

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 CONCERNED CITIZENS
5 OF MALHEUR COUNTY,

6 *Petitioner,*

7
8 vs.

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10 MALHEUR COUNTY,

11 *Respondent,*

12
13 and

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15 TREASURE VALLEY
16 RENEWABLE RESOURCES, LLC,

17 *Intervenor-Respondent.*

18
19 LUBA No. 2005-132

20
21 FINAL OPINION
22 AND ORDER

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24 Appeal from Malheur County.

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26 Jannett Wilson, Eugene, represented petitioner.

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28 Stephanie Williams, County Counsel, Vale, represented respondent.

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30 Michael C. Robinson, Portland, represented intervenor-respondent.

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32 HOLSTUN, Board Member; DAVIES, Board Chair; BASSHAM, Board Member,
33 participated in the decision.

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35 DISMISSED

11/16/2005

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

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MOTION TO INTERVENE

Treasure Valley Renewable Resources, LLC moves to intervene on the side of respondent in this appeal. There is no opposition to the motion, and it is allowed.

DECISION

The petition for review in the appeal was due November 1, 2005. The petition for review has not been filed, nor has an extension of time to file the petition for review been granted.

ORS 197.830(11) requires that a petition for review be filed within the deadlines established by Board rule. OAR 661-010-0030(1) provides, in relevant part:

“* * * The petition for review together with four copies shall be filed with the Board within 21 days after the date the record is received or settled by the Board. * * * Failure to file a petition for review within the time required by this section, and any extensions of that time under * * * OAR 661-010-0067(2), shall result in dismissal of the appeal * * *.”

OAR 661-010-0067(2) provides that the time limit for filing the petition for review may be extended only by written consent of all the parties.

The deadline for filing the petition for review is strictly enforced. *Terrace Lakes Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, 535, *aff'd* 138 Or App 188, 906 P2d 871 (1995); *Hutmacher v. Marion County*, 15 Or LUBA 514, 515 (1987).

Because a petition for review was not filed within the time required by our rules, and petitioner did not obtain written consent to extend the time for filing the petition for review under OAR-661-010-0067(2) beyond November 1, 2005, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss this appeal.

This appeal is dismissed.