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

JEFFRY K. WOLFE, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
CLACKAMAS COUNTY, )  
 )  
Respondent, )  
 )  
and )  
 )  
WESTERN PCS CORPORATION, )  
 )  
Intervenor-Respondent. )

LUBA No. 96-038  
FINAL OPINION  
AND ORDER

Appeal from Clackamas County.

Jeffry K. Wolfe, Boring, represented himself.

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

Daniel Kearns, Portland, represented intervenor-  
respondent.

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

DISMISSED 04/24/96

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

1 Opinion by Hanna.

2 Petitioner appeals the county's approval of a  
3 conditional use permit to allow erection of a cellular  
4 telephone antenna. Petitioner filed the notice of intent to  
5 appeal on February 26, 1996. LUBA received the record on  
6 March 18, 1996. Petitioner mailed the petition for review  
7 on April 9, 1996.<sup>1</sup> The county moves to dismiss this appeal  
8 on the ground that the petition for review, filed 22 days  
9 after LUBA received the record, was not timely filed.

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

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

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

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

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

1 McCauley v. Jackson County, 20 Or LUBA 176 (1990).  
2 Petitioner did not file the petition for review within 21  
3 days of the date the record was settled, or obtain a written  
4 extension of time for filing the petition for review under  
5 OAR 661-10-067(2).

6       The motion to dismiss is granted.

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