition for review together with four
16 copies shall be filed with the Board within 21 days
17 after the date the record is received or settled by
18 the Board. * * * Failure to file a petition for
19 review within the time required by this section, and
20 any extensions of that time under * * * OAR 661-10-
21 067(2), shall result in dismissal of the appeal * *
22 *."

23 OAR 661-10-067(2) provides that the time limit for filing the
24 petition for review may be extended only by written consent of
25 all the parties. The deadline for filing the petition for
26 review is strictly enforced. See Terrace Lakes Homeowners
27 Assn. v. City of Salem, 29 Or LUBA 532, aff'd 138 Or App 188

¹We note that petitioners cannot unilaterally compel a "voluntary remand." LUBA may grant a motion for voluntary remand only upon a local government's agreement to address each issue raised in a petition for review. See, e.g., Angel v. City of Portland, 20 Or LUBA 541 (1991).

1 (1995); Bongiovanni v. Klamath County, 29 Or LUBA 351 (1995).

2 Because a petition for review was not filed within the
3 time required by our rules, and petitioner did not obtain
4 written consent to extend the time for filing the petition for
5 review under OAR 661-10-067(2) beyond September 15, 1998, ORS
6 197.830(10) and OAR 661-10-030(1) require that we dismiss this
7 appeal.

8 This appeal is dismissed.